

JUNE
20 & 21, 2019
BOARD MEETING

California State University, Long Beach
Barrett Athletic Conference Center
Room 223



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY – GAVIN NEWSOM, GOVERNOR

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

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

June 20, 2019 9 a.m.

June 21, 2019 9 a.m.

California State University, Long Beach
1250 Bellflower Blvd.,
Long Beach, CA 90840
The Barrett Athletic Conference Center
Room 223

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, PT, DPT, *President*

TJ Watkins, *Vice President*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, 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



STATE OF CALIFORNIA

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DEPARTMENT OF CONSUMER AFFAIRS

Agenda – Thursday, June 20th

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 Modification of Probation/Termination of Probation – Matthew Isenberg, PT

(B) Petition for Modification of Probation/Termination of Probation – Kelly Hosking, PT

(C) Petition for Modification of Probation/Termination of Probation – Michael Maga, 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

(C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

5. Reconvene Open Session

6. Review and Approval of March 21-22, 2019 Meeting Minutes – Brooke Arneson

7. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

i. AB 5 (Gonzalez) Worker Status: Independent Contractors

ii. AB 71 (Melendez & Kiley) Employment Standards: Independent Contractors and Employees

iii. AB 193 (Patterson) Professions and Vocations

iv. AB 476 (Blanca Rubio) Department of Consumer Affairs: Task Force: Foreign Trained Professionals

v. AB 496 (Low) Business and Professions

vi. AB 544 (Brough) Professions and Vocations: Inactive Licenses Fees and Accrued and Unpaid Renewal Fees

vii. AB 613 (Low) Professions and Vocations: Regulatory Fees

viii. AB 1076 (Ting) Criminal Records: Automatic Relief

ix. AB 1592 (Bonta) Athletic Trainers

x. SB 53 (Wilk & Lackey) Open Meetings

xi. SB 425 (Hill) Health Practitioners: Licensee's File: Probationary Physician's and Surgeons Certificate: Unprofessional Conduct

xii. SB 537 (Hill) Workers Compensation: Independent Bill Review

8. Rulemaking Report

(A) 2019 Rulemaking Update – Brooke Arneson

- 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
- v. Substantial Relationship Criteria
- vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure
- vii. Rehabilitation Criteria for Suspensions and Revocations

(B) Discussion and Possible Board Action to Amend Title 16, California Code of Regulations Section 1399.15 Guidelines for Issuing Citations and Imposing Discipline – Elsa Ybarra

(C) Discussion and Possible Board Action to Amend Title 16, California Code of Regulations Section 1398.26.1 Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant– Brooke Arneson

9. 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).)

10. Recess

Agenda – Friday, June 21st

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

11. Call to Order - 9:00 a.m.

12. Roll Call and Establishment of Quorum

13. 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
- (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

14. Reconvene Open Session

15. President's Report –Alicia Rabena-Amen

- (A) 2019 Adopted Meeting Calendar
- (B) 2020 Proposed Meeting Calendar

16. 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

17. 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)

18. Administrative Services - Discussion and Possible Board Action

- (A) Budget Report – Kim Rozakis
- (B) Outreach Report – April Beauchamps

19. Discussion and Possible Board Action on the Board Member Administrative Manual – April Beauchamps

20. Application Services - Discussion and Possible Board Action – Sarah Conley

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

21. Licensing Services - Discussion and Possible Board Action – Sarah Conley

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

22. Continuing Competency Services - Discussion and Possible Board Action – Sarah Conley

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

23. Consumer Protection Services - Discussion and Possible Board Action – Elsa Ybarra

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

24. Probation Monitoring Services - Discussion and Possible Board Action – Monny Martin

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

25. Board Member Training – Travel Procedures – Kim Rozakis & Timothy Davis

26. 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).)

27. Agenda Items for Future Meeting – September 18-19, 2019 TBD, Bay Area, CA

28. Adjournment

Informational Notes:

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

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

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

The meeting is accessible to the 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, 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.



CALIFORNIA STATE UNIVERSITY LONG BEACH





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Barrett Athletic Administration Center

Lot G11

Pyramid Structure

BELLFLOWER BLVD.

BEACH DRIVE

Roll Call
CSU, Long Beach

June 20, 2019

	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		

June 21, 2019

	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

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



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you

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

TJ Watkins

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A.

Tonia McMillian

Physical Therapy Board of California

DRAFT Meeting Minutes

March 21, 2019 9:00 a.m.

March 22, 2019 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, March 21, 2019

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 a.m. and recessed at 5:30 p.m. on March 21, 2019.
12 The Board reconvened at 8:56 a.m. and adjourned at 6:30 p.m. on March 22, 2019.

13

2. Roll Call and Establishment of Quorum

14

15

Dominguez- Present

16

Drummer – Present

17

Eleby – Present

18

McMillian – Present

19

Rabena-Amen - Present

20

Watkins – Present

21

22

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

26

27 Ms. McMillian read the Board's mission statement: To advance and protect the interests
28 of the people of California by the effective administration of the Physical Therapy
29 Practice Act.

30

31 **3. Closed Session**

32 (A) Pursuant to Government code section 11126(c)(3), the Board will convene to
33 Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative
34 Procedure Act Proceedings

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

37
38 The Board entered closed session at on day one, March 21, 2019 at 3:22 p.m. to
39 deliberate on Agenda Item 3(A). The Board reconvened open session to recess at 5:30
40 p.m.

41
42 **4. Reconvene Open Session**

43
44 The Board reconvened into open session to recess at 5:30 p.m. on day one, March 21,
45 2019.

46
47 **5. Review and Approval of December 5-6, 2018 Meeting Minutes – Brooke Arneson**

48
49 Ms. Arneson presented the draft December 2018 meeting minutes. Dr. Rabena-Amen
50 and Dr. Drummer questioned whether the italicized statement regarding closed session
51 deliberation on lines 51-52 for Agenda Item 3 was necessary. The statement was
52 determined unnecessary and was stricken from the minutes.

53
54 **MOTION:** Approve the proposed December 5-6, 2018 Meeting
55 Minutes, as amended.

56
57 **M/S:** Rabena-Amen/Eleby

58
59 **VOTE:** Dominguez- Aye
60 Drummer – Aye
61 Eleby – Aye
62 McMillian – Aye
63 Rabena-Amen - Aye
64 Watkins – Aye
65 6-0 Motion carried
66

67 **6. Review and Approval of February 13, 2019 Teleconference Meeting Minutes –**
68 *Brooke Arneson*

69
70 Ms. Arneson presented the draft February 13, 2019 Teleconference meeting minutes.
71 Ms. Bojack, legal counsel recommended that the Board add a sentence below the

noticed teleconference locations stating that a Board member was present at each of the locations noticed on the agenda. She also recommended that on Agenda Item 2, the minutes reflect that public comment was requested by the Board at each of the noticed teleconference locations. Ms. Bojack requested that the minutes be edited on Agenda Item 3 to reflect that the Board came back to open session to adjourn.

MOTION: Approve the proposed February 13, 2019 Teleconference Meeting Minutes, as amended.

M/S: Watkins/Dominguez

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – Aye
6-0 Motion carried

7. President's Report – Alicia Rabena-Amen

(A) 2019 Adopted Meeting Calendar

Mr. Kaiser stated that there is a scheduling conflict for the June 19-20, 2019 meeting and reported that CSU Long Beach had availability to move the June meeting to the 20-21st to allow for Board members to attend the Board Orientation Training with the DCA on June 19th in Southern California. Mr. Kaiser asked the members to amend the adopted 2019 calendar. Dr. Rabena-Amen clarified that Student Conclave is scheduled on April 20, 2019. Ms. Eleby requested that FSBPT's Regulatory training scheduled on August 16-18, 2019 and FSBPT's Annual Meeting and Delegate Assembly scheduled for October 24-26, 2019 be added to the 2019 meeting calendar.

MOTION: Adopt the 2019 Meeting Calendar as amended.

M/S: Drummer/Watkins

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – Aye

114 6-0 Motion carried
115

116 (B) 2020 Proposed Meeting Calendar
117

118 Dr. Rabena-Amen asked why board meetings are scheduled on different weeks during
119 the months of 2019 and Mr. Kaiser responded that it is to account for holidays,
120 graduation and other meetings.
121

122 Dr. Drummer stated he was concerned with the proposed dates on the 2020 Meeting
123 Calendar to allow the Board to address legislative concerns within the time constraints
124 of the legislative calendar. Mr. Kaiser responded that staff would look at the 2020
125 proposed June Board meeting date and potentially move it to account for the legislative
126 timeframes. Dr. Rabena-Amen and Ms. Eleby stated they agreed moving the June
127 2020 meeting if it would allow the Board to address legislative concerns with regards to
128 legislative deadlines. Dr. Dominguez added that the first and second week of June
129 2020 does not work well for his teaching schedule and that the third and fourth week of
130 June 2020 works better. Dr. Drummer asked that Board staff investigate the proposed
131 June 2020 meeting dates and report back to the Board at the June 2019 meeting.
132

133 **8. Executive Officer's Report – Jason Kaiser**

134 Mr. Kaiser presented the Executive Officer's Report.

135 (A) Administrative Services

136 Mr. Kaiser reported that the Administrative Services Program is currently
137 recruiting for two vacancies. He added that the Board would like to bid a fond
138 farewell to Araceli Strawmier, who was the Board relations liaison, as she has
139 accepted a promotion at the Department of Motor Vehicles.

140 (B) Applications

141 Mr. Kaiser reported that staff have been working with QBirt, which allows for the
142 opportunity to collect data that previously was not available. Mr. Kaiser provided
143 the Board with an example which reported the percentage of applicants that
144 applied online; in 2016 only 18% applied online, in 2017 39% applied online, in
145 2018 64% applied online and in 2019 to-date 89% have applied online.

146 The Board was referred to Agenda Item 22 for a detailed report.

147 (C) Licensing/Continuing Competency

148 Mr. Kaiser reported that online renewals have also increased from 73% in 2016
149 to 83% to-date. Mr. Kaiser added that the Board sees the continuing
150 competency audit process as an opportunity to increase outreach with licensees.
151 He reported that the Board looks forward to auditing content of courses,
152 approvers and recognized approval agencies soon.

The Board was referred to Agenda Item 23 and 24 for a detailed report.

(D) Consumer Protection Services

Mr. Kaiser stated that the number of the complaints received has gone down; however, cases that have resulted in formal discipline have gone up which is attributed to complexity in health care, evolution of the profession and the streamline and efficiency of the case process.

The Board was referred to Agenda Item 25 for a detailed report.

(E) Outreach

Mr. Kaiser reported that the Board, in collaboration with DCA, will be going to a licensing fair at the West Hills Community College District in LeMoore, CA in April 2019.

The Board was referred to Agenda Item 13(B) for a detailed report.

(F) PTBC Relocation

Mr. Kaiser reported that the Board is on track for relocation upstairs and has received the revision of blueprints on what the suite will look like and the Board anticipates that it will close out lease negotiations by May 2019.

(G) Strategic Plan

Mr. Kaiser reported that staff have been actively working on an action plan from the Board's adopted Strategic Plan. The Board has created a display in each unit, to map out the goals and objectives from the strategic plan for staff as a gage of success and to show progress.

Ms. Eleby stated that she was excited to hear about the outreach the Board will be able to do in LeMoore, CA since the Board has not been able to do events like these in the past due to travel restrictions and she encouraged staff to participate in outreach events in neighborhoods and communities with varied demographics where physical therapy is not pursued as a profession.

David Campbell, licensed physical therapist, stated that it was an interesting finding in the consumer protection report that incidents were down; however, case complexity has increased, and he asked Mr. Kaiser to expand on that finding and if he could provide an example. Mr. Kaiser responded that when the Board receives a complaint it is run through a priority matrix which will put the most egregious cases at the top and those that are more rudimentary at the bottom. Mr. Kaiser also stated that the Board has tools that have been handed down recently by legislation that helps the Board address less egregious cases which can be diverted through non-disciplinary means. In addition, Mr. Kaiser stated that the Board has collaborated with the Division of Investigation (DOI) and looked for ways to increase communication to keep a case on track so that

ageing does not have to occur unnecessarily. Mr. Kaiser stated that the complexity of these cases has increased as well with ethical and documentation issues being the most common complaints.

9. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer – Alicia Rabena-Amen

(A) Report from the Exempt Level Increase Committee- *Katarina Eleby and TJ Watkins*

Mr. Watkins reported on behalf of the Exempt Level Increase Committee. He updated the Board that at the last meeting the Board discussed preparing a letter to Alexis Podesta, Secretary at the California Business, Consumer Services and Housing Agency (BCSH), regarding the previous exempt level increase request. The Committee reached out to BCSH directly and they responded and provided new information. Mr. Watkins thanked Sonya Logman, Deputy Secretary, BCSH for clarifying some of the issues to the Committee and for providing a way to move forward in the Board's next application for an exempt level increase of the executive officer with the desired outcome.

Mr. Watkins stated that the Board has a new BCSH liaison as Ms. Logman has been appointed Deputy Cabinet Secretary and stated that the Committee is looking forward to meeting with the new liaison and discussing this request. Mr. Watkins informed the Board the Committee decided to withdraw the letter as they found it unnecessary since the Committee was provided with the tools to make the next request successful in achieving the desired level increase. The Committee reported that they are looking forward to working with both BCSH and DCA with submission of this next request.

Dr. Rabena-Amen thanked the Committee for their hard work. Ms. Eleby added that this is important endeavor and the Committee is happy to pursue it on behalf of the Board.

Mr. Kaiser presented the proposed exempt level increase package to the Board which included the following:

- (B) PTBC's Executive Officer Exempt Level/Organizational Structure Overview
- (C) DCA Exempt Level Comparison
- (D) Exempt Salary Schedule
- (E) PTBC Organization Chart
- (F) Executive Officer Exempt Level Increase (Previous Package)

(G) Draft Request for Exempt Level Position Level Change

Mr. Kaiser stated that the exempt level increase package has been updated from the Board's previous package and includes a draft letter that is similar to the letter sent with the previous request.

Ms. Bojack, legal counsel stated that her recommendation is for the Board to make a motion to further authorize and delegate the next steps in the process of the exempt level increase.

Mr. Watkins responded that the next steps would be for the Board to work with DCA and the new BCSH liaison on creating the strongest exempt level increase package request.

MOTION: Authorize the Exempt Level Increase Committee to continue to work with the Department of Consumer Affairs and the California Business, Consumer Services and Housing Agency and Board staff to research the Exempt Level Increase and prepare a package requesting an exempt level change to be voted on by the Board at the next meeting.

M/S: Watkins/Drummer

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – Aye
6-0 Motion carried

10. Consumer and Professional Associations and Intergovernmental Relation Reports

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

No representatives were present. Ms. Eleby, the Board's FSBPT delegate reported on behalf of FSBPT. She stated that FSBPT will be holding its Leadership Issues Forum on July 13-14, 2019 in Alexandria, Virginia. Ms. Eleby reported that additionally, FSBPT would be holding Regulatory Training for Members and Board Staff including legal counsel on August 16-18, 2019 also in Alexandria, Virginia. Ms. Eleby stated FSBPT would also be holding their 2019

273 Annual Meeting and Delegate Assembly on October 24-26, 2019 in Oklahoma
274 City, Oklahoma.
275

276 Ms. Eleby reported the Board has members and staff participating at the
277 committee and task force level. Dr. Dominguez was appointed to the education
278 committee. Dr. Dominguez reported an update from the education committee
279 that they had a teleconference orientation meeting in early March and are
280 scheduled to have another teleconference meeting in May and that he is looking
281 forward to participating in the committee. Ms. Eleby reported that Mr. Kaiser was
282 appointed to the Board assessment and licensure enforcement task force and Dr.
283 Rabena-Amen was appointed to the member survey task force. Dr. Rabena-
284 Amen stated that the survey results would be presented during the Leadership
285 Issues Forum meeting in July 2019.
286

287 Ms. Eleby reported that the PT licensure compact has been introduced in 6
288 states at the legislative level: Virginia, Arkansas, Georgia, Maryland, Michigan
289 and Nevada. Dr. Rabena-Amen asked how many states are issuing compact
290 licenses. Mr. Kaiser responded that 19 states are in the licensure compact and 4
291 states are issuing privileges.
292

293 (B) Department of Consumer Affairs (DCA) – Executive Office
294

295 Karen Nelson, Assistant Deputy Director of Board and Bureau Services provided
296 an update to the Board on behalf of DCA. Ms. Nelson reported that in 2018 DCA
297 convened nine licensing and enforcement workgroup meetings, three substance
298 abuse coordination committee meetings, four director quarterly meetings, pro
299 rata workgroup meeting and two directors board member and advisory
300 committee meeting leadership teleconferences. Ms. Nelson thanked the Board
301 and Board staff in participating in these meetings. Ms. Nelson also stated that the
302 2018 DCA Annual Report is now available online.
303

304 Ms. Nelson reported that Monday, January 7, 2019 Governor Newsom was
305 sworn in as the 40th Governor of California. DCA has met with the transition
306 team and is also meeting with the appointments team regarding appointment
307 vacancies and pending reappointments.
308

309 Ms. Nelson reported that the Director's Quarterly Meeting was held on February
310 25, 2019 and at this meeting DCA provided an update on the regulations unit, the
311 executive officer's salary study and several division updates.
312

313 Ms. Nelson stated that DCA hosted its first Technology Advisory Council (TAC)
314 on March 7, 2019 led by Jason Piccione, Deputy Director of the Office of
315 Information Services. TAC will discuss trends in technology and government and
316 provide guidance and general direction to innovate efforts at DCA. Ms. Nelson
317 reported that TAC will also make recommendations concerning strategic direction

of proposed enterprise computing and information technologies. TAC will also make recommendations about policies consistent with goals and objectives of DCA for proper use of computing resources.

Ms. Nelson informed the Board that 2019 is a mandatory sexual harassment prevention training year for DCA which means all Board members and DCA employees are required to complete the training even if it was completed last year. Ms. Nelson added that the training is provided online and is interactive. Dr. Drummer informed Ms. Nelson that he attempted to take the training online Summer of 2018 and could not access the training. Ms. Nelson thanked Dr. Drummer for the feedback and stated she would look into this training accessibility issue further.

Dr. Rabena-Amen asked Ms. Nelson for an update on the Executive Officer's Salary Study and Ms. Nelson reported that the consultant is currently doing the benchmark piece which means they are going to look at different entities that are similar in structure for Boards, Bureau's and the DCA. After this is completed, a draft report will be sent to DCA and will be shared with BCSH and the Governor's Office and upon final approval that report will be shared with DCA programs.

(C) California Physical Therapy Association (CPTA)

Stacy DeFoe, Executive Director of the California Physical Therapy Association (CPTA), updated the Board on upcoming events. Ms. Defoe stated that CPTA's Advocacy Day at the Capitol is on March 26, 2019, and Student Conclave will be at University of the Pacific on April 13, 2019. In addition, Ms. Defoe added that CPTA's Annual Conference on October 12-13, 2019 will be held in Las Vegas.

Ms. DeFoe stated that CPTA is sponsoring SB 537 which is authored by Jerry Hill who is the Chair of the Labor, Public Employment and Retirement Committee. Ms. DeFoe reported that while this bill is currently in spot form, it will address the issues relating to third party administrators in the workers compensation system. Ms. DeFoe reported that CPTA will be watching AB 1592, the Athletic Trainers licensure bill sponsored by Bonta which is also currently in spot form.

11. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

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

i. AB 5 (Gonzalez) Workers Status: Independent Contractors

Ms. Arneson reported that AB 5 is in the Assembly pending referral.

ii. AB 71 (Melendez and Kiley) Employment Standards: Independent Contractors and Employees

Ms. Arneson reported that AB 71 was re-referred to the Assembly Committee on Labor and Employment on February 26, 2019.

iii. AB 193 (Patterson) Professions and Vocations

Ms. Arneson reported that AB 193 was recently amended on March 5, 2019 and re-referred to the Assembly Business and Professions Committee.

iv. AB 496 (Low) Business and Professions

Ms. Arneson reported that AB 496 was re-referred to the Assembly Business and Professions Committee on February 21, 2019.

v. AB 613 (Low) Professions and Vocations: Regulatory Fees

Ms. Arneson reported that AB 613 was re-referred to the Assembly Business and Professions Committee on February 25, 2019.

vi. AB 1592 (Bonta) Athletic Trainers

Ms. Arneson reported that AB 1592 was read for the first time on February 25, 2019.

vii. SB 53 (Wilk and Lackey) Open Meetings

Ms. Arneson reported that SB 53 was re-referred to the Senate Appropriations Committee on March 12, 2019.

Ms. Bojack, legal counsel stated that this bill would change how the Board could hold Committee and other meetings as it would be applicable to two or members of the Board. Ms. Eleby stated that she valued transparency but felt that this bill would limit the ability of committees to be nimble and to move forward and on

issues that need to be resolved in between Board meetings. Ms. Bojack informed the Board that the Board of Accountancy has opposed this bill. Mr. Kaiser stated that it would create difficulty in logistics and could increase costs for the Board. Ms. Bojack added that Governor Brown has vetoed similar versions of this bill in previous sessions on the grounds that the Open Meetings Act was sufficient. Mr. Kaiser stated as this bill progresses through the legislative session the Board would have an additional opportunity to take a position at the June, 2019 meeting.

viii. 425 (Hill) Health Practitioners: Licensee's File: Probationary Physician's and Surgeons Certificate: Unprofessional Conduct.

Ms. Arneson reported that SB 425 was referred to the Senate Business Professions and Economic Development Committee on March 7, 2019.

ix. SB 537 (Hill) Workers Compensation: Independent Bill Review

Ms. Arneson reported that SB 537 was referred to the Senate Rules Committee on March 7, 2019.

Stacy DeFoe, Executive Director of the California Physical Therapy Association (CPTA), informed the Board that CPTA is sponsoring this bill in the hopes to provide regulation on third party administrators in California under the workers compensation system. Ms. DeFoe stated that the bill is currently in spot form and the language CPTA outlined will hopefully be included on Monday, March 25, 2019. Ms. DeFoe also informed the Board that CPTA has been working very closely with the author, Senator Jerry Hill, Chair of the Senate Labor, Public Employment and Retirement Committee. Dr. Drummer asked if CPTA is the only sponsor at this time and Ms. DeFoe responded that at this time they are; however, they anticipate other health care providers supporting this bill soon.

David Campbell, licensed PT, provided public comment on this agenda item. Mr. Campbell asked why the Board is not taking a position on the 9 introduced bills noticed on the agenda under the Legislation Report. Mr. Kaiser responded that it is very early in the session and some of the bills are spot bills so there is no language for the Board to base a position on. Mr. Kaiser added that some of these bills are brought to the attention of the Board as they may affect the Board directly or indirectly and as the legislative session progresses the Board may take a position.

439
440 **12. Rulemaking Report – Brooke Arneson**
441

442 (A) 2019 Rulemaking Update
443

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

447 i. Examination Passing Standard/Setting Examination Score
448

449 Ms. Arneson reported that modified language was adopted by the Board at the
450 September 2018 Board meeting and PTBC staff are preparing the initial
451 rulemaking package for completing the new review process implemented by
452 DCA.
453

454 ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
455

456 Ms. Arneson reported that modified language was adopted at the March 2018 by
457 the Board and with the passage of AB 2138, significant revisions will need to be
458 made to the Disciplinary Guidelines, and staff will be presenting proposed
459 amendments for Board consideration under Agenda Item 12(A). Mr. Kaiser
460 stated that the Board will be addressing the modifications necessitated by AB
461 2138 to the guidelines at the June 2019 meeting.
462

463 iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a
464 Physical Therapist or Physical Therapist Assistant/Coursework Tool
465

466 Ms. Arneson reported that the Board approved regulatory language at the May
467 2017 Board meeting and PTBC staff and DCA legal are working on preparing the
468 initial rulemaking package for completing the new review process implemented
469 by DCA.
470

471 iv. Federation of State Boards of Physical Therapy's (FSBPT) Performance
472 Evaluation Tool for Foreign Educated Physical Therapists Completing a
473 Supervised Clinical Practice in the United States
474

475 Ms. Arneson reported that language was adopted at the September 2018 Board
476 meeting and staff is in the process of preparing the initial rulemaking package for
477 completing the new review process implemented by DCA.

478
479 v. Substantial Relationship Criteria
480

481 Ms. Arneson reported that proposed language will be presented under Agenda
482 Item 12(B) for Board consideration.
483

484 vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure
485

486 Ms. Arneson reported that proposed language will be presented under Agenda
487 Item 12(C) for Board consideration.
488

489 vii. Rehabilitation Criteria for Suspensions and Revocations
490

491 Ms. Arneson reported that proposed language will be presented under Agenda
492 Item 12(D) for Board consideration.
493

494 Ms. Bojack stated that the Board will be addressing the AB 2138 regulations first
495 as they impact the Disciplinary Guidelines. Ms. Bojack referred the Board to the
496 briefing papers included in the materials which clearly outlined the necessity and
497 purpose of the rulemaking packages regarding Substantial Relationship Criteria
498 and Rehabilitation Criteria for Denial, Reinstatement, Suspension and
499 Revocations and asked the Board if they had any additional questions.
500

501 (B) Discussion and Possible Board Action to Initiate a Rulemaking to Amend Title 16,
502 California Code of Regulations Section 1399.20 Substantial Relationship Criteria –
503 *Salwa Bojack*
504

505 Ms. Bojack referred the members to the proposed language in the meeting materials
506 and explained that there are two options recommended by staff regarding substantial
507 relationship criteria. Ms. Bojack stated that the main difference between the two
508 options was that Option 2 has subsection(c) which gives a list of examples of
509 professional misconduct and one of the reasons DCA Boards have not chosen
510 Option 2 option is because of the language “shall include but are not limited to, the
511 following:” which many Board’s felt it limited them with a list. Ms. Bojack stated that
512 Option 1 provides more discretion to the Board to consider without having a list; as
513 the Board may want to consider some items on the list or others that are not included
514 on the list. Ms. Bojack added that it simplifies the law to not include a list under
515 subsection (3).
516

Mr. Kaiser further clarified that Option 1 is the discretionary model and is most similar to the Board's existing regulatory language. Mr. Kaiser brought up additional concerns he had with Option 2. He stated that if there are already violations that automatically, without Board discretion, would result in revocation, denial or suspension of a license, the Attorney General's recommendation is to include that in subsection (c) as a list and by doing that, the list essentially means if they commit that offense no point of discretion is going to be applied by the Board. Mr. Kaiser added he liked the simplicity of the first model (Option 1) better as it doesn't limit the Board to exercise its discretion on a case by case basis while considering rehabilitation, mediation and anything else an applicant or licensee may bring to the case to make a showing of rehabilitation.

Ms. Bojack clarified that Option 2 in subsection (c) "shall include but are not limited to, the following:" examples listed are preexisting regulatory language for other Boards, so it does not satisfy any new requirements for AB 2138. Ms. Bojack stated that Option 1 reflects what the Board is proposing to satisfy AB 2138 and that's that AB 2138 requires the Board to consider three factors: the nature and gravity of the offense; the number of years elapsed since the date of the offense; and the nature and duties of a licensee [or physical therapist or physical therapist assistant] to determine substantial relationship criteria. Ms. Bojack further clarified that the examples listed in proposed language subsection(C) is underlined for Board consideration because the Board does not currently have those in regulation, not because it is recommended to satisfy amendments necessitated by AB 2138.

Ms. Eleby agreed with Board staff's recommendation that Option 1's simplicity lends to more discretion of the Board and allows the Board to take each occurrence on a case by case basis instead of boxing the Board into a set list that might be interpreted differently so she supported Option 1.

Dr. Dominguez stated that he agreed with Ms. Eleby in that he preferred Option 1 in that it gives the Board more latitude and discretion. Dr. Dominguez asked counsel if Option 1 means that the Board will have to further justify each decision applied, or does Option 2, by having the list, provide more justification for the Board's decision. Ms. Bojack, legal counsel, replied that the Board's decision must include a thorough analysis and that Option 2, of the proposed language, does not increase justification of a Board's decision. Mr. Kaiser added that Option 1 is in alignment with the way deliberations by the Board occur now.

Dr. Drummer questioned for both Option 1 and 2, in subsection (b)(2) if it is required with the language in AB 2138 to use “number of years” or would it be more appropriate to use “the amount of time since the date of the last offense.” Dr. Rabena-Amen stated that “number of years” is the term specified in AB 2138 and Mr. Kaiser confirmed it is a direct quote from the statute and further clarified that “years” does not box the Board into a time parameter.

Dr. Drummer suggested an amendment in subsection (b)(3) “the nature and duties of a licensee [or physical therapist or physical therapist assistant]” and would prefer that the proposed language be amended to “licensed physical therapist or licensed physical therapist assistant” since that is the licensing population the Board oversees would be more appropriate than using the term “licensee.” Dr. Rabena-Amen and Ms. Eleby agreed with Dr. Drummer’s amendment to the proposed language as it adds clarity.

Mr. Kaiser stated that a great deal of time was invested to conform regulatory language as a result of AB 2138 which will be helpful to OAL to process multiple rulemaking packages in a timely manner, so he advised the Board to keep the regulatory language amendments to a minimum to keep the language as uniform as possible with other DCA Boards.

The Board was in unanimous agreement that it would like to pursue Option 1 of the proposed language regarding CCR 1399.20 Substantial Relationship Criteria.

MOTION: “Approve the proposed regulatory text of Option 1 as amended with changing the text in subsection (b)(3) to “licensed physical therapist or licensed physical therapist assistant” for Section 1399.20, direct staff to submit the text to the Director 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 the rulemaking process, make any non-substantive changes to the package and set the matter for hearing.”

M/S: Watkins/McMillian

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye

Rabena-Amen - Aye
Watkins – Aye
6-0 Motion carried

(C) Discussion and Possible Board Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations Section 1399.21 Rehabilitation Criteria for Denial and Reinstatement of Licensure – *Salwa Bojack*

Ms. Bojack referred the members to the proposed language in the meeting materials and explained that again, there are two options proposed regarding rehabilitation criteria for denial and reinstatement of licensure for Board consideration. Ms. Bojack stated that the main difference between the two options was that Option 1 gives the Board more discretion than Option 2. Ms. Bojack stated that in Option 1, the Board can weigh in on whether or not successful completion of the criminal sentence is considered rehabilitation; whereas Option 2 states that successful completion of the criminal sentence is considered rehabilitation and takes away from the Board considering additional factors of rehabilitation.

Ms. Eleby stated that she agreed with Board staff's recommendation and supported Option 1. Dr. Drummer stated with Option 2 that it implies that completing criminal probation or sentence is equivalent to rehabilitation for a license which Dr. Drummer did not feel is an appropriate connection to make; Dr. Drummer stated he also supported Option 1.

Mr. Kaiser added with Option 2, anyone who is on criminal probation could not have a license issued to them. Mr. Kaiser clarified that in Option 1, the discretion is applied evenly amongst the applicant's circumstances on a case by case basis whereas, with Option 2 it is inferred if they complete the criminal probationary period, the Board will be forced to consider that rehabilitation.

The Board was in unanimous agreement that it would like to pursue Option 1 of the proposed language regarding CCR 1399.21 Rehabilitation Criteria for Denial and Reinstatement of Licensure.

Dr. Drummer recommended amending subsection (a) to read "whether the applicant made a showing of sufficient rehabilitation and is presently eligible for a license." Ms. McMillian asked how does the Board determine what is deemed sufficient? Dr. Drummer stated that the Board determines whether there has been sufficient rehabilitation in the Board's deliberations and its at the Board's discretion to consider

rehabilitation on a case by case basis. Ms. Bojack stated there was an issue of clarity with adding “sufficient” to subsection (a) as it becomes debatable on if an applicant is rehabilitated. Ms. McMillian stated that since the Board is assessing rehabilitation already, the term “sufficient” in subsection (a) is not necessary. Dr. Drummer agreed with Ms. McMillian. Mr. Kaiser advised the Board to keep the regulatory language amendments to a minimum to keep the language as uniform as possible with other DCA Boards for timeliness and ease of OAL review.

Dr. Dominguez suggested for consistency, to replace “severity” in subsection (b)(1) with “gravity” to conform with the language in AB 2138. Dr. Rabena-Amen and Mr. Kaiser agreed with the suggested amendment to the proposed language. Ms. Bojack added that the bill language in AB 2138 Section 493(a) states “nature and gravity of the offense” which is consistent with Dr. Dominguez’s suggested amendment.

MOTION: “Approve the proposed regulatory text of Option 1 as amended, replacing in subdivision (b)(1) “the nature and severity” with “the nature and gravity” for Section 1399.21, direct staff to submit the text to the Director 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 the rulemaking process, make any non-substantive changes to the package and set the matter for hearing.”

M/S: Eleby/Watkins

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – Aye
6-0 Motion carried

(D) Discussion and Possible Board Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations Section 1399.22 Rehabilitation Criteria for Suspension and Revocations – *Salwa Bojack*

Ms. Bojack referred the members to the proposed language in the meeting materials and explained that again, there are two options proposed regarding rehabilitation criteria for suspensions and revocations for Board consideration. Ms. Bojack stated

that the amendments to CCR 1399.22 has similar distinguishing features of the previous rulemaking package discussed (CCR 1399.21) however; instead of addressing applicants it addresses licensees. Ms. Bojack stated that Option 2 takes away some discretion from the Board when considering whether the licensee made a showing of rehabilitation and is eligible for a license if they have completed their criminal sentence; whereas Option 1 allows the Board to weigh in on whether or not successful completion of the criminal sentence is considered rehabilitation.

The Board was in unanimous agreement that it would like to pursue Option 1 of the proposed language regarding CCR 1399.22 Rehabilitation Criteria for Suspensions and Revocations.

Dr. Dominguez suggested for consistency, to replace “severity” in subsection (b)(1) with “gravity” to conform with the language in AB 2138. Ms. Bojack solicited the Board’s feedback on whether or not they felt there was a difference between the words “gravity and “severity.” The Board stated they felt that the words were synonymous in this context. The Board reiterated the reason for the suggested amendment is that it promotes internal uniformity, consistency and clarity and conformity to the statutory language in AB 2138.

MOTION: “Approve the proposed regulatory text of Option 1 as amended, replacing in subdivision (b)(1) “the nature and severity” with “the nature and gravity” for Section 1399.22, direct staff to submit the text to the Director 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 the rulemaking process, make any non-substantive changes to the package and set the matter for hearing.”

M/S: Eleby/McMillian

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – Aye
6-0 Motion carried

13. Administrative Services – Discussion and Possible Board Action

717 (A) Budget Report – *Carl Nelson*

718
719 Mr. Nelson reported that the Board is not projecting major changes in
720 expenditures this fiscal year, however anticipates a slight increase in personnel
721 services, specifically within the Temp Help expenditures to accommodate
722 additional staff to address workload backlogs in core program areas such as
723 applications and continuing competency. Mr. Nelson stated that Board spending
724 has decreased this fiscal year by 3% and the Board's revenues have increased
725 4% over last fiscal year, quarter 2.

726
727 Mr. Watkins asked what the decrease in the Department of Investigations
728 Services (DOI) line item was attributed to. Mr. Nelson responded that DOI
729 operates on a 2 year roll forward budget system; which means the DOI line item
730 is based on activity two years prior to the current fiscal year.

731
732 Dr. Rabena-Amen asked why the Board Member expenditure line item shows
733 that 216% of the budget has been spent. Mr. Kaiser responded that the board
734 member allocation is low and hasn't been adjusted. Mr. de los Reyes stated
735 there are a couple options for this line item; the Board could do a net-zero line
736 item adjustment or go through the budget process to increase the allotment.

737
738 (B) Outreach Report – *April Beauchamps*

739
740 Ms. Beauchamps reported that the website traffic for quarter 2 decreased 8%
741 with the laws tab showing the most significant decrease at 24%. Ms. Beauchamps
742 explained that the publications and about us tabs have steadily decreased due to
743 the Board's outreach efforts. Ms. Beauchamps stated that the forms and
744 applications tabs have decreased due to outreach efforts and the Board
745 encouraging applicants and licensees to utilize BreEZe.

746
747 Ms. Beauchamps reported that Facebook traffic increased 84% with the most
748 significant increase being our "Consumers" showing an overall increase of 587%
749 and our "Engaged Users" showing an 514% increase.

750
751 Ms. Beauchamps stated that the Board conducted 4 outreach events at
752 Sacramento State on October 1st, 8th and 15th and November 27th. Ms.
753 Beauchamps shared that the next Newsletter will be coming out Spring of 2019.
754 She also stated that outreach events coming up include the licensing fair at West
755 Hills College in LeMoore, CA, and school presentations at Northridge and Casa

Loma College. Ms. Beauchamps added that the Board will also be attending Student Conclave at the University of the Pacific. Dr. Drummer asked if the Outreach report could be amended to include the additional items in Ms. Beauchamps presentation.

14. DCA Budget Unit – Presentation of Services – Robert de los Reyes, DCA Budget Manager

Mr. de los Reyes provided a budget and Fi\$Cal update to the Board which included an updated fund condition statement.

15. Discussion and Possible Board Action on the Board Member Administrative Manual – April Beauchamps

Ms. Beauchamps presented the Board Member Administrative Manual. The Board asked staff to bring the Board Member Administrative Manual back to the Board for consideration at the June 2019 meeting, once members and legal counsel had additional time for review.

David Campbell, licensed PT, provided public comment on Agenda Item 15. Mr. Campbell suggested an amendment on page 7, in the introductory section and recommended that the Board amend this section to be more aspirational. Ms. Bojack, legal counsel, clarified that the section Mr. Campbell was referring to is from the Board's mandate to protect the public as stated in BPC 2602.1 and the amendments that Mr. Campbell suggested would not be consistent with the Board's mandate. Dr. Rabena-Amen suggested that members look at this introductory section during their review of the Board Administrative Manual and take Mr. Campbell's recommendations into account for further discussion at the June 2019 meeting.

16. Public Comment on Items Not on the Agenda

The Board requested public comment on items not on the agenda. David Campbell, licensed PT, stated that in recent years, his experience with continuing education is that the burden of documentation of course completion has been put on the attendee of the course rather than the provider and he asked the Board if this has been an issue brought to the Board. Mr. Kaiser responded that today's law states that continuing education providers should provide attendees of continuing education classes with a certificate upon completion and in addition, regulations state that licensees should retain completion records for 5 years and providers should retain completion records for 7 years. Mr. Kaiser also stated that licensees should be able to contact the course providers for completion documentation for continuing competency audit purposes. Dr.

Drummer clarified that courses that have not been approved or accredited may not have adhered to those retention requirements. Mr. Kaiser added that the Board tries to educate its licensees to make sure that a continuing competency course is accredited prior to taking it.

17. Recess

The Board recessed at 5:30 p.m. on the first day of the meeting, Thursday, March 21, 2019.

Friday, March 22, 2019

18. Call to Order - 9:00 a.m.

19. Roll Call and Establishment of Quorum

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

All members were present, and a quorum was established. Also present at the meeting were: Salwa Bojack, Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Sarah Conley, Brooke Arneson, Monny Martin and April Beauchamps.

Mr. Watkins read the Board's mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

20. 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, March 22, 2019 at 8:58 a.m. to deliberate on Agenda Item 20(A) and reconvened into open session at 10:06 a.m. The Board went back into closed session at 11:46 a.m. and reconvened open session to adjourn at 6:30 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, March 22, 2019 at 11:46 a.m. to deliberate on Agenda Item 20(B). The Board reconvened open session to adjourn at 6:30 p.m.

21. Reconvene Open Session

The Board reconvened into open session to adjourn at 6:30 p.m. on day two, March 22, 2019.

22. Application Services – Discussion and Possible Board Action – *Valerie Kearney*

(A) Program Updates

(B) Statistical Reports

Due to time constraints, no presentation was made on the Application Services Report.

23. Licensing Services – Discussion and Possible Board Action – *Justin Silva*

(A) Program Updates

(B) Statistical Reports

Due to time constraints, no presentation was made on the Licensing Services Report.

24. Continuing Competency Services – Discussion and Possible Board Action – *Veronica Gutierrez*

(A) Program Updates

(B) Statistical Reports

Due to time constraints, no presentation was made on the Continuing Competency Services Report.

25. Consumer Protection Services – Discussion and Possible Board Action– *Marney Kincaid*

(A) Program Updates

(B) Statistical Reports

Due to time constraints, no presentation was made on the Consumer Protection Services Report.

26. Probation Monitoring Services – Discussion and Possible Board Action – Monny Martin

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

Due to time constraints, no presentation was made on the Probation Monitoring Services Report.

- (C) Presentation on the Overview of the Probation Monitoring Program

Mr. Martin presented a general overview of the probation monitoring program.

27. Board Member Training – Presentation on the Legislative Process – Dennis Cuevas-Romero, Deputy Director, Division of Legislative Affairs

Mr. Cuevas-Romero presented a general overview of the legislative process.

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).]

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

29. Agenda Items for Future Meeting –

June 20-21, 2019
California State University Long Beach
Long Beach, CA

The Board indicated it did not have any specific items at this time for the June 20-21, 2019 meeting.

30. Adjournment

The meeting adjourned at 6:30 p.m.



Briefing Paper

Date: May 22, 2019

Agenda Item 7(A)

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

To provide an update on the 2019/20 Legislative session.

Attachments:

- 1. [2019 Legislative Calendar](#)
- 2. [Definition of the Board's Legislative Positions](#)
- 3. [2019/20 Legislative Summary](#)

Background and Update:

The 2019 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, May 31st was the last day for bills to be passed out of the house of origin. October 13th is the last day for the Governor to sign or veto bills passed by the Legislature before September 1st and in the Governor's possession after September 13th. All statutes will take effect January 1, 2020.

In addition, a 2019/20 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.

Action:

No action requested.

2019 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK

October 31, 2018 (revised)

DEADLINES

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

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

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
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24	25	26	27	28	29	30
31						

APRIL						
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28	29	30				

MAY						
S	M	T	W	TH	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 7

Legislature **reconvenes** (J.R. 51(a)(1)).
- Jan. 10

Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 21

Martin Luther King, Jr. Day.
- Jan. 25

Last day to submit **bill requests** to the Office of Legislative Counsel
- Feb. 18

Presidents’ Day.
- Feb. 22

Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).
- Mar. 29

Cesar Chavez Day observed.
- Apr. 11

Spring recess begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- Apr. 22

Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).
- Apr. 26

Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).
- May 3

Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 10

Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).
- May 17

Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).
- May 27

Memorial Day.
- May 28-31

Floor Session Only.
No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).
- May 31

Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

*Holiday schedule subject to Rules committee approval.

2019 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 31, 2018 (revised)

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

JULY						
S	M	T	W	TH	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	TH	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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

[Jun. 3](#) Committee meetings may resume (J.R. 61(a)(9)).

[Jun. 15](#) **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

[Jul. 4](#) Independence Day.

[Jul. 10](#) Last day for **policy committees** to hear and report **fiscal bills** to **fiscal committees** (J.R. 61(a)(10)).

[Jul. 12](#) Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)). **Summer recess** begins upon adjournment of this day’s session, provided Budget Bill has been passed (J.R. 51(a)(3)).

[Aug. 12](#) **Legislature reconvenes** from Summer recess (J.R. 51(a)(3)).

[Aug. 30](#) Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

[Sep. 2](#) Labor Day.

[Sep. 3-13](#) **Floor Session Only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

[Sep. 6](#) Last day to **amend bills on the floor** (J.R. 61(a)(14)).

[Sep. 13](#) Last day for **each house to pass bills** (J.R. 61(a)(15)). **Interim Study Recess** begins upon adjournment of this day’s session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2019
[Oct. 13](#) Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor’s possession after Sep. 13 (Art. IV, Sec.10(b)(1)).

2020
[Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
[Jan. 6](#) Legislature reconvenes (J.R. 51 (a)(4)).

**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.

[AB 5](#)

Worker Status: Independent Contractors

Author: Gonzalez (D)

Current Text: Amended 5/1/19 Assembly

Status: 5/30/19 In Senate. Read first time. To Committee on Rules for Assignment

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill codifies the decision of the California Supreme Court in *Dynamex Operations West, Inc v. Superior Court of Los Angeles (2018)* that presumes a worker is an employee unless a hiring entity satisfies a three-factor test, and exempts from the test certain insurance occupations, physicians, securities broker-dealers, and direct salespersons.

[AB 71](#)

Employment Standards: Independent Contractors and Employees

Author: Melendez (R)

Current Text: Amended 2/25/19 Assembly

Status: 4/26/19 Failed Deadline (May be acted upon Jan 2020)

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would require a determination of whether a person is an employee or an independent contractor to be based on the multifactor test set forth in *S.G. Borello & Sns, Inc. v. Department of Industrial Relations*, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identifying factors.

[AB 193](#)

Professions and Vocations

Author: Patterson (R)

Current Text: Amended 3/20/19 Assembly

Status: 4/26/19 Failed Deadline (May be acted upon Jan 2020)

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: Requires DCA to conduct a comprehensive review of all licensing requirements for each profession and identify unnecessary licensing requirements; requires DCA to apply for federal funds for the purposes of reviewing, updating and eliminating overly burdensome licensing requirements; requires every Board under DCA to submit an assessment on the Board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses.

2019/20 Legislative Summary

Quarterly Report (Q3) (Jan-March 2019)

Agenda Item 7

[AB 476](#)

DCA: Task Force: Foreign-Trained Professionals

Author: Blanca Rubio (D)

Current Text: Introduced 2/12/19 Assembly

Status: 5/29/19 Referred to Senate Business, Professions and Economic Development Committee

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill establishes the California Opportunity Act of 2019, which would require the DCA to create a task force to study the licensing of foreign-trained professionals for purposes of workforce-integration and to submit a report to the Legislature no later than January 1, 2021.

[AB 496](#)

Business and Professions

Author: Low (D)

Current Text: Amended 5/6/19 Assembly

Status: 5/22/19 Referred to Senate Business, Professions and Economic Development Committee

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would make various technical corrections and nonsubstantive changes to the Business and Professions Code. Specifically, this bill replaces gendered terms with nongendered terms; deletes references to Boards and Bureau's no longer in existence and corrects references to entities that have since been renamed or restructured; replaces all references to "licentiate" with the term "licensee;" and provides that each appointing authority may remove its own appointees from a Board.

[AB 544](#)

Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees

Author: Brough (R)

Current Text: Amended 3/21/19 Assembly

Status: 5/17/19 Failed Deadline (May be acted upon Jan 2020)

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill limits the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. This bill also prohibits a Board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

2019/20 Legislative Summary

Quarterly Report (Q3) (Jan-March 2019)

Agenda Item 7

[AB 613](#)

Professions and Vocations: Regulatory Fees

Author: Low (D)

Current Text: Introduced 2/14/19 Assembly

Status: 5/8/19 Senate Business, Professions and Economic Development Committee

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill authorizes regulatory boards under DCA to adjust their licensing fees once every four years by an amount not to exceed the increase in the California Consumer Price Index (CPI) for the proceeding four years, with limitations.

[AB 1076](#)

Criminal Records: Automatic Relief

Author: Ting (D)

Current Text: Amended 5/16/19 Assembly

Status: 5/30/19 In Senate. Read first time. To Committee on Rules for assignment.

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a weekly basis, identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion being filed on the person's behalf.

[AB 1592](#)

Athletic Trainers

Author: Bonta (D)

Current Text: Amended 3/28/19 Assembly

Status: 4/26/19 Failed Deadline (May be acted upon Jan 2020)

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would enact, until January 1, 2028, the Athletic Training Practice Act for the purpose of licensing persons engaged in the profession of Athletic Trainer.

SB 53

Open Meetings

Author: Wilk (R)

Current Text: Amended 3/5/19 Senate

Status: 5/6/19 Referred to Senate Governmental Organization Committee

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill modifies the Bagley-Keene Open Meeting Act (Bagley-Keene) to require two-member advisory committees of a “state body” to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by state funds.

SB 425

Health Care Practitioners: Licensee’s File: Probationary Physician’s and Surgeon’s Certificate: Unprofessional Conduct

Author: Hill (D)

Current Text: Amended 5/21/19 Senate

Status: 5/28/19 Read third time. Passed. Ordered to Assembly. In Assembly. Read first time. Held at desk.

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill requires every health care facility in the state, health care service plans, or other entities with any arrangement authorizing a licensed health care professional to provide care for patients (such as postsecondary educational institutions), to report allegations of sexual abuse and sexual misconduct made against a licensed health care professional by a patient, if the patient makes the allegation in writing, to the licensee’s licensing board, within 15 days of receiving the written allegation of sexual abuse or sexual misconduct; and makes other changes related Medical Board of California (MBC) disciplinary action and enforcement.

2019/20 Legislative Summary

Quarterly Report (Q3) (Jan-March 2019)

Agenda Item 7

SB 537

Workers' Compensation: Treatment and Disability

Author: Hill (D)

Current Text: Amended 4/11/19 Senate

Status: 5/30/19 Referred to Assembly Committee on Insurance

Position: No Position

[Bill Analysis](#)

[Bill Text](#)

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill requires medical provider networks (MPN's) to list all medical providers on a public roster, prohibits MPN's from altering medical treatment plans and medical billing codes, and prohibits any contract between a medical provider and a contracting agent, employer or insurance carrier that is less than the applicable Medicare fee schedule.

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 5**
Author: **Gonzalez**
Bill Date: **As Amended May 24, 2019**
Subject: **Worker Status: Independent Contractors**
Sponsor: Sponsored by the California Labor Federation. The Author, Assemblywoman Gonzalez serves as Chair of the Assembly Committee on Appropriations, Chair of the Assembly Select Committee on Women in the Workplace and Chair of the California Latino Legislative Caucus.

DESCRIPTION OF CURRENT LEGISLATION:

Codifies the decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) that presumes a worker is an employee unless a hiring entity satisfies a three-factor test and exempts from the test certain insurance and real estate occupations, physicians, securities broker-dealers, direct salespersons, hair stylists and barbers, and those performing work under a contract for professional services, as specified.

Major Provisions:

- Provides that for purposes of the labor code, where another definition of “employee” is not otherwise provided, and for the wage orders of the Industrial Welfare Commission (IWC), a person providing labor or services for remuneration shall be considered an employee unless the hiring entity satisfies all of the following conditions: (ABC Test)
 - a) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
 - b) The person performs work that is outside the usual course of the hiring entity’s business.
 - c) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.
- Exempts from the application of *Dynamex* and instead, applies the definition of an employee as set forth in the decision of the California Supreme Court in *S. G. Borello & Sons, Inc. v Department of Industrial Relations (Borello)* (1989) 48 Cal.3d 341, to the following occupations:
 - a) *Hirers & Workers in Specified Insurance Industries*. A person or organization who is licensed by the Department of Insurance pursuant to Chapter 5 (commencing with Section 1621), Chapter 6 (commencing with Section 1760), and Chapter 8 (commencing with Section 1831) of Part 2 of Division 1 of the Insurance Code.
 - b) *A physician and surgeon* licensed by the State of California pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, performing professional or medical services provided to or by a health

care entity, including an entity organized as a sole proprietorship, partnership, or professional corporation as defined in Section 13401 of the Corporations Code.

c) *A securities broker-dealer or investment adviser or their agents and representatives* that are registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority or licensed by the State of California under Chapter 2 (commencing with Section 25210) or Chapter 3 (commencing with Section 25230) of Division 1 of Part 3 of Title 4 of the Corporations Code.

d) *A direct sales salesperson* as described in Section 650 of the Unemployment Insurance Code, so long as the conditions for exclusion from employment under that section are met.

(e) *A real estate licensee* licensed by the State of California pursuant to Division 4 of the Business and Professions Code, except where their employment is otherwise defined by Business and Professions Code Section 10032(b) and for purposes of unemployment and workers' compensation insurance.

f) Individuals providing hairstyling and barbering services who have a booth rental permit and are free from the direction and control of the hiring entity, as defined.

g) Individuals engaged in professional services, as defined, and exclusive of professionals in the health care and medical fields, provided that nine separate elements are established, including among other things, that the individual has the ability to use their own employees, engage in contracts for services with other entities, negotiate their own compensation, set their own hours, and customarily exercise discretion and independent judgment in the performance of services.

FISCAL:

According to the Assembly Appropriations Committee, there is considerable uncertainty around the fiscal impact of this bill. Widespread adoption of the ABC test will, relative to current law, likely lead to more workers classified as employees rather than independent contractors. This will generate additional workload and costs for the Department of Industrial Relations (DIR) and the Employment Development Department (EDD), though costs would be partially offset by a simpler process to determine a worker's classification.

Moreover, as drafted, it is unclear how broadly the ABC test will be applied under this bill. The Appropriations Committee assumes the bill's fiscal impact is primarily related to DIR and enforcement of the Labor Code. Costs to DIR's Division of Labor Standards Enforcement (DLSE) will be \$840,000 in the first year and \$800,000 each year thereafter, and there will be an unknown fiscal impact on DIR's Department of Workers' Compensation (DWC). These costs reflect the costs of additional legal staff and the costs of preparing and updating guidance for the public and staff.

There would be no fiscal impact to the Board itself, and any impact would be to licensees who utilize independent contractors or are independent contractors themselves.

SUPPORT:

AFSCME, Bet Tzedek Legal Services, California Conference Board Of The Amalgamated Transit Union, California Conference Of Machinists, California Employment Lawyers Association, California Healthy Nail Salon, Collaborative California Immigrant Policy Center, California Labor Federation (Sponsor), California Nurses Association, California Professional Firefighters, California Rural Legal Assistance Foundation, Inc., California Teamsters Public Affairs Council, Consumer Attorneys Of California, Direct Selling Association, Engineers And Scientists Of California Local 20, Inlandboatmen'S Union Of The Pacific, International Union Of Operating Engineers, Cal-Nevada Conference, Maintenance Cooperation Trust Fund, National Employment Law Project, Numerous Individuals, Professional & Technical Engineers, Local 21, SAG-AFTRA, SEIU California (Cosponsor), State Building And Construction Trades Council Of Ca UCLA Labor Center Unite Here International Union, United Domestic Workers Of America-AFSCME Local 3930, United Food And Commercial Workers, Western States Council, Utility Workers Union Of America, Local 132, Worksafe

Arguments in Support: The California Labor Federation, sponsor of this bill, states that the ABC test *"prevents the common practice in many industries of a company forcing an individual to act as an independent business while the company maintains the right to set rates, direct work, and impose discipline. It distinguishes carefully between a trucking company that has no employee drivers (misclassification) and a trucking company that contracts with a mechanic (legitimate contractor). Bringing misclassified workers into employee status will mean more workers have a safety net when they are sick, laid off, or hurt at work."*

OPPOSITION:

Numerous Individuals, Southwest California Legislative Counsel.

Arguments in Opposition: The Southwest California Legislative Council, is opposed and states, *"the rise of independent contractors has served to ignite large portions of the California economy, encourage entrepreneurship, and provide income for an estimated 4 million workers. Many of our members are local entrepreneurs who contract their services out to a variety of businesses, enabling them to benefit from multiple income streams."*

POSITION:

Recommendation: Watch

AMENDED IN ASSEMBLY MAY 24, 2019

AMENDED IN ASSEMBLY MAY 1, 2019

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 5

Introduced by Assembly Member Gonzalez

December 3, 2018

An act to add Section 2750.3 to the Labor Code, relating to employment, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 5, as amended, Gonzalez. Worker status: employees and independent contractors.

Existing law, as established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Existing law requires a 3-part test, commonly known as the “ABC” test, to establish that a worker is an independent contractor for those purposes.

Existing law, for purposes of unemployment insurance provisions, requires employers to make contributions with respect to unemployment insurance and disability insurance from the wages paid to their employees. Existing law defines “employee” for those purposes to include, among other individuals, any officer of a corporation, and any individual who, under the usual common law rules applicable in

determining the employer-employee relationship, has the status of an employee.

This bill would state the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. The bill would provide that the factors of the “ABC” test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code and the Unemployment Insurance Code, unless another definition or specification of “employee” is provided. ~~The bill would codify existing exemptions for specified professions that are not subject to wage orders of the Industrial Welfare Commission or the ruling in the Dynamex case. Because exempt specified professions from these provisions and instead provide that the employment relationship test for those professions shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 if certain requirements are met. These exempt professions would include licensed insurance agents, certain licensed health care professionals, registered securities broker-dealers or investment advisers, a direct sales salesperson, real estate licensees, workers providing hairstyling or barbering services, and those performing work under a contract for professional services. The bill would require the State Board of Barbering and Cosmetology to promulgate regulations for the development of a booth rental permit and a reasonable biennial fee upon workers providing specified hairstyling or barbering services, by no later than July 1, 2021.~~

Because this bill would expand the categories of individuals eligible to receive benefits from, and thus would result in additional moneys being deposited into, the Unemployment Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would state that ~~these changes do~~ *addition of the provision to the Labor Code* does not constitute a change in, but ~~are~~ *is* declaratory of, existing law with regard to violations of the Labor Code relating to wage orders of the Industrial Welfare Commission.

Existing provisions of the Labor Code make it a crime for an employer to violate specified provisions of law with regard to an employee. The Unemployment Insurance Code also makes it a crime to violate specified provisions of law with regard to benefits and payments.

By expanding the definition of an employee for purposes of these provisions, the bill would expand the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) On April 30, 2018, the California Supreme Court issued a
4 unanimous decision in *Dynamex Operations West, Inc. v. Superior*
5 *Court of Los Angeles* (2018) 4 Cal.5th 903.

6 (b) In its decision, the Court cited the harm to misclassified
7 workers who lose significant workplace protections, the unfairness
8 to employers who must compete with companies that misclassify,
9 and the loss to the state of needed revenue from companies that
10 use misclassification to avoid obligations such as payment of
11 payroll taxes, payment of premiums for ~~workers~~ workers'
12 compensation, Social Security, unemployment, and disability
13 insurance.

14 (c) The misclassification of workers as independent contractors
15 has been a significant factor in the erosion of the middle class and
16 the rise in income inequality.

17 (d) It is the intent of the Legislature in enacting this act to
18 include provisions that would codify the decision of the California
19 Supreme Court in *Dynamex Operations West, Inc. v. Superior*
20 *Court of Los Angeles* (2018) 4 Cal.5th 903, and would clarify the
21 decision's application in state law.

22 SEC. 2. Section 2750.3 is added to the Labor Code, to read:

23 2750.3. (a) For purposes of the provisions of this code and the
24 Unemployment Insurance Code, where another definition or
25 specification for the term "employee" is not provided, and for the
26 wage orders of the Industrial Welfare Commission, a person
27 providing labor or services for remuneration shall be considered
28 an employee unless the hiring entity demonstrates that all of the
29 following conditions are satisfied:

1 (1) The person is free from the control and direction of the hiring
2 entity in connection with the performance of the work, both under
3 the contract for the performance of the work and in fact.

4 (2) The person performs work that is outside the usual course
5 of the hiring entity's business.

6 (3) The person is customarily engaged in an independently
7 established trade, occupation, or business of the same nature as
8 that involved in the work performed.

9 (b) This section and the holding in *Dynamex Operations West,*
10 *Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903, do
11 not apply to the following occupations as defined below, and
12 instead, for these occupations only, the employment relationship
13 shall be governed by the test adopted by the California Supreme
14 Court in the case of *S. G. Borello & Sons, Inc. v. Department of*
15 *Industrial Relations* (1989) 48 Cal.3d 341, *341 or Business and*
16 *Professions Code Section 10032(b) as set forth in paragraph (5)*
17 *below.*

18 (1) A person or organization who is licensed by the Department
19 of Insurance pursuant to Chapter 5 (commencing with Section
20 1621), Chapter 6 (commencing with Section 1760), ~~and~~ *or* Chapter
21 8 (commencing with Section 1831) of Part 2 of Division 1 of the
22 Insurance Code.

23 (2) A physician and surgeon licensed by the State of California
24 pursuant to Division 2 (commencing with Section 500) of the
25 Business and Professions Code, performing professional or medical
26 services provided to or by a health care entity, including an entity
27 organized as a sole proprietorship, partnership, or professional
28 corporation as defined in Section 13401 of the Corporations Code.

29 (3) A securities broker-dealer or investment adviser or their
30 agents and representatives that are registered with the Securities
31 and Exchange Commission or the Financial Industry Regulatory
32 Authority or licensed by the State of California under Chapter 2
33 (commencing with Section 25210) or Chapter 3 (commencing with
34 Section 25230) of Division 1 of Part 3 of Title 4 of the
35 Corporations Code.

36 (4) A direct sales salesperson as described in Section 650 of the
37 Unemployment Insurance Code, so long as the conditions for
38 exclusion from employment under that section are met.

39 (5) *A real estate licensee licensed by the State of California*
40 *pursuant to Division 4 (commencing with Section 10000) of the*

1 *Business and Professions Code shall have their relationship*
 2 *governed by Business and Professions Code Section 10032(b). If*
 3 *that section is not applicable then classification shall be governed*
 4 *as follows: (1) for purposes of unemployment insurance by*
 5 *Unemployment Insurance Code Section 650; (2) for purposes of*
 6 *workers compensation by Section 3200 and following (3) for all*
 7 *other purposes in the Labor Code by the test adopted by the*
 8 *California Supreme Court in the case of S.G. Borello and Sons,*
 9 *Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341.*
 10 *The statutorily imposed duties of a responsible broker under*
 11 *Business and Professions Code Section 10015.1 are not factors*
 12 *under the Borello test.*

13 (6) (A) *A worker providing hairstyling or barbering services*
 14 *who has a booth rental permit and is free from direction or control*
 15 *both under the contract for the performance of the work and in*
 16 *fact. For purposes of this subparagraph, “free from direction or*
 17 *control” includes, but is not limited to, the worker meets all of the*
 18 *following criteria:*

- 19 (i) *Sets their own rates for services performed.*
- 20 (ii) *Sets their own hours of work.*
- 21 (iii) *Has their own book of business or clients.*

22 (B) *The State Board of Barbering and Cosmetology shall*
 23 *promulgate regulations no later than July 1, 2021, for the*
 24 *development of a booth renter permit and a reasonable biennial*
 25 *fee not to exceed fifty dollars (\$50), which may be included as an*
 26 *addendum to the initial and biennial license renewal application.*
 27 *Booth renters shall post a notice of their booth renter permit for*
 28 *consumers to view. The board shall share the list and contact*
 29 *information of all booth renters with any state agency that requests*
 30 *the list, for purposes of assuring compliance with this section.*

31 (C) *The permit requirement set forth in subparagraph (B) shall*
 32 *not become operative until six months after the State Board of*
 33 *Barbering and Cosmetology finalizes regulations as required under*
 34 *this section in accordance with the Administrative Procedure Act*
 35 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
 36 *Division 3 of Title 2 of the Government Code). Until that date, the*
 37 *employment relationship between a hiring entity and a worker*
 38 *who meets all the criteria in paragraph (1) of subdivision (a),*
 39 *except for the permit requirement of subparagraph (B) of this*
 40 *paragraph, shall be governed by the test adopted by the California*

1 *Supreme Court in the case of S. G. Borello & Sons, Inc. v.*
2 *Department of Industrial Relations (1989) 48 Cal.3d 341.*
3 *(D) For the purposes of this paragraph:*
4 *(i) “Hairstyling” is any combination of the following practices:*
5 *(I) Arranging, dressing, curling, waving, machineless permanent*
6 *waving, permanent waving, cleansing, cutting, shampooing,*
7 *relaxing, singeing, bleaching, tinting, coloring, straightening,*
8 *dyeing, applying hair tonics to, beautifying, or otherwise treating*
9 *by any means, the hair of any person.*
10 *(II) The provision of natural hair braiding services together*
11 *with any of the services and procedures described in subclause*
12 *(I).*
13 *(ii) “Barbering shall have the same meaning as defined in*
14 *subdivision (a) of Section 7316 of the Business and Profession*
15 *Code.*
16 *(c) (1) This section and the holding in Dynamex Operations*
17 *West, Inc. v. Superior Court (2018) 4 Cal.5th 903, do not apply*
18 *to a contract for professional service and instead the employment*
19 *relationship shall be governed by the test adopted by the California*
20 *Supreme Court in the case of S. G. Borello & Sons, Inc. v.*
21 *Department of Industrial Relations (1989) 48 Cal.3d 341, if the*
22 *hiring entity demonstrates that all of the following factors are*
23 *satisfied:*
24 *(A) The individual maintains a business location, which may*
25 *include the individual’s residence, that is separate from the hiring*
26 *entity.*
27 *(B) If work is performed more than six months after the effective*
28 *date of this section, the individual has a business license, in*
29 *addition to any required professional licenses or permits for the*
30 *individual to practice in their profession.*
31 *(C) The individual has the ability to use their own employees*
32 *in the completion of the work, where reasonable, and has the*
33 *authority to hire and fire other persons who assist in providing*
34 *the services. Nothing in this section requires an individual to hire*
35 *an employee.*
36 *(D) The individual has the ability to engage in other contracts*
37 *for services than with the hiring entity.*
38 *(E) Both the individual and the hiring entity have the ability to*
39 *negotiate compensation for the services performed.*

1 (F) Outside of project completion dates and reasonable business
2 hours, the individual has the ability to set their own hours.

3 (G) For services that do not reasonably have to be performed
4 at a specific location, the individual can determine where to
5 perform the services under the contract.

6 (H) The individual is customarily engaged in the same type of
7 work performed under the contract with another hiring entity or
8 holds themselves out to other potential customers as available to
9 perform the same type of work.

10 (I) The individual customarily and regularly exercises discretion
11 and independent judgment in the performance of the services.

12 (2) For purposes of this subdivision:

13 (A) An “individual” includes an individual providing services
14 through a sole proprietorship or other business entity.

15 (B) (i) “Professional services” means services that either:

16 (I) Require an active license from the State of California and
17 involve the practice of one of the following recognized professions:
18 law, dentistry, architecture, engineering, or accounting.

19 (II) Require possession of an advanced degree that customarily
20 involves a prolonged course of specialized intellectual instruction
21 and study in the field of marketing or the administration of human
22 resources from an accredited university, college, or professional
23 school, as distinguished from a general academic education.

24 (ii) “Professional services” does not include professionals
25 engaged in the fields of health care and medicine.

26 (e)

27 (d) The addition of this section to the Labor Code by this act
28 does not constitute a change in, but is declaratory of, existing law
29 with regard to violations of the Labor Code relating to wage orders
30 of the Industrial Welfare Commission.

31 SEC. 3. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: AB 476
Author: Blanc Rubio
Bill Date: As Introduced 2/12/19
Subject: Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
Sponsor: Sponsored by the Coalition for Humane Immigrant Rights (CHIRLA)

DESCRIPTION OF CURRENT LEGISLATION:

Establishes the California Opportunity Act of 2019, which would require the Department of Consumer Affairs (DCA) to create a task force to study the licensing of foreign-trained professionals for purposes of workforce-integration and to submit a report to the Legislature no later than January 1, 2021.

Major Provisions:

- Specifies that the task force shall consist of the following 15 members involved in service to diverse or immigrant communities of education.
 - a) The Director of the DCA, or the Director's designee, who shall serve as chair of the task force.
 - b) One member appointed by the Governor.
 - c) One member appointed by the President Pro Tempore of the Senate
 - d) One member appointed by the Speaker of the Assembly.
 - e) One member of the Regents of the University of California.
 - f) One member of the Trustees of the California State University.
 - g) One member of the Board of Governors of the California Community College.
 - h) Four members appointed by the Governor who are representatives of the private sector from diverse regions of the state.
 - i) Four members appointed by the Governor who are representatives of nonprofit organizations that serve the immigrant community from diverse regions in the state.
- Establishes meeting and administrative requirements, including that the task force must meet at least once each calendar quarter and at least once in northern California, central California, and southern California each to facilitate participation by the public.
- Task force meetings must comply with the Bagley-Keene Open Meeting Act.
- Requires the task force to write a report on its findings and recommendations which must include, at a minimum, the following:
 - a) Strategies to integrate foreign-trained professionals and methods of implanting those strategies.
 - b) Identification of state and national licensing regulations and potentially pose unnecessary barriers to practice for foreign-trained professionals, corresponding changes to state licensing requirements, and opportunities to advocate for corresponding changes to national licensing requirements.
 - c) Identification of best practices learned from similar efforts to integrate foreign-trained professionals into the workforce in other states.

- d) Authorizes the task force to include in the report guidelines for full licensure and conditional licensing of foreign-trained professionals.
- Authorizes the task force to hold hearings and invite testimony from experts and the public to gather information.

ANALYSIS:

This bill seeks to eliminate unnecessary barriers foreign-trained professionals may face when seeking licensure in California and entering the workforce. The majority of professional licensing programs are administered by licensing boards, bureaus, and other entities within the Department of Consumer Affairs. The goal of licensing is to protect the public by regulating businesses and professions that engage in activities that may result in harm to the public's health, safety, or welfare. However, over regulation of professions through licensing requirements may unnecessarily prevent competent applicants from obtaining a license. As a result, licensing schemes should not require more than the minimum amount of training, education, and experience necessary to practice safely.

In October 2016, the Little Hoover Commission published a report entitled Jobs for Californians: Strategies to Ease Occupational Licensing Barriers (Report #234), which found, among other things, that "foreign-trained workers, particularly bilingual professionals, are well suited to ease California's impending worker shortages." However, "their education and experience abroad is difficult to apply to state licensing requirements. " As a result, the Commission recommended that the "Legislature should require California colleges and training academies to create bridge education programs for veterans and workers trained outside of California to help them quickly meet missing educational requirements. "

According to the author, "since its inception, immigrants have had a vital role in contributing to California's economic growth and prosperity. Many of these individuals come prepared with prior education and training for their native country and the skill sets to immediately enter into the industries that they once practiced. However, many college-educated immigrants find themselves working in industries where they are not able to apply their skill sets, forcing them to be underemployed. Many of the limitations and barriers they face surround the evaluation process of foreign degrees and training outside of the United States. California has a great opportunity to take advantage of a prepared and skilled workforce by examining how we can improve licensing for skilled immigrants."

FISCAL:

According to the Assembly Appropriations Committee, one-time costs of \$538,000 (General Fund) for DCA to establish and staff the task force, hold public hearings, provide logistical support such as travel and meeting costs, and report its recommendations to the Legislature. DCA indicates that these costs include four limited-term positions to support

the activities of the task force as well as per diem and travel reimbursements for task force members.

SUPPORT:

California Immigrant Policy Center, California Health + Advocates, and Coalition for Humane Immigrant Rights.

Arguments in Support: The California Immigrant Policy Center writes, *"In our recent report, 'Making the Right Investments: Ensuring Workforce Development Programs Work for All Californians,' we present findings from field research conducted with over 40 community organizations across the state about challenges they face in accessing meaningful careers. Barriers include language access and cultural competency, the cost and time required to obtain new training, and a lack of supportive services. In several of our interviews, we learned that for immigrants and refugees with education and career experience from abroad, obtaining accreditation or credit to pursue their careers in the United States is particularly difficult. A taskforce, with adequate representation that reflects the geographic and ethnic diversity of our state, will help ensure that the recommendations of the taskforce are truly responsive to meeting the economic need and opportunity in our state."*

OPPOSITION:

There is no opposition on file.

POSITION:

Recommendation: Watch

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Blanca Rubio

February 12, 2019

An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known as the California
- 2 Opportunity Act of 2019.
- 3 SEC. 2. Section 110.5 is added to the Business and Professions
- 4 Code, to read:
- 5 110.5. (a) The Department of Consumer Affairs shall create
- 6 a task force to study, and write the report described in subdivision
- 7 (c) regarding, the licensing of foreign-trained professionals with
- 8 the goal of integrating foreign-trained professionals into the state's
- 9 workforce.
- 10 (b) The task force shall consist of the following 15 members:
- 11 (1) The Director of Consumer Affairs, or the director's designee,
- 12 who shall serve as the chair of the task force.
- 13 (2) One member appointed by the Governor.
- 14 (3) One member appointed by the President pro Tempore of the
- 15 Senate.
- 16 (4) One member appointed by the Speaker of the Assembly.
- 17 (5) One member of the Regents of the University of California.
- 18 (6) One member of the Trustees of the California State
- 19 University.
- 20 (7) One member of the Board of Governors of the California
- 21 Community Colleges.
- 22 (8) Four members appointed by the Governor who are
- 23 representatives of the private sector from diverse regions in the
- 24 state.
- 25 (9) Four members appointed by the Governor who are
- 26 representatives of nonprofit organizations that serve the immigrant
- 27 community from diverse regions in the state.
- 28 (c) (1) The task force shall write a report of its findings and
- 29 recommendations regarding the licensing of foreign-trained
- 30 professionals, that include, but are not limited to, the following:

1 (A) Strategies to integrate foreign-trained professionals and
2 methods of implementing those strategies, including those
3 recommended by the Little Hoover Commission in its October
4 2016 report entitled Jobs for Californians: Strategies to Ease
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that
7 potentially pose unnecessary barriers to practice for foreign-trained
8 professionals, corresponding changes to state licensing
9 requirements, and opportunities to advocate for corresponding
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts
12 to integrate foreign-trained professionals into the workforce in
13 other states.

14 (2) The task force may include in the report guidelines for full
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in
19 subdivision (c) to the Legislature no later than January 1, 2021,
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.
23 The task force shall meet at least once in northern California, once
24 in central California, and once in southern California to facilitate
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a
27 quorum. Task force meetings shall be held in accordance with the
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred
32 dollars (\$100) for each day actually spent in the discharge of
33 official duties, and shall be reimbursed for traveling and other
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee
36 shall not receive per diem salary compensation for serving on the
37 task force on any day when the officer or employee also received
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
- 2 government agencies, stakeholders, and the public, including, but
- 3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
- 5 (B) The California Workforce Development Board.
- 6 (C) The Department of Industrial Relations.
- 7 (D) In- and out-of-state licensing entities.
- 8 (E) Professional associations.
- 9 (F) Labor and workforce organizations.

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PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 496**
Author: **Low**
Bill Date: **As Amended 5/6/19**
Subject: **Business and Professions**
Sponsor: Sponsored by the Author in his capacity as Chair of the Assembly
 Committee on Business and Professions

DESCRIPTION OF CURRENT LEGISLATION:

Makes various technical corrections and nonsubstantive changes to the Business and Professions Code (BPC), including replacing gendered terms with nongendered terms.

Major Provisions:

- Replaces gendered terms with nongendered terms throughout the BPC.
- Deletes references to boards and bureaus no longer in existence and corrects references to entities that have since been renamed or restructured.
- Replaces all references to “licentiate” with the term “licensee.”
- Provides that each appointing authority may remove its own appointees from a board.

ANALYSIS: This bill is a code clean-up effort by the Chair of the Business and Professions Committee, intended to provide a vehicle for correcting and updating provisions of the BPC. The bill additionally replaces gendered terms with gender-neutral language throughout the code in accordance with Assembly Concurrent Resolution 260 (Low), Chapter 190, Statutes of 2018. It is the author's stated intent that this vehicle be used for further technical changes and noncontroversial adjustments to the BPC throughout the current session.

FISCAL: This bill is keyed non-fiscal by the Legislative Counsel.

SUPPORT: American Civil Liberties Union (ACLU)

Arguments in Support: The ACLU states that *"current language in the Business and Professions Code refers to all persons by male pronouns, which ignores women and nonbinary people, those who self-identify as neither male nor female. The outdated gendered language currently used does not accurately describe the diversity of gender identities in California. AB 496 would change these gender-specific references, paralleling other efforts in the state to ensure women and nonbinary individuals are not sidelined in California. This bill will reflect the rights of individuals to be recognized while freely expressing their gender identity."*

OPPOSITION: There is no opposition on file.
POSITION: Recommendation: Watch

AMENDED IN ASSEMBLY MAY 6, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Low

February 12, 2019

An act to amend Sections 23.8, 23.9, 25, 27, 28, 30, 31, 101, 101.7, 102.3, 103, 105.5, 106, 107, 108.5, 111, 114, 114.3, 115.5, 115.6, 116, 119, 120, 121, 124, 125, 125.3, 125.6, 125.9, 127, 129, 130, 132, 136, 137, 138, ~~and 144~~ 144, 151, 152, 152.6, 153, 156.1, 158, 159.5, 161, 210, 328, 450, and 450.3 of the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Low. Business and professions.

Under existing law, the Department of Consumer Affairs, which is under the control of the director of the Department of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. *With respect to the Department of Consumer Affairs, existing law provides that the Governor has power to remove from office any member of any board appointed by the Governor for specified reasons, including incompetence.*

~~This bill would replace gendered terms with nongendered terms and make various other nonsubstantive changes.~~ *instead provide that the appointing authority has power to remove a board member from office for those specified reasons.*

Existing law authorizes the director to audit and review, upon the director's own initiative or upon the request of a consumer or licensee, inquiries and complaints regarding, among other things, dismissals of disciplinary cases of specified licensees and requires the director to

report to the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee annually regarding any findings from such an audit or review.

This bill would instead require the director to report to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee.

Existing law defines the term “licentiate” to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified.

This bill would instead define “licensee” to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified, and would provide that any reference to licentiate be deemed to refer to licensee.

This bill would make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23.8 of the Business and Professions
- 2 Code is amended to read:
- 3 23.8. “Licensee” means any person authorized by a license,
- 4 certificate, registration, or other means to engage in a business or
- 5 profession regulated by this code or referred to in Sections 1000
- 6 and 3600.
- 7 Any reference to licentiate in this code shall be deemed to refer
- 8 to licensee.
- 9 SEC. 2. Section 23.9 of the Business and Professions Code is
- 10 amended to read:
- 11 23.9. Notwithstanding any other provision of this code, any
- 12 individual who, while imprisoned in a state prison or other
- 13 correctional institution, is trained, in the course of a rehabilitation
- 14 program approved by the particular licensing agency concerned
- 15 and provided by the prison or other correctional institution, in a
- 16 particular skill, occupation, or profession for which a state license,
- 17 certificate, or other evidence of proficiency is required by this code

1 shall not, when released from the prison or institution, be denied
2 the right to take the next regularly scheduled state examination or
3 any examination thereafter required to obtain the license,
4 certificate, or other evidence of proficiency and shall not be denied
5 such license, certificate, or other evidence of proficiency, because
6 of that individual's imprisonment or the conviction from which
7 the imprisonment resulted, or because the individual obtained the
8 individual's training in prison or in the correctional institution, if
9 the licensing agency, upon recommendation of the Adult Authority
10 or the Department of the Youth Authority, as the case may be,
11 finds that the individual is a fit person to be licensed.

12 SEC. 3. Section 25 of the Business and Professions Code is
13 amended to read:

14 25. Any person applying for a license, registration, or the first
15 renewal of a license, after the effective date of this section, as a
16 licensed marriage and family therapist, a licensed clinical social
17 worker, a licensed psychologist, or a licensed professional clinical
18 counselor shall, in addition to any other requirements, show by
19 evidence satisfactory to the agency regulating the business or
20 profession, that they have completed training in human sexuality
21 as a condition of licensure. The training shall be creditable toward
22 continuing education requirements as deemed appropriate by the
23 agency regulating the business or profession, and the course shall
24 not exceed more than 50 contact hours.

25 The Board of Psychology shall exempt from the requirements
26 of this section any persons whose field of practice is such that they
27 are not likely to have use for this training.

28 "Human sexuality" as used in this section means the study of a
29 human being as a sexual being and how a human being functions
30 with respect thereto.

31 The content and length of the training shall be determined by
32 the administrative agency regulating the business or profession
33 and the agency shall proceed immediately upon the effective date
34 of this section to determine what training, and the quality of staff
35 to provide the training, is available and shall report its
36 determination to the Legislature on or before July 1, 1977.

37 If a licensing board or agency proposes to establish a training
38 program in human sexuality, the board or agency shall first consult
39 with other licensing boards or agencies that have established or

1 propose to establish a training program in human sexuality to
2 ensure that the programs are compatible in scope and content.

3 SEC. 4. Section 27 of the Business and Professions Code is
4 amended to read:

5 27. (a) Each entity specified in subdivisions (c), (d), and (e)
6 shall provide on the ~~Internet~~ *internet* information regarding the
7 status of every license issued by that entity in accordance with the
8 California Public Records Act (Chapter 3.5 (commencing with
9 Section 6250) of Division 7 of Title 1 of the Government Code)
10 and the Information Practices Act of 1977 (Chapter 1 (commencing
11 with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
12 Code). The public information to be provided on the ~~Internet~~
13 *internet* shall include information on suspensions and revocations
14 of licenses issued by the entity and other related enforcement
15 action, including accusations filed pursuant to the Administrative
16 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
17 Part 1 of Division 3 of Title 2 of the Government Code) taken by
18 the entity relative to persons, businesses, or facilities subject to
19 licensure or regulation by the entity. The information may not
20 include personal information, including home telephone number,
21 date of birth, or social security number. Each entity shall disclose
22 a licensee's address of record. However, each entity shall allow a
23 licensee to provide a post office box number or other alternate
24 address, instead of the licensee's home address, as the address of
25 record. This section shall not preclude an entity from also requiring
26 a licensee, who has provided a post office box number or other
27 alternative mailing address as the licensee's address of record, to
28 provide a physical business address or residence address only for
29 the entity's internal administrative use and not for disclosure as
30 the licensee's address of record or disclosure on the ~~Internet~~.
31 *internet*.

32 (b) In providing information on the ~~Internet~~, *internet*, each entity
33 specified in subdivisions (c) and (d) shall comply with the
34 Department of Consumer Affairs' guidelines for access to public
35 records.

36 (c) Each of the following entities within the Department of
37 Consumer Affairs shall comply with the requirements of this
38 section:

1 (1) The Board for Professional Engineers, Land Surveyors, and
2 Geologists shall disclose information on its registrants and
3 licensees.

4 (2) The Bureau of Automotive Repair shall disclose information
5 on its licensees, including auto repair dealers, smog stations, lamp
6 and brake stations, smog check technicians, and smog inspection
7 certification stations.

8 (3) The Bureau of Household Goods and Services shall disclose
9 information on its licensees and registrants, including major
10 appliance repair dealers, combination dealers (electronic and
11 appliance), electronic repair dealers, service contract sellers, service
12 contract administrators, and household movers.

13 (4) The Cemetery and Funeral Bureau shall disclose information
14 on its licensees, including cemetery brokers, cemetery salespersons,
15 cemetery managers, crematory managers, cemetery authorities,
16 crematories, cremated remains disposers, embalmers, funeral
17 establishments, and funeral directors.

18 (5) The Professional Fiduciaries Bureau shall disclose
19 information on its licensees.

20 (6) The Contractors' State License Board shall disclose
21 information on its licensees and registrants in accordance with
22 Chapter 9 (commencing with Section 7000) of Division 3. In
23 addition to information related to licenses as specified in
24 subdivision (a), the board shall also disclose information provided
25 to the board by the Labor Commissioner pursuant to Section 98.9
26 of the Labor Code.

27 (7) The Bureau for Private Postsecondary Education shall
28 disclose information on private postsecondary institutions under
29 its jurisdiction, including disclosure of notices to comply issued
30 pursuant to Section 94935 of the Education Code.

31 (8) The California Board of Accountancy shall disclose
32 information on its licensees and registrants.

33 (9) The California Architects Board shall disclose information
34 on its licensees, including architects and landscape architects.

35 (10) The State Athletic Commission shall disclose information
36 on its licensees and registrants.

37 (11) The State Board of Barbering and Cosmetology shall
38 disclose information on its licensees.

39 (12) The Acupuncture Board shall disclose information on its
40 licensees.

1 (13) The Board of Behavioral Sciences shall disclose
2 information on its licensees and registrants.

3 (14) The Dental Board of California shall disclose information
4 on its licensees.

5 (15) The State Board of Optometry shall disclose information
6 on its licensees and registrants.

7 (16) The Board of Psychology shall disclose information on its
8 licensees, including psychologists, psychological assistants, and
9 registered psychologists.

10 (17) The Veterinary Medical Board shall disclose information
11 on its licensees, registrants, and permitholders.

12 (d) The State Board of Chiropractic Examiners shall disclose
13 information on its licensees.

14 (e) The Structural Pest Control Board shall disclose information
15 on its licensees, including applicators, field representatives, and
16 operators in the areas of fumigation, general pest and wood
17 destroying pests and organisms, and wood roof cleaning and
18 treatment.

19 (f) The Bureau of Cannabis Control shall disclose information
20 on its licensees.

21 (g) “Internet” for the purposes of this section has the meaning
22 set forth in paragraph (6) of subdivision (f) of Section 17538.

23 SEC. 5. Section 28 of the Business and Professions Code is
24 amended to read:

25 28. (a) The Legislature finds that there is a need to ensure that
26 professionals of the healing arts who have demonstrable contact
27 with victims and potential victims of child, elder, and dependent
28 adult abuse, and abusers and potential abusers of children, elders,
29 and dependent adults are provided with adequate and appropriate
30 training regarding the assessment and reporting of child, elder,
31 and dependent adult abuse that will ameliorate, reduce, and
32 eliminate the trauma of abuse and neglect and ensure the reporting
33 of abuse in a timely manner to prevent additional occurrences.

34 (b) The Board of Psychology and the Board of Behavioral
35 Sciences shall establish required training in the area of child abuse
36 assessment and reporting for all persons applying for initial
37 licensure and renewal of a license as a psychologist, clinical social
38 worker, professional clinical counselor, or marriage and family
39 therapist. This training shall be required one time only for all
40 persons applying for initial licensure or for licensure renewal.

