

**DECEMBER  
5 & 6, 2018**

**BOARD MEETING**

University of the Pacific  
757 Brookside Road, Stockton, CA, 95211  
Chan Family Health Sciences Learning Center

Day One: Room PHS201

Day Two: Room PHS112



Physical Therapy Board of California

# THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815  
Phone: (916) 561-8200 Fax: (916) 263-2560  
[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

December 5, 2018 9 a.m.  
December 6, 2018 9 a.m.

University of the Pacific  
757 Brookside Road, Stockton, CA  
Chan Family Health Sciences Learning Center

**Day One:** Room PHS201

**Day Two:** Room PHS112

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**. **THE PUBLIC  
IS ENCOURAGED TO ATTEND**. Please refer  
to the informational notes at the end of  
the agenda.

## BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*  
TJ Watkins, *Vice President*  
Jesus Dominguez, P.T., Ph.D., *Member*  
Daniel Drummer, P.T., DPT, *Member*  
Katarina Eleby, M.A., *Member*  
Tonia McMillian, *Member*  
Vacant, *Physical Therapist Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*  
Elsa Ybarra, *Manager*  
Liz Constancio, *Manager*  
Sarah Conley, *Manager*  
Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



## **Agenda – Wednesday, December 5<sup>th</sup>**

*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. Special Order of Business – 9:05 a.m.**
  - (A) Petition for Termination of Probation – Vivian Eisenstadt, PT
  - (B) Petition for Termination of Probation – Shannon Hill, PT

*After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3).*
- 4. 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
- 5. Reconvene Open Session**
- 6. Review and Approval of June 20-21, 2018 Meeting Minutes – Brooke Arneson**
- 7. Review and Approval of September 13-14, 2018 Meeting Minutes – Brooke Arneson**
- 8. President’s Report –Alicia Rabena-Amen**
  - (A) 2019 Proposed Meeting Calendar
  - (B) 2020 Proposed Meeting Calendar
- 9. Executive Officer’s Report – Jason Kaiser**
  - (A) Administrative Services
  - (B) Applications
  - (C) Licensing/Continuing Competency
  - (D) Consumer Protection Services
  - (E) Outreach
  - (F) PTBC Relocation
  - (G) Strategic Plan
- 10. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer – Alicia Rabena-Amen**
- 11. 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)

**12. Legislation Report – Brooke Arneson**

- (A) 2017/18 Legislative Session Summary
  - i. AB 2078 (Daly) Sex Offenses: Professional Services
  - ii. AB 2138 (Chiu & Low) Licensing Boards: Denial of Application: Criminal Conviction
  - iii. AB 2221 (Bloom) Occupational Therapy Practice Act
  - iv. AB 2423 (Holden) Physical Therapists: Direct Access to Services: Plan of Care Approval
  - v. AB 2958 (Quirk) State Bodies: Meetings: Teleconference
  - vi. AB 3110 (Mullin) Athletic Trainers
  - vii. SB1448 (Hill) Healing Arts Licensees: Probation Status: Disclosure

**13. Rulemaking Report – Brooke Arneson**

- (A) 2018 Rulemaking Update
  - i. Examination Passing Standard/Setting Examination Score
  - ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
  - iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
  - iv. Federation of State Boards of Physical Therapy's (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

**14. Discussion and Possible Board Action On 2019 Rulemaking Calendar – Brooke Arneson**

**15. 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).)*

**16. Recess**

**Agenda – Thursday, December 6<sup>th</sup>**

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

**17. Call to Order - 9:00 a.m.**

**18. Roll Call and Establishment of Quorum**

**19. 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

**20. Reconvene Open Session**

**21. Administrative Services Report**

- (A) Budget – Liz Constancio
- (B) Outreach – April Beauchamps

**22. Application Services Report – Sarah Conley**

- (A) Statistical Reports

**23. Licensing Services Report– Sarah Conley**

- (A) Statistical Reports

**24. Continuing Competency Services Report– Sarah Conley**

- (A) Statistical Reports

**25. Consumer Protection Services Report– Elsa Ybarra**

- (A) Statistical Reports

**26. Probation Monitoring Report – Monny Martin**

- (A) Statistical Reports

**27. Board Member Elections**

- (A) President
- (B) Vice-President
- (C) FSBPT Delegate
- (D) FSBPT Alternate Delegate
- (E) FSBPT Back-up Alternate Delegate

**28. 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).)*

**29. Agenda Items for Future Meeting – March 21 & 22, 2019  
Sacramento, CA**

**30. 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](http://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 physically 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](mailto: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.*

# UNIVERSITY OF THE PACIFIC

## Campus Map

Chan Family Health Sciences Learning Center and Clinics  
 Day 1: PHS202  
 Day 2: PHS112  
 Parking: Parking Lots 8, 9, 10 or anywhere with "Parking" on the Map



<span style="color: orange;">■</span>	University Facilities
<span style="color: pink;">■</span>	Student Residences
<span style="color: yellow;">■</span>	Greek Houses
<span style="color: green;">■</span>	Athletic Fields
<span style="color: lightblue;">■</span>	Pacific Campus
<span style="color: brown;">■</span>	Parking

Obtain visitor parking permits in Welcome Center in Burns Tower

**Roll Call**  
**University of Pacific, Stockton, CA**

**December 5, 2018**

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
TJ Watkins, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Katarina Eleby		
Tonia McMillian		

**December 6, 2018**

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
TJ Watkins, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Katarina Eleby		
Tonia McMillian		

Agenda Item 2 – Roll Call





Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

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1

## Board Members

### President

Alicia Rabena-Amen, PT, DPT

### Vice-President

TJ Watkins

### Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby

Tonia McMillian

## Physical Therapy Board of California

### **DRAFT Meeting Minutes**

June 20, 2018 9:00 a.m.

June 21, 2018 9:00 a.m.

Western University

Rodney P. Wineburg Center (RCW)

Cooper Hall

309 East 2<sup>nd</sup> Street

Pomona, CA 91766

## Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on  
3 the agenda in these minutes though some agenda items may have been taken out of order  
4 during the meeting.

5

6

### Wednesday, June 20, 2018

7

8

## **1. Call to Order**

9

The Physical Therapy Board of California (Board) meeting was called to order by  
10 President Dr. Rabena-Amen at 9:01 a.m. and recessed at 5:39 p.m. on June 20, 2018.  
11 The Board reconvened at 9:12 a.m. and adjourned at 5:04 p.m. on June 21, 2018.  
12  
13

14

## **2. Roll Call and Establishment of Quorum**

15

Dominguez- Present  
16 Drummer – Present  
17 Eleby – Present  
18 McMillian – Present  
19 Rabena-Amen - Present  
20 Watkins – Present  
21

22

All members were present, and a quorum was established. Also present at the meeting  
23 were: Salwa Bojack, Legal Counsel; Jason Kaiser, Executive Officer; Liz Constancio,  
24 Elsa Ybarra, Sarah Conley, Brooke Arneson, Monny Martin and Vincent Azar, Board  
25 staff.  
26

27

## **3. Special Order of Business – 9:05 a.m.**

28

Dr. Rabena-Amen read the Board's mission statement.  
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(A) Petition for Reduction of Penalty – Termination of Probation – Cindy Chunfat, PT

This matter was heard before a quorum of the Board. Rodney P. Wineberg, Administrative Law Judge (ALJ), Office of Administrative Hearings, sat with the Board and presided over the hearing. Nicholas B.C. Schultz, Deputy Attorney General, represented the Attorney General of the State of California, under Government Code section 11522. Petitioner Cindy Chunfat, PT was present and represented herself. Evidence was received, the record was closed, and the matter was submitted for decision.

(B) Petition for Reduction of Revoked License – Natalie Ann Kolbrak

This matter was heard before a quorum of the Board. Rodney P. Wineberg, ALJ, Office of Administrative Hearings, sat with the Board and presided over the hearing. John Gatschett, Deputy Attorney General, represented the Attorney General of the State of California, under Government Code section 11522. Petitioner, Natalie Ann Kolbrak, was present and represented herself. Evidence was received, the record was closed, and the matter was submitted for decision.

*After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3).*

**4. 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.

The Board went into closed session at 12:07 p.m. and reconvened at 3:00 p.m.

**5. Reconvene Open Session**

The Board reconvened at 3:00 p.m. after going into closed session at 12:07 p.m.

**6. Review and Approval of March 22-23, 2017 Meeting Minutes – Brooke Arneson**

69 Mr. Kaiser presented the draft March minutes on Ms. Arneson's behalf. Dr. Dominguez  
70 commented on page 12, under Agenda Item #17, there was a typo for the Annual  
71 Meeting Delegate Assembly and the date should be amended to October 25-27, 2018.

72  
73 **MOTION:** To adopt the minutes as amended with the correction on line 111,  
74 correcting the date range 25 through 27.

75 **M/S:** Eleby/Watkins

76 **VOTE:** Dominguez- Aye

77 Drummer – Aye

78 Eleby – Aye

79 McMillian – Aye

80 Rabena-Amen - Aye

81 Watkins - Aye

82 6-0 Motion carried

83  
84 **7. President's Report – Alicia Rabena-Amen**

85 (A) 2018 Adopted Meeting Calendar

86  
87 Ms. Eleby questioned whether there was a venue for the December 5-6, 2018 Board  
88 meeting. Mr. Kaiser responded that there was not a confirmed location yet.

89  
90 (B) 2019 Proposed Meeting Calendar

91 Dr. Drummer informed the Board that the CPTA Annual Conference is planned for  
92 October 12-13, 2019 and will be a tri state conference with Nevada and Arizona which  
93 will be held in Las Vegas, Nevada. Mr. Kaiser raised doubts on whether PTBC would be  
94 able to participate in the outreach event due to the Executive Order restricting out of  
95 state travel and that Las Vegas is problematic for State entities to visit.

96  
97 Dr. Rabena-Amen stated that the Board usually adopts the proposed calendar at the  
98 end of the year.

99  
100 **8. Executive Officer's Report – Jason Kaiser**

101  
102 Mr. Kaiser discussed that the Board was focusing its resources to address outreach  
103 needs, and an outreach liaison position was established. Mr. Kaiser stated that he was  
104 sad to report that the outreach position is currently vacant, and the Board was  
105 reestablishing the position as Communication and Education Analyst. Mr. Kaiser  
106 informed the Board that they are currently in the process of recruitment for that position.  
107

108 Mr. Kaiser stated that legislation regarding Animal Rehabilitation would be reported  
109 under the Legislation Report. He apprised the Board that the Veterinary Medical Board  
110 (VMB) appointed a new Executive Officer, Jessica Sieferman, and that she will be  
111 starting the first week of July. Mr. Kaiser discussed that the VMB is currently  
112 promulgating animal rehabilitation regulations, therefore staff are monitoring these  
113 proposed regulations for impact to the Board.

114  
115 Mr. Kaiser reported that Board responded to the 180-day response to DCA's Internal  
116 Audit Office (IAO) and that staff continues to work diligently with the IAO to address the  
117 findings.

118  
119 Mr. Kaiser discussed the necessity for the Board's relocation, as the Board has grown  
120 to a point where the current suite that was originally designed for 13 staff now has 26  
121 staff. Mr. Kaiser shared that the Board is in lease negotiations and that the soft term of  
122 the lease expires in March of 2019. Mr. Kaiser stated that the Board is looking into a  
123 space outside of the existing suite or potentially another larger space in the same  
124 building. Mr. Kaiser informed the Board that the Department of General Services has a  
125 plan to relocate not only the Board, but DCA and the Business, Consumer Services and  
126 Housing Agency to a single location in Sacramento that will be a million plus square feet  
127 by the year of 2025 so that changes the strategy of how the Board is negotiating their  
128 lease.

129 **9. Discussion and Possible Board Action Regarding the Strategic Plan – Jason**  
130 *Kaiser*

131  
132 Mr. Kaiser presented the draft of the 2018-2022 Strategic Plan and solicited feedback  
133 from the Board. Mr. Kaiser stated that once the Strategic Plan was adopted by the  
134 Board, the final version would be sent to DCA's Office of Publications, Design and  
135 Editing (PD&E) where it would be put into publishing form similar to the Board's  
136 previous Strategic Plan and Progress Notes.

137  
138 Board members requested that the Strategic Plan be amended with the following: on  
139 page 3 include a picture of the Board and a headshot of each Board member; and  
140 Dr. Drummer asked that on page 10; Goal 3.5 that the Board's website and e-blast  
141 come before the other listed entities under existing technologies.

142  
143 Dr. James Syms, a licensee, thanked the Board for including Goal 1: Enforcement;  
144 1.1 to identify and implement improvements to the investigation and discipline to  
145 decrease enforcement processing times and stated that was very important to  
146 decrease claim processing times.

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**MOTION:** To adopt the proposed strategic plan as amended  
**M/S:** Eleby/Watkins  
**VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins - Aye  
6-0 Motion carried

**10. Public Comment on Items Not on the Agenda**

Dr. James Syms questioned why there is a discrepancy in the passing rate of applicants taking the National Physical Therapy Exam (NPTE) versus the California Law Exam (CLE). Mr. Kaiser responded that this question comes up quite often, and that the greatest contributing factor is that students are much more prepared for the NPTE. Additionally, Mr. Kaiser explained that the Commission on Accreditation in Physical Therapy Education (CAPTE) does not require schools to teach about California licensing laws. Mr. Kaiser stated that the Board does try to address the laws and regulations during outreach campaigns and that first-time pass rates are lower on the CLE and that second time pass rates improve greatly. Mr. Kaiser explained that the CLE was developed in the same way as the NPTE, it is psychometrically sound and was created with subject matter experts and that the questions are just as difficult as the questions on the NPTE. Dr. Syms thanked the Board for holding Board meetings at PT and PTA schools and for outreach presentations for students.

**11. Recess**

The Board recessed at 5:39 p.m. on Wednesday, June 20, 2018 – Day one

**Thursday, June 21, 2018**

**12. Call to Order**

The Physical Therapy Board of California (Board) reconvened at 9:12 a.m. and adjourned at 5:04 p.m. on June 21, 2018.

**13. Roll Call and Establishment of Quorum**

Dominguez- Present  
Drummer – Present

188 Eleby – Present  
189 McMillian – Present  
190 Rabena-Amen - Present  
191 Watkins – Present

192  
193 All members were present, and a quorum was established. Also present at the  
194 meeting were: Salwa Bojack, Legal Counsel; Jason Kaiser, Executive Officer; Liz  
195 Constancio, Elsa Ybarra, Sarah Conley, Brooke Arneson, Monny Martin and Vincent  
196 Azar, Board staff.

197  
198 **14. Legislation Report – Brooke Arneson**

199  
200 (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session  
201 Summary

202  
203 Ms. Arneson referred the members to the legislative summary report included in the  
204 agenda book.

205  
206 i. Discussion and Possible Board Action Regarding AB 2078 (Daly) Sex  
207 Offenses: Professional Services

208  
209 Ms. Arneson provided a brief overview and update on the status of AB 2078 to  
210 the Board.

211  
212 ii. Discussion and Possible Board Action Regarding AB 2138 (Chiu & Low)  
213 Licensing Boards: Denial of Application: Criminal Conviction

214  
215 Ms. Arneson provided a brief overview and update on the status of AB 2138 to  
216 the Board and stated that the Board has an opposed position on the bill. Ms.  
217 Arneson informed the Board that the bill was amended in the Senate the morning  
218 of the Board meeting and presented a summary of the recent amendments. Mr.  
219 Kaiser stated that would lessen the Board's ability to take any kind of action on a  
220 sole conviction and in this case, as far down as nonviolent crime. Mr. Kaiser  
221 stated that this bill as written, would hinder the ability of the Board's Enforcement  
222 Program to investigate something that could be extremely egregious that the  
223 Board may consider to be a harm to consumer protection. Mr. Kaiser asked the  
224 Board to potentially submit a second letter of opposition. Mr. Kaiser also stated  
225 that the number of applicants denied by the Board during the past two fiscal  
226 years combined, was very small: only seven applicants were denied licensure  
227 due to their criminal history; and of those seven, six were issued a probationary  
228 license and one applicant did not pursue a license after the denial. Mr. Kaiser  
229 informed the Board that he has been advocating to try to set up a meeting with  
230 the authors office of the bill to discuss the Boards concerns. Dr. Drummer asked  
231 how many Boards are within DCA, and how many of those Boards are health

232 care boards. Mr. Kaiser responded that there are 39 Boards and approximately  
233 12 are health care Boards. Dr. Rabena-Amen asked if there was any feedback  
234 from the staff of the author regarding the health care Board's concerns of the bill  
235 as written. Mr. Kaiser responded that the author's office has acknowledged the  
236 concerns of the health care Boards; however, no amendments have been made  
237 to address those concerns in the bill. Mr. Kaiser stated that many professional  
238 associations have provided opposition and there have been no professional  
239 associations in support of this bill. Dr. Rabena-Amen stated that she would be in  
240 support of the Board drafting a second letter of opposition.

241  
242 Dr. James Syms, a licensee, asked Mr. Kaiser to clarify how this bill would be  
243 considered a "double standard" for discipline regarding an applicant versus a  
244 licensee. Mr. Kaiser responded that under the provision of the bill, as written, it  
245 would implement different requirements for initial license as opposed to discipline  
246 for a licensee. Mr. Kaiser also explained that this bill would affect the 1441  
247 Standards for substance abusing licensees; it would mitigate the list of violations  
248 to serious felonies as defined in the Penal Code. Mr. Kaiser stated that DUI's or  
249 possession of controlled substances would no longer be considered a reason for  
250 denial of licensure; however, would still be considered for discipline of a licensee.

251  
252 Ms. Bojack asked for clarification on whether the bill would be limiting the list of  
253 violations to serious felonies or violent felonies. Mr. Kaiser responded that the  
254 bill initially limited the list of violations to violent felonies and it has recently been  
255 amended to serious felonies.

256  
257 Mr. Kaiser requested authority and direction to pursue meetings with the author  
258 and author's staff about AB 2138. Mr. Kaiser also solicited the Board for  
259 additional direction regarding a second letter of opposition on AB 2138.  
260 Dr. Dominguez requested that stronger language be used in the opposition letter.

261  
262 **MOTION:** To authorize the executive officer and staff to draft a letter of  
263 opposition to Assembly Bill 2138.

264 **M/S:** Drummer/Watkins

265 **VOTE:** Dominguez- Aye  
266 Drummer – Aye  
267 Eleby – Aye  
268 McMillian – Aye  
269 Rabena-Amen - Aye  
270 Watkins – Aye  
271 6-0 Motion carried

272  
273 **MOTION:** To provide the Executive Officer with the direction to pursue  
274 meetings with the authors and/or the author's staff of AB 2138 to  
275 present the Board's opposition to the bill and provide the Executive  
276 Officer with the requested authority and direction discussed.

