



PHYSICAL THERAPY
BOARD OF CALIFORNIA

September 16, 2021
BOARD MEETING

Department of Consumer Affairs
(Webex)

PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St., Suite 2600, Sacramento, California 95815

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PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

September 16, 2021 9 a.m.

Department of Consumer Affairs
(Webex)

Action may be taken on any agenda item.
Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items will be held in OPEN SESSION via a teleconference platform. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the instructions attached to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*

Katarina Eleby, M.A., *Vice President*

Dayle C. Armstrong, Ph.D., P.T., M.S., DPT, *Member*

Jesus Dominguez, P.T., Ph.D., *Member*

Daniel Drummer, P.T., DPT, *Member*

Johnathon Ervin, *Member*

Tonia McMillian, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Assistant Executive Officer*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Executive Analyst*

MISSION

To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

VISION

The standard for consumer protection in physical therapy.



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

Thursday, September 16, 2021

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, a physical meeting location is not being provided.

Important Notices to the Public: The Physical Therapy Board will hold a public meeting via a teleconference platform.

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting on Thursday, September 16, 2021, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

If joining by computer:

Event address for attendees: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mb130a005b06b27378b2c3667de64295c>

Event number: 146 003 8724

Event password: PTB09162021

If joining by audio conference (phone):
Call, +1-415-655-0001 (US toll)
Enter Access code: 146 003 8724, followed by #
Enter password: 78209162, followed by #

As an alternative, members of the public who wish to observe the meeting on September 16, 2021 without making public comment can do so (provided no unforeseen technical difficulties) at:
<https://thedcapage.wordpress.com/webcasts/>

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

Agenda – Thursday, September 16th

Action may be taken on any agenda item. *Agenda items may be taken out of order.*

- 1. Call to Order - 9:00 a.m.**
- 2. Roll Call and Establishment of Quorum**
- 3. Reading of the Board’s Mission Statement**
- 4. Public Comment on Items Not on the Agenda**
Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)
- 5. Review and Approval of June 24, 2021, Meeting Minutes – Brooke Arneson**
- 6. President’s Report –Alicia Rabena-Amen**
 - (A) 2021 Adopted Meeting Calendar
 - (B) 2022 Proposed Meeting Calendar
- 7. Executive Officer’s Report – Jason Kaiser**
 - (A) Administrative Services
 - i. Staffing
 - (B) Applications

- (C) Licensing/Continuing Competency
- (D) Consumer Protection Services
- (E) Outreach
- (F) PTBC Relocation

8. Division of Investigation Updates and Processes – *Emily Kendrick, Northern Area Commander and Laura Sweet, Specialist, Division of Investigation*

9. Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs – *Jason Kaiser*

- (A) DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension DCA Waiver DCA-20-27
 - b. Second Extension DCA Waiver DCA-20-53
 - c. Third Extension DCA Waiver DCA-20-69
 - d. Fourth Extension DCA Waiver DCA-20-89
 - e. Fifth Extension DCA Waiver DCA-21-117
 - f. Sixth Extension DCA Waiver DCA-21-134
 - g. Seventh Extension DCA Waiver DCA-21-152
 - h. Eighth Extension DCA Waiver DCA-21-175
- (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension DCA Waiver DCA-20-57
 - b. Second Extension DCA Waiver DCA-20-187
- (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension DCA Waiver DCA-20-28
 - b. Second Extension DCA Waiver DCA-20-46
 - c. Third Extension DCA Waiver DCA-20-75
 - d. Fourth Extension DCA Waiver DCA-20-95
 - e. Fifth Extension DCA Waiver DCA-21-122
 - f. Sixth Extension DCA Waiver DCA-21-148
 - g. Seventh Extension DCA Waiver DCA-21-169
 - h. Eighth Extension DCA Waiver DCA-21-189
- (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension DCA Waiver DCA-20-66
 - b. Second Extension DCA Waiver DCA-20-78
 - c. Third Extension DCA Waiver DCA-21-107
 - d. Fourth Extension DCA Waiver DCA-21-131
 - e. Fifth Extension DCA Waiver DCA-21-155
 - f. Sixth Extension DCA Waiver DCA-21-177

10. Consumer and Professional Associations and Intergovernmental Relations Reports

- (A) Federation of State Boards of Physical Therapy (FSBPT)
- (B) Department of Consumer Affairs (DCA) – Executive Office
- (C) California Physical Therapy Association (CPTA)

11. Legislation Report – Brooke Arneson

(A) 2021/22 Legislative Session Summary

- i. AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications
- ii. AB 107 (Salas) Licensure: Veterans and Military Spouses
- iii. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses
- iv. AB 305 (Maienschein) Veteran Services: Notice
- v. AB 339 (Lee & Christina Garcia) Local Government: Open and Public Meetings
- vi. AB 657 (Cooper) State Civil Service System: Personal Services Contracts: Professionals
- vii. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer
- viii. SB 250 (Pan) Health Care Coverage
- ix. SB 607 (Roth) Professions and Vocations
- x. SB 731 (Durazo and Bradford) Criminal Records: Relief
- xi. Discussion and Possible Board Action on AB 361 (Rivas) Open Meetings: State and Local Agencies: Teleconferences

12. Rulemaking Report – Brooke Arneson

(A) 2021 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):

- i. Proposed Amendments to 16 CCR section 1399.15 – “Guidelines for Issuing Citations and Imposing Discipline,” 6th Edition
- ii. Proposed Amendments to 16 CCR section 1398.26.1 -- Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- iii. Proposed Amendments to 16 CCR sections 1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26.5, 1398.27, 1398.28, 1398.47, 1399.10, 1399.12 -- Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
- iv. Proposed Amendments to 16 CCR 1399.20-1399.22 -- (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations

- v. Update Regarding the Development of a Possible Retired License Status Regulation and Fee
 - vi. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations
- (B) Discussion and Possible Board Action regarding the Guidelines for Issuing Citations and Imposing Discipline, 6th Edition, 16 CCR section 1399.15 – *Heather Hoganson, Regulatory Attorney, Department of Consumer Affairs*
- (C) Discussion and Possible Board Action regarding License Renewal Exemption: Retired License Status regulation – *Heather Hoganson, Regulatory Attorney, Department of Consumer Affairs*
 - i. Proposed Addition of regulation as 16 CCR section 1399.14.1 or other placement as needed – Retired License Status
 - ii. Proposed Amendments to 16 CCR section 1399.50 Physical Therapist Fees and CCR section 1399.52 Physical Therapist Assistant Fees regarding Establishing a Retired License Application Fee
- (D) Discussion and Possible Board Action Regarding Definitions and License Status Definitions, 16 CCR 1398.2 and 1398.3.

13. Administrative Services Quarterly Update

- (A) Budget Report
- (B) Outreach Report

14. Application Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

15. Licensing Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

16. Continuing Competency Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

17. Consumer Protection Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

18. Probation Monitoring Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

19. Public Comment on Items Not on the Agenda

Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)

20. Agenda Items for Future Meeting – December 9-10, 2021 Department of Consumer Affairs

21. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
- (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

22. Adjournment

Informational Notes:

Action may be taken on any agenda item. Agenda items may be taken out of order. Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Total time allocated for public comment on particular issues may be limited. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available.

If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

The meeting is accessible to the disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting Brooke Arneson at (916) 561-8260, e-mail: brooke.arneson@dca.ca.gov, or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.