

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815**

November 8, 2012

8:45 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 pm** on **November 5, 2012** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2615 of the Business and Professions Code, and to implement, interpret or make specific Sections 136 and 2680 of said Code, the Board is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest/Policy Statement Overview

Existing law, Business and Professions Code (B&P) section 2680, requires the Board to maintain a register of all licensees, which shall include a residential address; and, existing B&P Code section 136 requires each licensee to change his or her mailing address within thirty (30) days. Existing regulation, California Code of Regulations (CCR) section 1398.6 (CCR §1398.6), requires each licensee to report every change of residence address within thirty (30) days after each change, as specified. CCR §1398.6 also permits a licensee to provide an alternate address as an address of record in addition to the residential address and provides that if an alternate address is provided, the residential address shall be confidential. CCR §1398.6 defines a "licensee" as any holder of an active, delinquent, suspended or expired license, approval, certification or other authorization issued by the board.

The proposed amendments to CCR §1398.6 would further clarify address reporting

requirements and add an e-mail filing requirement for licensees.

B. Anticipated Benefits of Proposal

The Board anticipates increased compliance with CCR §1398.6 with the clarification of what is expected from the licensees when reporting addresses. This compliance is important should the Board need to contact and/or physically locate a licensee.

The Board anticipates improved voluntary communications with its licensees through e-mail. Moreover, with the future implementation of BreZE, the Department of Consumer Affairs (DCA) automated licensing system, there is potential for the license application process to be fully automated; therefore, all Board communications could be sent electronically.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing State regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the requirements put forth are specifically for licensees and do not impose any requirements on licensees' place of employment.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and State's environment:

The proposed amendment requiring licensees to submit an e-mail address would potentially increase the Board's communication with its licensees allowing licensees to be more informed of laws, regulations and other important information.

The proposed amendments clarifying address reporting requirements would allow the Board to contact and/or physically locate a licensee should the Board need to contact the licensee.

Both of the above mentioned results of the proposed amendments would increase public protection by making the Board more efficient in communicating with licensees.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person at or by accessing the Board's Web site at:

http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's Web site at: http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Sarah Conley
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The backup contact person is:

Name:	Rebecca Marco
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Web site Access

Materials regarding this proposal can be found at
http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml.