

PHYSICAL THERAPY BOARD OF CALIFORNIA



Board Member Administrative Manual

2011



STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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This manual is a general reference including laws, regulations and basic Board policies to guide the actions of Board members to ensure Board effectiveness and efficiency.

This Administrative Procedure Manual, regarding Board Policy, can be amended by a majority of affirmative votes of any current or future Board.

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Chapter I. Introduction

Acronyms / Definitions

- ALJ Administrative Law Judge
- B & P Business and Professions Code
- CPS Consumer Protection Services
- D of I Division of Investigation
- DCA Department of Consumer Affairs
- G. C. Government Code
- BOARD Physical Therapy Board of California
- SAM State Administrative Manual

Mission Statement The mission of the Physical Therapy Board of California is to promote and protect the interests of the people of California by the effective and consistent administration and enforcement of the Physical Therapy Practice Act.

Overview In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the legislature has always been protecting the public from the incompetent, unprofessional and criminal practice of physical therapy since its inception. The Board is one of approximately 36 regulatory entities which exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

The Board consists of seven members (four licensed physical therapists and three public members) who serve four-year terms (a maximum of two consecutive terms). The Governor appoints the four licensed physical therapists and one public member. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

The Board appoints an executive officer as its administrator. The executive officer serves solely in the interest of the consumers of physical therapy services in California, as does the Board. The executive officer oversees the board's staff and ensures that all of its programs function efficiently and effectively.

The Board is funded solely by fees and fines paid by our licensees and applicants.

General Rules of Conduct Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without proper authorization.

Board members shall maintain confidentiality of information received in closed session.

Board members shall commit the time to prepare for Board meeting responsibilities. This includes the reviewing of Board meeting minutes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the Board members by staff, which is related to official Board business.

Board members shall respect and recognize the equal role and responsibilities of all Board members.

Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall uphold the Board's primary mission – protection of the public.

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with Executive Order 66-2.

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times.

Chapter II. Board Meeting Procedures

Frequency of Meetings

*(B&P Code § 2611
and Board Policy)*

The Board shall hold at least one regular meeting annually in the cities of Sacramento, Los Angeles and San Francisco.

Special meetings of the Board may be held at such times and locations as the Board deems necessary.

Due notice of each meeting and the time and place thereof shall be given each member in the manner provided by the law.

**Board Member Attendance
at Board Meetings**

(B&P Code § 106)

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused from the meeting for a specific reason. The Governor has the power to remove from office any member appointed by him for continued neglect of duties, which may include unexcused absences from meetings.

Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

**Public Attendance at Board
Meetings**

(G. C. § 11120 et. seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This act governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters which are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

Quorum The majority of Board members shall constitute a quorum
(Board Policy) for the transaction of business.

The concurrence of a majority of those members of the Board present and voting at a duly noticed meeting at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items Any Board member may submit items for a meeting
(Board Policy) agenda during the “Future Agenda Items” section of a Board meeting or directly to the Executive Officer not fewer than 30 days prior to the meeting with the approval of the Board President or Chair of the Committee or Task Force.

Notice of Meetings In accordance with the Open Meetings Act, meeting
(G. C. § 11120 et seq.) notices (including agendas for Board, Committee, or Task Force meetings) shall be sent to persons on the Board’s mailing list at least 10 calendar days in advance. The notice shall include the name, work address, e-mail address, and work telephone number of a staff person who can provide further information prior to the meeting.

**Notice of Meetings to be Posted
on the Internet** Notice shall be given and also made available on the
(Government Code section 11125 et Internet at least 10 days in advance of the meeting
seq.) and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

Record of Meetings The Board and each Committee or Task Force shall
(G.C. § 6254 (a)) keep an official record of all their proceedings. The minutes are a summary, not a transcript, of each Board, Committee or Task Force meeting. They shall be prepared by staff and submitted to members for review before the next meeting. Minutes shall be submitted for approval at the next scheduled meeting of the Board, Committee or Task Force. Draft minutes are not public documents until approved by the Board. When approved, the minutes shall serve as the official record of the meeting.

Tape Recording*(Board Policy)*

The meeting may be tape-recorded if determined necessary for staff purposes. Tape recordings will be disposed of upon approval of the minutes in accordance with the Board's record retention schedule.

(G.C. § 11124.1 (b))

Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

Meeting Rules*(Board Policy)*

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g. Bagley-Keene Open Meeting Act), as a guide when conducting its meetings.

Public Comment*(Open Meetings Act & Board Policy)*

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to a time specified by the Board President per person.

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.

**Public Comment
(continued)***(Board Policy)*

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct, involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board may request the person to put the allegation in writing and send it to the Executive officer of the Board or the Director of DCA who may forward the allegation to D of I or CHP for investigation.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting.
4. At the discretion of the Board President or Chair of the Committee, speakers may be limited in the amount of time to present to give adequate time to everyone who wants to speak. In the event the number of people wishing to address the Board exceeds the allotted time, the Board President or Chair of the Committee may limit each speaker to a statement of his/her name, organization, and whether they support or do not support the proposed action

(G.C. § 11125.7 (a), (b), (c))

Mail Ballots (G. C. § 11500 et seq.) The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A 10 calendar day deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

**Holding Disciplinary Cases
for Board Meetings**
(Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

Chapter III. Travel & Salary Policies & Procedures

Travel Approval
(DCA Memorandum 96-01)

The Board President's approval is required for all Board members for travel, except for travel to regularly scheduled Board, Committee, or Task Force meetings to which the Board member is assigned.

Approval of Unscheduled Travel
(Board Policy)

The President of the Board will be responsible for approving all unscheduled travel plans submitted by Board members and staff. Unscheduled travel plans will be submitted in writing to the Executive Officer for perspective and feasibility. The Executive Officer will seek approval of the President.

Travel Arrangements
(Board Policy)

Board members should make their own travel arrangements but are encouraged to coordinate with Board staff on lodging accommodations.

Out-of-State Travel
(SAM section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled by and must be approved by the Governor's Office.

Travel Claims
(SAM section 700 et seq. and DCA Memorandum 96-01)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms or through CalATERS (California Automated Travel Expense Reimbursement System). If Board members use paper claims, Board staff maintain these forms and complete them as needed. Board members should submit their travel expense forms or information in CalATERS immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the Executive Officer and are provided to Board members.

Salary Per Diem
(B&P Code § 103, 2606 &
Board Policy)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by B&P Code Section 103, which states

“Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.”

In relevant part, this section provides for the payment of salary per diem for Board members “for each day actually spent in the discharge of official duties,” and provides that the Board member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

Salary Per Diem
(Board Policy)

Continued

2. The term “day actually spent in the discharge of official duties” shall mean such time as is expended from the commencement of a Board, Committee, or Panel meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave a meeting early, the Board President shall determine if the member has provided a substantial service during the meeting, and if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences. It includes preparation time for Board, Committee, or Task Force meetings.

Chapter IV. Selection of Officers & Committees

- Officers of the Board** (B&P Code § 2604) The Board shall elect a President and Vice-President annually.
- Election of Officers** (Board Policy) The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year beginning the next calendar year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.
- Officer Vacancies** (Board Policy) If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President. Elected officers then shall serve the remainder of the term.
- Committee or Task Force Appointments** (Board Policy) The Board President shall establish Committees, whether standing or special, as he or she deems necessary. The composition of the Committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President, and the Executive Officer. Committees may include the appointment of non-Board members.
- Attendance at Board Meetings** (G. C. § 11120 et seq.) If a Board member wishes to attend a meeting of a Committee or Task Force of which he or she is not a member that Board member should notify the Committee or Task Force chair and staff. Board members who are not members of the Committee or Task Force that is meeting cannot vote during the Committee or Task Force meeting and may participate only as observers if a majority of the Board is present at a Committee meeting.

- Board Member Addresses**
(Board Policy) Board member addresses and telephone numbers are confidential and shall not be released to the public without express authority of the individual Board member. However, if the Board member is a licensee with the Board their addresses are available to the public upon request in accordance with the Public Records Act. Also, if a teleconference is held from the home of a Board member, the address where the teleconference occurs must be published.
- Board Member Written Correspondence and Mailings**
(Board Policy) All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer.
- Communications: Other Organizations /Individuals/Media**
(Board Policy) All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board President or Executive Officer who shall then inform the Office of Public Relations of the contact.