277 **M/S:** Watkins/Dominguez  
278 **VOTE:** Dominguez- Aye  
279 Drummer – Aye  
280 Eleby – Aye  
281 McMillian – Aye  
282 Rabena-Amen - Aye  
283 Watkins – Aye  
284 6-0 Motion carried  
285

286 iii. Discussion and Possible Board Action Regarding AB 2221 (Bloom)  
287 Occupational Therapy Practice Act  
288

289 Ms. Arneson provided a brief overview and update on the status of AB 2221 to  
290 the Board.  
291

292 iv. Discussion and Possible Board Action Regarding AB 2386 (Rubio) Teacher  
293 Credentialing: Services Credential with a Specialization in Occupational Therapy  
294 or Physical Therapy Services  
295

296 Ms. Arneson provided a brief overview and updated the Board that this bill died in  
297 the Senate Appropriations Committee.  
298

299 v. Discussion and Possible Board Action Regarding AB 2423 (Holden) Physical  
300 Therapists: Direct Access to Services: Plan of Care Approval  
301

302 Ms. Arneson provided a brief overview and update on the status of AB 2423 to  
303 the Board.  
304

305 vi. Discussion and Possible Board Action Regarding AB 3013 (Chu) Veterinary  
306 Medicine: Animal Physical Rehabilitation  
307

308 Ms. Arneson provided a brief overview and updated the Board that this bill died in  
309 the Senate Appropriations Committee.  
310

311 vii. Discussion and Possible Board Action Regarding AB 3110 (Mullin) Athletic  
312 Trainers  
313

314 Ms. Arneson provided a brief overview and update on the status of AB 3110 to  
315 the Board. Mr. Kaiser asked the Board if there were any questions regarding this



316 bill. Mr. Kaiser stated that the most significant amendment was creating its own  
317 separate Board instead of under the Occupational Therapy Board of California.

318  
319 Ms. Eleby questioned whether title protection would be sufficient. Mr. Kaiser  
320 responded that title protection was suggested during the last couple legislative  
321 sessions, however this legislation would create the California Athletic Trainer  
322 Board with its own autonomy and recent amendments narrowed the scope. Mr.  
323 Kaiser informed the Board that the past opinion of the Governor has been that  
324 title protection would be sufficient.

325  
326 Dr. Drummer stated that he is concerned as this bill pushes the boundaries of  
327 what Athletic Trainers are allowed to do to more than what their education  
328 provides for and the scope of patient care that they would provide under this bill  
329 would far exceed what an Athletic Trainer is expected to do. Mr. Kaiser  
330 responded that he shares the same concerns as Dr. Drummer, however, with the  
331 recent amendment limiting the access to that practitioner helps to alleviate some  
332 of his concerns.

333  
334 Dr. James Syms, CPTA member, stated that CPTA has an opposed position to  
335 AB 3110 and feels that title protection would be sufficient. Dr. Syms informed the  
336 Board that CPTA continues to work with the author's office and legislature to  
337 address their concerns. Dr. James Syms, licensee, suggested that the Board  
338 consider an "oppose unless amended" position on the bill in lieu of a "watch"  
339 position.

340  
341 **MOTION:** To authorize the Executive Officer and staff to develop a letter of  
342 opposition, unless amended, for AB 3110.

343 **M/S:** Drummer/McMillian

344 **VOTE:** Dominguez- Aye

345 Drummer – Aye

346 Eleby – Aye

347 McMillian – Aye

348 Rabena-Amen - Aye

349 Watkins – Aye

350 6-0 Motion carried

351  
352 Dr. Rabena-Amen solicited the Board for suggested amendments to AB 3110.  
353 Dr. Drummer stated that he has concerns regarding the insufficient supervision  
354 by a physician of an athletic trainer as outlined in this bill. In addition, he raised  
355 concerns that the conditions of this bill could allow an athletic trainer to assess a

356 patient's condition and offer treatment and the ability to diagnose is well outside  
357 of the education and training of an athletic trainer. Another concern Dr. Drummer  
358 stated was the overly broad definition of activity to include anyone who has been  
359 injured while moving. Ms. Eleby also raised concerns regarding provisions within  
360 AB 3110 that would authorize the Director of the Department of Consumer Affairs  
361 to seek and receive donations from the California Athletic Trainers Association  
362 and any other private person or entity as an obvious conflict of interest.  
363 Ms. Eleby stated that corporate donations or donations from the professional  
364 association is not appropriate in the development of this Athletic Trainer Board.

365  
366 Ms. Bojack recommended that each Board member indicate, in an informal straw  
367 poll, whether they approve of the foregoing direction to the Executive Officer. The  
368 straw poll was conducted and the foregoing direction to the Executive Officer was  
369 approved by the unanimous consent of a quorum of the Board.

370  
371 viii. Discussion and Possible Board Action Regarding SB 1298 (Skinner) The  
372 Increasing Access to Employment Act

373  
374 Ms. Arneson provided a brief overview and updated the Board that this bill died in  
375 the Senate Appropriations Committee.

376  
377 ix. Discussion and Possible Board Action Regarding SB 1448 (Hill) Healing Arts  
378 Licensees: Probation Status: Disclosure

379  
380 Ms. Arneson provided a brief overview and updated the Board that this bill was  
381 amended on June 11, 2018, and on June 19<sup>th</sup> was referred to the Senate  
382 Appropriations Committee. Ms. Arneson clarified that the only Board's that would  
383 be affected by the provisions in this bill were those that were listed in the bill  
384 language.

385  
386 **15. Rulemaking Report – Brooke Arneson**

387 (A) Discussion and Possible Board Action Regarding the 2018 Rulemaking  
388 Update

389  
390 Ms. Arneson referred the Board to the rulemaking tracking form included in the  
391 agenda materials and advised on the status.

392  
393 (B) Discussion and Possible Board Action Regarding Examination Passing  
394 Standard/Setting Examination Score

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Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status.

(C) Discussion of Issues and Possible Board Action Regarding Guidelines for Issuing Citations and Imposing Discipline, 6th Edition.

(D) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status.

Mr. Kaiser clarified that it is difficult to estimate rulemaking timelines with the new review process and that the Board renewed the Retired Annuitant position that Rebecca Marco, the Board’s previous Executive Officer, is in to help facilitate rulemaking for an additional fiscal year. Mr. Kaiser stated that at the December 2018 meeting there will be language for the Board to consider regarding the additional rulemaking items that are on the rulemaking calendar.

**16. Consumer and Professional Associations and Intergovernmental Relation Reports**

(A) Federation of State Boards of Physical Therapy (FSBPT)

No representatives were present. Dr. Rabena-Amen stated that the Leadership Issues Forum was coming up the following month.

(B) Department of Consumer Affairs (DCA) – Executive Office  
Department of Consumer Affairs (DCA) – Executive Office

Karen Nelson, Assistant Deputy Director of Board and Bureau Services provided Mr. Kaiser with a written update to be presented on her behalf. Mr. Kaiser advised the Board that the next Leadership Call is scheduled for Monday, June 25<sup>th</sup> and the next Quarterly Director’s Meeting is scheduled for Monday, August 6<sup>th</sup>. Mr. Kaiser reported on behalf of Ms. Nelson that the department hosted it’s first licensing and enforcement workgroup meeting which identified business processes and best practices that will strengthen the Boards in licensing and enforcement.

Dr. Rabena-Amen asked about the Executive Officer’s salary study that was discussed at the last Quarterly Director’s Meeting. Mr. Kaiser responded that the

437 Department will be hiring an outside vendor to complete an assessment of the  
438 Executive Officers within the Department to determine if their compensation is fair in  
439 consideration of civil service tables and consider each Board's complexity, size, fiscal  
440 responsibility and growth and possibly make reclassification recommendations to  
441 California Human Resources for each Board. Dr. Rabena-Amen asked what the  
442 potential timeline is for the Executive Officer study and Mr. Kaiser responded that the  
443 audit would take 8-12 months to complete once a vendor was selected and the  
444 recommendations to California Human Resources would be made during the latter  
445 part of 2019 or early 2020.

446  
447 (C) California Physical Therapy Association (CPTA)  
448

449 Mr. Kaiser stated that the CPTA Annual Conference is out of state, and the Board will  
450 make all efforts to attend, however, with the existing Executive Order that only allows  
451 out of state travel for mission critical business, the Board may not be able to attend.  
452

453 **17. Closed Session**

454 (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary  
455 Actions and Decisions to be Reached in Administrative Procedure Act Proceeding  
456

457 The Board entered closed session on day two, June 21, 2018 at 12:00 p.m.  
458

459 (B) Pursuant to Government Code section 11126(a)(1), Evaluation of Executive  
460 Officer  
461

462 **18. Reconvene Open Session**

463 The Board reconvened into open session to adjourn at 5:04 p.m.  
464

465 **19. Administrative Services Report**

466 (A) Budget  
467

468  
469 Mr. Kaiser presented the Budget report and stated that the Board is still in transition  
470 to the new accounting system, Fi\$cal and due to this changeover, all Budget  
471 reporting mechanisms such as the CalStars monthly expenditure and revenue  
472 report, which is relied on by PTBC budget staff in compiling reports, have been  
473 suspended until further notice and that the budget reports provided in the materials  
474 is provided using internal tracking by Board staff and DCA Budget staff since there  
475 are no reconciliation reports from the Fi\$Cal system.  
476

477 (B) Outreach  
478

479 Mr. Kaiser presented the outreach report to the Board.  
480

481 **20. Application Services Report**  
482

483 Mr. Kaiser presented the Application Services Report. He noted, that there was a 3-5%  
484 increase in the number of applications received, and that the Board continues to assess  
485 what staffing requirements are needed to facilitate the increase in workload and growth.  
486 Mr. Kaiser stated that the Applications Services Program has recently increased  
487 communication with the California physical therapist and physical therapist assistant  
488 education programs and has received positive feedback. The programs expressed  
489 appreciation for the increased communication and efforts of the Board to facilitate a  
490 smoother process for the applicants as well as the programs.  
491

492 Mr. Mitch Kay, PT licensee, stated that many students ask how long, once they receive  
493 a passing score on the NPTE can they start to practice physical therapy. Mr. Kaiser  
494 responded that if all requirements for licensure are met and there are no deficiencies, a  
495 license is issued within 45 days.  
496

497 **21. Licensing Services Report**  
498

499 Mr. Kaiser presented the Licensing Services Report. He reported that there has been  
500 an increase in the number of Active licenses and the number of Inactive licenses has  
501 decreased since Q3 last year.  
502

503 (A) Continuing Competency Report  
504

505 Mr. Kaiser directed the members to the report included in the agenda book. He  
506 reported that there are a number of requests to have continuing competency approval  
507 recognition removed.  
508

509 (B) Discussion and Possible Board Action to Removal of Continuing Competency  
510 Approval Agency Recognition  
511

512 i. ABA Physical Therapy Associates  
513

514 **MOTION:** To remove ABA Physical Therapy Associates from our  
515 Continuing Competency approval agency

516 **M/S:** Rabena-Amen/Eleby

517 **VOTE:** Dominguez- Aye

518 Drummer – Aye

519 Eleby – Aye

520 McMillian – Aye

521 Rabena-Amen - Aye

522 Watkins – Aye

523 6-0 Motion carried

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ii. Boehme Workshops, Inc.

**MOTION:** To remove approval agency recognition for Boehme Workshops, Inc.  
**M/S:** Drummer/Watkins  
**VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins – Aye  
6-0 Motion carried

iii. CHA Hollywood Presbyterian Medical Center

**MOTION:** To remove CHA Hollywood Presbyterian Medical Center from our Continuing Competency approval agency  
**M/S:** Watkins/Drummer  
**VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins – Aye  
6-0 Motion carried

iv. Encompass Consulting and Education, LLC

**MOTION:** To remove Encompass Consulting and Education, LLC from our approved vendor list  
**M/S:** Eleby/Rabena-Amen  
**VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins – Aye  
6-0 Motion carried

v. Evidence in Motion

**MOTION:** To remove Evidence in Motion  
**M/S:** Watkins/McMillian  
**VOTE:** Dominguez- Aye

569 Drummer – Aye  
570 Eleby – Aye  
571 McMillian – Aye  
572 Rabena-Amen - Aye  
573 Watkins – Aye  
574 6-0 Motion carried  
575

576 vi. Medical Consulting Media, Inc.  
577

578 **MOTION:** To withdraw approval agency recognition from Medical  
579 Consulting Media, Inc.  
580 **M/S:** McMillian/Watkins  
581 **VOTE:** Dominguez- Aye  
582 Drummer – Aye  
583 Eleby – Aye  
584 McMillian – Aye  
585 Rabena-Amen - Aye  
586 Watkins – Aye  
587 6-0 Motion carried  
588

589 vii. Online EUs.com, Inc  
590

591 **MOTION:** To terminate Online EUs.com, Inc’s recognition of approval  
592 **M/S:** McMillian/Watkins  
593 **VOTE:** Dominguez- Aye  
594 Drummer – Aye  
595 Eleby – Aye  
596 McMillian – Aye  
597 Rabena-Amen - Aye  
598 Watkins – Aye  
599 6-0 Motion carried  
600

601 viii. Rehab eLearn  
602

603 **MOTION:** To remove Rehab eLearn as an approval agency  
604 **M/S:** Eleby/Drummer  
605 **VOTE:** Dominguez- Aye  
606 Drummer – Aye  
607 Eleby – Aye  
608 McMillian – Aye  
609 Rabena-Amen - Aye  
610 Watkins – Aye  
611 6-0 Motion carried  
612

613 ix. Saint Francis Memorial Hospital

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Dr. Drummer requested clarification regarding the identification of this hospital. Mr. Kaiser clarified that this hospital is located at 900 Hyde Street, San Francisco, California. Dr. Drummer noted that page 274 of the meeting materials refers to CHA Hollywood Presbyterian Medical Center, rather than Saint Francis Memorial Hospital. Mr. Kaiser clarified that this is an error that will be corrected in the briefing paper.

- MOTION:** To withdraw approval agency recognition from Saint Francis Memorial Hospital
- M/S:** McMillian/Watkins
- VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins – Aye  
6-0 Motion carried

x. Sonoma Psycho-Oncology

- MOTION:** To withdraw approval agency recognition from Sonoma Psycho-Oncology
- M/S:** McMillian/Rabena-Amen
- VOTE:** Dominguez- Aye  
Drummer – Aye  
Eleby – Aye  
McMillian – Aye  
Rabena-Amen - Aye  
Watkins – Aye  
6-0 Motion carried

**22. Presentation and Discussion of Application Process for Graduates of NonAccredited Programs Located Outside of the United States – Sarah Conley**

Mr. Kaiser stated that the presentation will be postponed due to technical difficulties until the September Board Meeting however the materials for the presentation will be included on the Board’s website under this meeting.

**23. Consumer Protection Services Report**

Mr. Kaiser directed the members to the probation monitoring report included in the agenda book. He stated that the Board’s newsletters will now include discipline summary reports.



659 **24. Probation Monitoring Report – Monny Martin**

660

661 Mr. Kaiser directed the members to the probation monitoring report included in the  
662 agenda book. He stated that there are 84 probationers monitored by a single probation  
663 monitor and many probationers reside in the Southern California region which makes  
664 monitoring challenging. Mr. Kaiser stated that Executive Officers will be looking at  
665 standard number 4 which look at which looks at bodily fluid testing, EO determine if  
666 existing rule is appropriate or if advances in technology and available services need to  
667 be changed.

668

669 **25. Public Comment on Items Not on the Agenda**

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

674 Dr. James Syms asked where to find the proposed language for regulations that the  
675 Board adopted at previous meetings. Mr. Kaiser stated that proposed regulations are  
676 on the Board’s website under the “Proposed Regulations” tab. Mr. Kaiser also pointed  
677 out that once legal approves adopted rulemaking language, it will be added to the  
678 website. Ms. Bojack also stated that adopted language can be found under the  
679 materials for prior Board meetings. Dr. Syms thanked the Board for holding it’s June  
680 meeting at Western University.

681 **26. Agenda Items for Future Meeting –**

682

683 September 13-14, 2018  
684 Department of Consumer Affairs, Hearing Room  
685 2005 Evergreen Street  
686 Sacramento, CA 95815

687

688 **27. Adjournment**

689

690 The meeting adjourned at 5:04 p.m.

691



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

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1

## Board Members

### President

Alicia Rabena-Amen, PT, DPT

### Vice-President

TJ Watkins

### Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby

Tonia McMillian

## Physical Therapy Board of California

### **DRAFT Meeting Minutes**

September 13, 2018 9:00 a.m.

September 14, 2018 9:00 a.m.

Department of Consumer Affairs

Hearing Room

2005 Evergreen Street

Sacramento, CA 95815

## Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on  
3 the agenda in these minutes though some agenda items may have been taken out of order  
4 during the meeting.

5

6

### Thursday, September 13, 2018

7

8

## 1. Call to Order

9

10 The Physical Therapy Board of California (Board) meeting was called to order by  
11 President Dr. Rabena-Amen at 9:09 a.m. and recessed at 4:50 p.m. on September 13,  
12 2018. The Board reconvened at 9:15 a.m. and adjourned at 6:30 p.m. on September 14,  
13 2018.

14

15

## 2. Roll Call and Establishment of Quorum

16

17

Dominguez- Present

18

Drummer – Present

19

Eleby – Present

20

McMillian – Present

21

Rabena-Amen - Present

22

Watkins – Present

23

24

All members were present, and a quorum was established. Also present at the meeting  
25 were: Salwa Bojack, Legal Counsel; Jason Kaiser, Executive Officer; Liz Constancio,  
26 Elsa Ybarra, Sarah Conley, and Brooke Arneson.

27

28

29

30

31 **3. Review and Approval of June 20-21, 2018 Meeting Minutes – Brooke Arneson**

32  
33 Dr. Rabena-Amen stated that the Board would revisit the draft June 20-21, 2018  
34 meeting minutes at the December 2018 meeting to provide the Board with additional  
35 time to review.

36  
37 **4. President’s Report – Alicia Rabena-Amen**

38  
39 (A) 2018 Adopted Meeting Calendar

40  
41 Dr. Drummer questioned whether there was a venue for the December 5-6, 2018 Board  
42 meeting. Mr. Kaiser responded that there was not a set location as staff were still  
43 confirming availability at three location options. Dr. Rabena-Amen suggested to have  
44 the meeting at the University of Pacific, in Stockton, CA. Mr. Kaiser stated that we  
45 would confirm which location can commit to the December meeting dates and that the  
46 information would be disseminated within the following two to three weeks.

47  
48 (B) 2019 Proposed Meeting Calendar

49  
50 Dr. Rabena-Amen stated that the Board will be adopting the proposed 2019 calendar at  
51 the December meeting, and asked if there were any locations confirmed for the 2019  
52 meetings. Mr. Kaiser responded that the Board is looking at new programs to  
53 potentially host the Board; however, there are backup locations secured for the  
54 proposed 2019 meeting dates.

55  
56 **5. Executive Officer’s Report – Jason Kaiser**

57  
58 (A) Administrative Services

59  
60 Mr. Kaiser introduced and welcomed Ms. April Beauchamp as the new Communication  
61 and Education Analyst within the Administration Services Program. He also stated that  
62 the Administrative Services Program is currently recruiting for a Limited-Term, Full-Time  
63 Office Technician to serve as the receptionist and provide administrative support to the  
64 programs.

65  
66 Mr. Kaiser reported that the lease for the building at the Board’s existing location is set  
67 to expire in March of 2019 and staff have managed to secure a larger space for the  
68 Board in the existing building at a reasonable rate. Mr. Kaiser stated that it would take  
69 between 12-24 months of construction in the new space to accommodate the Board and

70 that we anticipate moving in the later part of 2020. Mr. Kaiser reported that the  
71 Department of General Services (DGS) conducted a space planning assessment and  
72 according to their survey, DGS suggested that PTBC, at current staffing, requires 7,350  
73 square feet. Mr. Kaiser stated that the Board may need to move twice as DGS plans to  
74 relocate not only the Board, but DCA and the Business, Consumer Services and  
75 Housing Agency to a single location in Sacramento by the year of 2025; so, with this  
76 being considered, the Board may need to move in the later part of 2020 and move again  
77 in 2025. Ms. Eleby stated that she noticed that \$200,000 was added to the fund in  
78 anticipation of the Board's relocation; however, she questioned where the additional  
79 money would come from. Mr. Kaiser responded that the Board has been proactive and  
80 reverted \$200,000 last fiscal year and again an additional \$200,000 was reverted this  
81 fiscal year. Mr. Kaiser stated that DCA is perusing a Budget Change Proposal for the  
82 Boards in the Evergreen building to account for these onetime costs as well as the  
83 increase in square footage.

84  
85 Mr. Kaiser presented and disseminated the Board's Strategic Plan which was finalized  
86 by DCA's Publications, Design and Editing team.

87  
88 Ms. Eleby read the Board's mission statement.

89  
90 Mr. Kaiser reported that staff will be meeting and working with DCA's Strategic  
91 Organizational Leadership and Individual Development (SOLID) Unit, to create a  
92 publicized action plan to guide completion of strategic objectives by establishing due  
93 dates, identifying major tasks, and assigning responsible parties.

94  
95 Dr. Rabena-Amen stated that she liked the layout, ease of reading, beautiful graphics  
96 and presentation of the finalized Strategic Plan. The Board members agreed. Dr.  
97 Drummer suggested that the Strategic Plan would be a great handout at the 2018  
98 California Physical Therapy Association (CPTA's) Annual Conference in Santa Clara  
99 scheduled for September 22-23, 2018.

100  
101 **6. Discussion and Possible Board Action for the Increase in the Exempt Level of the**  
102 **Executive Officer – *Alicia Rabena-Amen***

103  
104 Dr. Rabena-Amen stated that the Board asked for the increase in the exempt level of  
105 the Executive Officer be placed on the agenda each year to revisit to look at the  
106 growth of the Board and provide a status update of the request. Dr. Rabena-Amen  
107 stated that in 2017/18 the Board President submitted a 2<sup>nd</sup> formal request on behalf  
108 of the Board to increase the Executive Officer's exempt level from Level O to Level L.

109 The Board's request was partially approved to increase its Executive Officer exempt  
110 level from Level O to Level N.

111  
112 Board members stated their displeasure at not being given a reason for the  
113 disapproval of the request to increase the exempt level of the Executive Officer to  
114 level L. Ms. Eleby reiterated that this request is a public protection issue as the  
115 Executive Officer is misclassified and, therefore, Board staff do not have the proper  
116 organizational structure to fulfill the mission of the Board. Ms. Eleby stated that the  
117 half increase of the Executive Officer to level N does not resolve the issues the Board  
118 outlined in their original request. Mr. Kaiser responded that there are two issues: The  
119 Board is growing in ratio to the licensing population and the Board's office space  
120 does not accommodate additional staff as deemed necessary in this request.

121  
122 Dr. Rabena-Amen solicited Board members to ask their appointing bodies for  
123 guidance since the Board is not receiving answers as to why these requests are not  
124 being approved.

125 Ms. Bojack advised that the Board be mindful of third-party communication and to  
126 follow appropriate protocols within the Administrative Procedure Act (APA) and Board  
127 Member Administrative Manual. Ms. Bojack advised against a general instruction to  
128 Board members to reach out to their various appointing authorities to avoid  
129 inconsistent and/or unauthorized communications on behalf of the Board. Ms. Bojack  
130 identified two possible alternatives for consideration that might avoid these concerns:  
131 (1) a letter drafted by committee or staff then presented to the Board for adoption,  
132 and/or (2) expressing the Board's desired communication via motion at a Board  
133 meeting. Members stated that it was not clear on the entity responsible for approving  
134 and denying this request as that has not been clarified during the process.

135  
136 Dr. Rabena-Amen petitioned the Board for volunteers on who would like to participate  
137 in a committee to address the exempt level increase request. Ms. Bojack  
138 recommended that the committee consist of fewer than three members and that the  
139 Board clearly identify the scope of the committee's delegated authority as either an  
140 advisory or decision-making body, both of which impact the applicability of the  
141 Bagley-Keene Open Meetings Act. Mr. Watkins and Ms. Eleby volunteered to be a  
142 part of this committee.

143  
144 **MOTION:** Whereas the evidence indicates that the current salary  
145 compensation for the Executive Officer is clearly insufficient  
146 given the growth of the Board and level of responsibility, I  
147 move to authorize the establishment of a committee to draft

148 a letter changing the salary category to category L of the  
149 PTBC executive officer and prepare and draft supporting  
150 documentation for presentation at the Board's December  
151 2018 meeting.

152  
153 **M/S:** Drummer/Rabena-Amen

154  
155 **VOTE:** Dominguez- Aye  
156 Drummer – Aye  
157 Eleby – Aye  
158 McMillian – Aye  
159 Rabena-Amen - Aye  
160 Watkins - Aye  
161 6-0 Motion carried

162  
163 Dr. Drummer suggested that an additional letter be drafted to support the exempt  
164 level increase. He clarified that this secondary letter would not be included in the  
165 initial request and would be used as a tool in Board committee member  
166 conversations with the Department of Consumer Affairs, California Business  
167 Services Agency, California Department of Human Resources, and with the Board  
168 Member's appointing authorities. Dr. Drummer also clarified that the secondary  
169 letter drafted by the Exempt Level Increase Committee would be presented for  
170 Board consideration at the next Board meeting; however, the Exempt Level  
171 Increase Committee does not yet have the authority to have those conversations  
172 with the Department of Consumer Affairs, California Business Services Agency,  
173 California Department of Human Resources, and with the Board Member's  
174 appointing authorities.

175  
176 **MOTION:** Authorize the Exempt Level Increase Committee to draft an  
177 additional letter regarding the Executive Officer exempt level  
178 increase that, after approval by the Board, can be used in  
179 Board committee member conversations with the  
180 Department of Consumer Affairs, California Business  
181 Services Agency, California Department of Human  
182 Resources, and with the Board Member's appointing  
183 authorities.

184  
185 **M/S:** Drummer/Dominguez

186  
187 **VOTE:** Dominguez- Aye  
188 Drummer – Aye  
189 Eleby – Aye  
190 McMillian – Aye  
191 Rabena-Amen - Aye  
192 Watkins - Aye

193 6-0 Motion carried  
194

195 **7. Consumer and Professional Associations and Intergovernmental Relation**  
196 **Reports**

197  
198 (A) Federation of State Boards of Physical Therapy (FSBPT)  
199

200 No representatives were present.  
201

202 (B) Department of Consumer Affairs (DCA) – Executive Office  
203

204 Karen Nelson, Assistant Deputy Director of Board and Bureau Services provided  
205 an update to the Board on behalf of DCA. The Director of DCA on June 25<sup>th</sup>,  
206 2018 held the first Board Member and Advisory Committee Leadership  
207 teleconference which provided updates on Pro Rata, Assembly Bill 2138 and  
208 regulatory process improvements. Ms. Nelson stated that DCA anticipates  
209 holding another Advisory Committee Leadership teleconference in December  
210 2018.  
211

212 Ms. Nelson informed the Board that the quarterly Director’s meeting was held on  
213 August 6, 2018 and included presentations from DGS, DCA’s Equal Employment  
214 Opportunity (EEO) Office and DCA’s Office of Human Resources (OHR). DGS  
215 presented a preview of their plan for their new construction that will house DCA  
216 in 2024. DCA’s EEO Office provided a primer on implicit bias and OHR shared  
217 some new innovations and improvements on OHR processes specific to  
218 recruitment and adverse actions. Ms. Nelson reported that the next quarterly  
219 Director’s meeting is scheduled for October 29, 2018.  
220

221 Ms. Nelson stated that the licensing and enforcement workgroups continue to  
222 meet monthly to discuss specific topics and innovate in areas of licensing and  
223 enforcement through efficiencies in business processes or program collaboration.  
224 This past month the licensing workgroup discussed a tool for streamlining letter  
225 generation through the quality business intelligence reporting tool known as  
226 QBirt, which is available to BreEze programs. Ms. Nelson praised PTBC’s  
227 Vincent Azar for sharing his knowledge, expertise, practices and tools that he  
228 developed for reporting.  
229

230 Ms. Nelson reported that DCA’s Future Leadership Development Program kicked  
231 off the second cohort on September 12, 2018, and seven individuals were  
232 selected. Ms. Nelson thanked Mr. Kaiser for his continued support of this  
233 program and participating in a steering committee.  
234

235 Ms. Nelson stated that the Substance Abuse Coordination Committee (SACC) at  
236 its June 2018 meeting examined uniform standard number four and took an in-  
237 depth look at drug testing methodologies and research and technological

238 advancements. The SACC heard from a panel of industry and medical experts in  
239 the field of rehabilitation, toxicology, and laboratory science. Ms. Nelson  
240 reported that SACC voted to adopt some technical changes to uniform standard  
241 number four and examine the issue of testing frequency at the next meeting,  
242 scheduled for October 30, 2018.

243  
244 Ms. Nelson congratulated Dr. Drummer and Dr. Dominguez on their recent  
245 reappointments and reminded the Board that Board Member Orientation Training  
246 is required to be completed within a year of appointment or reappointment to the  
247 Board. Ms. Nelson informed the Board that the training dates were scheduled for  
248 September 18, 2018, and December 5, 2018.

249  
250 Dr. Rabena-Amen asked Ms. Nelson to report back to the Board on the reason  
251 why the Department may see a benefit in separating the Board Leadership and  
252 the Board's Executive Officer at the quarterly Director Meetings; other than the  
253 once per year meeting attended by both Board leadership and the Executive  
254 Officer.

255  
256 (C) California Physical Therapy Association (CPTA)

257  
258 Stacy DeFoe, Executive Director of the California Physical Therapy Association  
259 (CPTA), informed the Board that CPTA's Annual Conference would be taking  
260 place at the Santa Clara Convention Center, September 22-23, 2018 and  
261 thanked the Board for their participation at the upcoming event. Ms. DeFoe  
262 thanked the Board for their letter of support for AB 2423 (Physical Therapists:  
263 Direct Access to Services: Plan of Care Approval), which is with the Governor  
264 and for their letter of opposition, unless amended for AB 3110 (Athletic Trainers),  
265 which was been held in the Senate Appropriations Committee on suspense.

266  
267 **8. Administrative Services Report**

268  
269 (A) Staff Introductions

270  
271 Board staff from the Administrative Services Program introduced themselves;  
272 including Liz Constancio, Administrative Services Manager; April Beauchamps,  
273 Communication and Education Analyst; Carl Nelson, Business Services Liaison to  
274 DCA; and Brooke Arneson, Legislation and Regulation Analyst.

275  
276 (B) Budget Report

277  
278 Mr. Nelson presented the Budget Report and stated that the final quarter budget  
279 report is based on a month-11 projection received from the DCA Budget Office, and  
280 staff are waiting for month-12 and month-13 final budget reports for FY 2017-18,



281 since the Board is still in transition to the new accounting system, Fi\$cal. Ms.  
282 Constancio stated that a memo from DCA regarding the Fi\$cal delay was included in  
283 the meeting materials. Mr. Nelson reported that the Board is projecting a reversion to  
284 the fund of \$191,000. Mr. Nelson stated that the expenditure in the consolidated data  
285 center line item increased \$9,459 this year due to the Board's shared costs for the  
286 technical support from California Office of Technology in changing over to Microsoft  
287 Office 365. Mr. Nelson concluded that the budget continues to revert money at the  
288 end of each fiscal year despite setting aside \$200,000 for moves and the Board is  
289 responsibly handling its fiscal affairs.

290  
291 Ms. Eleby questioned whether the consolidated data center line item was a one-time  
292 cost for Office 365. Mr. Nelson responded that there is a three-year span of the cost  
293 for Office 365, that the first-year cost will be higher, and the continuing costs each  
294 year will be lower for maintenance.

295  
296 (C) Outreach Report – April Beauchamps

297  
298 Ms. Beauchamps presented the Outreach report. Ms. Beauchamps reported that the  
299 overall traffic for the Board's website during the fourth quarter decreased 11% from  
300 the fourth quarter last year, with the most significant decrease being the laws tab.  
301 Ms. Beauchamps stated that the website's overall traffic increased by 147% from the  
302 fourth quarter last year. The most significant increases in activity was the  
303 "Consumers" page showing an 845% increase and the "Engaged Users" page  
304 showing a 655% increase.

305  
306 Ms. Beauchamps reported that there have been quite a few outreach events  
307 attended. For fiscal year September through October 2018, the Board visited  
308 Sacramento State University four times. In January 2018, the Board visited the  
309 University of Pacific in Stockton twice. In February 2018, the Board visited Fresno  
310 State University. In March 2018, the Board visited Sacramento City College. On  
311 March 17, 2018, Dr. Dominguez participated in CPTA's Student Conclave at Mount  
312 St. Mary's University on behalf of the Board.

313  
314 Dr. Drummer asked Ms. Beauchamps to amend the outreach report to include the  
315 outreach site visits described in the presentation to the meeting materials.

316  
317 Dr. Drummer stated his concern regarding the use of Westlaw for regulations on the  
318 Board's website and requested that staff fix the links to Westlaw because he has  
319 experienced that they go to an error page. Mr. Kaiser explained that the reason for  
320 using Westlaw for regulations is to reference the most current statutes and  
321 regulations and simplify the process of keeping the Board's website regulations up-to-  
322 date. Mr. Kaiser stated that the "Board's California Laws and Regulations Related to  
323 the Practice of Physical Therapy" page will be updated annually and as necessary.

324

325 Dr. Rabena-Amen asked how long a change to the website takes to complete.  
326 Mr. Kaiser responded 7 to 10 days; however, priority requests can be done quickly  
327 within 24 to 48 hours, if necessary.  
328

329 **9. Overview of the Attorney General’s Legal Process for Disciplinary Actions**  
330

331 Mr. McKenna, Deputy Attorney General presented general overview of the Attorney  
332 General’s legal process for disciplinary actions to the Board.  
333

334 **10. Closed Session**  
335

336 (A) Pursuant to Government code section 11126(c)(3), the Board will convene to  
337 Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative  
338 Procedure Act Proceedings.  
339

340 The Board went into closed session at 1:38 p.m. to deliberate on Agenda Item 10(A).  
341 The Board reconvened open session at 4:50 p.m. and recessed at that time.  
342

343 (B) Pursuant to Government code section 11126(a)(1), the Board will convene to  
344 Consider the Evaluation of Performance of the Executive Officer.  
345

346 **[The Board did not convene in closed session to consider Agenda Item 10(B).]**  
347

348 **11. Reconvene Open Session**  
349

350 The Board went into closed session at 1:38 p.m. to deliberate on Agenda Item 10(A).  
351 The Board reconvened open session at 4:50 p.m. and recessed at that time.  
352

353  
354 **12. Public Comment on Items Not on the Agenda**  
355

356 The Board requested public comment on items not on the agenda, and there was no  
357 public comment.  
358

359 **13. Recess**  
360

361 The Board recessed at 4:50 p.m. on Thursday, September 13, 2018.

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**Friday, September 14, 2018**

**14. Call to Order**

The Physical Therapy Board of California (Board) reconvened at 9:15 a.m. and adjourned at 6:30 p.m. on September 14, 2018.

**15. Roll Call and Establishment of Quorum**

- Dominguez- Present
- Drummer – Present
- Eleby – Present
- McMillian – Absent
- Rabena-Amen - Present
- Watkins – Present

All members were present; with the exception of Ms. McMillian, and a quorum was established. Also present at the meeting were: Salwa Bojack, Legal Counsel; Jason Kaiser, Executive Officer; Liz Constancio, Elsa Ybarra, Sarah Conley, and Brooke Arneson.

Dr. Drummer read the Board’s mission statement.

**16. Legislation Report – Brooke Arneson**

(A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session Summary

Ms. Arneson referred Board members to the legislative summary report included in the agenda book.

i. Discussion and Possible Board Action Regarding AB 2078 (Daly) Sex Offenses: Professional Services

Ms. Arneson provided a brief overview and update on the status of AB 2078 to the Board. Dr. Drummer asked whether this bill could be brought back the next year and Mr. Kaiser responded that since we are in the second year of the 2-year legislation session this bill would have to be reintroduced during the next legislative session.

ii. Discussion and Possible Board Action Regarding AB 2138 (Chiu & Low) Licensing Boards: Denial of Application: Criminal Conviction

405  
406 Ms. Arneson provided a brief overview and update on the status of AB 2138 to  
407 the Board and stated that the Board has an opposed position on the bill and an  
408 additional opposition letter was sent to the Governor on behalf of the Board's  
409 Executive Officer asking for the Governor to veto this bill.  
410

411 iii. Discussion and Possible Board Action Regarding AB 2221 (Bloom)  
412 Occupational Therapy Practice Act  
413

414 Ms. Arneson provided a brief overview and update on the status of AB 2221 to  
415 the Board.  
416

417 iv. Discussion and Possible Board Action Regarding AB 2423 (Holden) Physical  
418 Therapists: Direct Access to Services: Plan of Care Approval  
419

420 Ms. Arneson provided a brief overview and update on the status of AB 2423 to  
421 the Board and stated that the Board is in support of this bill.  
422

423 v. Discussion and Possible Board Action Regarding AB 2958 (Quik) State  
424 Bodies: Meetings: Teleconference  
425

426 Ms. Arneson provided a brief overview and update on the status of AB 2958 to  
427 the Board.  
428

429 vi. Discussion and Possible Board Action Regarding AB 3110 (Mullin) Athletic  
430 Trainers  
431

432 Ms. Arneson provided a brief overview and update on the status of AB 3110 to  
433 the Board.  
434

435 vii. Discussion and Possible Board Action Regarding SB 1448 (Hill) Healing Arts  
436 Licensees: Probation Status: Disclosure  
437

438 Ms. Arneson provided a brief overview and update on the status of SB 1448 to  
439 the Board.  
440

441 **17. Rulemaking Report – Brooke Arneson**  
442

443 (A) Discussion and Possible Board Action Regarding the 2018 Rulemaking  
444 Update

445  
446 Ms. Arneson referred the Board to the rulemaking tracking form included in the  
447 agenda materials and advised on the status of all rulemaking items.  
448

449 (B) Discussion and Possible Board Action Regarding Examination Passing  
450 Standard/Setting Examination Score  
451

452 Mr. Kaiser referred the Board to the handout provided, which included proposed  
453 language to amend Section 1398.28 Written Examination in Article 2, Division  
454 13.2 of Title 16 of the California Code of Regulations.  
455

456 Mr. Kaiser stated that after legal review of the previously proposed language, Ms.  
457 Bojack identified the legal issue of whether the Board had the authority to defer  
458 the pass point setting for the National Physical Therapy Exam to FSBPT.  
459 Mr. Kaiser stated that, upon further consideration, Board staff decided to modify  
460 the previously proposed language and that this modified version is being  
461 presented for the Board's present consideration. Mr. Kaiser stated that the further  
462 changes are intended to increase transparency and clarity for stakeholders by  
463 identifying an exam passing score in the regulation language, rather than  
464 delegating to FSBPT.  
465

466 Dr. Drummer asked if there was concern using a score in the regulation and if  
467 other jurisdictions refer to FSBPT's pass point. Ms. Bojack stated that she had  
468 not had a chance to review the proposed language and recommended that the  
469 proposed language be sent back to staff to present for legal review. Mr. Kaiser  
470 responded that there is not a concern referencing the score in the regulation and  
471 that other jurisdictions also defer to the pass point of 600 that FSBPT enforces.  
472

473 Dr. Dominguez suggested possibly referencing a percentile in lieu of a score as  
474 that has been done with the Graduate Record Examinations (GRE) so that the  
475 Board is not restricted to a raw score if the pass point score changes. Ms. Eleby  
476 added that it was more transparent to our stakeholders to set the pass point  
477 score in regulation. Mr. Kaiser stated he would have a conversation with FSBPT  
478 regarding the conversion method of the raw score or the possibility of using a  
479 percentile. Mr. Kaiser stated that in previous conversations with FSBPT; there  
480 was no concern FSBPT expressed on putting the pass point of 600 into  
481 regulation. Ms. Eleby asked the Board if they had any concerns with including  
482 the score in the proposed language and members stated they did not.  
483

484 Regarding the initial language approved the Board, Ms. Bojack stated that  
485 Business and Professions Code section 851 suggests the Board is to set the  
486 passing score, creating a legal issue regarding whether the Board is authorized  
487 to delegate that authority to FSBPT. Ms. Bojack identified several options to  
488 reduce the risk of issues with this rulemaking package in the future as follows:  
489 (1) the Board can choose to maintain the original adopted language, but it is  
490 recommended that the Board emphasize and explain in the rulemaking package  
491 that the Board has considered the FSBPT score setting process, such as the  
492 Angoff method, and why delegating score setting to FSBPT is justified, or (2)  
493 modifying the language to include the exam pass point score, as currently  
494 presented to the Board, while again explaining and emphasizing in the  
495 rulemaking package that the score is supported and how the score setting  
496 method used by FSBPT is justified.  
497

498 The proposed amendment, including the exam passing score of 600 in the  
499 rulemaking language, was adopted.  
500

501 **MOTION:** Approve the proposed amended text presented today and  
502 direct the Executive Officer to take all steps necessary to  
503 initiate the rulemaking process, authorize the Executive  
504 Officer to make any technical or non-substantive changes to  
505 the rulemaking package, notice the proposed text for a 45-  
506 day comment period, and if no adverse comments are  
507 received and no hearing is requested, adopt the proposed  
508 regulatory changes as modified.  
509

510 **M/S:** Drummer/Watkins  
511

512 **VOTE:** Dominguez- Aye  
513 Drummer – Aye  
514 Eleby – Aye  
515 McMillian – Absent  
516 Rabena-Amen - Aye  
517 Watkins – Aye  
518 5-0 Motion carried  
519

520 (C) Discussion of Issues and Possible Board Action Regarding Guidelines for  
521 Issuing Citations and Imposing Discipline, 6th Edition.  
522

523 Ms. Arneson referred the Board to the rulemaking tracking form included in the  
524 agenda materials and advised on the status.

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(D) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status.

(E) Discussion of Issues and Possible Board Action on the Federation of State Boards of Physical Therapy's (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States.

Mr. Kaiser referred the Board to the handout provided which included proposed language to amend Section 1398.26.5 Clinical Service Requirements for Foreign Educated Applicants in Article 2, Division 13.2 of Title 16 of the California Code of Regulations.

Mr. Kaiser stated that the Board currently uses American Physical Therapy Association's (APTA) Clinical Performance Instrument (CPI) in paper form; however, the paper form is outdated and APTA has created a web-based tool. Mr. Kaiser stated that the Board has had previous discussion regarding possibly using FSBPT's newly introduced web-based tool called the Performance Evaluation Tool (PET) as an alternative. The PET is third-party validated. The PET also contains more than APTA's web-based tool because it was designed specifically for foreign educated graduates. Mr. Kaiser stated that previous discussions were to create proposed rulemaking language that would allow for submission of any of the three tools: the paper version of the APTA CPI the Board currently uses; the APTA online version that is used in the Commission on Accreditation in Physical Therapy Education (CAPTE) schools; or the FSBPT PET. Mr. Kaiser informed the Board that during staff research regarding these tools, the second option, using the APTA's web-based tool, used by CAPTE's, is not an option as it is only accessible for use by a CAPTE school. Mr. Kaiser directed the Board to proposed language referencing both APTA's CPI and FSBPT's PET for consideration by the Board. Mr. Kaiser additionally stated that APTA has a statement attached to the 1997 edition of the CPI that allows outside agencies to use that tool for purposes of evaluating foreign educated graduates for licensure.

564 Dr. Drummer asked if a side-by-side comparison on what is being evaluated has  
565 been done utilizing the two tools, the 1997 CPI vs. PET, and if they are on par  
566 with each other. Mr. Kaiser responded that the PET is based on the structure of  
567 the CPI model. The PET also adds steps that reference custom and culture  
568 regarding health care systems that may have been experienced in addition to the  
569 US health care system.

570  
571 Ms. Bojack stated that she had not had a chance to review the proposed  
572 language and recommended that if the Board would like legal opinion, the  
573 proposed language should be sent back to staff to present for legal review; which  
574 the Board declined.

575  
576 Board members discussed that additional statistical data regarding the  
577 experience and outcomes of both tools would be helpful in comparing the PET  
578 with the CPI. The Board discussed staff collecting data regarding both tools and  
579 presenting those findings back to the Board. Dr. Drummer proposed adding a  
580 sunset provision into the regulation which would require the supervising physical  
581 therapist to perform both the PET and the CPI, and after three years, the Board  
582 would revisit the regulation once they had enough data on which tool was best  
583 suited for assessment of the foreign educated applicant.

584  
585 The Board discussed that in the proposed language, there is a lack of  
586 consistency which could be confusing to the public, in the use of the terms  
587 supervising physical therapist and clinical instructor, and with the terms foreign  
588 educated applicant and physical therapist license applicant.

589  
590 During public comment, Mr. Floris Van de Ven, a foreign trained physical  
591 therapist, offered his experience in supervising foreign educated physical  
592 therapists and using the CPI tool. He stated that the CPI model is familiar to  
593 many; however, there are a few issues with it: it is not validated for foreign  
594 trained physical therapists and it has not been revised since 2006, which does  
595 not account for recent changes in the physical therapy practice. Mr. Van de Ven  
596 shared that he was part of the Foreign Trained Committee of FSBPT and  
597 participated in the development of the PET tool; however, he has not had  
598 experience utilizing the PET tool for evaluation. Mr. Van de Ven stated that the  
599 CPI is a tool that looks at certain aspects; however, it lacks depth, is not  
600 validated and is old and shouldn't be used as a decision-making tool.  
601



602 After further deliberation by the Board, amendments to the proposed language  
603 were adopted.

604  
605 **MOTION:** Approve the proposed regulatory text in Title 16, CCR  
606 section 1398.26.5, as amended to be consistent in using  
607 foreign educated applicant rather than Physical Therapy  
608 License Applicant and consistency in the use of clinical  
609 instructor versus supervising physical therapist, direct staff to  
610 submit the proposed text to the Director of the Department of  
611 Consumer Affairs and the Business, Consumer Services,  
612 and Housing Agency for review and if no adverse comments  
613 are received, authorize the Executive Officer to take all steps  
614 necessary to initiate the rulemaking process, make any non-  
615 substantive changes to the package, and set the matter for a  
616 hearing.

617  
618 **M/S:** Eleby/Watkins

619  
620 **VOTE:** Dominguez- Yes  
621 Drummer – No  
622 Eleby – Aye  
623 McMillian – Absent  
624 Rabena-Amen - No  
625 Watkins – Aye  
626 3-2 Motion carried

627  
628 Dr. Dominguez requested to revisit Agenda item 17(E) FSBPT Performance  
629 Evaluation Tool for Foreign Educated Physical Therapists Completing a  
630 Supervised Clinical Practice in the United States (CCR section 1398.26.5) for  
631 clarification on the motion and vote that was taken. Dr. Dominguez stated that  
632 he voted incorrectly; he voted on the motion of the proposal by Dr. Drummer that  
633 would require the use of both the CPI and the PET with a sunset provision so  
634 that the Board can determine which tool should be used; not the motion to  
635 proceed with the amended proposed regulatory text.

636  
637 **MOTION:** Reconsider the earlier motion to approve the proposed  
638 regulatory text of Title 16, CCR section 1398.26.5, as  
639 amended.

640  
641 **M/S:** Eleby/Dominguez

642  
643 **VOTE:** Dominguez- Aye  
644 Drummer – Aye  
645 Eleby – Aye

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McMillian – Absent  
Rabena-Amen - Aye  
Watkins – Aye  
5-0 Motion carried

Ms. Eleby stated that with the proposed regulatory language as presented, the supervising physical therapist would be able to utilize the tool they prefer, and that discretion should be up to the supervising physical therapist’s clinical judgement.

The Board further discussed Dr. Drummer’s original suggestion of adding a sunset clause into the regulation to require a supervising physical therapist to perform both the PET and CPI and after three years, the Board would revisit the regulation once they had enough data on which tool was best suited for assessment of the foreign educated applicant. Mr. Kaiser advised the Board that it is difficult for foreign trained applicants to find a clinical instructor and he cautioned the Board that adding an additional requirement such as using both tools simultaneously could increase this issue. Ms. Eleby stated that the extra requirement could be perceived as a barrier to licensure for a foreign applicant. Mr. Watkins added that he was not comfortable with enforcing an additional requirement for supervising physical therapists and placing that burden on them.

Mr. Kaiser asked the Board that if they wanted to include sunset language into the regulation, to direct Board staff to do some additional research on what the language would look like and speak with the Office of Administrative Law (OAL) on what would be acceptable.

After further deliberation by the Board, amendments to the proposed language were adopted.

**MOTION:** Approve the proposed modified regulatory text presented and amended in Title 16, CCR section 1398.26.5, with the additional amendments to add “credentialed” before “Clinical Instruction” in subdivision (a), change the two uses of the word “certified” in subdivision (c) to “credentialed” and capitalize Center coordinator of clinical education and Clinical instructor in subdivision (c) to be consistent with subdivision (a), direct staff to submit the proposed text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate

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the rulemaking process, make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and if no adverse comments are received and no hearing is requested, adopt the proposed regulatory changes, as modified.

**M/S:** Eleby/Watkins

**VOTE:** Dominguez- No  
Drummer – Aye  
Eleby – Aye  
McMillian – Absent  
Rabena-Amen - No  
Watkins – Aye  
3-2 Motion carried

**18. Trigger Point Dry Needling (TDN) Presentation from Physical Therapists at the Veteran's Administration, Palo Alto, California –**

Ms. Bojack identified that she is also legal counsel for the Acupuncture Board and recused herself from providing legal guidance on PTBC's scope of practice as it relates to dry needling.

Mr. Kaiser informed the public that dry needling is not within the current scope of practice of PTBC and those practicing dry needling within the Board's jurisdiction may face enforcement by the Board. Mr. Kaiser also stated that there would need to be a statutory change to the scope of practice for physical therapists within the Board's jurisdiction to practice dry needling.

Jerome Sabangan, PT, DPT, Russell Bishop, PT, DPT, Thaa De Ornelas, PT, DPT, Richard Gastillo, PT from the Veteran's Administration in Palo Alto, CA provided an informative presentation on Trigger Point Dry Needling (TDN).

During public comment, Ms. Michelle Lau, licensed acupuncturist, doctor of Traditional Chinese Medicine and president of the Council of Acupuncture and Oriental Medicine Associations, expressed her appreciation for the informative presentation on dry needling however stated that dry needling is practiced in California under the acupuncture practice act and physical therapists should not practice dry needling as it is outside of their scope of practice.

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**19. Closed Session**

(A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceeding

The Board entered closed session on day two, September 14, 2018 at 6:30 p.m. to deliberate on Agenda Item 19(A). The Board reconvened open session to adjourn at 5:04 p.m.

(B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer.

The Board entered closed session on day two, September 14, 2018 at 4:30 p.m. to consider Agenda Item 19(B) and concluded closed session on Agenda Item 19(B) at 6:30 p.m.

**20. Reconvene Open Session**

The Board reconvened into open session to adjourn at 6:30 p.m.

**21. Presentation and Discussion of Application Process for Graduates of NonAccredited Programs Located Outside of the United States**

Ms. Conley provided a presentation on the application process for graduates of nonaccredited programs located outside of the United States.

**22. Application Services**

(A) Staff Introductions

Board staff from the Application Services Program introduced themselves; including Sarah Conley, Application Services Manager; Angel Ottley, responsible for application intake support; Eura Trent, Lead of the Application and Licensing Services Unit; Valerie Kearney, responsible for processing CAPTE Accredited PT and PTA Applications; Paul Harrison, responsible for review and licensure of PTA applicants; and Teresa Gutierrez, responsible for processing nonaccredited PT and PTA applications.

(B) Statistical Report

Ms. Conley presented the Application Services Report. She noted that the website has been extensively updated with new information for CAPTE accredited graduates, including a new packet which contains a guide to the application process, checklist and forms that are required for applicants. Ms. Conley stated that this packet has only been posted for a few months. Ms. Conley added that the website has been modified to

772 remove detailed information from the pages and now has short links to help guide an  
773 applicant through the application process. Ms. Conley stated that the Application  
774 Services Program welcomes any feedback on these changes.  
775

776 Ms. Conley reported that there is an overall increase in the applications received from  
777 CAPTE graduates, with a decrease in applications from foreign educated applicants.  
778 Ms. Conley stated that the licenses issued has increased due to process and staffing  
779 changes the Board has made to allow for greater efficiency.  
780

## 781 **23. Licensing Services**

### 782 (A) Staff Introductions 783 784

785 Board staff from the Licensing Services Program introduced themselves, including  
786 Sarah Conley, Licensing Services Manager; and Justin Silva, responsible for license  
787 maintenance including processing address changes, duplicate certificates, name  
788 changes, return mail and inquiries from all PT and PTA licensees.  
789

### 790 (B) Statistical Report 791

792 Ms. Conley presented the Licensing Services Report. She reported that the licensing  
793 population is continuing to grow. Ms. Conley noted that there has been a decrease in  
794 address changes due to licensees using other methods to update their address, other  
795 than just a name changes transaction. Ms. Conley reported that duplicate license  
796 requests has seen a decrease due to help with the automation of the BreEze system.  
797

## 798 **24. Continuing Competency Services**

### 799 (A) Staff Introductions 800 801

802 Board staff from the Continuing Competency Services Program introduced themselves;  
803 including Veronica Gutierrez who is responsible for conducting continuing competency  
804 audits and working directly with approval agencies for continuing competency.  
805

### 806 (B) Statistical Report 807

808 Ms. Gutierrez presented the Continuing Competency Services Report. Ms. Gutierrez  
809 directed the members to the report included in the agenda book. She reported that for  
810 quarter 3, FY 2017/18, PT continuing competency audits had a 92% pass rate with 135  
811 licensees selected. There were 124 PTs who passed, 9 PTs who failed, and 2 PTs that  
812 are still pending because the Board requires additional information from the licensee.  
813 PTA continuing competency audits also concluded with an 89% pass rate with 46  
814 selected; there were 41 PTAs who passed, and 5 PTAs that failed. Ms. Gutierrez stated  
815 that the website has been updated to reflect continuing competency approval agencies

816 that are recognized by the Board. Ms. Gutierrez stated that staff are currently working  
817 on continuing competency audits for quarter 4.

## 818 **25. Consumer Protection Services**

### 820 (A) Staff Introductions

821 Board staff from the Consumer Protection Services Program introduced themselves,  
822 including: Vincent Azar, responsible for complaint initiation, processes endorsements,  
823 resident reports and also is the Information Technology liaison for the Board; David  
824 Laxton, responsible for low level adverse actions and discipline in other states, cease  
825 and desist, unlicensed practice and assists other consumer protection analysts in their  
826 cases; Carole Phelps, enforcement analyst for the Board and is responsible for handling  
827 consumer complaints; and Marney Kincaid, enforcement analyst responsible for working  
828 with applicants who have criminal conviction history and also works with continuing  
829 competency citations.

### 832 (B) Statistical Report

833 Ms. Ybarra thanked Ms. Karen Nelson for DCA's recognition of Mr. Azar's contribution  
834 to the QBirt project.

835 Ms. Ybarra presented the Consumer Protection Services Report. Ms. Ybarra directed  
836 the members to the report included in the meeting materials. She stated that although  
837 the licensing population continues to grow, the intake on complaints and discipline has  
838 not increased; it is steady. Ms. Ybarra reported that the enforcement performance  
839 measure report, which has not been included in the materials, is being revamped by  
840 DCA for a better display and will be provided hopefully during the first quarter of next  
841 year. Ms. Eleby stated she appreciated the 5-year Performance Measures Milestone  
842 sheet included in the materials.

## 843 **26. Probation Monitoring Report**

844 Ms. Ybarra presented the Probation Monitoring Report on behalf of Monny Martin. Ms.  
845 Ybarra directed the members to the probation monitoring report included in the agenda  
846 book. She stated that the number of probationers has decreased. Ms. Ybarra reported  
847 that fewer licensees have entered into the Maximus program. Last year, there were 11  
848 licensees in the program. This year there were only 4 licensees in the program. Ms.  
849 Ybarra informed the Board that the number of licensees that have entered probation is  
850 steady.

## 851 **27. Public Comment on Items Not on the Agenda**

852 *Please note that the Board may not discuss or take action on any matter raised during*  
853 *this public comment section that is not included on this agenda, except to decide*

860 *whether to place the matter on the agenda of a future meeting. [Government Code*  
861 *sections 11125, 11125.7(a).]*

862 The Board requested public comment on items not on the agenda and no public  
863 comments were made. The Board thanked Mr. Floris Van de Ven for attending the  
864 meeting and providing public comment under Agenda Item 17(E) and for encouraging  
865 his students to attend the meeting.

866 **28. Agenda Items for Future Meeting –**

867

868 December 5-6, 2018

869 TBD, Bay Area, CA

870

871 Mr. Watkins stated he would be interested in a presentation from acupuncturists on their  
872 viewpoint of dry needling to contribute to the Trigger Point Dry Needling (TDN)  
873 presentation under Agenda Item 18. Mr. Kaiser stated that he would look into it for a  
874 future meeting and would prefer that it be done in Sacramento, rather than during a  
875 travelling meeting. Dr. Rabena-Amen noted that the Board was approached regarding  
876 the dry-needling presentation, and that it was not solicited.

877

878 **29. Adjournment**

879

880 The meeting adjourned at 6:30 p.m.

# Physical Therapy Board of California Proposed 2019 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4	5						1	2						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30	28	29	30				
														31													

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
			1	2	3	4						1	1	2	3	4	5	6					1	2	3		
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31
							30																				

September							October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
1	2	3	4	5	6	7			1	2	3	4	5						1	2	1	2	3	4	5	6	7
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

January							February							March							April						
1	New Year's Day						18	President's Day						20-21	PTBC Meeting Sacramento, CA						4	PTA NPTE					
9	PTA NPTE													31	César Chávez Day						18	CPTA Student Conclave University of Pacific Stockton, CA					
21	Martin Luther King Jr																				21	Easter					
23-26	APTA Sections Washington, DC																				23	PT NPTE					
29	PT NPTE																										

May							June							July							August						
12	Mother's Day						TBD	FSBPT REG Training Alexandria, VA						4	Independence Day												
27	Memorial Day						12-15	APTA NEXT Chicago, IL						9	PTA NPTE												
							16	Father's Day						13-14	FSBPT LIF Alexandria, VA												
							19-20	PTBC Meeting CSU Longbeach, CA						24-25	PT NPTE												

September							October							November							December						
2	Labor Day						3	PTA NPTE						TBD	FSBPT Annual Meeting						11-12	PTBC Meeting Sacramento, CA					
18-19	PTBC Meeting TBD, Bay Area, CA						12-13	CPTA Annual Meeting Las Vegas, NV						11	Veteran's Day						25	Christmas					
							24	PT NPTE						28	Thanksgiving												
							31	Halloween																			



# Physical Therapy Board of California Proposed 2020 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
			1	2	3	4							1	1	2	3	4	5	6	7				1	2	3	4
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				26	27	28	29	30			

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6				1	2	3	4							1
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	23	24	25	26	27	28	29	
31																				30	31						

		1	2	3	4	5					2	3	1	2	3	4			1	2	3	4	5				
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
20	21	22			25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
27	28	29	30				25	26	27	28	29	30	31	29	30					27	28	29	30	31			

1	New Year's Day																									
20	Martin Luther King Jr						17	President's Day						31	César Chávez Day											
29	PT NPTE																									
																	</									



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



**DATE:** November 19, 2018

**Agenda Item 9**

**TO:** Physical Therapy Board of California (Board)

**SUBJECT:** Executive Officer's Report

This report is to update you on the status of the Board's operations.

**ADMINISTRATIVE SERVICES** – Due to vacancy, the PTBC is currently recruiting for (1) Limited Term, Full Time Office Technician (OT) in the Administrative Services Program. This position will serve as the receptionist and provide administrative support to the programs.

In the interim, to obtain additional resources to help alleviate backlogs and excessive workload because of the vacancy, staff has arranged for temporary staffing from ACC Senior Services, a federally-funded program which assists with job training and finding employment. We are pleased to have Wanda Hoggard fill in for us, it is a tremendous relief for staff. This has also proven to be a valuable recruitment tool in the past.

Please refer to [Agenda Item 21\(A\) for a detailed Budget report.](#)

**APPLICATIONS SERVICES** – Please refer to [Agenda Item 22 for a detailed report.](#)

**LICENSING/CONTINUING COMPETENCY SERVICES** – Please refer to [Agenda Item 23 and 24 for a detailed report.](#)

**CONSUMER PROTECTION SERVICES** – Please refer to [Agenda Item 25 for a more detailed report.](#)

**OUTREACH** – Please refer to [Agenda Item 21\(B\) for a detailed Outreach report.](#)

**PTBC Relocation** – As previously reported, the PTBC's lease for the building at its existing location, 2005 Evergreen Street #1350, Sacramento, Ca. 95815 is set to expire in March of 2019. DCA will be perusing a Spring Finance Letter for the Boards in the Evergreen building to account for onetime costs as well as the increase in sq. ft and sq. ft. costs ongoing.

Planning for a move is an ongoing project that adjusts over time. As such, the DGS estimates have changed because of our space planning. The previous DGS estimate showed that the PTBC requires 7350 sq. ft., or 223 sq. ft. per PY, which is an increase of 81%. However, that number is being reassessed based on the PTBCs projected growth

over the next few years and is expected to be increased even further. Staff is working with DCA and DGS in finalizing these numbers and continuing with the space planning.

Once again, I'd like to express my appreciation to staff for their work ethic and commitment to their mandate of consumer protection, all the while dealing with our cramped and overcrowded space. We are looking forward to the move!

**STRATEGIC PLAN** – With the help of DCA's Publications Design and Editing unit, the PTBC's strategic plan was published and distributed on September 26, 2018. Staff will be meeting with SOLID in late November to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### **Briefing Paper**

Date: October 30, 2018  
Prepared for: PTBC Members  
Prepared by: Brooke Arneson  
Subject: Legislation Report

### **Agenda Item 12**

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#### **Purpose:**

To provide an update on the 2017/18 Legislative session.

**Attachments:**

1. [2018 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2017/18 Legislative Summary](#)

---

#### **Background and Update:**

The 2018 Legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board Member Administrative Manual.

As noted on the calendar, September 30<sup>th</sup> was the last day for the Governor to sign or veto bills passed by the Legislature before September 1<sup>st</sup> and in the Governor's possession after September 1<sup>st</sup>. All statutes will take effect January 1, 2019.

In addition, a 2017/18 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

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#### **Action Requested:**

No action is needed. This Legislative report is for informational purposes only.

**2018 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 9-20-17

**DEADLINES**

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

<b>JANUARY</b>							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
Wk. 1	28	29	30	31			

<b>FEBRUARY</b>							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Wk. 1	25	26	27	28			

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19** Presidents' Day.

<b>MARCH</b>							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Spring Recess	25	26	27	28	29	30	31

- Mar. 22** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

<b>APRIL</b>							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30					

- Apr. 2** Legislature reconvenes from Spring Recess (J.R. 51 (b)(1)).
- Apr. 27** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

<b>MAY</b>							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
No Hrgs.	27	28	29	30	31		

- May 11** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18** Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25** Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61 (b)(9)).
- May 28** Memorial Day.
- May 29 – June 1** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

\*Holiday schedule subject to final approval by Rules Committee.

## 2018 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 9-20-17

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

**June 1** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

**June 4** Committee meetings may resume (J.R. 61(b)(12)).

**June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

**June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot. (Elec. Code Sec. 9040)

**June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Summer Recess	8	9	10	11	12	13	14
Summer Recess	15	16	17	18	19	20	21
Summer Recess	22	23	24	25	26	27	28
Summer Recess	29	30	31				

**July 4** Independence Day.

**July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins on adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
No Hrgs.	19	20	21	22	23	24	25
No Hrgs.	26	27	28	29	30	31	

**Aug. 6** Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).

**Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

**Aug. 20 – 31 Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

**Aug. 24** Last day to **amend** on Floor (J.R. 61(b)(17)).

**Aug. 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). **Final Recess** begins on adjournment (J.R. 51(b)(3)).

### IMPORTANT DATES OCCURRING DURING FINAL RECESS

#### 2018

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

Oct. 1 Bills enacted on or before this date take effect January 1, 2019 (Art. IV, Sec. 8(c)).

Nov. 6 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 3 2019-20 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).

#### 2019

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

**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.

Bill	Author	Summary	Board's Position	Status	
<a href="#">AB 2078</a> 6/21/18)	Daly	<b>Sex Offenses: Professional Services</b> This bill would expand the crimes of rape, sodomy, oral copulation, and sexual penetration when committed by a professional while performing professional services on another person that entail having access to the other person's body. It also would increase the punishment for sexual battery by a person who performs professional services that entail having access to another person's body, as specified.	No Position	8/6/18  8/16/18	In Committee: Referred to APPR. Suspense file.  In Committee: Held under submission.
<a href="#">AB 2138</a> (Chaptered 9/30/18)	Chiu and Low	<b>Licensing Boards: Denial of Application: Criminal</b>  provided to regulatory entities within the Department of Consumer Affairs (DCA) to apply criminal history background, as it relates to denial of an application  8/24/18: delay implementation of the bill until 2020; make clarifying changes continue the current ability of the California State  Private Postsecondary Education and California Horse Racing Board to consider applicants' criminal history background as they do  number of boards to promulgate regulations to add certain financial crimes to the types of crimes that  denial beyond the seven-year  current authority to require fingerprints to require applicants to disclose criminal background history.	Opposed	8/6/18  8/17/18  8/17/18  8/24/18  8/27/18  8/28/18  8/28/18  8/29/18  8/30/18	Suspense file.  pass (5-2 Vote)  reading.  2 <sup>nd</sup> reading.  reading.  Read 3 <sup>rd</sup> and passed. Ordered to Assembly.  In Assembly:  pending. Consider on/after 8/30/18 pursuant to Assembly  Assembly Rule 77 suspended.  Concurred In. TO



				9/11/18	Engrossing and Enrolling. (Ayes: 41, Noes 29)
				9/30/18	Enrolled and presented to the Governor at 4:30 p.m.
				9/30/18	Approved by the Governor.
				9/30/18	Chaptered by Secretary of State. Chapter 995, Statutes of 2018.
<a href="#"><u>AB 2221</u></a> (Chaptered 9/18/18)	Bloom	<p><b>Occupational Therapy Practice Act</b>                      This bill makes numerous changes to the Occupational Therapy Practice Act, including definitions relating to scope of practice of occupational therapists (OTs) and occupational therapy assistants (OTAs), supervision ratios and duties, methods the California Board of Occupational Therapy (CBOT) may verify advanced practice requirements, and requirements related to the use of doctoral degree titles.</p> <p>Senate Floor Amendments of 8/24/18 make clarifying changes intended to ensure that the bill does not impact the practice of psychology.</p> <p>Senate Floor Amendments of 8/20/18 clarify that nothing the OT Practice Act shall be construed to as authorizing an occupational therapist to practice clinical social work, professional clinical counseling and educational psychology.</p> <p>Senate Floor Amendments of 8/14/18 make technical changes.</p>	No Position	7/2/18	Read 2 <sup>nd</sup> Time and amended. Re-referred to Comm on APPR.
				8/6/18	From Committee: Be ordered to 2 <sup>nd</sup> reading pursuant to Senate Rule 28.8.
				8/7/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/14/18	Read 3 <sup>rd</sup> Time and amended. Order to 2 <sup>nd</sup> reading.
				8/15/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/20/18	Read 3 <sup>rd</sup> Time and amended. Ordered to 2 <sup>nd</sup> reading.
				8/21/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/24/18	Read 3 <sup>rd</sup> Time and amended. Ordered to 2 <sup>nd</sup> reading.
				8/27/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/29/18	Read 3 <sup>rd</sup> Time and Passed. Ordered to

				8/29/18	Assembly. In Assembly: Concurrence in Senate amendments pending.
				8/30/18	Senate Amendments concurred in. To Engrossing and Enrolling. (Ayes: 79, Noes 0).
				9/10/18	Enrolled and Presented to Governor at 3:30 p.m.
				9/18/18	Approved by the Governor.
				9/18/18	Chaptered by Secretary of State. Chapter 490, Statutes of 2018.
<a href="#"><u>AB 2423</u></a> (Chaptered 9/26/18)	Holden	<p><b>Physical Therapists: Direct Access to Services: Plan of Care Approval</b></p> <p>Exempts physical therapy services as part of an individualized education program (IEP) or individualized family service plan (IFSP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) from the direct access limitation that prohibits physical therapists from continuing treatment beyond 45 calendar days or 12 visits, whichever occurs first, without first receiving a physician's signed approval of the physical therapists' plan of care.</p> <p>Senate Amendments: Add findings and declarations clarifying that the intent of this bill is not to expand the scope of practice of physical therapists and that the provided services are intended to help enable students to progress in an educational setting. In addition, added the exemption for services provided pursuant to</p>	Support.	8/6/18	From Committee: Be ordered to 2 <sup>nd</sup> reading pursuant to Senate Rule 28.8
				8/7/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/24/18	Read 3 <sup>rd</sup> Time and amended. Ordered to 2 <sup>nd</sup> reading.
				8/27/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/29/18	Read 3 <sup>rd</sup> Time and passed. Ordered to Assembly.
				8/29/18	In Assembly: Concurrence in Senate amendments pending.
				8/30/18	Senate Amendments Concurred In. To Engrossing and Enrolling. (Ayes: 77, Noes: 0).

		an IFSP.		9/10/18	Enrolled and Presented to the Governor at 3:30 p.m.
				9/26/18	Approved by the
				9/26/18	Chaptered by Secretary of State. Chapter 761, Statutes of 2018.
<a href="#"><u>AB 2958</u></a> 9/28/18)	Quirk	<p><b>State Bodies: Meetings: Teleconference</b>                      This bill, for a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, would authorize an additional way of holding a meeting by teleconference, as prescribed, provided it also complies with all other applicable requirements of the Bagley-Keene Open Meeting Act (Bagley-Keene).</p> <p>Senate Amendments:                      1) State the location of a member of a state body participating remotely is not required be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location                      2) Provide members of the state body participating remotely shall not count towards establishing a quorum. All decisions taken during a meeting by teleconference shall be by rollcall vote.                      3) Provide in addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its Internet Web site and by email to any person who has requested notice of meetings of the state body under this article.                      4) Specify that upon discovering that a means of remote access has</p>	No Position.	8/6/18	From Committee Chair, with Author's Amendments: Amend, and Re-refer to Committee. Read Second Time, Amended and Re- Referred to Com. On APPR.
				8/6/18	From Committee: Be ordered to Second Reading Pursuant to Senate Rule 28.8.
				8/7/18	Read Second Time. Ordered to Third Reading.
				8/24/18	Read Third Time and Amended. Ordered to Second Reading.
				8/27/18	Read Second Time. Ordered to Third Reading.
				8/28/18	Read Third Time. Passed. Ordered to Second Reading.
				8/28/18	Read Third Time. Passed. Ordered to the Assembly. (Ayes:28, Noes:0).
				8/29/18	In Assembly. Concurrence in Senate Amendments Pending. May be Considered on or After August 30

		<p>failed during a meeting, the bill would require the body to end or adjourn the meeting, as specified, and would prescribe certain notice requirements and procedures in this connection.</p> <p>5) Provide if the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.</p> <p>6) Define "Participate remotely" as participation in a meeting at a location other than the physical location designated in the agenda of the meeting.</p> <p>7) Define "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.</p> <p>8) Made technical amendments.</p>		<p>8/29/18</p> <p>9/10/18</p> <p>9/28/18</p> <p>9/28/18</p>	<p>Pursuant to Assembly Rule 77.</p> <p>Assembly Rule 77 Suspended.</p> <p>Enrolled and Presented to the Governor at 3:30 p.m.</p> <p>Approved by the Governor.</p> <p>Chaptered by Secretary of State. Chapter 881, Statutes of 2018.</p>
<p><b><u>AB 3110</u></b>                  (Amended 8/6/18)</p>	<p>Mullin                  Coauthors:                  Berman,                  Calderon,                  Chau,                  Kalra,                  McCarty &amp;                  Stone</p>	<p><b>Athletic Trainers</b>                  This bill would establish a registration program under a new Athletic Training Board (Board) within the Department of Consumer Affairs and prohibits a person from practicing athletic training as defined or holding himself or herself out as an athletic trainer, unless they are registered with the Board.</p>	<p>Oppose Unless Amended.</p>	<p>8/6/18</p> <p>8/6/18</p> <p>8/13/18</p> <p>8/16/18</p>	<p>From Committee Chair, w/ Author's amendments: Amend, and re-refer to comm. Read 2<sup>nd</sup> Time, amended, and re-referred to Comm on APPR.</p> <p>In Committee: Hearing postponed by Comm.</p> <p>In Committee: Referred APPR. Suspense file.</p> <p>In Committee: Held under submission.</p>
<p><b><u>SB 1448</u></b>                  (Chaptered 9/19/18)</p>	<p>Hill</p>	<p><b>Healing Arts Licensees: Probation Status: Disclosure</b>                  This bill establishes the Patients Right to Know Act of 2018 which requires physicians and surgeons, osteopathic physicians and</p>	<p>No Position</p>	<p>8/8/18</p> <p>8/16/18</p>	<p>Set for 1<sup>st</sup> Hearing. Placed on suspense file.</p> <p>From Committee: Do pass.</p>

		<p>surgeons, podiatrists, acupuncturists, chiropractors and naturopathic doctors to notify patients of their probationary status beginning July 1, 2019.</p> <p>Assembly Amendments:                  Add a coauthor and removed chaptering conflicts.</p>		<p>8/20/18</p> <p>8/23/18</p> <p>8/23/18</p> <p>8/31/18</p> <p>8/31/18</p> <p>8/31/18</p> <p>9/12/18</p> <p>9/19/18</p> <p>9/19/18</p>	<p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p> <p>Read 3<sup>rd</sup> Time and amended.</p> <p>Ordered to 3<sup>rd</sup> reading.</p> <p>Read Third Time. Passed. Ordered to the Senate.</p> <p>In Senate. Concurrence in Assembly Amendments Pending.</p> <p>Assembly Amendments Concurred In. (Ayes: 34, Noes: 3). Ordered to Engrossing and Enrolling.</p> <p>Enrolled and Presented to the Governor at 5 p.m.</p> <p>Approved by the Governor.</p> <p>Chaptered by Secretary of State. Chapter 570, Statutes of 2018.</p>
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Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### **Briefing Paper**

**Date:** October 30, 2018

**Agenda Item 13**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Rulemaking Report

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**Purpose:** To update the Board on the status of proposed rulemaking in progress and to provide an update on the rulemaking process.

**Attachments:** [1. 2017/18 Rulemaking Tracking Form](#)  
[2. Updated DCA Rulemaking Process](#)

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### **Background:**

At the November 2017 meeting, the Board adopted the 2018 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

From the 2018 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

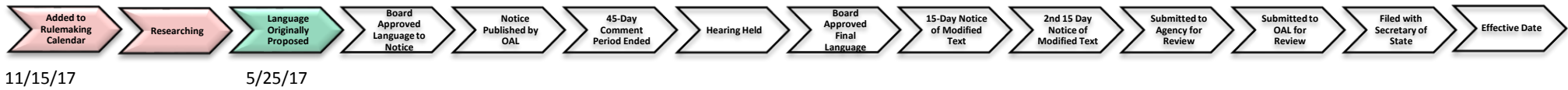
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### **Action Requested:**

No action is requested on presentation of the rulemaking report.

### 2018 Rulemaking Tracking Form

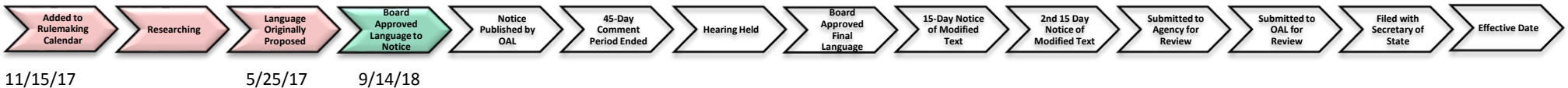
#### Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool



**OAL No.:**

**Notes:** Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. PTBC staff and DCA legal are working on preparing the initial rulemaking package for completing the new review process implemented by DCA.

#### Examination Passing Standard/Setting Examination Score



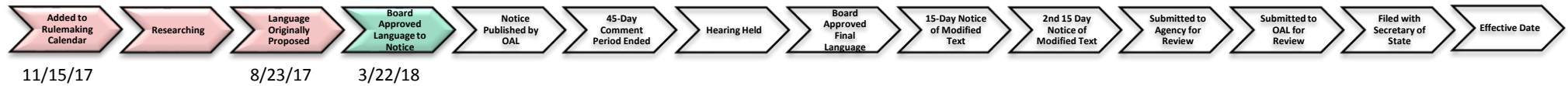
**OAL No.:**

**Notes:** Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. While finalizing the initial rulemaking package, DCA legal proposed revisions to the approved proposed language. Modified proposed language was presented for Board consideration at the September 2018 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. PTBC staff are preparing the initial rulemaking package for completing the new review process implemented by DCA.

*Teal: Current Status Burgundy: Completed*

## 2018 Rulemaking Tracking Form

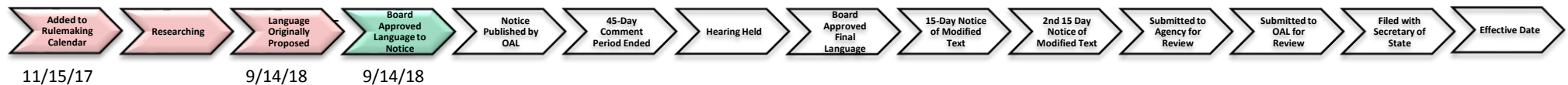
### Disciplinary Guidelines



**OAL No.:**

**Notes:** Proposed regulatory language was presented at the August 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. While finalizing the initial rulemaking package, PTBC staff identified revisions needed to the approved proposed language. Modified proposed language was presented for Board consideration at the March 2017 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. With the passage of AB 2138 (Chiu and Low, 2018), significant revisions will need to be made to the Disciplinary Guidelines, therefore, this regulation will be placed on hold as PTBC staff identify the impact of AB 2138 on the Disciplinary Guidelines.