(c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:

(1) Be obtained from one of the following sources:

(A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.

(B) A continuing education provider as specified by the responsible board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

(d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor,

1 or marriage and family therapist have minimal but appropriate
2 training in the areas of child, elder, and dependent adult abuse
3 assessment and reporting. It is not intended that, by solely
4 complying with this section, a practitioner is fully trained in the
5 subject of treatment of child, elder, and dependent adult abuse
6 victims and abusers.

7 (f) The Board of Psychology and the Board of Behavioral
8 Sciences are encouraged to include coursework regarding the
9 assessment and reporting of elder and dependent adult abuse in
10 the required training on aging and long-term care issues prior to
11 licensure or license renewal.

12 SEC. 6. Section 30 of the Business and Professions Code is
13 amended to read:

14 30. (a) (1) Notwithstanding any other law, any board, as
15 defined in Section 22, the State Bar of California, and the
16 Department of Real Estate shall, at the time of issuance of the
17 license, require that the applicant provide its federal employer
18 identification number, if the applicant is a partnership, or the
19 applicant's social security number for all other applicants.

20 (2) (A) In accordance with Section 135.5, a board, as defined
21 in Section 22, the State Bar of California, and the Department of
22 Real Estate shall require either the individual taxpayer
23 identification number or social security number if the applicant is
24 an individual for a license or certificate, as defined in subparagraph
25 (2) of subdivision (e), and for purposes of this subdivision.

26 (B) In implementing the requirements of subparagraph (A), a
27 licensing board shall not require an individual to disclose either
28 citizenship status or immigration status for purposes of licensure.

29 (C) A licensing board shall not deny licensure to an otherwise
30 qualified and eligible individual based solely on ~~his or her~~ *the*
31 *individual's* citizenship status or immigration status.

32 (D) The Legislature finds and declares that the requirements of
33 this subdivision are consistent with subsection (d) of Section 1621
34 of Title 8 of the United States Code.

35 (b) A licensee failing to provide the federal employer
36 identification number, or the individual taxpayer identification
37 number or social security number shall be reported by the licensing
38 board to the Franchise Tax Board. If the licensee fails to provide
39 that information after notification pursuant to paragraph (1) of
40 subdivision (b) of Section 19528 of the Revenue and Taxation

1 Code, the licensee shall be subject to the penalty provided in
2 paragraph (2) of subdivision (b) of Section 19528 of the Revenue
3 and Taxation Code.

4 (c) In addition to the penalty specified in subdivision (b), a
5 licensing board shall not process an application for an initial license
6 unless the applicant provides its federal employer identification
7 number, or individual taxpayer identification number or social
8 security number where requested on the application.

9 (d) A licensing board shall, upon request of the Franchise Tax
10 Board or the Employment Development Department, furnish to
11 the board or the department, as applicable, the following
12 information with respect to every licensee:

13 (1) Name.

14 (2) Address or addresses of record.

15 (3) Federal employer identification number if the licensee is a
16 partnership, or the licensee's individual taxpayer identification
17 number or social security number for all other licensees.

18 (4) Type of license.

19 (5) Effective date of license or a renewal.

20 (6) Expiration date of license.

21 (7) Whether license is active or inactive, if known.

22 (8) Whether license is new or a renewal.

23 (e) For the purposes of this section:

24 (1) "Licensee" means a person or entity, other than a
25 corporation, authorized by a license, certificate, registration, or
26 other means to engage in a business or profession regulated by
27 this code or referred to in Section 1000 or 3600.

28 (2) "License" includes a certificate, registration, or any other
29 authorization needed to engage in a business or profession
30 regulated by this code or referred to in Section 1000 or 3600.

31 (3) "Licensing board" means any board, as defined in Section
32 22, the State Bar of California, and the Department of Real Estate.

33 (f) The reports required under this section shall be filed on
34 magnetic media or in other machine-readable form, according to
35 standards furnished by the Franchise Tax Board or the Employment
36 Development Department, as applicable.

37 (g) Licensing boards shall provide to the Franchise Tax Board
38 or the Employment Development Department the information
39 required by this section at a time that the board or the department,
40 as applicable, may require.

1 (h) Notwithstanding Chapter 3.5 (commencing with Section
2 6250) of Division 7 of Title 1 of the Government Code, a federal
3 employer identification number, individual taxpayer identification
4 number, or social security number furnished pursuant to this section
5 shall not be deemed to be a public record and shall not be open to
6 the public for inspection.

7 (i) A deputy, agent, clerk, officer, or employee of a licensing
8 board described in subdivision (a), or any former officer or
9 employee or other individual who, in the course of their
10 employment or duty, has or has had access to the information
11 required to be furnished under this section, shall not disclose or
12 make known in any manner that information, except as provided
13 pursuant to this section, to the Franchise Tax Board, the
14 Employment Development Department, the Office of the
15 Chancellor of the California Community Colleges, a collections
16 agency contracted to collect funds owed to the State Bar by
17 licensees pursuant to Sections 6086.10 and 6140.5, or as provided
18 in subdivisions (j) and (k).

19 (j) It is the intent of the Legislature in enacting this section to
20 utilize the federal employer identification number, individual
21 taxpayer identification number, or social security number for the
22 purpose of establishing the identification of persons affected by
23 state tax laws, for purposes of compliance with Section 17520 of
24 the Family Code, for purposes of measuring employment outcomes
25 of students who participate in career technical education programs
26 offered by the California Community Colleges, and for purposes
27 of collecting funds owed to the State Bar by licensees pursuant to
28 Section 6086.10 and Section 6140.5 and, to that end, the
29 information furnished pursuant to this section shall be used
30 exclusively for those purposes.

31 (k) If the board utilizes a national examination to issue a license,
32 and if a reciprocity agreement or comity exists between the State
33 of California and the state requesting release of the individual
34 taxpayer identification number or social security number, any
35 deputy, agent, clerk, officer, or employee of any licensing board
36 described in subdivision (a) may release an individual taxpayer
37 identification number or social security number to an examination
38 or licensing entity, only for the purpose of verification of licensure
39 or examination status.

(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other law, a board, as defined in Section 22, the State Bar of California, and the Department of Real Estate shall at the time of issuance of the license require that each licensee provide the individual taxpayer identification number or social security number of each individual listed on the license and any person who qualifies for the license. For the purposes of this subdivision, “licensee” means an entity that is issued a license by any board, as defined in Section 22, the State Bar of California, the Department of Real Estate, and the Department of Motor Vehicles.

(m) The department shall, upon request by the Office of the Chancellor of the California Community Colleges, furnish to the chancellor’s office, as applicable, the following information with respect to every licensee:

- (1) Name.
 - (2) Federal employer identification number if the licensee is a partnership, or the licensee’s individual taxpayer identification number or social security number for all other licensees.
 - (3) Date of birth.
 - (4) Type of license.
 - (5) Effective date of license or a renewal.
 - (6) Expiration date of license.
- (n) The department shall make available information pursuant to subdivision (m) only to allow the chancellor’s office to measure employment outcomes of students who participate in career technical education programs offered by the California Community Colleges and recommend how these programs may be improved. Licensure information made available by the department pursuant to this section shall not be used for any other purpose.
- (o) The department may make available information pursuant to subdivision (m) only to the extent that making the information available complies with state and federal privacy laws.
- (p) The department may, by agreement, condition or limit the availability of licensure information pursuant to subdivision (m) in order to ensure the security of the information and to protect the privacy rights of the individuals to whom the information pertains.
- (q) All of the following apply to the licensure information made available pursuant to subdivision (m):

1 (1) It shall be limited to only the information necessary to
2 accomplish the purpose authorized in subdivision (n).

3 (2) It shall not be used in a manner that permits third parties to
4 personally identify the individual or individuals to whom the
5 information pertains.

6 (3) Except as provided in subdivision (n), it shall not be shared
7 with or transmitted to any other party or entity without the consent
8 of the individual or individuals to whom the information pertains.

9 (4) It shall be protected by reasonable security procedures and
10 practices appropriate to the nature of the information to protect
11 that information from unauthorized access, destruction, use,
12 modification, or disclosure.

13 (5) It shall be immediately and securely destroyed when no
14 longer needed for the purpose authorized in subdivision (n).

15 (r) The department or the chancellor's office may share licensure
16 information with a third party who contracts to perform the function
17 described in subdivision (n), if the third party is required by
18 contract to follow the requirements of this section.

19 SEC. 7. Section 31 of the Business and Professions Code is
20 amended to read:

21 31. (a) As used in this section, "board" means any entity listed
22 in Section 101, the entities referred to in Sections 1000 and 3600,
23 the State Bar, the Department of Real Estate, and any other state
24 agency that issues a license, certificate, or registration authorizing
25 a person to engage in a business or profession.

26 (b) Each applicant for the issuance or renewal of a license,
27 certificate, registration, or other means to engage in a business or
28 profession regulated by a board who is not in compliance with a
29 judgment or order for support shall be subject to Section 17520 of
30 the Family Code.

31 (c) "Compliance with a judgment or order for support" has the
32 meaning given in paragraph (4) of subdivision (a) of Section 17520
33 of the Family Code.

34 (d) Each licensee or applicant whose name appears on a list of
35 the 500 largest tax delinquencies pursuant to Section 7063 or 19195
36 of the Revenue and Taxation Code shall be subject to Section
37 494.5.

38 (e) Each application for a new license or renewal of a license
39 shall indicate on the application that the law allows the California
40 Department of Tax and Fee Administration and the Franchise Tax

1 Board to share taxpayer information with a board and requires the
2 licensee to pay the ~~licensee's~~ *licensee's* state tax obligation and
3 that the licensee's license may be suspended if the state tax
4 obligation is not paid.

5 (f) For purposes of this section, "tax obligation" means the tax
6 imposed under, or in accordance with, Part 1 (commencing with
7 Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6
8 (commencing with Section 7251), Part 1.7 (commencing with
9 Section 7280), Part 10 (commencing with Section 17001), or Part
10 11 (commencing with Section 23001) of Division 2 of the Revenue
11 and Taxation Code.

12 SEC. 8. Section 101 of the Business and Professions Code is
13 amended to read:

14 101. The department is comprised of the following:

- 15 (a) The Dental Board of California.
- 16 (b) The Medical Board of California.
- 17 (c) The State Board of Optometry.
- 18 (d) The California State Board of Pharmacy.
- 19 (e) The Veterinary Medical Board.
- 20 (f) The California Board of Accountancy.
- 21 (g) The California Architects Board.
- 22 (h) The State Board of Barbering and Cosmetology.
- 23 (i) The Board for Professional Engineers, Land Surveyors, and
24 Geologists.
- 25 (j) The Contractors' State License Board.
- 26 (k) The Bureau for Private Postsecondary Education.
- 27 (l) The Bureau of Household Goods and Services.
- 28 (m) The Board of Registered Nursing.
- 29 (n) The Board of Behavioral Sciences.
- 30 (o) The State Athletic Commission.
- 31 (p) The Cemetery and Funeral Bureau.
- 32 (q) The Bureau of Security and Investigative Services.
- 33 (r) The Court Reporters Board of California.
- 34 (s) The Board of Vocational Nursing and Psychiatric
35 Technicians.
- 36 (t) The Landscape Architects Technical Committee.
- 37 (u) The Division of Investigation.
- 38 (v) The Bureau of Automotive Repair.
- 39 (w) The Respiratory Care Board of California.
- 40 (x) The Acupuncture Board.

- 1 (y) The Board of Psychology.
2 (z) The Podiatric Medical Board of California.
3 (aa) The Physical Therapy Board of California.
4 (ab) The Arbitration Review Program.
5 (ac) The Physician Assistant Board.
6 (ad) The Speech-Language Pathology and Audiology and
7 Hearing Aid Dispensers Board.
8 (ae) The California Board of Occupational Therapy.
9 (af) The Osteopathic Medical Board of California.
10 (ag) The Naturopathic Medicine Committee.
11 (ah) The Dental Hygiene Board of California.
12 (ai) The Professional Fiduciaries Bureau.
13 (aj) The State Board of Chiropractic Examiners.
14 (ak) The Bureau of Real Estate Appraisers.
15 (al) The Structural Pest Control Board.
16 (am) The Bureau of Cannabis Control.
17 (an) Any other boards, offices, or officers subject to its
18 jurisdiction by law.
19 (ao) This section shall become operative on July 1, 2018.
20 ~~SEC. 9. Section 101.7 of the Business and Professions Code~~
21 ~~is amended to read:~~
22 ~~101.7. (a) Notwithstanding any other provision of law, boards~~
23 ~~shall meet at least three times each calendar year. Boards shall~~
24 ~~meet at least once each calendar year in northern California and~~
25 ~~once each calendar year in southern California in order to facilitate~~
26 ~~participation by the public and its licensees.~~
27 ~~(b) The director at the director's discretion may exempt any~~
28 ~~board from the requirement in subdivision (a) upon a showing of~~
29 ~~good cause that the board is not able to meet at least three times~~
30 ~~in a calendar year.~~
31 ~~(c) The director may call for a special meeting of the board~~
32 ~~when a board is not fulfilling its duties.~~
33 ~~(d) An agency within the department that is required to provide~~
34 ~~a written notice pursuant to subdivision (a) of Section 11125 of~~
35 ~~the Government Code, may provide that notice by regular mail,~~
36 ~~email, or by both regular mail and email. An agency shall give a~~
37 ~~person who requests a notice the option of receiving the notice by~~
38 ~~regular mail, email, or by both regular mail and email. The agency~~
39 ~~shall comply with the requester's chosen form or forms of notice.~~

1 ~~(e) An agency that plans to Web cast a meeting shall include in~~
2 ~~the meeting notice required pursuant to subdivision (a) of Section~~
3 ~~11125 of the Government Code a statement of the board's intent~~
4 ~~to Web cast the meeting. An agency may Web cast a meeting even~~
5 ~~if the agency fails to include that statement of intent in the notice.~~

6 *SEC. 9. Section 101.7 of the Business and Professions Code*
7 *is amended to read:*

8 101.7. (a) Notwithstanding any other provision of law, boards
9 shall meet at least two times each calendar year. Boards shall meet
10 at least once each calendar year in northern California and once
11 each calendar year in southern California in order to facilitate
12 participation by the public and its licensees.

13 (b) The director ~~at his or her~~ *has* discretion ~~may to~~ exempt any
14 board from the requirement in subdivision (a) upon a showing of
15 good cause that the board is not able to meet at least two times in
16 a calendar year.

17 (c) The director may call for a special meeting of the board
18 when a board is not fulfilling its duties.

19 (d) An agency within the department that is required to provide
20 a written notice pursuant to subdivision (a) of Section 11125 of
21 the Government Code, may provide that notice by regular mail,
22 email, or by both regular mail and email. An agency shall give a
23 person who requests a notice the option of receiving the notice by
24 regular mail, email, or by both regular mail and email. The agency
25 shall comply with the requester's chosen form or forms of notice.

26 ~~(e) An agency that plans to Web cast~~ *webcast* a meeting shall
27 include in the meeting notice required pursuant to subdivision (a)
28 of Section 11125 of the Government Code a statement of the
29 board's intent to ~~Web cast~~ *webcast* the meeting. An agency may
30 ~~Web cast~~ *webcast* a meeting even if the agency fails to include
31 that statement of intent in the notice.

32 *SEC. 10. Section 102.3 of the Business and Professions Code*
33 *is amended to read:*

34 102.3. (a) The director may enter into an interagency
35 agreement with an appropriate entity within the Department of
36 Consumer Affairs as provided for in Section 101 to delegate the
37 duties, powers, purposes, responsibilities, and jurisdiction that
38 have been succeeded and vested with the department, of a board,
39 as defined in Section 477, which became inoperative and was
40 repealed in accordance with Chapter 908 of the Statutes of 1994.

(b) (1) Where, pursuant to subdivision (a), an interagency agreement is entered into between the director and that entity, the entity receiving the delegation of authority may establish a technical committee to regulate, as directed by the entity, the profession subject to the authority that has been delegated. The entity may delegate to the technical committee only those powers that it received pursuant to the interagency agreement with the director. The technical committee shall have only those powers that have been delegated to it by the entity.

(2) Where the entity delegates its authority to adopt, amend, or repeal regulations to the technical committee, all regulations adopted, amended, or repealed by the technical committee shall be subject to the review and approval of the entity.

(3) The entity shall not delegate to a technical committee its authority to discipline a licensee who has violated the provisions of the applicable chapter of the Business and Professions Code that is subject to the director's delegation of authority to the entity.

(c) An interagency agreement entered into, pursuant to subdivision (a), shall continue until such time as the licensing program administered by the technical committee has undergone a review by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development to evaluate and determine whether the licensing program has demonstrated a public need for its continued existence. Thereafter, at the director's discretion, the interagency agreement may be renewed.

SEC. 11. Section 103 of the Business and Professions Code is amended to read:

103. Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

1 The payments in each instance shall be made only from the fund
2 from which the expenses of the agency are paid and shall be subject
3 to the availability of money.

4 Notwithstanding any other provision of law, no public officer
5 or employee shall receive per diem salary compensation for serving
6 on those boards, commissions, or committees on any day when
7 the officer or employee also received compensation for the officer
8 or employee's regular public employment.

9 SEC. 12. Section 105.5 of the Business and Professions Code
10 is amended to read:

11 105.5. Notwithstanding any other provision of this code, each
12 member of a board, commission, examining committee, or other
13 similarly constituted agency within the department shall hold office
14 until the appointment and qualification of that member's successor
15 or until one year shall have elapsed since the expiration of the term
16 for which the member was appointed, whichever first occurs.

17 SEC. 13. Section 106 of the Business and Professions Code is
18 amended to read:

19 106. ~~The Governor~~ *appointing authority* has power to remove
20 from office at any ~~time~~, *time* any member of any board appointed
21 by the ~~Governor~~ *appointing authority* for continued neglect of
22 duties required by law, or for incompetence, or unprofessional or
23 dishonorable conduct. Nothing in this section shall be construed
24 as a limitation or restriction on the power of the ~~Governor~~,
25 *appointing authority* conferred on the ~~Governor~~ *appointing*
26 *authority* by any other provision of ~~law~~, *law* to remove any member
27 of any board.

28 SEC. 14. Section 107 of the Business and Professions Code is
29 amended to read:

30 107. Pursuant to subdivision (e) of Section 4 of Article VII of
31 the California Constitution, each board may appoint a person
32 exempt from civil service and may fix that person's salary, with
33 the approval of the Department of Human Resources pursuant to
34 Section 19825 of the Government Code, who shall be designated
35 as an executive officer unless the licensing act of the particular
36 board designates the person as a registrar.

37 SEC. 15. Section 108.5 of the Business and Professions Code
38 is amended to read:

39 108.5. In any investigation, ~~proceeding~~ *proceeding*, or hearing
40 ~~which that~~ any board, ~~commission~~ *commission*, or officer in the

1 department is empowered to institute, conduct, or hold, any witness
2 appearing at ~~such the~~ investigation, ~~proceeding proceeding~~, or
3 hearing whether upon a subpoena or voluntarily, may be paid the
4 sum of twelve dollars (\$12) per day for every day in actual
5 attendance at ~~such the~~ investigation, ~~proceeding proceeding~~, or
6 hearing and for the witness's actual, ~~necessary necessary~~, and
7 reasonable expenses and ~~such those~~ sums shall be a legal charge
8 against the funds of the respective board, ~~commission commission~~,
9 or officer; provided further, that no witness appearing other than
10 at the instance of the board, ~~commission commission~~, or officer
11 may be compensated out of ~~such the~~ fund.

12 The board, commission, or officer ~~will~~ shall determine the sums
13 due to any ~~such~~ witness and enter the amount on its minutes.

14 SEC. 16. Section 111 of the Business and Professions Code is
15 amended to read:

16 111. Unless otherwise expressly provided, any board may, with
17 the approval of the appointing power, appoint qualified persons,
18 who shall be designated as commissioners on examination, to give
19 the whole or any portion of any examination. A commissioner on
20 examination need not be a member of the board but shall have the
21 same qualifications as one and shall be subject to the same rules.

22 SEC. 17. Section 114 of the Business and Professions Code is
23 amended to read:

24 114. (a) Notwithstanding any other provision of this code, any
25 licensee or registrant of any board, commission, or bureau within
26 the department whose license expired while the licensee or
27 registrant was on active duty as a member of the California
28 National Guard or the United States Armed Forces, may, upon
29 application, reinstate their license or registration without
30 examination or penalty, provided that all of the following
31 requirements are satisfied:

32 (1) The licensee or registrant's license or registration was valid
33 at the time they entered the California National Guard or the United
34 States Armed Forces.

35 (2) The application for reinstatement is made while serving in
36 the California National Guard or the United States Armed Forces,
37 or not later than one year from the date of discharge from active
38 service or return to inactive military status.

39 (3) The application for reinstatement is accompanied by an
40 affidavit showing the date of entrance into the service, whether

1 still in the service, or date of discharge, and the renewal fee for
2 the current renewal period in which the application is filed is paid.

3 (b) If application for reinstatement is filed more than one year
4 after discharge or return to inactive status, the applicant, in the
5 discretion of the licensing agency, may be required to pass an
6 examination.

7 (c) If application for reinstatement is filed and the licensing
8 agency determines that the applicant has not actively engaged in
9 the practice of the applicant's profession while on active duty, then
10 the licensing agency may require the applicant to pass an
11 examination.

