

Physical Therapy Board of California

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MEETING OF THE PHYSICAL THERAPY BOARD OF CALIFORNIA October 10, 2008 (TELECONFERENCE)

APPROVED MEETING MINUTES

2005 Evergreen Street
Lake Tahoe Conference Room
Sacramento, CA 95815

New Horizon Physical Therapy
5474 N. Fresno Street, Suite 110
Fresno, CA 93710

116 N. County Line Road
Hobart, IN 46342

FRIDAY, OCTOBER 10, 2008 – 11:30 AM

Call to Order and Roll Call

President Krueger called the meeting of the Physical Therapy Board of California to order at approximately 11:32 a.m. The meeting was held at the Department of Consumer Affairs, 2005 Evergreen Street, Lake Tahoe Conference Room, Sacramento, CA 95815.

Roll call was taken. Nancy Krueger, P.T. and James Turner were present and by telephone were Martha Jewell, PT and Debra Alviso, PT. Sara Takii, PT was excused.

A quorum was established.

1. Consideration of Amendment to Section 1399.25 & 1399.26, Regarding Administrative Citations, of Title 16 of the California Code of Regulations

Ms. Laura Freedman gave the board members a brief history of the Citation and Fine Rulemaking File and its content. Ms. Freedman reminded the board members that they had previously adopted the language and that the rulemaking file had been filed with the Office of Administrative Law (OAL). However, OAL had a couple of concerns and disapproved the file.

In specific, one of OAL's concerns was 1399.25 (c)(7) which reads "Such other matters as justice may require". OAL identified this as a clarity issue since it was not well defined and felt that the public would not understand the meaning.

It was decided to delete 1399.25(c)(7) in its entirety since it is not an inclusive list so you could still consider something else that is submitted at the cite level to consider the amount of the fine.

The other change is in 1399.25 (a)(3) "Other statutes or regulations for which the board has authority to issue a citation" was changed from "may" to "has authority to" for clarity purposes.

Ms. Freedman's recommendation is to adopt a motion to 1) approve the modified language assuming no adverse comments are received, 2) to delegate to the executive officer the authority to finalize the rulemaking process and to make any non-substantive changes that DCA or OAL may require.

MOTION

Motion by Ms. Jewell, seconded by Mr. Turner to approve the modified text, assuming no negative comments, and to authorize the executive officer to finalize the rulemaking process, and to make any non-substantive changes that DCA or OAL may require.

Vote – Due to Telephone Conference, role call was taken for the vote:

- Martha Jewell, PT - Yes
- Debra Alviso, PT - Yes
- Jim Turner - Yes
- Nancy Krueger, PT - Yes

Motion passed unanimously with the exception of Sara Takii, PT.

2. Approval of Minutes

- May 1 & 2, 2008 Board Meeting
- August 7, 2008 Board Meeting

Steven Hartzell, Executive Officer apologized that the draft minutes were not complete and requested they be put on the agenda for the November 2008 meeting.

3. Adjournment

The meeting was adjourned at approximately 11:45 a.m.

Moved by Martha Jewell, Seconded by James Turner, to approve the October 10, 2008, Special Teleconference Board meeting minutes based on the review by the members that were serving on the Board at the time of the meeting. Vote: 5-0. Motion carried.

Nancy Krueger, PT – President

Date