### Clinical Service Requirement for Foreign Educated Applicants



**OAL No.:**

**Notes:** Proposed regulatory language was presented and adopted at the September 2018 Board Meeting. The Board directed PTBC staff to initiate the formal rulemaking process. PTBC staff are preparing the initial rulemaking package for completing the new review process implemented by DCA.

*Teal: Current Status Burgundy: Completed*



### 2018 Rulemaking Tracking Form

**Continuing Competency**



11/15/17

**OAL No.:**

**Notes:** Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

**License Renewal Exemptions: Retired License Status**



11/15/17

**OAL No.:**

**Notes:** Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

*Teal: Current Status Burgundy: Completed*

### 2018 Rulemaking Tracking Form

#### Unprofessional Conduct



11/15/2017

**OAL No.:**

**Notes:** Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

*Teal: Current Status Burgundy: Completed*

**Processing Times**

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

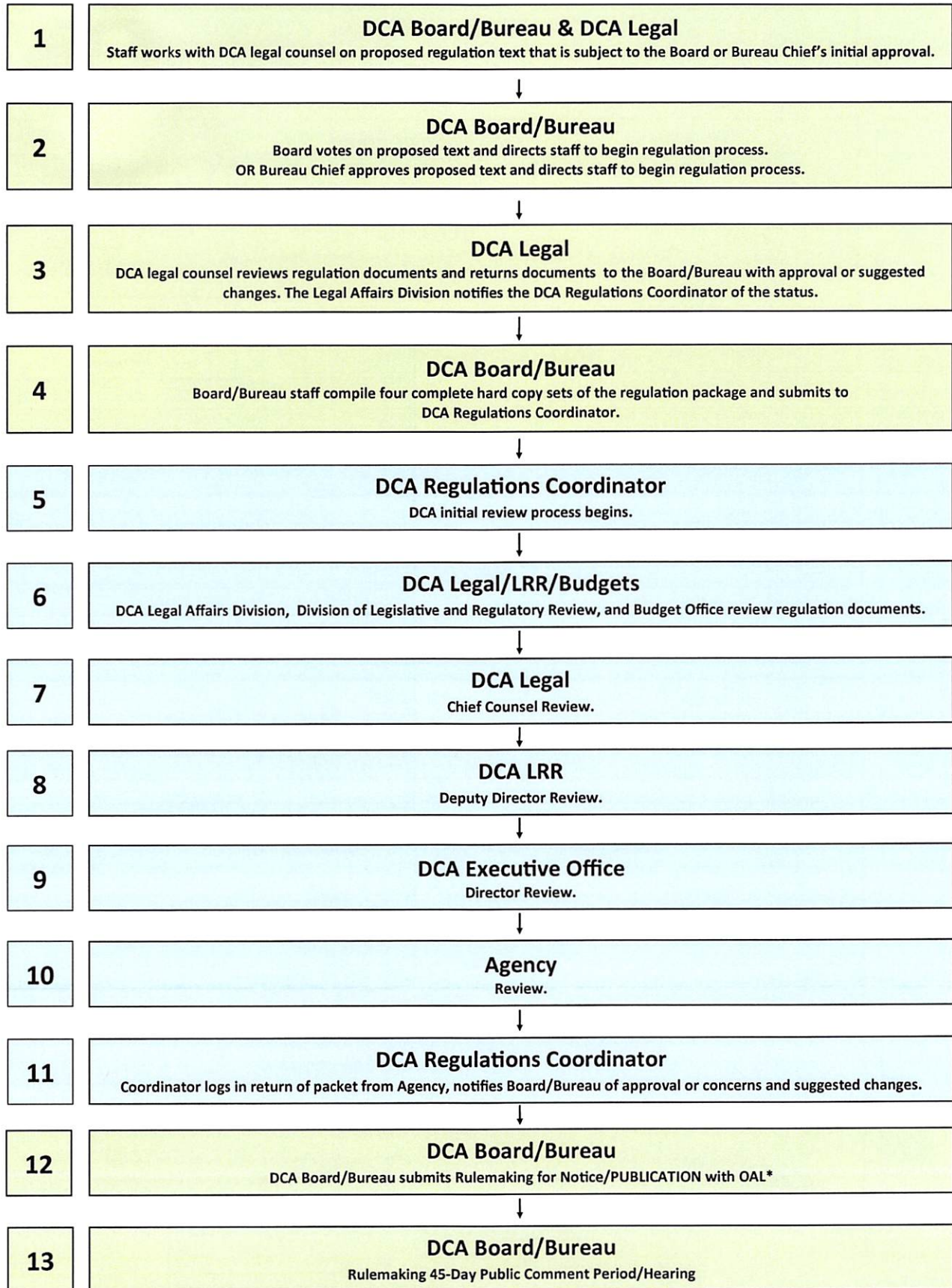
**Date Filed with the Secretary of State**

**Effective Date**

September 1 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1 <sup>st</sup>

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## INITIAL PHASE

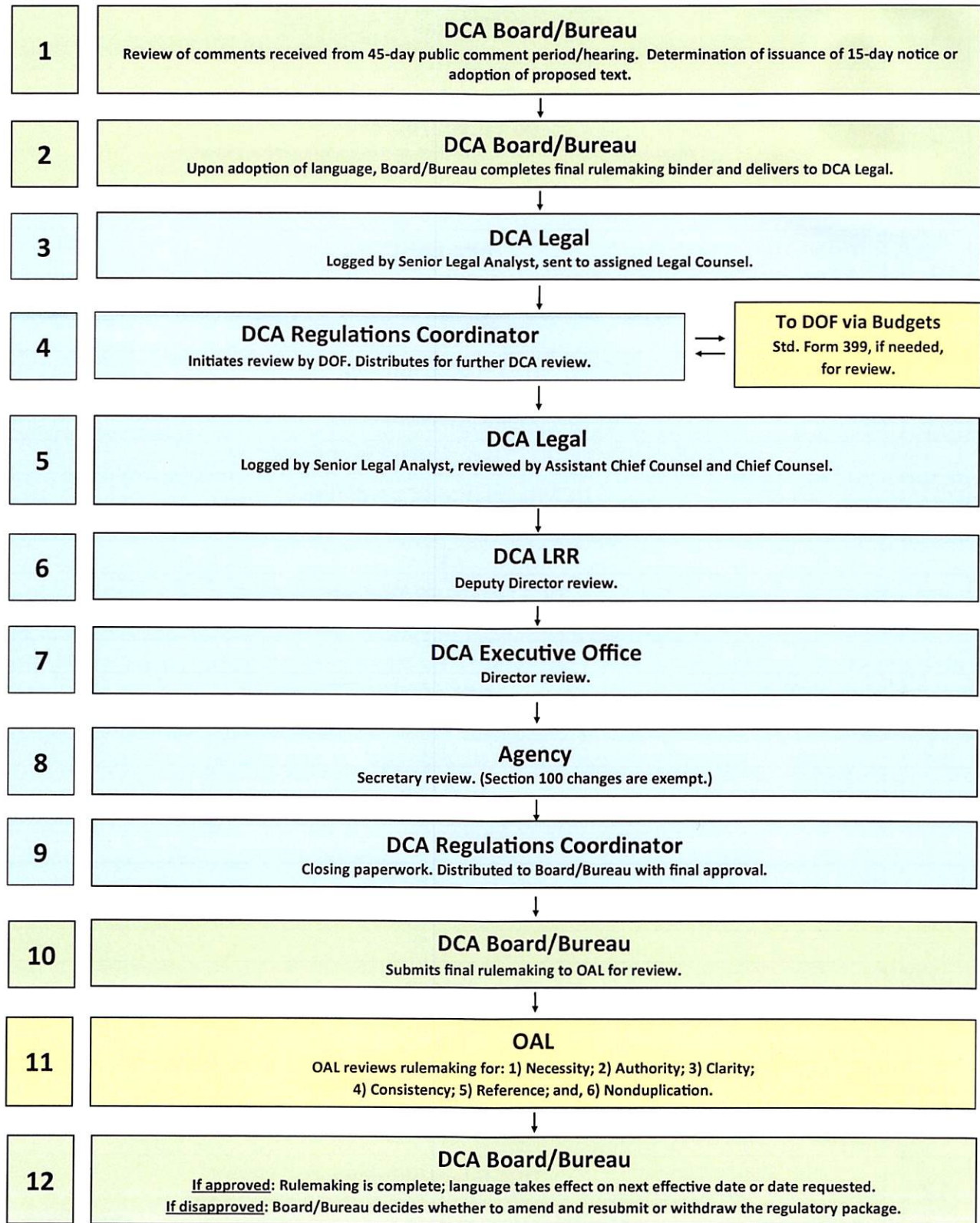


**Legend**  
 DCA – Department of Consumer Affairs  
 LRR – Division of Legislative Regulatory Review  
 OAL – Office of Administrative Law

\* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## FINAL PHASE



### Legend

DCA – Department of Consumer Affairs  
 LRR – Division of Legislative Regulatory Review  
 OAL – Office of Administrative Law  
 DOF – Department of Finance  
 Std. Form 399 – Economic and Fiscal Impact Statement



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### Briefing Paper

Date: November 1, 2018  
Prepared for: PTBC Members  
Prepared by: Administrative Services  
Subject: 2019 Rulemaking Calendar

### Agenda Item 14

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#### **Purpose:**

To introduce the proposed 2019 Rulemaking Calendar.

**Attachments:** 1. [Proposed 2019 Rulemaking Calendar](#)

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#### **Background:**

Government Code (GC) § 11017.6 requires all agencies annually submit a calendar of anticipated regulatory changes and the timeframe in which they expect to submit those changes. This allows OAL to prepare for anticipated workload in the coming year. Therefore at each November meeting, the Board adopts a proposed Rulemaking Calendar. The Rulemaking Calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2019 Rulemaking Calendar.

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#### **Action Requested:**

To adopt the 2019 Rulemaking Calendar as required by Government Code (GC) § 11017.6.

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2019 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2018**

<b>Subject:</b>		<b>CCR Title &amp; Sections Affected:</b>		<b>Statute(s) Being Implemented:</b>	
<b>Responsible Agency Unit:</b>	<b>Contact Person &amp; Phone Number:</b>	<b>Projected Dates:</b>			
		<b>Notice Published:</b>	<b>Public Hearing:</b>	<b>Adoption by your agency:</b>	<b>To OAL for review:</b>

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2019 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

<b>Subject:</b> Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.26.1 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2653	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 2/2019	<b>Public Hearing:</b> 4/2019	<b>Adoption by your agency:</b> 4/2019	<b>To OAL for review:</b> 10/2019

<b>Subject:</b> Examination Passing Standard/Setting Examination Score		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.28 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2636	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 3/2019	<b>Public Hearing:</b> 5/2019	<b>Adoption by your agency:</b> 5/2019	<b>To OAL for review:</b> 11/2019



**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2019 RULEMAKING CALENDAR**

<b>Subject:</b> Clinical Service Requirements for Foreign Educated Applicants		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.26.5 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2653	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 4/2019	<b>Public Hearing:</b> 6/2019	<b>Adoption by your agency:</b> 6/2019	<b>To OAL for review:</b> 2/2020

<b>Subject:</b> Disciplinary Guidelines		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2660	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 7/2019	<b>Public Hearing:</b> 9/2019	<b>Adoption by your agency:</b> 9/2019	<b>To OAL for review:</b> 2/2020

<b>Subject:</b> Continuing Competency		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2630-2640, 2649	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 10/2019	<b>Public Hearing:</b> 12/2019	<b>Adoption by your agency:</b> 12/2019	<b>To OAL for review:</b> 6/2020

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2019 RULEMAKING CALENDAR**

<b>Subject:</b> Substantial Relationship Criteria		<b>CCR Title &amp; Sections Affected:</b> 1399.20 Article 8 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 481, 493			
<b>Responsible Agency Unit:</b> Administrative Services		<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260		<b>Projected Dates:</b>			
				<b>Notice Published:</b> 10/2019	<b>Public Hearing:</b> 12/2019	<b>Adoption by your agency:</b> 12/2019	<b>To OAL for review:</b> 6/2020

<b>Subject:</b> Rehabilitation Criteria for Denial and Reinstatement of Licensure		<b>CCR Title &amp; Sections Affected:</b> 1399.21 Article 8 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 482			
<b>Responsible Agency Unit:</b> Administrative Services		<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260		<b>Projected Dates:</b>			
				<b>Notice Published:</b> 10/2019	<b>Public Hearing:</b> 12/2019	<b>Adoption by your agency:</b> 12/2019	<b>To OAL for review:</b> 6/2020

<b>Subject:</b> Rehabilitation Criteria for Suspensions and Revocations		<b>CCR Title &amp; Sections Affected:</b> 1399.22 Article 8 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 482			
<b>Responsible Agency Unit:</b> Administrative Services		<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916) 561-8260		<b>Projected Dates:</b>			
				<b>Notice Published:</b> 10/2019	<b>Public Hearing:</b> 12/2019	<b>Adoption by your agency:</b> 12/2019	<b>To OAL for review:</b> 6/2020

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2019 RULEMAKING CALENDAR**

<b>Subject:</b> License Renewal Exemptions: Retired License Status		<b>CCR Title &amp; Sections Affected:</b> (Added) 1399.57 Article 10 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2648.7	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916) 561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 10/2019	<b>Public Hearing:</b> 12/2019	<b>Adoption by your agency:</b> 12/2019	<b>To OAL for review:</b> 6/2020

**Report on the status of all uncompleted rulemaking described on previous calendars:**

Review and/or Update of Application and Licensing Regulations

CCR Section(s) Affected: Title 16, Division 13.2, Section(s) specifically identified:

1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26, 1398.26.5, 1398.27, 1398.28, 1398.42, 1398.47, 1399.10, 1399.12

TBD section number – processing time for applicants completing application process, TBD section number – establishing exam scores

Status: Establishing Exam Scores Included on the 2019 Rulemaking Calendar.

Continuing Competency

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section(s) 1399.90-1399.98

Status: Included on the 2019 Rulemaking Calendar.

License Renewal Exemptions: Retired License Status

CCR Section(s) Affected: Title 16, Division 13.2, Article 10, Section(s) 1399.5

Status: Included on the 2019 Rulemaking Calendar.

Unprofessional Conduct

CCR Section(s) Affected: Title 16, Division 13.2, Article 8, Section(s) 1399.24

Status: Proposal Inactive, may be considered in a future Rulemaking Calendar year.



# Physical Therapy Board of California

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Physical Therapy Board of California

## Briefing Paper

**Date:** November 7, 2018

**Agenda Item 21(A)**

**Prepared for:** PTBC Members

**Prepared by:** Carl Nelson

**Subject:** [Budget Report](#)

### **Purpose:**

To provide an update on the PTBC's Budget activities for Jul-Sep (Q1), CY 2018-19.

### **Background:**

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year. The report reflects data collected from the Quarterly Department of Consumer Affairs Budget Office Projection Report and is generated by staff quarterly: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

Effective, July 1, 2017, the DCA migrated to a new accounting system, Fi\$cal. Due to this changeover, all Budget reporting mechanisms such as the CalStars monthly expenditure and revenue report, which is relied on by PTBC budget staff in compiling reports, have been suspended until further notice. DCA Budget and Accounting staff are currently training and working on implementing the new system out to boards/bureaus. The PTBC has begun to receive monthly projection reports from DCA Budget Office. However, no accounting reports from Fi\$cal have been distributed to the PTBC.

This CY 2018-19, according to the Governor's Budget, the PTBC is authorized \$4,669,000, which includes personnel services, operating expenses and equipment, and authorized 21.4 positions to support program requirements.

The staff anticipate additional adjustments will be made during the upcoming budget Galley process in November 2018; however, the PTBC anticipates the overall budget authority will remain the same at \$4,669,000.

### **Analysis:**

The Personnel Services Budget is \$2,029,000 including benefits slightly up from \$1,930,000 over FY2017-18. The increases are normal and account for annual salary and benefit adjustments.

The Operating Expenses and Equipment (OE&E) budget is \$2,640,000, a 13% decrease from \$2,976,000 in FY2017-18. While various line items decreased, the most significant decrease was in the Department of Investigations services (DOI) at \$298,000. Previous fiscal year, the PTBC was authorized \$757,000 for DOI.

The PTBC's budget staff is not projecting major changes in expenditures this fiscal year. However, staff anticipates a slight increase in personnel services, specifically within the "Temp Help" expenditures, to accommodate obtaining additional staff to address workload backlogs in those core program areas, such as applications and continuing competency.

Based on projections provided by the DCA, Budget Office, the PTBC expended \$1,669,088 during the first quarter. In comparison to last fiscal year during Q1, the Board spent \$1,848,733, an 11% decrease. It should be noted that there were no expenditures accounted for in DOI Investigations for current year yet. This is expected to change as more data becomes available from Fi\$cal reporting system.

In addition, the PTBC collected 1,574,280 in revenues during Q1 this fiscal year (FY2018-19). This is an increase of \$61,389 or 4% increase over last FY 2017-18 when the Board received \$1,512,891.

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**Action Requested:**

No action required.

Expenditure Statistics Report						
Budget Line Items	FY 2017 18		CY 2018 19)			
	Q1	YTD	Authorized	YTD	Percent	Balance
	Jul-Sept	(As of 9/30/17)	Budget	(As of 9/30/18)	Budget Spent	Remaining
<b>PERSONNEL SERVICES</b>						
Civil Services Permanent	297,422	297,422	1,198,000	330,428	28%	867,572
Temp help	28,714	28,714	0	25,365	-	(25,365)
Statutory Exempt	24,642	24,642	77,000	33,734	44%	43,266
Board Members	11,025	11,025	12,000	10,300	86%	1,700
Overtime	19,216	19,216	0	0	-	0
Staff Benefits	186,322	186,322	742,000	228,470	31%	513,530
<b>TOTAL PERS SVS</b>	<b>567,341</b>	<b>567,341</b>	<b>2,029,000</b>	<b>628,297</b>	<b>31%</b>	<b>1,400,703</b>
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>						
<b>General Services Totals</b>	<b>128,270</b>	<b>128,270</b>	<b>488,000</b>	<b>189,551</b>	<b>39%</b>	<b>298,449</b>
Fingerprints	8,017	8,017	99,000	3,656	4%	95,344
General Expense	4,960	4,960	13,000	7,108	55%	5,892
Minor Equipment	1,061	1,061	0	12,152		(12,152)
Major Equipment	0	0	0	0	-	0
Printing	7,764	7,764	4,000	0	0%	4,000
Communications	2,255	2,255	9,000	300	3%	8,700
Postage	4,773	4,773	5,000	9	0%	4,991
Insurance	1,578	1,578	0	0	-	0
Travel in State	4,324	4,324	7,000	38	1%	6,962
Training	0	0	10,000	0	0%	10,000
Facilities Operations	78,838	78,838	118,000	27,780	24%	90,220
C&P Services Interdepartmental	95	95	12,000	0	0%	12,000
C&P Services External	14,605	14,605	211,000	138,508	66%	72,492
<b>Departmental Services Totals</b>	<b>902,615</b>	<b>902,615</b>	<b>989,000</b>	<b>885,269</b>	<b>90%</b>	<b>103,731</b>
OIS Pro Rata	298,000	298,000	298,000	273,167	92%	24,833
Indirect Distributed Cost	582,000	582,000	582,000	533,500	92%	48,500
Interagency Services	9,250	9,250	37,000	33,917	92%	3,083
DOI Pro Rata	1,750	1,750	9,000	8,250	92%	750
Communications Pro Rata	4,500	4,500	20,000	18,333	92%	1,667
PPRD Pro Rata	4,750	4,750	19,000	17,417	92%	1,583
Consolidated Data Center	2,365	2,365	8,000	1	0%	7,999
Data Processing	0	0	16,000	684	4%	15,316
Central Admin Services Pro Rata	0	0	0	0	-	0
<b>Exams Totals</b>	<b>484</b>	<b>484</b>	<b>0</b>	<b>0</b>		<b>0</b>
Exam Administrative External	484	484	0	0		0
<b>Enforcement Totals</b>	<b>296,741</b>	<b>296,741</b>	<b>1,163,000</b>	<b>37,118</b>	<b>3%</b>	<b>1,125,882</b>
Attorney General	83,225	83,225	655,000	32,702	5%	622,298
Office of Admin Hearings	15,166	15,166	110,000	0	0%	110,000
Evidence/Witness	8,350	8,350	100,000	4,416	4%	95,584
Court Reporters	750	750	0	0	-	0
DOI Investigation	189,250	189,250	298,000	0	0%	298,000
<b>TOTAL OE &amp; E</b>	<b>1,328,110</b>	<b>1,328,110</b>	<b>2,640,000</b>	<b>1,111,938</b>	<b>42%</b>	<b>1,528,062</b>
<b>TOTALS, PERS SVS/OE&amp;E</b>	<b>1,895,451</b>	<b>1,895,451</b>	<b>4,669,000</b>	<b>1,740,235</b>	<b>37%</b>	<b>2,928,765</b>
Scheduled Reimbursements	-11,980	-11,980	-99,000	-71,147	-	0
Un-Scheduled Reimbursements	-34,738	-34,738	0	0	-	0
<b>TOTAL REIMBURSEMENTS</b>	<b>-46,718</b>	<b>-46,718</b>	<b>-99,000</b>	<b>-71,147</b>		
<b>TOTALS, PERS SVS/OE&amp;E (-REIM)</b>	<b>1,848,733</b>	<b>1,848,733</b>	<b>4,570,000</b>	<b>1,669,088</b>	<b>37%</b>	<b>2,928,765</b>

\*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred/deposited directly to fund (year-end).



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

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## Briefing Paper

**Date:** December 5, 2018

**Agenda Item 21 (B)**

**Prepared for:** PTBC Members

**Prepared by:** April Beauchamps

**Subject:** Outreach Report

### **Purpose:**

To provide PTBC's Outreach activities and statistics for July – September (Q1), CY 2018/19.

**Attachments:** [1. Website Statistics](#)  
[2. Facebook Statistics](#)

### **Background:**

The PTBC Outreach Report is a quarterly review of the Website and Facebook activities and analysis of those activities for the current fiscal year in comparison to the previous fiscal year. The website statistics is collected from Google Analytics, and Facebook statistics is collected directly from the "insight reports" from Facebook reporting system; and, generated by PTBC staff on a quarterly basis: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

### **Program Updates:**

The PTBC previously reported its outreach efforts remained minimal due to staffing shortfalls within its Administrative Services Program. However, the PTBC recruited one communication and education analyst, effective July 9, 2018. The PTBC conducted four outreach events this quarter: September 4<sup>th</sup> at University of Pacific, Sacramento State on September 24<sup>th</sup>; and, the CPTA Conference in Santa Clara September 22<sup>nd</sup> and September 23<sup>rd</sup>.

### **Analysis:**

#### Website

The PTBC had 223,197 web-hits through its home page tabs, resulting in a 10% decrease over last fiscal year (Q1). The "Laws" section had the most significant decrease compared to prior fiscal year (Q1) of a 38% decrease.

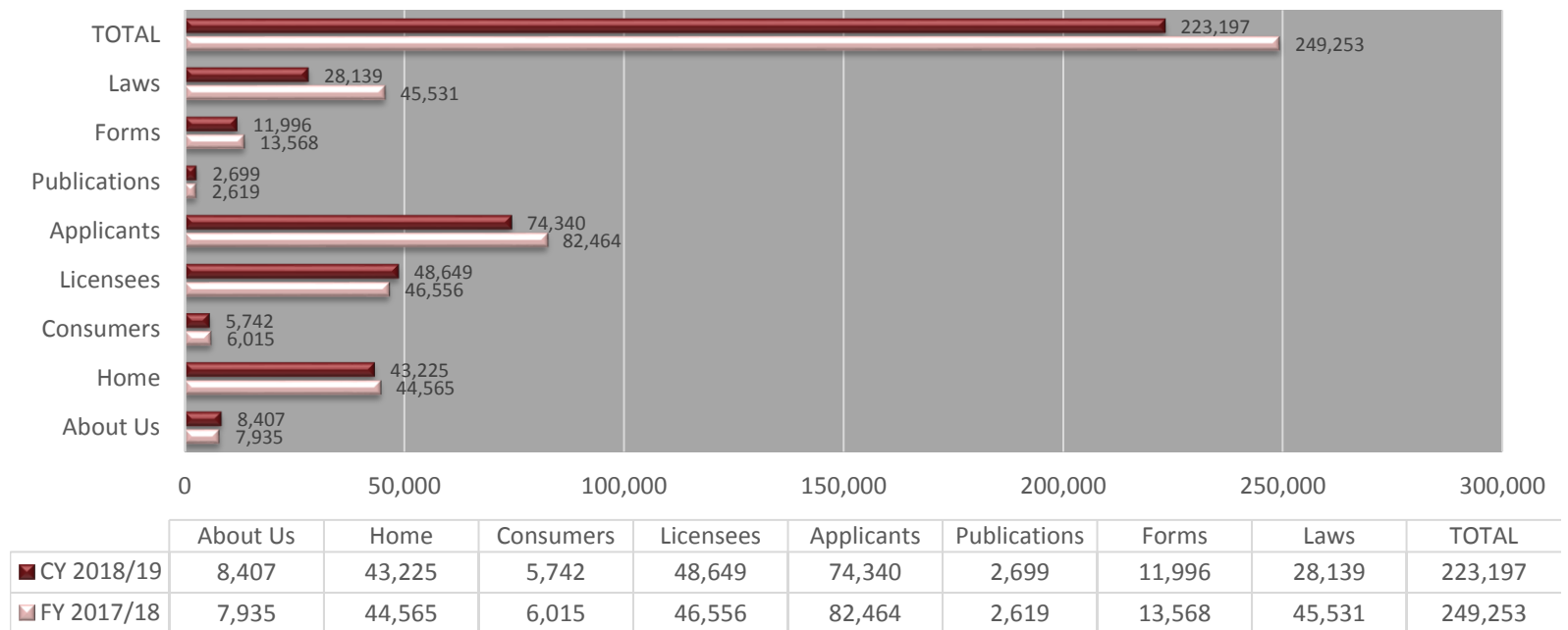
#### Facebook

The PTBC had 24,388 people access (traffic) our page and we received 89 "likes". In comparison to last fiscal year (Q1), the traffic decreased 5%. The most significant increases in activities over last fiscal year (Q1) was our "Engaged Users" showing an overall 222% increase and our "Consumers" showing an overall 206% increase. The overall decrease was due to our "Reached" section which decreased 15%. Out of all the sections, this was the only section that showed a decrease.

**Action:** No action requested.

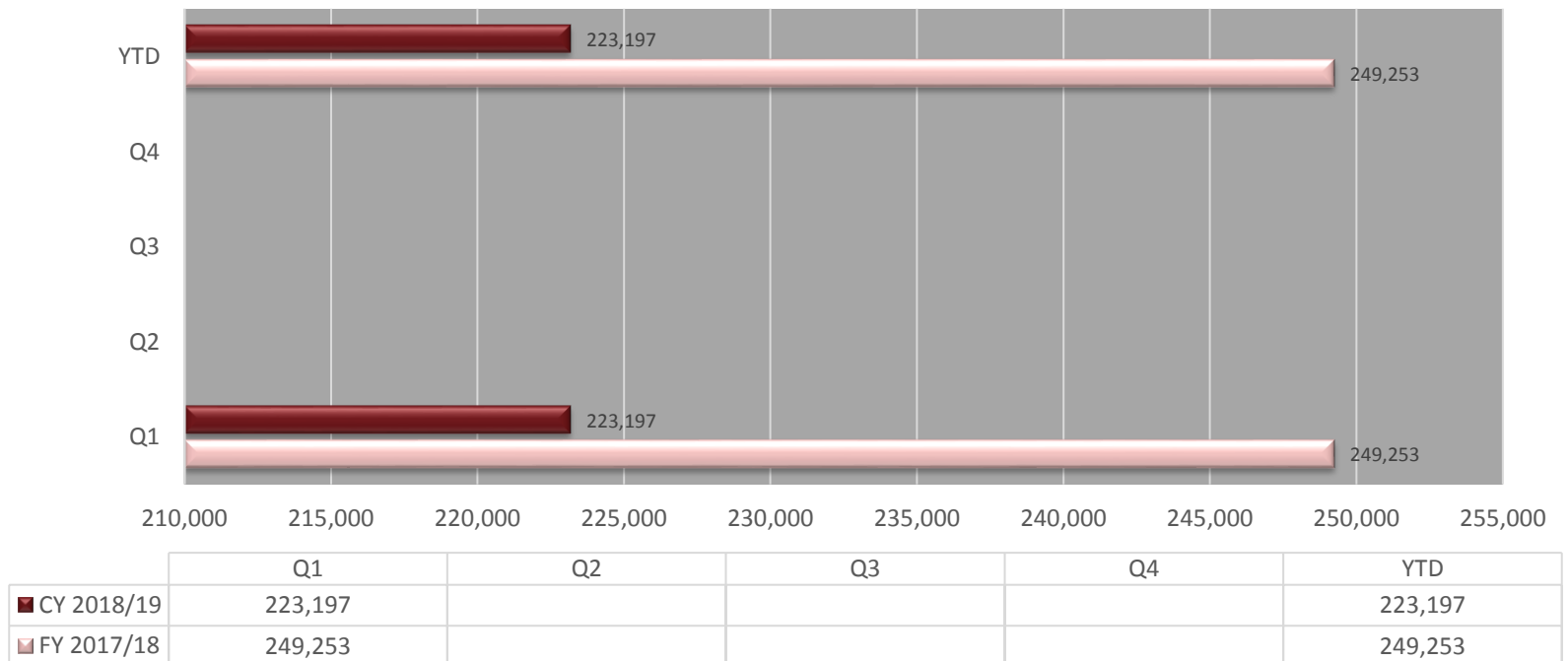


**Website Activity  
(Quarterly)**



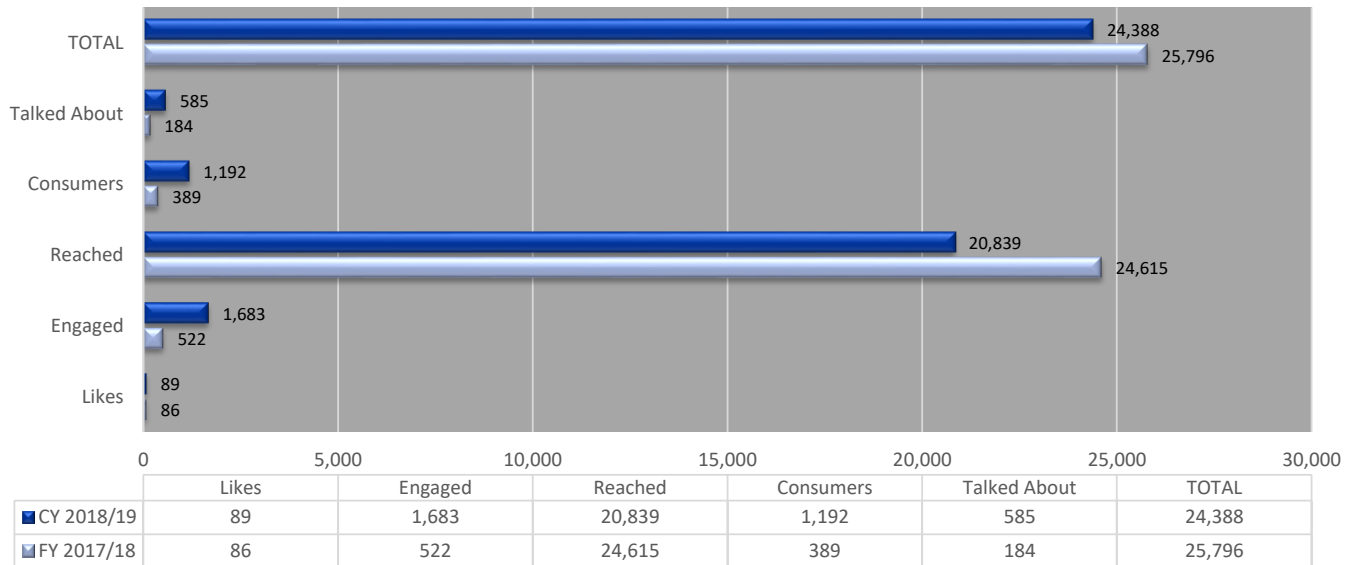
The graph reveals an 10% decrease in website hits during Q1, over previous fiscal year (17/18).

**Website Activity  
(Year-to-date)**

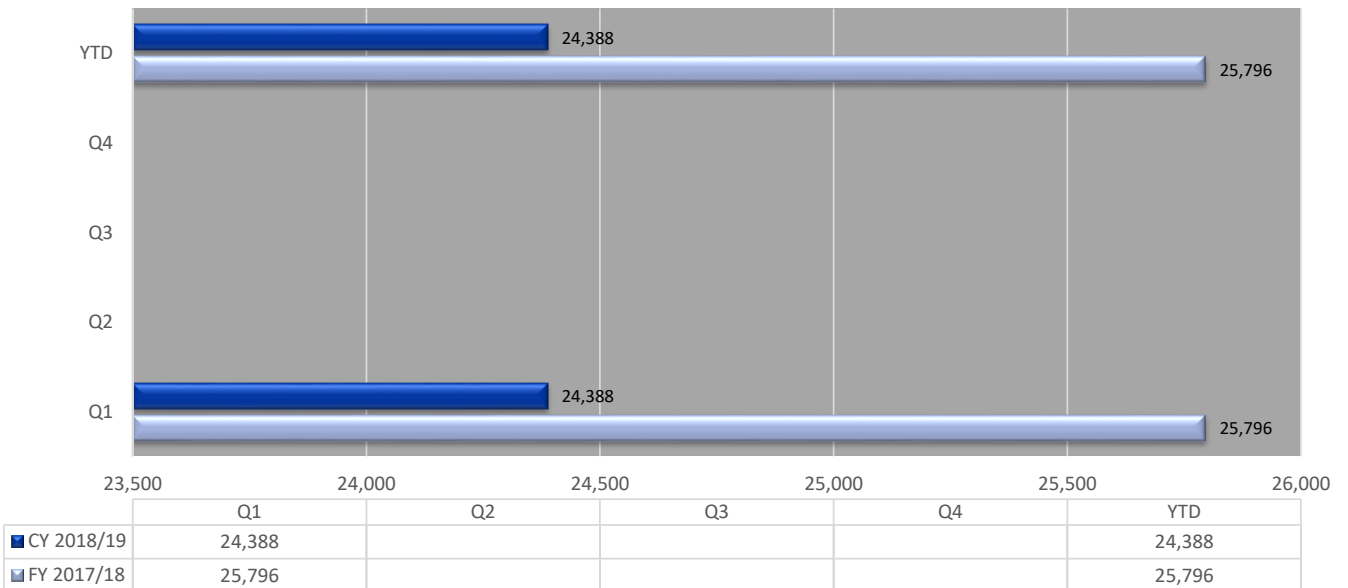


The graph reveals an overall 10% decrease in website hits over fiscal year (17/18) year-to-date.

**Facebook Activity  
 (Quarterly)**



**Facebook Activity  
 (Year-to-Date)**





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## Briefing Paper

**Date:** 11/20/2018

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Application Services Report

### **Purpose:**

To provide an update on the most recent activities and state of the Application Services program.

**Attachments:** [1. Application Services Program Statistics](#)  
[2. Examination Statistics](#)

### **Update:**

As previously discussed, the Quality Business Interactive Reporting Tool (QBIRT) offers staff the opportunity to collect data that was previously unavailable. The new report presented at this meeting provides this new data. Displayed first is the year-to-date total for the current fiscal year, followed by the current quarter of the current fiscal year and finally the corresponding quarter for the previous fiscal year. Also, since the implementation of Breeze, online processing has been available. The new report illustrates online usage as compared to other methods of application submission.

Applicant online usage has increase significantly over the past year. This is supported by the recent decrease in number of hits to the Forms tab of the website; more individuals are applying online rather than by submitting a paper application.

The percentages included with the program statistics actual numbers represent a portion of the total, not the percentage change over a specified time period as shown in the previous reports.

The examination statistics reporting format has not changed.

### Program Statistics: FY 2018/19 Quarter 1 comparison to FY 2017/18 Quarter 1

- The percentage of endorsement (OOS) applications received remained consistent at 43%.
- The percentage of military applications and the number of foreign applications received each increased 1%.
- The total number of applications received decreased 4%.
- The total number of licenses issued decreased 2%.

### **Action Requested:**

None.

Physical Therapy Board of California  
 Application Services Report  
 Fiscal Year 2018/19 Q1

**Application Services Report Program Statistics**

**Initial Applications Received**

Current FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	541	443 (82%)	230 (43%)	50 (9%)	9 (2%)
PTA	126	97 (77%)	57 (45%)	13 (10%)	9 (7%)
Total	667	540 (81%)	287 (43%)	63 (9%)	18 (3%)

Current FY 2018/19 Quarter 1					
	Total	Online #	OOS #	Foreign #	Military #
PT	541	443 (82%)	230 (43%)	50 (9%)	9 (2%)
PTA	126	97 (77%)	57 (45%)	13 (10%)	9 (7%)
Total	667	540 (81%)	287 (43%)	63 (9%)	18 (3%)

Last FY 2017/18 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	511	266 (52%)	248 (49%)	42 (8%)	8 (2%)
PTA	184	75 (41%)	54 (29%)	17 (9%)	5 (3%)
Total	695	341 (49%)	302 (43%)	59 (8%)	13 (2%)

**Licenses Issued**

Current FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	659	N/A	231 (35%)	49 (7%)	7 (1%)
PTA	171	N/A	37 (22%)	13 (8%)	2 (1%)
Total	830	N/A	268 (32%)	62 (7%)	9 (1%)

Current FY 2018/19 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	659	N/A	231 (35%)	49 (7%)	7 (1%)
PTA	171	N/A	37 (22%)	13 (8%)	2 (1%)
Total	830	N/A	268 (32%)	62 (7%)	9 (1%)

Last FY 2017/18 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	634	N/A	223 (35%)	33 (5%)	7 (1%)
PTA	212	N/A	31 (15%)	8 (4%)	3 (1%)
Total	846	N/A	254 (30%)	41 (5%)	10 (1%)

## Application Services Report - Examination Statistics

### National PT and PTA Examination - California Statistics

#### Accredited PT Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	375				375	390					↑ 4%
Fail	36				36	47					↑ 31%
<b>Total</b>	<b>411</b>				<b>411</b>	<b>437</b>					↑ 6%
Pass Rate	91%				91%	89%					↓ -2%

#### Non Accredited PT Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	15				15	7				7	↓ -53%
Fail	20				20	25				25	↑ 25%
<b>Total</b>	<b>35</b>				<b>35</b>	<b>32</b>				<b>32</b>	↓ -9%
Pass Rate	43%				43%	22%				22%	↓ -21%

#### Accredited PTA Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	187				187	124				124	↓ -34%
Fail	37				37	45				45	↑ 22%
<b>Total</b>	<b>224</b>				<b>224</b>	<b>169</b>				<b>169</b>	↓ -25%
Pass Rate	83%				83%	73%				73%	↓ -10%

#### Non Accredited PTA Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	5				5	7				7	↑ 40%
Fail	7				7	9				9	↑ 29%
<b>Total</b>	<b>12</b>				<b>12</b>	<b>16</b>				<b>16</b>	↑ 33%
Pass Rate	42%				42%	44%				44%	↑ 2%

### California Law Examination (CLE)

#### Accredited Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	692				692	700				700	↑ 1%
Fail	252				252	242				242	↓ -4%
<b>Total</b>	<b>944</b>				<b>944</b>	<b>942</b>				<b>942</b>	↓ -2%
Pass Rate	73%				73%	74%				74%	↑ 1%

Physical Therapy Board of California  
 Application Services Report  
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Non Accredited Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	44				44	61				61	↑39%
Fail	41				41	40				40	↓-2%
<b>Total</b>	<b>85</b>				<b>85</b>	<b>101</b>				<b>101</b>	↑19%
Pass Rate	52%				52%	60%				60%	↑8%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	4,870				4,870	4,823				4,823	↓-1%
Fail	511				511	556				556	↑9%
<b>Total</b>	<b>5,381</b>				<b>5,381</b>	<b>5,379</b>				<b>5,379</b>	⇒0%
Pass Rate	91%				91%	90%				90%	↓-1%

Non Accredited PT Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	268				268	155				155	↓-42%
Fail	570				570	550				550	↓-4%
<b>Total</b>	<b>838</b>				<b>838</b>	<b>705</b>				<b>705</b>	↓-16%
Pass Rate	32%				32%	22%				22%	↓-10%

Accredited PTA Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	3,200				3,200	3,155				3,155	↓-1%
Fail	628				628	758				758	↑21%
<b>Total</b>	<b>3,828</b>				<b>3,828</b>	<b>3,913</b>				<b>3,913</b>	↑2%
Pass Rate	84%				84%	81%				81%	↓-3%

Non Accredited PTA Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	85				85	87				87	↑2%
Fail	84				84	88				88	↑5%
<b>Total</b>	<b>169</b>				<b>169</b>	<b>175</b>				<b>175</b>	↑4%
Pass Rate	50%				50%	50%				50%	⇒0%

Physical Therapy Board of California  
 Application Services Report  
 Fiscal Year 2018/19 Q1

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	2,003				2,003	2,036				2,036	↑ 2%
Fail	426				426	416				416	↓ -3%
<b>Total</b>	<b>2,429</b>				<b>2,429</b>	<b>2,452</b>				<b>2,452</b>	↑ 1%
Pass Rate	82%				82%	83%				83%	↑ 1%

Non Accredited Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	86				86	101				101	↑ 17%
Fail	63				63	60				60	↓ -5%
<b>Total</b>	<b>149</b>				<b>149</b>	<b>161</b>				<b>161</b>	↑ 8%
Pass Rate	58%				58%	63%				63%	↑ 5%



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### Briefing Paper

**Date:** 11/20/2018  
**Prepared for:** PTBC Members  
**Prepared by:** Sarah Conley  
**Subject:** License Maintenance Report

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### **Purpose:**

To provide an update on the most recent activities and the state of the License Maintenance program.

**Attachments:** [License Maintenance Statistics](#)

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### **Update:**

As previously discussed, the Quality Business Interactive Reporting Tool (QBIRT) offers staff the opportunity to collect data that was previously unavailable. The new report presented at this meeting provides this new data. Displayed first is the year-to-date total for the current fiscal year, followed by the current quarter of the current fiscal year and finally the corresponding quarter for the previous fiscal year. Also, since the implementation of Breeze, online processing has been available. The new report illustrates online usage as compared to other methods of application submission.

The percentages included with the actual numbers represent a portion of the total, not the percentage change over a specified time period as shown in the previous reports.

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### **Action Requested:**

None.



Physical Therapy Board of California  
 License Maintenance Services Report  
 Fiscal Year 2018/19 Q1

**License Maintenance Services Report Program Statistics**

**Renewals Processed**

Current FY 2018/19 Year to Date		
	Total	Online
PT	3159	2563 (81%)
PTA	879	724 (82%)
Total	4038	3287 (81%)
Current FY 2018/19 Q1		
	Total	Online
PT	3159	2563 (81%)
PTA	879	724 (82%)
Total	4038	3287 (81%)
Last FY 2017/18 Q1		
	Total	Online
PT	3174	2540 (80%)
PTA	826	667 (81%)
Total	4000	3207 (80%)

**Address Changes Processed**

Current FY 2018/19 Year to Date		
	Total	Online
PT	1082	422 (39%)
PTA	269	98 (36%)
Total	1351	520 (38%)
Current FY 2018/19 Q1		
	Total	Online
PT	1082	422 (39%)
PTA	269	98 (36%)
Total	1351	520 (38%)
Last FY 2017/18 Q1		
	Total	Online
PT	1027	361 (35%)
PTA	246	80 (32%)
Total	1273	441 (35%)

Physical Therapy Board of California  
 License Maintenance Services Report  
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<b>Name Changes Processed</b>		
<b>Current FY 2018/19 Year to Date</b>		
	Total	Online
PT	77	16 (21%)
PTA	17	0
Total	94	16 (17%)
<b>Current FY 2018/19 Q1</b>		
	Total	Online
PT	77	16 (21%)
PTA	17	0
Total	94	16 (17%)
<b>Last FY 2017/18 Q1</b>		
	Total	Online
PT	95	24 (25%)
PTA	28	9 (32%)
Total	123	28 (23%)

<b>Duplicate Requests Received</b>		
<b>Current FY 2018/19 Year to Date</b>		
	Total	Online
PT	76	19 (25%)
PTA	12	2 (17%)
Total	88	21 (24%)
<b>Current FY 2018/19 Q1</b>		
	Total	Online
PT	76	19 (25%)
PTA	12	2 (17%)
Total	88	21 (24%)
<b>Last FY 2017/18 Q1</b>		
	Total	Online
PT	94	26 (28%)
PTA	36	11 (31%)
Total	130	37 (28%)

Physical Therapy Board of California  
 License Maintenance Services Report  
 Fiscal Year 2018/19 Q1

<b>Verification Requests Processed</b>		
<b>Current FY 2018/19 Year to Date</b>		
	Total	Online
PT	330	250 (76%)
PTA	48	42 (88%)
Total	378	292 (77%)
<b>Current FY 2018/19 Q1</b>		
	Total	Online
PT	330	250 (76%)
PTA	48	42 (88%)
Total	378	292 (77%)
<b>Last FY 2017/18 Q1</b>		
	Total	Online
PT	262	190 (73%)
PTA	41	30 (73%)
Total	303	220 (73%)



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



### Briefing Paper

**Date:** 11/20/2018  
**Prepared for:** PTBC Members  
**Prepared by:** Veronica Gutierrez, Yasha Crutcher  
**Subject:** Continuing Competency Services Report

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### **Purpose:**

To provide an update on the most recent activities and state of the Continuing Competency Services program.

**Attachments:** [Continuing Competency Audit Statistics](#)

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### **Background:**

Licenses are required to certify at the time of renewal that they complied with the continuing competency requirement for renewal set forth in Business and Professions Code section 2649. To ensure compliance, the PTBC is mandated to conduct random continuing competency audits. Audit samples are collected quarterly in keeping with the PTBC's overall statistical record keeping and reporting standard. The audit sample is pulled at the beginning of a quarter for licensees who renewed in the previous quarter. Audits are conducted, then the results are reported the following quarter. The whole audit process from sample collection to reporting results runs six months or two fiscal year quarters. Please note, however, this does not mean each audit takes six months to complete.

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### **Update:**

A total of 136 physical therapists and 45 physical therapist assistants were selected for audit for FY 2017/18 Q4 (Apr-Jun). Staff continues to complete audits for both physical therapists and physical therapist assistants for this quarter, so data available thus far has been included, but the pass rate will be reported at the next meeting.

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### **Action Requested:**

None.

Physical Therapy Board of California  
 Continuing Competency Report  
 Fiscal Year 2017/18 Q4

**Continuing Competency Audit Statistics**

**Physical Therapist**

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass			136	97	233	134	100	126	124	484	
Fail			10	12	22	12	5	9	8	34	
Pending			0	0	0	0	0	0	3	3	
<b>Total</b>			<b>146</b>	<b>109</b>	<b>255</b>	<b>146</b>	<b>105</b>	<b>135</b>	<b>136</b>	<b>522</b>	
Pass Rate			93%	88%	91%	92%	95%	93%	Pending	Pending	

**Physical Therapist Assistant**

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass			37	27	64	43	81	42	40	206	
Fail			2	3	5	2	4	4	2	12	
Pending			0	0	0	0	0	0	3	3	
<b>Total</b>			<b>39</b>	<b>30</b>	<b>69</b>	<b>45</b>	<b>85</b>	<b>46</b>	<b>45</b>	<b>221</b>	
Pass Rate			95%	90%	93%	96%	95%	91%	Pending	Pending	



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

Consumer Protection Services Program

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200, Ext. 8215 Fax: (916) 263-2560 TOLL FREE 1-800-832-2251

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov) EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)



## Briefing Paper

Date: November 28, 2018  
Prepared for: PTBC Members  
Prepared by: Elsa Ybarra  
Subject: Consumer Protection Services (CPS) Program

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Purpose: Update on Consumer Protection Services Program - FY 2018/19 – Quarter 1

Attachments: (1) [Consumer Protection Services Report](#)  
(2) [Disciplinary Summary](#)

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### **Attachment 1:** [Consumer Protection Services Report](#)

The CPS report provides detailed data in areas of the enforcement program and includes year end statistics in comparison to last fiscal year.

### **Attachment 2:** [Disciplinary Summary List](#)

Disciplinary Summary of formal discipline and citations issued. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

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Action Requested: No Action Required

# Consumer Protection Services Statistics Report

## Complaint Intake

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	107	91				91	↓ -15%
PM1: Convictions/Arrest Received	47	55				55	↑ 17%
PM1: Total Received	154	146	0	0	0	146	↓ -5%

## Intake

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	2	2				2.0	→ 0%

## Investigations

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	130	97				97	↓ -25%
PM3a: Intake Only	2	2				2	→ 0%
PM3b: Investigation Only	119	89				89	↓ -25%
PM3c: Post Investigation Only	3	1				1	↓ -67%

## Investigations Aging

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	67%	107				76%	↑ 9%
91 - 180 Days	11%	17				12%	↑ 1%
181 Days - 1 Year (364)	14%	13				9%	↓ -5%
1 to 2 Years (365-730)	4%	3				2%	↓ -2%
2 to 3 Years (731- 1092)	1%	1				1%	↓ 0%
Over 3 Years (1093 +)	3%	0				0%	↓ -3%

## Citations

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	5	9				9	↑ 80%
Average Days to Close	524	212				212.0	↓ -60%

## Transmittals to Attorney General (AG)

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	458	482				482	↑ 5%
PM4a: Intake Only	2	1				1	↓ -50%
PM4b: Investigation Only	136	146				146	↑ 7%
PM4c: Pre-AG Transmittal	12	17				17	↑ 42%
PM4d: Post-AG Transmittal	315	323				323	↑ 3%

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	16	21				21	↑ 31%
AG Cases Pending	33	47				47	↑ 42%
SOIs Filed	4	0				0	↓ -100%
Accusations Filed	8	15				15	↑ 88%

AG Transmittals							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	13	10				10	↓ -23%
Total Average Days to Complete	459	482				482.0	↑ 5%

Total Orders Aging/Final Decision							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0				0%	⇒ 0%
91 - 180 Days	0%	0				0%	⇒ 0%
181 Days - 1 Year (364)	23%	4				40%	↑ 17%
1 to 2 Years (365-730)	69%	4				40%	↓ -29%
2 to 3 Years (731- 1092)	8%	2				20%	↑ 12%
Over 3 Years (1093 +)	0%	0				0%	⇒ 0%

Other Legal Actions							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	0	0				0	#DIV/0!



## Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of July, August, and September 2018. The Decisions become operative on the Effective Date, with the exception of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please address your request to:

Physical Therapy Board of California  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8200/ FAX (916) 263-2560

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### July 2018

(NONE)

### August 2018

#### **JASPER RICHEY, SUZANNE ALICE (PTA 870)**

Violation of B & P Codes: 725, 2605, 2609, 2266, 2620.1(a)(4), 2620.1(e), 2620.7, 2622(a), 2630, 2630.3(a), 2630.3(d), 2655.7, 2660, 2660(a), 2660(g), 2660(h), and 2660(x). Violation of CCR: 1398.13, 1398.44, 1398.44(e), and 1398.44(f). Stipulated Settlement and Disciplinary Order Effective 08/01/18, 5 years' probation.

#### **LEE, ANGELA IUE-CHIH (PT 41568)**

Violation of B & P Codes: 725(a), 725(b), 2620.1(a)(4), 2620.7(a), 2660, 2660(g), 2660(h), and 2660(s). Violation of CCR: 1398.13. Stipulated Settlement and Disciplinary Order Effective 08/06/18, Public Reprimand

#### **ISLAS, JAVIER (PTA 6650)**

Violation of B & P Codes: 490, 493, 726, 2660, 2660(a), 2660(e), 2660(m), and 2660(p). Violation of CCR: 1399.20. Stipulated Surrender of License and Disciplinary Order Effective 08/06/18, License Surrendered.

#### **ADAMS, KAREN ELIZABETH (PT 21708)**

Violation of B & P Codes: 2239(a), 2239(b), 2660, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.24(d)(2), and 1399.24(d)(3). Public Letter of Reprimand Issued 08/14/18.

#### **BRANDOLO JOHNSON, LISA JEAN (PT 41478)**

Violation of B & P Codes: 490, 493, 2239, 2660, 2660(a), and 2660(e). Violation of CCR: 1399.20, 1399.24(b), and 1399.24(d)(3). Stipulated Surrender of License and Disciplinary Order Effective 08/15/18, License Surrendered.

#### **LANE, JOCELYN SUZANNE (PT 41359)**

Violation of B & P Codes: 2644, 2649, 2660, 2660(a), 2660(c), and 2660(j). Violation of CCR: 1399.20, 1399.91, 1399.93, and 1399.97. Stipulated Settlement and Disciplinary Order Effective 08/31/18, Public Reprimand.

**September 2018**

**MCLAIN, MICHAEL GARRETT (PT 42472)**

Violation of B & P Codes: 726, 2620.7, 2660, 2660(g), and 2660(h). Violation of CCR: 1398.13. Proposed Decision Effective 09/12/18, License Revoked

**BORNSTEIN, ORIT (PT 14020)**

Violation of B & P Codes: 2234(c), 2620.7, 2660, 2660(g), and 2660(h). Violation of CCR: 1398.13. Stipulated Surrender of License and Disciplinary Order Effective 09/15/18, License Surrendered.

**HANSON, MELISSA SUE (PTA 6456)**

Violation of B & P Codes: 2630.3, 2660, 2660(d), and 2660(h). Violation of CCR: 1398.44, 1398.44(d)(6), and 1398.44(d)(8). Public Letter of Reprimand Issued 09/19/18

**JASPER RICHEY, SUZANNE ALICE (PTA 870)**

Violation of B & P Codes: 725, 2605, 2609, 2266, 2620.1(a)(4), 2620.1(e), 2620.7, 2622(a), 2630, 2630.3(a) 2630.3(d), 2655.7, 2660, 2660(a), 2660(g), 2660(h), and 2660(x). Violation of CCR: 1398.13, 1398.44, 1398.44(e), and 1398.44(f). Stipulated Surrender of License and Disciplinary Order Effective 09/23/18, License Surrendered.

**MANZANO, MIGUEL ADRIAN WIJANGCO (PTA 49064)**

Petition to Revoke Probation Effective 09/24/18

**Initial Probationary Licenses (IPL) Issued**

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**July through September 2018**

(NONE)

**Licenses Denied**

.....

**July through September 2018**

(NONE)

**Glossary of Terms**

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- B & P Code – Business and Professions Code
- H & S Code – Health and Safety Code
- R & R – Rules and Regulations
- CCR – California Code of Regulations

**Accusations:** Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

**Interim Suspension Order:** An Order issued upon petition, suspending a licensee from all or specified part of their practice of, or assisting in the provision of, physical therapy.

**Petition to Revoke Probation:** Charges filed against a probationer seeking revocation of their physical therapy or physical therapy assistant license based upon violation(s) of probation.

**Probationary License:** Where good cause exists to deny a license, the licensing agency has the option to issue a conditional license subject to probationary terms and conditions.

**Public Letter of Reprimand:** In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand.

**Statement of Issues Filed:** Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

**Surrender of License:** License surrender as part of a disciplinary order.

**Stipulated Decision:** Negotiated settlements waiving court appeals.



Physical Therapy Board of California

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### **Briefing Paper**

**Date:** November 14, 2018  
**Prepared for:** PTBC Members  
**Prepared by:** Monny Martin, PTBC Probation Monitor  
**Subject:** Probation Monitoring Program

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**Purpose:** Update on Probation Monitoring Program for Q1 - FY 2018-2019

**Attachments:** [Probation Monitoring Report \(A-1\)](#)

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### **Background:**

This is a report on the Board's Probation Monitoring Program through the first quarter of FY 2018-2019. Please refer to attachment A-1 which contains the probation statistics for FY 2018-2019.

Currently there are 85 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 85 licensees on probation and in the state of California, there are an additional 11 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were also 2 licensees that completed probation in the quarter.

Of the 74 licensees that are not currently tolling, 18 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 24% of all licensees on probation that aren't tolling.

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### **Action Requested:**

No Action Required.

## Probation Statistics Report

Probation							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	11	3				3	↓ -73%
Completed Probation	15	2				2	↓ -87%
Probation Terminated	1	0				0	↓ -100%
Non-Compliant w/Probation	2	1				1	↓ -50%
Surrenders		3					
<b>Total Probationers</b>	<b>87</b>	<b>85</b>				<b>85</b>	↓ -2%

Maximus							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	4	0	0	0	0	0	↓ -25%
Completed Maximus	2	0	0	0	0	0	↓ -50%
Total Maximus Participants	19	18	0	0	0	18	↓ -5%
Determined To Be Clinically Inappropriate	1	0	0	0	0	0	↓ -100%
Terminated - Public Risk	2	0	0	0	0	0	↓ -50%
Withdrawn (Expense) - Post-Dec	1	0	0	0	0	0	↓ -100%
Withdrawn (Left State) - Post-Dec	1	1	0	0	0	1	→ 0%
Withdrawn - Pre-Dec	1	0	0	0	0	0	↓ -100%