Chapter V. Board Administration & Staff

- Board Administration** Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.
(DCA Reference Manual)
- Executive Officer** The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.
(B & P Code § 2607.5)
- Executive Officer Evaluation** Board members shall evaluate the performance of the Executive Officer at least on an annual basis.
(Board Policy)
- Board Staff** Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.
(DCA Reference Manual)

- Experts - Consultants**
(Board Policy) The Board requires special services, certain content experts, or consultants for specific project and problems. Such services are arranged by means of state approved contracts established in the standard ways. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as (e.g.,) ex officio members of the Board.
- Board Budget**
(Board Policy) The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.
- Business Cards**
(Board Policy) Business cards will be provided to each Board member with the Board's name, address, telephone number, fax number, Web site address and e-mail address.
- Strategic Planning**
(Board Policy) The Board will conduct periodic strategic planning sessions.
- Projects/Approval for New Projects**
(Board Policy) The President of the Board will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the Executive Officer for perspective and feasibility.

Legislation - Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation

(Board Policy)

The Board will adopt the following positions regarding pending or proposed legislation.

Oppose: The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

Oppose, unless amended: The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

Neutral: The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

Watch: The watch position adopted by the Board will indicate interest regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

Support, if amended: The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

Support: The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

Chapter VI. Enforcement and Disciplinary Actions

Administrative Hearings (B&P § 2608)

Administrative hearings shall be conducted in compliance with the Administrative Procedures Act, Chapter 5, G. C. § 11500 et. seq. In addition, licensees who file petitions for penalty relief to reinstate license, modify terms of probation, or terminate probation can also be heard before an ALJ with participation by the members of the Board.

Administrative hearings on accusation against Board licensees must be conducted thoroughly and completely, but also with sensitivity to differing situations and choices by individuals accused of misconduct. It is the Board's obligation to both the citizens of California and to the accused licensee or other parties that equitable procedures, as provided within the context of the Administrative Procedures act, be available, accessible and followed faithfully. In doing such, the Board adheres to the due process and equal protection clauses of the California and United States Constitutions.

ALJ Decisions / Acceptance Standard for ALJ Decisions (G. C. § 11500 et. seq.)

Disciplinary decisions proposed by administrative law judges shall be evaluated on a case-by-case basis by the Board. The Board shall evaluate such proposals on the basis of four criteria. Proposed decisions must attempt to:

1. Be based on the community standards of medical/ health care and standards of practice
2. Respond to the situation in a way consistent with the nature and degree of the violation
3. Serve as a reflection of the Boards commitment to protect the health and safety of the citizens of California
4. Be reasonable and practical in terms of implementation

Decisions judged by any Board member that does not meet one or more of these criteria, may be judged unacceptable by the Board. If the Board votes to non-adopt the proposed decision, it can call up the hearing transcript, and decide the case itself.

Discipline Action and Disclosure of Information

(G.C. § 6250 et. Seq. & B&P Code § 125.9)

Disciplinary action is public information once an accusation has been filed. The information disclosed shall be the accusation and decision documents.

Information concerning citations or citation and fines shall be disclosed once the citation or citation and fine are issued. Such citation information shall be provided upon request; it shall be accompanied by the explanation that payment of a citation is considered a satisfactory resolution, but is not tantamount to either an admission of violation or judicial determination of a violation.

Disciplinary information, information about citations or citations and fines, shall be disclosed to the public by means of the Board website and newsletter. Additionally, in accordance with DCA policy, the Board shall provide a copy of the accusation and decision without charge to any member of the public upon request.

Investigative Staff and Services

(Board Policy)

The Board shall utilize the Division of Investigations for investigator and investigative services as well as its special-investigator staff.

Priority of Complaints

(Board Policy)

The Board has adopted the DCA's complaint prioritization policy. See Appendix A for a description of this policy.

Investigations / Time**Limitations***(Board Policy)*

The standard investigation in a typical case shall be limited initially to no more than twenty hours of investigative work. Investigators are asked to contact the Lead, or Manager of the CPS program to request prior approval of additional time to complete particular cases. Such additional time may be granted at their discretion. Alternative ways of efficiently and effectively completing the investigation shall be considered before an approval for additional time is granted.

Chapter VII. Other Policies and Procedures

**Board Member Disciplinary
Actions**
(Board Policy)

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

**Removal of Board
Members**
(B&P Code § 106)

The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

**Resignation of Board
Members**
(G. C. § 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter also shall be sent to the Director of the Department, the Board President, and the Executive Officer.

Conflict of Interest No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.
(G. C. §87100)

Board members should refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Service of Legal Documents If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Gifts from Candidates Gifts of any kind to Board members from candidates for licensure with the Board shall not be permitted.
(Board Policy)

Communication with Interested Parties Board members are required to disclose at Board meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board minutes shall reflect the items disclosed by the Board members.

Request for Records Access No Board member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.
(Board Policy)

Ex Parte Communications
(G. C. § 11430.10 et seq.)

The Government Code contains provisions prohibiting *ex parte* communications. An “*ex parte*” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board members would be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board’s assigned attorney or Executive Officer.

Board Member Training Requirements

Upon initial appointment, Board members will be given an overview of Board operations, policies, and procedures by Board Executive Staff.

(B&P Code § 453)

Every newly appointed or reappointed Board member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This is in addition to the Board orientation given by Board staff.

(G. C. §11146)

All Board members are required to file an annual Form 700 statement of economic interest. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher every two years thereafter.

(G. C. §12950.1)

AB 1825 (Chapter 933, Statutes of 2004, Reyes) requires supervisors, including Board members, to complete two hours of sexual harassment prevention training by January 1, 2006, and every two years thereafter.

Outreach/Information/Complaints*(Board Policy)*

Outreach and consumer education shall be provided by the Board to consumers regarding the role of the Board and how to file complaints against practitioners. This information shall be provided by the Board through:

1. Board's Newsletter
2. Speaking engagements by Board members and staff
3. Press release and public affairs announcements
4. Telephone responses
5. Written, faxed and e-mailed inquires
6. The Board's Website

Additional sources of information concerning the Board and the complaint process specifically shall include:

- a. Various services and information of the Board
- b. Services and publication of the Consumer Protection Services Program

Complaint Prioritization Guidelines for DCA Health Care Agencies

As complaints are received, a staff person should immediately review each complaint to determine the appropriate course of action based on the complaint prioritization guidelines. The table below represents true guidelines –depending on the facts, a different level of priority may be warranted. For example, a complaint based on a report from a health care practitioner data bank (normally routine) may be re-prioritized to a higher level of response based on the nature of the underlying acts.

Agencies should continue to review complaints warranting urgent or high attention to determine whether to seek an Interim Suspension Order, a Penal Code section 23 'request or other interim action as described in Deputy Director for Legal Affairs Doreatha Johnson's memorandum dated December 15, 2008.

Priority Level	Complaint Category
Urgent (Highest Priority)	<p>In general, any act resulting in death or serious injury</p> <p>Gross negligence, incompetence or repeated negligent acts that involve death or serious bodily injury –</p> <p>Drug or alcohol abuse by the licensee resulting in death or serious bodily injury.</p> <p>Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances, or repeated acts of prescribing w/o a good faith exam</p> <p>Sexual misconduct with patient during course of treatment or examination</p> <p>Practicing while under the influence of drugs or alcohol</p> <p>Physical or mental abuse with injury.</p> <p>Unlicensed activity alleged to have resulted in patient injuries</p> <p>Aiding and abetting unlicensed activity, alleged to have resulted in patient injuries</p> <p>Arrests or convictions substantially related to the area of practice (Note: may be re-categorized based on the nature of the underlying acts)</p> <p>Impairments (mental, physical or as a result of alcohol or -drug abuse including termination from a diversion-program)</p> <p>Theft of prescription drugs</p> <p>Furnishing prescription drugs without a prescription</p>

Complaint Prioritization Guidelines for DCA Health Care Agencies

(Continued)

Priority Level Complaint Category

High

Negligence or incompetence without serious bodily injury
 Physical or mental abuse (without injury)
 Diversion drop outs
 805 Health Facility reports
 Complaints about licensees on probation (whether or not injury)
 Prescribing drugs without "good faith" exam (where authority to prescribe exists)
 Prescribing or dispensing drugs without authority
 Multiple complaints of the same allegation
 Complaints with multiple prior complaints
 Unlicensed activities (with no apparent harm)
 Aiding and abetting unlicensed activity (with no apparent harm)
 When evidence will likely be destroyed or unavailable

Routine

False/misleading advertising
 Patient abandonment
 Fraud
 Failure to release medical records
 Record keeping violations
 Applicant misconduct
 National Practitioner Data bank reports
 Workers Compensation Complaints
 Non-jurisdictional complaints (fee disputes, billing)
 Exam subversion (exam not compromised)
 Continuing Education
 Breach of confidentiality