12 (d) Unless otherwise specifically provided in this code, any
13 licensee or registrant who, either part time or full time, practices
14 in this state the profession or vocation for which the licensee or
15 registrant is licensed or registered shall be required to maintain
16 their license in good standing even though the licensee or registrant
17 is in military service.

18 For the purposes in this section, time spent by a licensee in
19 receiving treatment or hospitalization in any veterans' facility
20 during which the licensee is prevented from practicing the
21 licensee's profession or vocation shall be excluded from said period
22 of one year.

23 SEC. 18. Section 114.3 of the Business and Professions Code
24 is amended to read:

25 114.3. (a) Notwithstanding any other law, every board, as
26 defined in Section 22, within the department shall waive the
27 renewal fees, continuing education requirements, and other renewal
28 requirements as determined by the board, if any are applicable,
29 for any licensee or registrant called to active duty as a member of
30 the United States Armed Forces or the California National Guard
31 if all of the following requirements are met:

32 (1) The licensee or registrant possessed a current and valid
33 license with the board at the time the licensee or registrant was
34 called to active duty.

35 (2) The renewal requirements are waived only for the period
36 during which the licensee or registrant is on active duty service.

37 (3) Written documentation that substantiates the licensee or
38 registrant's active duty service is provided to the board.

39 (b) (1) Except as specified in paragraph (2), the licensee or
40 registrant shall not engage in any activities requiring a license

1 during the period that the waivers provided by this section are in
2 effect.

3 (2) If the licensee or registrant will provide services for which
4 the licensee or registrant is licensed while on active duty, the board
5 shall convert the license status to military active and no private
6 practice of any type shall be permitted.

7 (c) In order to engage in any activities for which the licensee
8 or registrant is licensed once discharged from active duty, the
9 licensee or registrant shall meet all necessary renewal requirements
10 as determined by the board within six months from the licensee's
11 or registrant's date of discharge from active duty service.

12 (d) After a licensee or registrant receives notice of the licensee
13 or registrant's discharge date, the licensee or registrant shall notify
14 the board of their discharge from active duty within 60 days of
15 receiving their notice of discharge.

16 (e) A board may adopt regulations to carry out the provisions
17 of this section.

18 (f) This section shall not apply to any board that has a similar
19 license renewal waiver process statutorily authorized for that board.

20 SEC. 19. Section 115.5 of the Business and Professions Code
21 is amended to read:

22 115.5. (a) A board within the department shall expedite the
23 licensure process for an applicant who meets both of the following
24 requirements:

25 (1) Supplies evidence satisfactory to the board that the applicant
26 is married to, or in a domestic partnership or other legal union
27 with, an active duty member of the Armed Forces of the United
28 States who is assigned to a duty station in this state under official
29 active duty military orders.

30 (2) Holds a current license in another state, district, or territory
31 of the United States in the profession or vocation for which the
32 applicant seeks a license from the board.

33 (b) A board may adopt regulations necessary to administer this
34 section.

35 SEC. 20. Section 115.6 of the Business and Professions Code
36 is amended to read:

37 115.6. (a) A board within the department shall, after
38 appropriate investigation, issue the following eligible temporary
39 licenses to an applicant if the applicant meets the requirements set
40 forth in subdivision (c):

1 (1) Registered nurse license by the Board of Registered Nursing.

2 (2) Vocational nurse license issued by the Board of Vocational
3 Nursing and Psychiatric Technicians of the State of California.

4 (3) Psychiatric technician license issued by the Board of
5 Vocational Nursing and Psychiatric Technicians of the State of
6 California.

7 (4) Speech-language pathologist license issued by the
8 Speech-Language Pathology and Audiology and Hearing Aid
9 Dispensers Board.

10 (5) Audiologist license issued by the Speech-Language
11 Pathology and Audiology and Hearing Aid Dispensers Board.

12 (6) Veterinarian license issued by the Veterinary Medical Board.

13 (7) All licenses issued by the Board for Professional Engineers,
14 Land Surveyors, and Geologists.

15 (8) All licenses issued by the Medical Board of California.

16 (9) All licenses issued by the Podiatric Medical Board of
17 California.

18 (b) The board may conduct an investigation of an applicant for
19 purposes of denying or revoking a temporary license issued
20 pursuant to this section. This investigation may include a criminal
21 background check.

22 (c) An applicant seeking a temporary license pursuant to this
23 section shall meet the following requirements:

24 (1) The applicant shall supply evidence satisfactory to the board
25 that the applicant is married to, or in a domestic partnership or
26 other legal union with, an active duty member of the Armed Forces
27 of the United States who is assigned to a duty station in this state
28 under official active duty military orders.

29 (2) The applicant shall hold a current, active, and unrestricted
30 license that confers upon the applicant the authority to practice,
31 in another state, district, or territory of the United States, the
32 profession or vocation for which the applicant seeks a temporary
33 license from the board.

34 (3) The applicant shall submit an application to the board that
35 shall include a signed affidavit attesting to the fact that the
36 applicant meets all of the requirements for the temporary license
37 and that the information submitted in the application is accurate,
38 to the best of the applicant's knowledge. The application shall also
39 include written verification from the applicant's original licensing

1 jurisdiction stating that the applicant's license is in good standing
2 in that jurisdiction.

3 (4) The applicant shall not have committed an act in any
4 jurisdiction that would have constituted grounds for denial,
5 suspension, or revocation of the license under this code at the time
6 the act was committed. A violation of this paragraph may be
7 grounds for the denial or revocation of a temporary license issued
8 by the board.

9 (5) The applicant shall not have been disciplined by a licensing
10 entity in another jurisdiction and shall not be the subject of an
11 unresolved complaint, review procedure, or disciplinary proceeding
12 conducted by a licensing entity in another jurisdiction.

13 (6) The applicant shall, upon request by a board, furnish a full
14 set of fingerprints for purposes of conducting a criminal
15 background check.

16 (d) A board may adopt regulations necessary to administer this
17 section.

18 (e) A temporary license issued pursuant to this section may be
19 immediately terminated upon a finding that the temporary
20 licenseholder failed to meet any of the requirements described in
21 subdivision (c) or provided substantively inaccurate information
22 that would affect ~~his or her~~ *the person's* eligibility for temporary
23 licensure. Upon termination of the temporary license, the board
24 shall issue a notice of termination that shall require the temporary
25 licenseholder to immediately cease the practice of the licensed
26 profession upon receipt.

27 (f) An applicant seeking a temporary license as a civil engineer,
28 geotechnical engineer, structural engineer, land surveyor,
29 professional geologist, professional geophysicist, certified
30 engineering geologist, or certified hydrogeologist pursuant to this
31 section shall successfully pass the appropriate California-specific
32 examination or examinations required for licensure in those
33 respective professions by the Board for Professional Engineers,
34 Land Surveyors, and Geologists.

35 (g) A temporary license issued pursuant to this section shall
36 expire 12 months after issuance, upon issuance of an expedited
37 license pursuant to Section 115.5, or upon denial of the application
38 for expedited licensure by the board, whichever occurs first.

39 SEC. 21. Section 116 of the Business and Professions Code is
40 amended to read:

1 116. (a) The director may audit and review, upon the director's
2 own initiative, or upon the request of a consumer or licensee,
3 inquiries and complaints regarding licensees, dismissals of
4 disciplinary cases, the opening, conduct, or closure of
5 investigations, informal conferences, and discipline short of formal
6 accusation by the Medical Board of California, the allied health
7 professional boards, and the Podiatric Medical Board of California.
8 The director may make recommendations for changes to the
9 disciplinary system to the appropriate board, the Legislature, or
10 both.

11 (b) The director shall report to the Chairpersons of the Senate
12 Business, Professions and Economic Development Committee and
13 the Assembly Business and Professions Committee annually,
14 commencing March 1, 1995, regarding the director's findings from
15 any audit, review, or monitoring and evaluation conducted pursuant
16 to this section.

17 SEC. 22. Section 119 of the Business and Professions Code is
18 amended to read:

19 119. Any person who does any of the following is guilty of a
20 misdemeanor:

21 (a) Displays or causes or permits to be displayed or has in the
22 person's possession either of the following:

23 (1) A canceled, revoked, suspended, or fraudulently altered
24 license.

25 (2) A fictitious license or any document simulating a license or
26 purporting to be or have been issued as a license.

27 (b) Lends the person's license to any other person or knowingly
28 permits the use thereof by another.

29 (c) Displays or represents any license not issued to the person
30 as being the person's license.

31 (d) Fails or refuses to surrender to the issuing authority upon
32 its lawful written demand any license, registration, permit, or
33 certificate which has been suspended, revoked, or canceled.

34 (e) Knowingly permits any unlawful use of a license issued to
35 the person.

36 (f) Photographs, photostats, duplicates, manufactures, or in any
37 way reproduces any license or facsimile thereof in a manner that
38 it could be mistaken for a valid license, or displays or has in the
39 person's possession any such photograph, photostat, duplicate,
40 reproduction, or facsimile unless authorized by this code.

1 (g) Buys or receives a fraudulent, forged, or counterfeited license
2 knowing that it is fraudulent, forged, or counterfeited. For purposes
3 of this subdivision, “fraudulent” means containing any
4 misrepresentation of fact.

5 As used in this section, “license” includes “certificate,” “permit,”
6 “authority,” and “registration” or any other indicia giving
7 authorization to engage in a business or profession regulated by
8 this code or referred to in Section 1000 or 3600.

9 SEC. 23. Section 120 of the Business and Professions Code is
10 amended to read:

11 120. (a) Subdivision (a) of Section 119 shall not apply to a
12 surviving spouse having in the surviving spouse’s possession or
13 displaying a deceased spouse’s canceled certified public accountant
14 certificate or canceled public accountant certificate that has been
15 canceled by official action of the California Board of Accountancy.

16 (b) Notwithstanding Section 119, any person who has received
17 a certificate of certified public accountant or a certificate of public
18 accountant from the board may possess and may display the
19 certificate received unless the person’s certificate, permit, or
20 registration has been suspended or revoked.

21 SEC. 24. Section 121 of the Business and Professions Code is
22 amended to read:

23 121. No licensee who has complied with the provisions of this
24 code relating to the renewal of the licensee’s license prior to
25 expiration of such license shall be deemed to be engaged illegally
26 in the practice of the licensee’s business or profession during any
27 period between such renewal and receipt of evidence of such
28 renewal which may occur due to delay not the fault of the applicant.

29 As used in this section, “license” includes “certificate,” “permit,”
30 “authorization,” and “registration,” or any other indicia giving
31 authorization, by any agency, board, bureau, commission,
32 committee, or entity within the Department of Consumer Affairs,
33 to engage in a business or profession regulated by this code or by
34 the board referred to in the Chiropractic Act or the Osteopathic
35 Act.

36 SEC. 25. Section 124 of the Business and Professions Code is
37 amended to read:

38 124. Notwithstanding subdivision (c) of Section 11505 of the
39 Government Code, whenever written notice, including a notice,
40 order, or document served pursuant to Chapter 3.5 (commencing

1 with Section 11340), Chapter 4 (commencing with Section 11370),
2 or Chapter 5 (commencing with Section 11500), of Part 1 of
3 Division 3 of Title 2 of the Government Code, is required to be
4 given by any board in the department, the notice may be given by
5 regular mail addressed to the last known address of the licensee
6 or by personal service, at the option of the board.

7 SEC. 26. Section 125 of the Business and Professions Code is
8 amended to read:

9 125. Any person, licensed under Division 1 (commencing with
10 Section 100), Division 2 (commencing with Section 500), or
11 Division 3 (commencing with Section 5000) is guilty of a
12 misdemeanor and subject to the disciplinary provisions of this
13 code applicable to them, who conspires with a person not so
14 licensed to violate any provision of this code, or who, with intent
15 to aid or assist that person in violating those provisions does either
16 of the following:

17 (a) Allows their license to be used by that person.

18 (b) Acts as their agent or partner.

19 SEC. 27. Section 125.3 of the Business and Professions Code
20 is amended to read:

21 125.3. (a) Except as otherwise provided by law, in any order
22 issued in resolution of a disciplinary proceeding before any board
23 within the department or before the Osteopathic Medical Board,
24 upon request of the entity bringing the proceeding, the
25 administrative law judge may direct a licensee found to have
26 committed a violation or violations of the licensing act to pay a
27 sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

29 (b) In the case of a disciplined licensee that is a corporation or
30 a partnership, the order may be made against the licensed corporate
31 entity or licensed partnership.

32 (c) A certified copy of the actual costs, or a good faith estimate
33 of costs where actual costs are not available, signed by the entity
34 bringing the proceeding or its designated representative shall be
35 prima facie evidence of reasonable costs of investigation and
36 prosecution of the case. The costs shall include the amount of
37 investigative and enforcement costs up to the date of the hearing,
38 including, but not limited to, charges imposed by the Attorney
39 General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

(k) Notwithstanding the provisions of this section, the Medical Board of California shall not request nor obtain from a physician and surgeon, investigation and prosecution costs for a disciplinary proceeding against the licensee. The board shall ensure that this subdivision is revenue neutral with regard to it and that any loss

1 of revenue or increase in costs resulting from this subdivision is
2 offset by an increase in the amount of the initial license fee and
3 the biennial renewal fee, as provided in subdivision (e) of Section
4 2435.

5 SEC. 28. Section 125.6 of the Business and Professions Code
6 is amended to read:

7 125.6. (a) (1) With regard to an applicant, every person who
8 holds a license under the provisions of this code is subject to
9 disciplinary action under the disciplinary provisions of this code
10 applicable to that person if, because of any characteristic listed or
11 defined in subdivision (b) or (e) of Section 51 of the Civil Code,
12 the person refuses to perform the licensed activity or aids or incites
13 the refusal to perform that licensed activity by another licensee,
14 or if, because of any characteristic listed or defined in subdivision
15 (b) or (e) of Section 51 of the Civil Code, the person ~~make~~s makes
16 any discrimination, or restriction in the performance of the licensed
17 activity.

18 (2) Nothing in this section shall be interpreted to prevent a
19 physician or health care professional licensed pursuant to Division
20 2 (commencing with Section 500) from considering any of the
21 characteristics of a patient listed in subdivision (b) or (e) of Section
22 51 of the Civil Code if that consideration is medically necessary
23 and for the sole purpose of determining the appropriate diagnosis
24 or treatment of the patient.

25 (3) Nothing in this section shall be interpreted to apply to
26 discrimination by employers with regard to employees or
27 prospective employees, nor shall this section authorize action
28 against any club license issued pursuant to Article 4 (commencing
29 with Section 23425) of Chapter 3 of Division 9 because of
30 discriminatory membership policy.

31 (4) The presence of architectural barriers to an individual with
32 physical disabilities that conform to applicable state or local
33 building codes and regulations shall not constitute discrimination
34 under this section.

35 (b) (1) Nothing in this section requires a person licensed
36 pursuant to Division 2 (commencing with Section 500) to permit
37 an individual to participate in, or benefit from, the licensed activity
38 of the licensee where that individual poses a direct threat to the
39 health or safety of others. For this purpose, the term “direct threat”
40 means a significant risk to the health or safety of others that cannot

1 be eliminated by a modification of policies, practices, or procedures
2 or by the provision of auxiliary aids and services.

3 (2) Nothing in this section requires a person licensed pursuant
4 to Division 2 (commencing with Section 500) to perform a licensed
5 activity for which ~~he or she~~ *the person* is not qualified to perform.

6 (c) (1) “Applicant,” as used in this section, means a person
7 applying for licensed services provided by a person licensed under
8 this code.

9 (2) “License,” as used in this section, includes “certificate,”
10 “permit,” “authority,” and “registration” or any other indicia giving
11 authorization to engage in a business or profession regulated by
12 this code.

13 SEC. 29. Section 125.9 of the Business and Professions Code
14 is amended to read:

15 125.9. (a) Except with respect to persons regulated under
16 Chapter 11 (commencing with Section 7500), any board, bureau,
17 or commission within the department, the State Board of
18 Chiropractic Examiners, and the Osteopathic Medical Board of
19 California, may establish, by regulation, a system for the issuance
20 to a licensee of a citation which may contain an order of abatement
21 or an order to pay an administrative fine assessed by the board,
22 bureau, or commission where the licensee is in violation of the
23 applicable licensing act or any regulation adopted pursuant thereto.

24 (b) The system shall contain the following provisions:

25 (1) Citations shall be in writing and shall describe with
26 particularity the nature of the violation, including specific reference
27 to the provision of law determined to have been violated.

28 (2) Whenever appropriate, the citation shall contain an order of
29 abatement fixing a reasonable time for abatement of the violation.

30 (3) In no event shall the administrative fine assessed by the
31 board, bureau, or commission exceed five thousand dollars (\$5,000)
32 for each inspection or each investigation made with respect to the
33 violation, or five thousand dollars (\$5,000) for each violation or
34 count if the violation involves fraudulent billing submitted to an
35 insurance company, the Medi-Cal program, or Medicare. In
36 assessing a fine, the board, bureau, or commission shall give due
37 consideration to the appropriateness of the amount of the fine with
38 respect to factors such as the gravity of the violation, the good
39 faith of the licensee, and the history of previous violations.

1 (4) A citation or fine assessment issued pursuant to a citation
2 shall inform the licensee that if ~~he or she~~ *the licensee* desires a
3 hearing to contest the finding of a violation, that hearing shall be
4 requested by written notice to the board, bureau, or commission
5 within 30 days of the date of issuance of the citation or assessment.
6 If a hearing is not requested pursuant to this section, payment of
7 any fine shall not constitute an admission of the violation charged.
8 Hearings shall be held pursuant to Chapter 5 (commencing with
9 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
10 Code.

11 (5) Failure of a licensee to pay a fine within 30 days of the date
12 of assessment, unless the citation is being appealed, may result in
13 disciplinary action being taken by the board, bureau, or
14 commission. Where a citation is not contested and a fine is not
15 paid, the full amount of the assessed fine shall be added to the fee
16 for renewal of the license. A license shall not be renewed without
17 payment of the renewal fee and fine.

18 (c) The system may contain the following provisions:

19 (1) A citation may be issued without the assessment of an
20 administrative fine.

21 (2) Assessment of administrative fines may be limited to only
22 particular violations of the applicable licensing act.

23 (d) Notwithstanding any other provision of law, if a fine is paid
24 to satisfy an assessment based on the finding of a violation,
25 payment of the fine shall be represented as satisfactory resolution
26 of the matter for purposes of public disclosure.

27 (e) Administrative fines collected pursuant to this section shall
28 be deposited in the special fund of the particular board, bureau, or
29 commission.

30 SEC. 30. Section 127 of the Business and Professions Code is
31 amended to read:

32 127. Notwithstanding any other provision of this code, the
33 director may require such reports from any board, commission,
34 examining committee, or other similarly constituted agency within
35 the department as the director deems reasonably necessary on any
36 phase of their operations.

37 SEC. 31. Section 129 of the Business and Professions Code is
38 amended to read:

1 129. (a) As used in this section, “board” means every board,
2 bureau, commission, committee, and similarly constituted agency
3 in the department that issues licenses.

4 (b) Each board shall, upon receipt of any complaint respecting
5 an individual licensed by the board, notify the complainant of the
6 initial administrative action taken on the complainant’s complaint
7 within 10 days of receipt. Each board shall notify the complainant
8 of the final action taken on the complainant’s complaint. There
9 shall be a notification made in every case in which the complainant
10 is known. If the complaint is not within the jurisdiction of the board
11 or if the board is unable to dispose satisfactorily of the complaint,
12 the board shall transmit the complaint together with any evidence
13 or information it has concerning the complaint to the agency, public
14 or private, whose authority in the opinion of the board will provide
15 the most effective means to secure the relief sought. The board
16 shall notify the complainant of this action and of any other means
17 that may be available to the complainant to secure relief.

18 (c) The board shall, when the board deems it appropriate, notify
19 the person against whom the complaint is made of the nature of
20 the complaint, may request appropriate relief for the complainant,
21 and may meet and confer with the complainant and the licensee
22 in order to mediate the complaint. Nothing in this subdivision shall
23 be construed as authorizing or requiring any board to set or to
24 modify any fee charged by a licensee.

25 (d) It shall be the continuing duty of the board to ascertain
26 patterns of complaints and to report on all actions taken with
27 respect to those patterns of complaints to the director and to the
28 Legislature at least once per year. The board shall evaluate those
29 complaints dismissed for lack of jurisdiction or no violation and
30 recommend to the director and to the Legislature at least once per
31 year the statutory changes it deems necessary to implement the
32 board’s functions and responsibilities under this section.

33 (e) It shall be the continuing duty of the board to take whatever
34 action it deems necessary, with the approval of the director, to
35 inform the public of its functions under this section.

36 (f) Notwithstanding any other law, upon receipt of a child
37 custody evaluation report submitted to a court pursuant to Chapter
38 6 (commencing with Section 3110) of Part 2 of Division 8 of the
39 Family Code, the board shall notify the noncomplaining party in

1 the underlying custody dispute, who is a subject of that report, of
2 the pending investigation.

3 SEC. 32. Section 130 of the Business and Professions Code is
4 amended to read:

5 130. (a) Notwithstanding any other law, the term of office of
6 any member of an agency designated in subdivision (b) shall be
7 for a term of four years expiring on June 1.

8 (b) Subdivision (a) applies to the following boards or
9 committees:

- 10 (1) The Medical Board of California.
- 11 (2) The Podiatric Medical Board of California.
- 12 (3) The Physical Therapy Board of California.
- 13 (4) The Board of Registered Nursing, except as provided in
14 subdivision (c) of Section 2703.
- 15 (5) The Board of Vocational Nursing and Psychiatric
16 Technicians.
- 17 (6) The State Board of Optometry.
- 18 (7) The California State Board of Pharmacy.
- 19 (8) The Veterinary Medical Board.
- 20 (9) The California Architects Board.
- 21 (10) The Landscape Architect Technical Committee.
- 22 (11) The Board for Professional Engineers and Land Surveyors.
- 23 (12) The Contractors' State License Board.
- 24 (13) The Board of Behavioral Sciences.
- 25 (14) The Court Reporters Board of California.
- 26 (15) The State Athletic Commission.
- 27 (16) The Osteopathic Medical Board of California.
- 28 (17) The Respiratory Care Board of California.
- 29 (18) The Acupuncture Board.
- 30 (19) The Board of Psychology.
- 31 (20) The Structural Pest Control Board.

32 SEC. 33. Section 132 of the Business and Professions Code is
33 amended to read:

34 132. No board, commission, examining committee, or any
35 other agency within the department may institute or join any legal
36 action against any other agency within the state or federal
37 government without the permission of the director.

38 Prior to instituting or joining in a legal action against an agency
39 of the state or federal government, a board, commission, examining

1 committee, or any other agency within the department shall present
2 a written request to the director to do so.

3 Within 30 days of receipt of the request, the director shall
4 communicate the director's approval or denial of the request and
5 the director's reasons for approval or denial to the requesting
6 agency in writing. If the director does not act within 30 days, the
7 request shall be deemed approved.

8 A requesting agency within the department may override the
9 director's denial of its request to institute or join a legal action
10 against a state or federal agency by a two-thirds vote of the
11 members of the board, commission, examining committee, or other
12 agency, which vote shall include the vote of at least one public
13 member of that board, commission, examining committee, or other
14 agency.

15 SEC. 34. Section 136 of the Business and Professions Code is
16 amended to read:

17 136. (a) Each person holding a license, certificate, registration,
18 permit, or other authority to engage in a profession or occupation
19 issued by a board within the department shall notify the issuing
20 board at its principal office of any change in the ~~person's~~ *person's*
21 mailing address within 30 days after the change, unless the board
22 has specified by regulations a shorter time period.

23 (b) Except as otherwise provided by law, failure of a licensee
24 to comply with the requirement in subdivision (a) constitutes
25 grounds for the issuance of a citation and administrative fine, if
26 the board has the authority to issue citations and administrative
27 fines.

28 SEC. 35. Section 137 of the Business and Professions Code is
29 amended to read:

30 137. Any agency within the department may promulgate
31 regulations requiring licensees to include their license numbers in
32 any advertising, soliciting, or other presentments to the public.

33 However, nothing in this section shall be construed to authorize
34 regulation of any person not a licensee who engages in advertising,
35 solicitation, or who makes any other presentment to the public on
36 behalf of a licensee. Such a person shall incur no liability pursuant
37 to this section for communicating in any advertising, soliciting, or
38 other presentment to the public a licensee's license number exactly
39 as provided by the licensee or for failure to communicate such
40 number if none is provided by the licensee.

1 SEC. 36. Section 138 of the Business and Professions Code is
2 amended to read:

3 138. Every board in the department, as defined in Section 22,
4 shall initiate the process of adopting regulations on or before June
5 30, 1999, to require its licensees, as defined in Section 23.8, to
6 provide notice to their clients or customers that the practitioner is
7 licensed by this state. A board shall be exempt from the
8 requirement to adopt regulations pursuant to this section if the
9 board has in place, in statute or regulation, a requirement that
10 provides for consumer notice of a practitioner's status as a licensee
11 of this state.

12 SEC. 37. Section 144 of the Business and Professions Code is
13 amended to read:

14 144. (a) Notwithstanding any other law, an agency designated
15 in subdivision (b) shall require an applicant to furnish to the agency
16 a full set of fingerprints for purposes of conducting criminal history
17 record checks. Any agency designated in subdivision (b) may
18 obtain and receive, at its discretion, criminal history information
19 from the Department of Justice and the United States Federal
20 Bureau of Investigation.

21 (b) Subdivision (a) applies to the following:

- 22 (1) California Board of Accountancy.
- 23 (2) State Athletic Commission.
- 24 (3) Board of Behavioral Sciences.
- 25 (4) Court Reporters Board of California.
- 26 (5) California State Board of Pharmacy.
- 27 (6) Board of Registered Nursing.
- 28 (7) Veterinary Medical Board.
- 29 (8) Board of Vocational Nursing and Psychiatric Technicians.
- 30 (9) Respiratory Care Board of California.
- 31 (10) Physical Therapy Board of California.
- 32 (11) Physician Assistant Committee.
- 33 (12) Speech-Language Pathology and Audiology and Hearing
34 Aid Dispensers Board.
- 35 (13) Medical Board of California.
- 36 (14) State Board of Optometry.
- 37 (15) Acupuncture Board.
- 38 (16) Cemetery and Funeral Bureau.
- 39 (17) Bureau of Security and Investigative Services.
- 40 (18) Division of Investigation.

- 1 (19) Board of Psychology.
2 (20) California Board of Occupational Therapy.
3 (21) Structural Pest Control Board.
4 (22) Contractors' State License Board.
5 (23) Naturopathic Medicine Committee.
6 (24) Professional Fiduciaries Bureau.
7 (25) Board for Professional Engineers, Land Surveyors, and
8 Geologists.
9 (26) Bureau of Cannabis Control.
10 (27) Podiatric Medical Board of California.
11 (28) Osteopathic Medical Board of California.

12 (c) For purposes of paragraph (25) of subdivision (b), the term
13 "applicant" shall be limited to an initial applicant who has never
14 been registered or licensed by the board or to an applicant for a
15 new licensure or registration category.

16 *SEC. 38. Section 151 of the Business and Professions Code is*
17 *amended to read:*

18 151. The director is appointed by the Governor and holds office
19 at the Governor's pleasure. The director shall receive the annual
20 salary provided for by Chapter 6 (commencing with Section 11550)
21 of Part 1 of Division 3 of Title 2 of the Government Code, and his
22 ~~or her~~ the director's necessary traveling expenses.

23 *SEC. 39. Section 152 of the Business and Professions Code is*
24 *amended to read:*

25 152. For the purpose of administration, the reregistration and
26 clerical work of the department is organized by the director, subject
27 to the approval of the Governor, in such manner as ~~he~~ the director
28 deems necessary properly to segregate and conduct the work of
29 the department.

30 *SEC. 40. Section 152.6 of the Business and Professions Code*
31 *is amended to read:*

32 152.6. Notwithstanding any other provision of this code, each
33 board within the department shall, in cooperation with the director,
34 establish such license periods and renewal dates for all licenses in
35 such manner as best to distribute the renewal work of all boards
36 throughout each year and permit the most efficient, and economical
37 use of personnel and equipment. To the extent practicable,
38 provision shall be made for the proration or other adjustment of
39 fees in such manner that no person shall be required to pay a greater

1 or lesser fee than ~~he~~ *the person* would have been required to pay
2 if the change in license periods or renewal dates had not occurred.

3 As used in this section “license” includes “certificate,” “permit,”
4 “authority,” “registration,” and similar indicia of authority to
5 engage in a business or profession, and “board” includes “board,”
6 “bureau,” “commission,” “committee,” and an individual who is
7 authorized to renew a license.

8 *SEC. 41. Section 153 of the Business and Professions Code is*
9 *amended to read:*

10 153. The director may investigate the work of the ~~several~~
11 boards in ~~his~~ *the* department and may obtain a copy of all records
12 and full and complete data in all official matters in possession of
13 the ~~boards;~~ *boards and* their members, officers, or employees,
14 other than examination questions prior to submission to applicants
15 at scheduled examinations.

16 *SEC. 42. Section 156.1 of the Business and Professions Code*
17 *is amended to read:*

18 156.1. (a) Notwithstanding any other ~~provision of~~ law,
19 individuals or entities contracting with the department or any board
20 within the department for the provision of services relating to the
21 treatment and rehabilitation of ~~licentiates~~ *licensees* impaired by
22 alcohol or dangerous drugs shall retain all records and documents
23 pertaining to those services until such time as these records and
24 documents have been reviewed for audit by the department. These
25 records and documents shall be retained for three years from the
26 date of the last treatment or service rendered to that ~~licentiate;~~
27 *licensee*, after which time the records and documents may be
28 purged and destroyed by the contract vendor. This provision shall
29 supersede any other ~~provision of~~ law relating to the purging or
30 destruction of records pertaining to those treatment and
31 rehabilitation programs.

32 (b) Unless otherwise expressly provided by statute or regulation,
33 all records and documents pertaining to services for the treatment
34 and rehabilitation of ~~licentiates~~ *licensees* impaired by alcohol or
35 dangerous drugs provided by any contract vendor to the department
36 or to any board within the department shall be kept confidential
37 and are not subject to discovery or subpoena.

38 (c) With respect to all other contracts for services with the
39 ~~department~~ *department*, or any board within the department other
40 than those set forth in subdivision (a), the director or chief deputy

1 director may request an examination and audit by the department's
2 internal auditor of all performance under the contract. For this
3 purpose, all documents and records of the contract vendor in
4 connection with such performance shall be retained by ~~such the~~
5 vendor for a period of three years after final payment under the
6 contract. Nothing in this section shall affect the authority of the
7 State Auditor to conduct any examination or audit under the terms
8 of Section 8546.7 of the Government Code.

9 *SEC. 43. Section 158 of the Business and Professions Code is*
10 *amended to read:*

11 158. With the approval of the Director of Consumer Affairs,
12 the boards and commissions comprising the department or subject
13 to its jurisdiction may make refunds to applicants who are found
14 ineligible to take the examinations or whose credentials are
15 insufficient to entitle them to certificates or licenses.

16 Notwithstanding any other ~~provision of law~~ *law*, any application
17 fees, license ~~fees~~ *fees*, or penalties imposed and collected illegally,
18 by mistake, inadvertence, or error shall be refunded. Claims
19 authorized by the department shall be filed with the State
20 Controller, and the Controller shall draw ~~his~~ *a* warrant against the
21 fund of the agency in payment of ~~such the~~ refund.

22 *SEC. 44. Section 159.5 of the Business and Professions Code*
23 *is amended to read:*

24 159.5. (a) (1) There is in the department the Division of
25 Investigation. The division is in the charge of a person with the
26 title of chief of the division.

27 (2) Except as provided in Section 160, investigators who have
28 the authority of peace officers, as specified in subdivision (a) of
29 Section 160 and in subdivision (a) of Section 830.3 of the Penal
30 Code, shall be in the division and shall be appointed by the director.

31 (b) (1) There is in the Division of Investigation the Health
32 Quality Investigation Unit. The primary responsibility of the unit
33 is to investigate violations of law or regulation within the
34 jurisdiction of the Medical Board of California, the ~~California~~
35 ~~Board of Podiatric Medicine~~, *Podiatric Medical Board of*
36 *California*, the Board of Psychology, the Osteopathic Medical
37 Board of California, the Physician Assistant Board, or any entities
38 under the jurisdiction of the Medical Board of California.

39 (2) The Medical Board of California shall not be charged an
40 hourly rate for the performance of investigations by the unit.

1 ~~(3) This subdivision shall become operative on July 1, 2014.~~

2 SEC. 45. Section 161 of the Business and Professions Code is
3 amended to read:

4 161. The department, or any board in the department, ~~may sell~~
5 *may, in accordance with the California Public Records Act*
6 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*
7 *Title 1 of the Government Code) and the Information Practices*
8 *Act of 1977 (Chapter 1 (commencing with Section 1798) of Title*
9 *1.8 of Part 4 of Division 3 of the Civil Code), make available to*
10 *the public* copies of any part of its respective public records, or
11 compilations, extracts, or summaries of information contained in
12 its public records, at a charge sufficient to pay the actual cost
13 thereof. ~~Such charge, and the conditions under which sales may~~
14 ~~be made;~~ *That charge* shall be determined by the director with the
15 approval of the Department of General Services.

16 SEC. 46. Section 210 of the Business and Professions Code is
17 amended to read:

18 210. (a) (1) The department may enter into a contract with a
19 vendor for the BreEZe system, the integrated, enterprisewide
20 enforcement case management and licensing system described in
21 the department's strategic plan, no sooner than 30 days after
22 notification in writing to the chairpersons of the Appropriations
23 Committees of each house of the Legislature and the Chairperson
24 of the Joint Legislative Budget Committee.

25 (2) The amount of BreEZe system vendor contract funds,
26 authorized pursuant to this section, shall be consistent with the
27 project costs approved by the office of the State Chief Information
28 Officer based on its review and approval of the most recent BreEZe
29 Special Project Report to be submitted by the department prior to
30 contract award at the conclusion of procurement activities.

31 (3) Paragraph (2) shall apply to all Budget Act items for the
32 department that have an appropriation for the BreEZe system.

33 (b) (1) If the department enters into a contract with a vendor
34 for the BreEZe system pursuant to subdivision (a), the department
35 shall, by December 31, 2014, submit to the Legislature, the Senate
36 Committee on Business, Professions and Economic Development,
37 the Assembly Committee on ~~Business, Professions and Consumer~~
38 ~~Protection;~~ *Business and Professions*, and the budget committees
39 of each house, a report analyzing the workload of licensing

1 personnel employed by boards within the department participating
2 in the BreEZe system.

3 (2) A report to the Legislature pursuant to this subdivision shall
4 be submitted in compliance with Section 9795 of the Government
5 Code.

6 (3) This subdivision shall become inoperative on December 1,
7 2018, pursuant to Section 10231.5 of the Government Code.

8 (c) (1) Notwithstanding any other provision of law, upon the
9 request of the Department of Consumer Affairs, the Department
10 of Finance may augment the budgets of the boards, bureaus,
11 commissions, committees, programs, and divisions that comprise
12 the Department of Consumer Affairs, as defined in Section 101,
13 for expenditure of non-General Fund moneys to pay BreEZe project
14 costs. The augmentation may be made no sooner than 30 days after
15 notification in writing to the chairpersons of the committees in
16 each house of the Legislature that consider appropriations and the
17 Chairperson of the Joint Legislative Budget Committee, or no
18 sooner than whatever lesser time the chairperson of the joint
19 committee may in each instance determine. The amount of funds
20 augmented pursuant to the authority of this subdivision shall be
21 consistent with project cost increases approved by the Secretary
22 of California Technology based on the secretary's review and
23 approval of the most recent BreEZe Special Project Report to be
24 submitted at the conclusion of procurement activities. This
25 subdivision shall apply to all Budget Act items for the boards,
26 bureaus, commissions, committees, programs, and divisions that
27 comprise the Department of Consumer Affairs, as defined in
28 Section 101, that have an appropriation for the BreEZe system in
29 the Budget Act of 2011.

30 (2) This subdivision shall become inoperative upon enactment
31 of the Budget Act of 2012.

32 *SEC. 47. Section 328 of the Business and Professions Code is*
33 *amended to read:*

34 328. (a) In order to implement the Consumer Protection
35 Enforcement Initiative of 2010, the director, through the Division
36 of Investigation, shall implement "Complaint Prioritization
37 Guidelines" for boards to utilize in prioritizing their respective
38 complaint and investigative workloads. The guidelines shall be
39 used to determine the referral of complaints to the division and
40 those that are retained by the health care boards for investigation.

(b) Neither the Medical Board of California nor the ~~California Board of Podiatric Medicine~~ *Podiatric Medical Board of California* shall be required to utilize the guidelines implemented pursuant to subdivision (a).

(c) On or before July 1, 2019, the director shall amend the guidelines implemented pursuant to subdivision (a) to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority” level.

SEC. 48. Section 450 of the Business and Professions Code is amended to read:

450. In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall ~~he they~~ have been within the period of five years immediately preceding ~~his their~~ appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any ~~licentiate licensee~~ of ~~such a~~ board, except that this *subdivision* shall not preclude the appointment of a person ~~which who~~ maintains infrequent employer status with ~~such licentiate~~, a licensee, or maintains a client, patient, or customer relationship with ~~any such licentiate which a licensee~~ that does not constitute more than 2 percent of the practice or business of the ~~licentiate~~. licensee.

(b) A person maintaining a contractual relationship with a ~~licentiate of such board, which licensee of a board~~ that would constitute more than 2 percent of the practice or business of ~~any such licentiate, the licensee~~, or an officer, director, or substantially full-time representative of ~~such that~~ person or group of persons.

(c) An employee of ~~any licentiate of such a licensee of a~~ board, or a representative of ~~such the~~ employee, except that this *subdivision* shall not preclude the appointment of a person who maintains an infrequent employee relationship or ~~a person rendering renders~~ professional or related services to a ~~licentiate licensee~~ if ~~such the~~ employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.

SEC. 49. Section 450.3 of the Business and Professions Code is amended to read:

450.3. No public member shall either at the time of ~~his their~~ appointment or during ~~his their~~ tenure in office have any financial

- 1 interest in any organization subject to regulation by the board,
- 2 ~~commission~~ *commission*, or committee of which ~~he is~~ *they are* a
- 3 member.

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PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 613**
Author: **Low**
Bill Date: **As Amended 5/6/19**
Subject: **Professions and Vocations: Regulatory Fees**
Sponsor: Sponsored by the Author

DESCRIPTION OF CURRENT LEGISLATION:

Authorizes regulatory boards under the Department of Consumer Affairs (DCA) to adjust their licensing fees once every four years by an amount not to exceed the increase in the California Consumer Price Index (CPI) for the preceding four years, with limitations.

Major Provisions:

- Allows for a board under the jurisdiction of the DCA no more than once every four years, to increase any of its existing fees by an amount not to exceed the increase in the CPI for the preceding four years.
- Requires that an CPI-based fee adjustment made by a board receive approval from the DCA director, who shall approve the adjustment only if none of the following apply:
 - a) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.
 - b) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.
 - c) The director determines that the fee increase would be injurious to the public health, safety or welfare.
- Clarifies that the fee adjustments allowed by the bill do not apply to administrative fines, civil penalties, or criminal penalties.

ANALYSIS:

Each of the regulatory boards under DCA is funded almost entirely through the collection of fees from licensees, with no General Fund allocations being made to any boards or bureaus. The dollar amount charged by a board to a licensee or license applicant is either expressly set in statute or contained in board-promulgated regulations, which may be statutorily capped or limited to within a certain range. Because boards receive no General Fund support, insufficient revenue derived from fees typically means that a board's programs and operations can no longer be sustained. Currently, the only solution is to pursue a fee increase, which requires either the introduction of legislation or adherence to the Administrative Procedures Act, which involves extensive public rulemaking processes in conjunction with the Office of Administrative Law – a process that currently may take a year or more to complete.

This bill would provide an additional mechanism for boards to adjust their regulatory fees as a means of sustaining fiscal health. The bill would allow for limited administrative adjustments, which would only be allowed once every four years and would be restricted to the increase in

CPI calculated over the preceding four years. As inflation erodes consumers' purchasing power, the CPI is often used to adjust payments and provide cost-of-living wage adjustments to workers. The CPI is also used by other licensing entities not under the DCA to adjust their fees administratively in a way that simply corresponds with changes in the value of a dollar. For example, the Department of Alcoholic Beverage Control is authorized to adjust its license fees "by an amount not to exceed the percentage that the Consumer Price Index ... has increased" on a yearly basis. This bill would enact a similar, though more restricted, process for DCA boards.

Fee adjustments made under the provisions of this bill would be substantially more gradual and result in much more modest increases than most fee adjustments currently sought by boards through legislation or regulation. While adjustments would not be automatic and would not necessarily be made by each board every four years, regular adjustments would likely ameliorate other increases made to changes in workload requiring a greater increase. In addition to creating more fund stability for boards, the bill is intended to prevent licensees from being abruptly confronted with drastic increases in fees, particularly to the extent that part of those increases are based entirely on the steady change in the value of a dollar over time.

Notwithstanding this bill, boards would still be required to seek a fee adjustment through statute or regulations for any increase exceeding a four-year CPI change calculation.

FISCAL:

According to the Assembly Appropriations committee, minor and absorbable costs to DCA to adapt to this change. DCA indicates while this bill exempts the adjustment of fees and publication of a fee schedule from the regulatory process, some programs may elect to pursue regulation changes to conform existing fee schedules to the new fees, therefore avoiding confusion. Whether these conforming changes are accomplished with a "Section 100" (ministerial) change or full rulemaking is required, the workload will be minor and absorbable.

SUPPORT:

California Board of Accountancy, California Pharmacists Association.

Arguments in support: The California Board of Accountancy (CBA) supports the bill. The CBA is an entity under the DCA that regulates certified public accountants. The CBA states that the bill would *"provide the CBA additional flexibility and authority to modestly adjust its fees in line with changing economic conditions."*

OPPOSITION:

California Orthopedic Association.

Arguments in Opposition: The California Orthopedic Association (COA) opposes the bill. The COA is concerned that *"licensing fees for doctors are already high."* COA goes on to argue that *"given our state's*

problem with access to health care, we are concerned with anything that could discourage more doctors from practicing here."

POSITION:

Recommendation: Watch

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 101.1 is added to the Business and Professions Code, to read:

101.1. (a) Notwithstanding any other law, no more than once every four years, any board listed in Section 101 may increase any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding four years in accordance with the following:

(1) The board shall provide its calculations and proposed fee, rounded to the nearest whole dollar, to the director and the director shall approve the fee increase unless any of the following apply:

(A) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.

(B) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.

(C) The director determines that the fee increase would be injurious to the public health, safety, or welfare.

(2) The adjustment of fees and publication of the adjusted fee list is not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2) of the Government Code.

(b) For purposes of this section, "fee" includes any fees authorized to be imposed by a board for regulatory costs. "Fee" does not include administrative fines, civil penalties, or criminal penalties.

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PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 1076**
Author: **Ting**
Bill Date: **As Amended 5/16/19**
Subject: **Criminal Records: Automatic Relief**
Sponsor: Sponsored by Californians for Safety and Justice

DESCRIPTION OF CURRENT LEGISLATION:

Requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a weekly basis, identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion to being filed on the person's behalf.

Major Provisions:

- Requires the DOJ to review its statewide criminal justice databases and Automated Criminal History System on a weekly basis and identify persons who meet specified conditions and are therefore eligible for automatic arrest record relief.
- States that the person is eligible for automatic arrest record relief if the person meets one of the following conditions:
 - a) The arrest is for a misdemeanor offense, and the charge has been dismissed;
 - b) The arrest is for a misdemeanor offense, and at least one calendar year has elapsed since the date of arrest, and no conviction has occurred, or the arrestee has been acquitted of the charges;
 - c) The arrest is for a felony offense that is punishable by imprisonment in county jail for 16 months, or two or three years, and at least three calendar years have elapsed since the date of the arrest, and no conviction has occurred, or the arrestee has been acquitted of the charges; or,
 - d) The case resulting from the arrest meets one of the following conditions:
 - i) The person has successfully completed a prefiling diversion program, as specified, administered by a prosecuting attorney in lieu of filing an accusatory pleading;
 - ii) The person has successfully completed a drug diversion program administered by a superior court, as specified, or a deferred entry of judgment program, as specified;
 - iii) The person has successfully completed a pretrial diversion program, as specified; or,
 - iv) The person has successfully completed a diversion program, a specified.
- Requires the DOJ to grant relief, including dismissal of a conviction, to a person identified as eligible, provided that there is sufficient information in DOJ's database to ascertain eligibility, without requiring a petition or motion by a party for that relief, and further requires such a person thereafter be released from all penalties and disabilities resulting from the offense of which the person has been convicted, except for the suspension or revocation of the person's driving privilege, as specified.

- Requires DOJ to include on the OpenJustice Web portal statistics regarding the total number of convictions granted relief and the total number of convictions prohibited from automatic relief, as well as the number of persons for which there is insufficient information to ascertain eligibility for relief, on an annual basis.

ANALYSIS:

According to the author, “Everybody deserves a second chance. We must open doors for those facing housing and employment barriers and use available technology to clear arrest and criminal records for individuals already eligible for relief. There is a great cost to our economy and society when we shut out job-seeking workers looking for a better future. This bill would open doors to those facing employment and housing barriers by automating the process of clearing an arrest or criminal record for eligible individuals.”

This bill seeks to reduce the barriers to employment for individuals with a criminal history by automating the process of having eligible arrest records sealed, and eligible conviction records dismissed. This would allow formerly arrested and convicted individuals to dedicate their time and resources toward securing employment immediately upon their release into the community, rather than going through a court process of sealing and/or dismissal.

Existing law provides for a number of procedures in which a person who has been arrested for, or convicted of, a criminal offense, can petition a court to have his or her arrest/conviction information sealed or dismissed. When these procedures are successful, they generally treat the arrest or conviction as if it had never occurred. This allows persons formally arrested or convicted, to lawfully withhold information about their arrest or conviction when applying for jobs, which is vitally important to successfully reentering the community and not returning to a life of crime. Typically, the procedure for sealing an arrest record, or dismissing a conviction is a court process. It requires the defendant to submit an application, or “petition” with the court, and the court makes a determination about whether the person is eligible for the relief he or she is seeking.

This bill would streamline that process by removing the requirement that a defendant file a petition with the court, and instead requires DOJ to proactively seek out defendants who are eligible for relief by searching its criminal information databases. Once DOJ makes a determination that a person is eligible for either arrest record or conviction record relief, it must grant relief in the form of either 1) sealing an arrest record, or 2) in the case of a guilty plea, withdrawing the plea of guilty, entering a plea of not guilty, and dismissing the charges, or 3) in the case of a conviction after a plea of not guilty, vacating the conviction and dismissing the charges against the person. DOJ would be required to search for eligible defendants on a weekly basis and inform the superior court with jurisdiction over the case when relief is granted.

This bill would leave in place certain prohibitions resulting from arrests or convictions after relief has been granted, such as the prohibition on owning a firearm after a conviction for domestic violence or a felony, and would not restore someone's driving privilege if that privilege was lost as a result of the conviction for which he or she is obtaining relief.

This bill would prohibit the disclosure of the arrest/conviction record for which relief is obtained, with certain exceptions already prescribed in existing law, such as when a person who has been granted relief is applying for a position as a peace officer. This bill would also not allow DOJ to grant conviction records relief to a person who is required to register as a sex offender, or a person who is under court supervision or facing criminal charges.

This bill would be a comprehensive change in how record relief for most arrests and conviction records is granted, thus implementing this bill is likely to come with certain challenges:

- a) Information necessary to make a determination on eligibility for certain forms of relief will not necessarily be immediately apparent in DOJ's databases.
- b) DOJ's criminal history databases depend upon local jurisdictions uploading timely and accurate information. DOJ will only be able to make an accurate determination as to eligibility for relief to the extent that local courts and law enforcement agencies provide accurate and timely updates.
- c) DOJ's summary criminal history database is often missing important disposition information, especially in regard to low-level arrests and probation violations which is necessary for the DOJ to make many eligibility determinations.
- d) This bill does not place any time parameters on which records DOJ is required to analyze for eligibility relief. Since the criminal history database was first established in 1953, the records in that database are in the tens of millions and analyzing each of those records for eligibility is a monumental task.
- e) Although this bill requires DOJ to provide notice to the court when it grants relief, there is no provision in the bill that requires notice of relief to be sent to the individual for whom relief has been granted.
- f) This bill anticipates that courts will continue to have the ability to process writs and petitions for arrest and conviction record relief, despite DOJ's automated system. Thus, the Legislature will be delegating the same, or very similar authority to two separate branches of government simultaneously.
- g) This bill contains a provision that allows a prosecutor to file a motion to prohibit DOJ from granting relief and does not explain under what circumstances a prosecutor may do so which leaves open the possibility that a prosecutor could prevent a person from obtaining automatic DOJ relief.

FISCAL:

According to the Assembly Appropriations committee, One-time costs (General Fund (GF)) to DOJ, likely in the low millions of dollars, to review records and submit notices to superior courts, as required by this bill. Given the magnitude of the work involved and the limited timeline specified in this bill, it is likely that DOJ would require a significant temporary increase in staffing. Costs (Trial Court Trust Fund/GF) between \$3.2 million dollars and \$9.8 million dollars annually for increased trial court workload assuming one million notifications over three years. Costs will depend on the number of convictions identified by the DOJ for relief

SUPPORT:

California for Safety and Justice (Sponsor), American Civil Liberties Union of California, California Public Defenders Association, Community Works, Feminists in Action, Indivisible Sausalito, Indivisible Stanislaus, Indivisible: San Diego Central, Initiate Justice, National Association of Social Workers, California Chapter Showing Up for Racial Justice, Marin Sister Warrior Freedom Coalition Southern California Coalition, We the People - San Diego

Arguments in support: the bill's sponsor, Californians for Safety and Justice: *"Eight million California residents have criminal convictions on their records that hamper their ability to find work and housing, secure public benefits, or even get admitted to college. Millions more have old arrests on their record that never resulted in a conviction but remain as obstacles to employment. Nearly 90% of employers, 80% of landlords, and 60% of colleges screen applicants' criminal records."*

"The Survey of California Victims and Populations Affected by Mental Health, Substance Issues, and Convictions found that 76 percent of individuals with a criminal conviction report instability in finding a job or housing, obtaining a license, paying for fines or fees, and having health issues. A National Institute of Justice study found that having a criminal record reduced the chance of getting a job or call back by 50%. "Lack of access to employment and housing are primary factors driving recidivism, criminal records are serious barriers to successful reentry and come at a great cost to California's economy. Nationally, it has been estimated that the U.S. loses roughly \$65 billion per year in terms of gross domestic product due to employment losses among people with convictions. AB 1076 requires the California Department of Justice (DOJ) to automate arrest and conviction relief by dismissing eligible convictions for individuals who have completed their probation and/or county jail sentence, arrests that did not result in a conviction for qualified misdemeanors, non-violent, non-sex felonies three years after arrest."

OPPOSITION:

California Law Enforcement Association of Records Supervisors

According to the California Law Enforcement Association of Records Supervisors, Inc.: *"Under current law, a person already has the ability to*

petition the courts to get their criminal records expunged. Once the judge grants the expungement, a person can lawfully answer they have never been convicted of the crime. This process allows for a successful reentry into the community and the ability to obtain housing and employment. Furthermore, existing law also allows for an indigent defendant to get the necessary fees waived for costs associated with the expungement process. AB 1076 will unnecessarily put the burden on records management personnel, who are short staffed and without sufficient resources, to move arrest dispositions to an automated system, a very labor intensive and cost-prohibitive task. This proposed policy further creates a liability for law enforcement agencies that may inadvertently miss a defendant's record eligible for dismissal."

POSITION:

Recommendation: Watch

AMENDED IN ASSEMBLY MAY 16, 2019
AMENDED IN ASSEMBLY MARCH 27, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1076

Introduced by Assembly Member Ting

February 21, 2019

An act to add Sections 851.93 and 1203.425 to the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1076, as amended, Ting. Criminal records: automatic relief.

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, a person who has successfully completed a specified deferred entry of judgment program, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Under existing law, if a defendant successfully completes certain diversion programs, the arrest for the crime for which the defendant was diverted is deemed to have never occurred.

Existing law authorizes a defendant to petition to withdraw the defendant's plea of guilty or nolo contendere and enter a plea of not guilty, if the defendant has fulfilled the conditions of probation, or if other specified circumstances are met, and the defendant is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities

resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill would, commencing January 1, 2021, require the Department of Justice, on a weekly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.

The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.

The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

The bill would require the Department of Justice to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified.

The bill would require a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 851.93 is added to the Penal Code, to
2 read:

1 851.93. (a) (1) On a weekly basis, the Department of Justice
2 shall review the records in the statewide criminal justice databases,
3 and based on information in the Automated Criminal History
4 System, shall identify persons with records of arrest that meet the
5 criteria set forth in paragraph (2) and are eligible for arrest record
6 relief.

7 (2) A person is eligible for relief pursuant to this section, if the
8 arrest *occurred on or after January 1, 1973, and* meets any of the
9 following conditions:

10 (A) The arrest was for a misdemeanor offense and the charge
11 was dismissed.

12 (B) The arrest was for a misdemeanor offense, at least one
13 calendar year has elapsed since the date of the arrest, and no
14 conviction occurred, or the arrestee was acquitted of any charges
15 that arose, from that arrest.

16 (C) The arrest was for an offense that is punishable by
17 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)
18 of Section 1170, at least three calendar years have elapsed since
19 the date of the arrest, and no conviction occurred, or the arrestee
20 was acquitted of any charges arising from, that arrest.

21 (D) The person successfully completed any of the following,
22 relating to that arrest:

23 (i) A prefiling diversion program, as defined in Section 851.87,
24 administered by a prosecuting attorney in lieu of filing an
25 accusatory pleading.

26 (ii) A drug diversion program administered by a superior court
27 pursuant to Section 1000.5, or a deferred entry of judgment
28 program pursuant to Section 1000 or 1000.8.

29 (iii) A pretrial diversion program, pursuant to Section 1000.4.

30 (iv) A diversion program, pursuant to Section 1001.9.

31 (v) Any diversion program described in Chapters 2.8
32 (commencing with Section 1001.20), 2.8A (commencing with
33 Section 1001.35), 2.8I (*commencing with Section 1001.40*), 2.9
34 (commencing with Section 1001.50), 2.9A (commencing with
35 Section 1001.60), 2.9B (commencing with Section 1001.70), 2.9C
36 (commencing with Section 1001.80), ~~or~~ 2.9D (commencing with
37 Section 1001.81), *or 2.92 (commencing with Section 1001.85)*, of
38 Title 6.

39 (b) (1) The department shall grant relief to a person identified
40 pursuant to subdivision (a), without requiring a petition or motion

1 by a party for that ~~relief~~. *relief if the record contains sufficient*
2 *information.*

3 (2) The state summary criminal history information shall
4 include, directly next to or below the entry or entries regarding the
5 person's arrest record, a note stating "arrest relief granted," listing
6 the date that the department granted relief, and this section. This
7 note shall be included in all statewide criminal databases with a
8 record of the arrest.

9 (3) Except as otherwise provided in subdivision (d), an arrest
10 for which arrest relief has been granted is deemed not to have
11 occurred, and a person who has been granted arrest relief is released
12 from any penalties and disabilities resulting from the arrest, and
13 may answer any question relating to that arrest accordingly.

14 (4) *As used in paragraph (1), "sufficient information" means*
15 *the date of the arrest and the arrest charges.*

16 (c) (1) On a weekly basis, the department shall electronically
17 submit a notice to the superior court having jurisdiction over the
18 criminal case, informing the court of all cases for which relief was
19 granted pursuant to this section. ~~The Commencing on February 1,~~
20 ~~2021, for any record retained by the court pursuant to Section~~
21 ~~68152 of the Government Code, the court shall not disclose~~
22 ~~information concerning an arrest that is granted relief pursuant to~~
23 ~~this section to any person or entity, in any format, except to the~~
24 ~~person whose arrest was granted relief or a criminal justice agency,~~
25 ~~as defined in Section 851.92.~~

26 (2) The department shall not disclose information concerning
27 an arrest that is granted relief pursuant to this section to a board,
28 as defined in Section 22 of the Business and Professions Code.

29 (d) Relief granted pursuant to this section is subject to the
30 following conditions:

31 (1) Arrest relief does not relieve a person of the obligation to
32 disclose an arrest in response to a direct question contained in a
33 questionnaire or application for employment as a peace officer, as
34 defined in Section 830.

35 (2) Relief granted pursuant to this section has no effect on the
36 ability of a criminal justice agency, as defined in Section 851.92,
37 to access and use records that are granted relief to the same extent
38 that would have been permitted for a criminal justice agency had
39 relief not been granted.

1 (3) Relief granted pursuant to this section does not affect a
2 person's authorization to own, possess, or have in the person's
3 custody or control any firearm, or the person's susceptibility to
4 conviction under Chapter 2 (commencing with Section 29800) of
5 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
6 this authorization or susceptibility.

7 (4) Relief granted pursuant to this section does not affect any
8 prohibition from holding public office that would otherwise apply
9 under law as a result of the arrest.

10 (5) ~~Relief~~ *Subject to the requirement prescribed in paragraph*
11 *(2) of subdivision (b), an arrest for which relief has been granted*
12 *pursuant to this section is subject to the provisions of Section*
13 *11105.*

14 (e) This section shall not limit petitions, motions, or orders for
15 arrest record relief, as required or authorized by any other law,
16 including, but not limited to, Sections 851.87, 851.90, 851.91,
17 1000.4, and 1001.9.

18 (f) The department shall annually publish statistics *for each*
19 *county* regarding the total number of arrests granted relief pursuant
20 ~~to this section, by county, section and the total number of arrests~~
21 *lacking sufficient information as described in subdivision (b), on*
22 *the OpenJustice Web portal, as defined in Section 13010.*

23 (g) This section shall be operative commencing January 1, 2021.

24 SEC. 2. Section 1203.425 is added to the Penal Code,
25 immediately following Section 1203.42, to read:

26 1203.425. (a) (1) On a weekly basis, the Department of Justice
27 shall review the records in the statewide criminal justice databases,
28 and based on information in the Automated Criminal History
29 System and the Supervised Release File, shall identify persons
30 with convictions that meet the criteria set forth in paragraph (2)
31 and are eligible for automatic conviction record relief.

32 (2) A person is eligible for automatic conviction relief pursuant
33 to this section if they meet all of the following conditions:

34 (A) The person is not required to register pursuant to Section
35 290.

36 (B) The person is not under active local, state, or federal
37 supervision, according to the Supervised Release File.

38 (C) The person is not currently serving a sentence for any
39 offense and does not have any pending criminal charges.

(D) The conviction *occurred on or after January 1, 1973, and* meets one of the following criteria:

(i) The defendant was sentenced to probation and has completed their term of probation without revocation.

(ii) The defendant was convicted of an infraction or misdemeanor and was not granted probation, has completed their ~~sentence or paid their fine,~~ sentence, and at least one calendar year has elapsed since the date of judgment.

(iii) The defendant was sentenced pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, and one year has elapsed following the completion of sentence, or, the defendant was sentenced pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170, and two years has elapsed following the completion of sentence.

(iv) The defendant was sentenced before January 1, ~~2012~~ 2012, for a crime which, on or after January 1, 2012, would have been eligible for sentencing pursuant to subdivision (h) of Section 1170, and two years have elapsed following the defendant's completion of the sentence.

(b) (1) Except as specified in subdivision (g), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief. *relief if the record contains sufficient information.*

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(3) Except as otherwise provided in subdivision (d) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which ~~he or she~~ the person has been convicted.

(4) *As used in paragraph (1), "sufficient information" means the date of the disposition, the conviction charges, and the sentence imposed.*

(c) (1) On a weekly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the

1 criminal case, informing the court of all cases for which relief was
2 granted pursuant to this section. ~~The Commencing on February 1,~~
3 ~~2021, for any record retained by the court pursuant to Section~~
4 ~~68152 of the Government Code, the court shall not disclose~~
5 ~~information concerning a conviction granted relief pursuant to this~~
6 ~~section or Sections 1203.4, 1203.4a, 1203.41, and 1203.42, to any~~
7 ~~person or entity, in any format, except to the person whose~~
8 ~~conviction was granted relief or a criminal justice agency, as~~
9 ~~defined in Section 851.92.~~

10 (2) The department shall not disclose information concerning
11 a criminal conviction record that is granted relief pursuant to this
12 section to a board, as defined in Section 22 of the Business and
13 Professions Code.

14 (d) Relief granted pursuant to this section is subject to the
15 following conditions:

16 (1) Relief granted pursuant to this section does not relieve a
17 person of the obligation to disclose a criminal conviction in
18 response to a direct question contained in a questionnaire or
19 application for employment as a peace officer, as defined in Section
20 830.

21 (2) Relief granted pursuant to this section does not relieve a
22 person of the obligation to disclose the conviction in response to
23 any direct question contained in any questionnaire or application
24 for public office, for licensure by any state or local agency, or for
25 contracting with the California State Lottery Commission.

26 (3) Relief granted pursuant to this section has no effect on the
27 ability of a criminal justice agency, as defined in Section 851.92,
28 to access and use records that are granted relief to the same extent
29 that would have been permitted for a criminal justice agency had
30 relief not been granted.

31 (4) *Relief granted pursuant to this section does not limit the*
32 *jurisdiction of the court over any subsequently filed motion to*
33 *amend the record, petition or motion for postconviction relief, or*
34 *collateral attack on a conviction for which relief has been granted*
35 *pursuant to this section.*

36 ~~(4)~~

37 (5) Relief granted pursuant to this section does not affect a
38 person's authorization to own, possess, or have in the person's
39 custody or control any firearm, or the person's susceptibility to
40 conviction under Chapter 2 (commencing with Section 29800) of

1 Division 9 of Title 4 of Part 6, if the criminal conviction would
2 otherwise affect this authorization or susceptibility.

3 ~~(5)~~

4 (6) Relief granted pursuant to this section does not affect any
5 prohibition from holding public office that would otherwise apply
6 under law as a result of the criminal conviction.

7 ~~(6)~~

8 (7) In any subsequent prosecution of the defendant for any other
9 offense, the prior conviction may be pleaded and proved and shall
10 have the same effect as if the relief had not been granted.

11 (8) *Subject to the requirement prescribed in paragraph (2) of*
12 *subdivision (b), a conviction for which relief has been granted*
13 *pursuant to this section shall be subject to the requirements of*
14 *Section 11105.*

15 (e) This section shall not limit petitions, motions, or orders for
16 relief in a criminal case, as required or authorized by any other
17 law, including, but not limited to, Sections 1203.4, 1203.4a,
18 1203.41, and 1203.42.

19 (f) The department shall annually publish statistics *for each*
20 *county* regarding the total number of convictions granted relief
21 pursuant to this section, ~~and the total number of convictions~~
22 ~~prohibited from automatic relief pursuant to subdivision (h), by~~
23 ~~county, and the total number of arrests lacking sufficient~~
24 ~~information as described in subdivision (b), on the OpenJustice~~
25 ~~Web portal, as defined in Section 13010.~~

26 (g) Subdivisions (a) to (g) inclusive, shall be operative
27 commencing January 1, 2021.

28 (h) ~~No~~ *For convictions entered on or after January 1, 2018, the*
29 *prosecuting attorney or probation department may, no later than*
30 *90 calendar days before the date of a person's eligibility for relief*
31 *pursuant to this section, the prosecuting attorney or probation*
32 *department may file a motion to prohibit the department from*
33 *granting automatic relief pursuant to this section. The court shall*
34 *give notice to the defendant and conduct a hearing on the motion*
35 *within 45 days after the motion is filed.* If the court grants that
36 motion, the department shall not grant relief pursuant to this
37 section, but the person may continue to be eligible for relief
38 pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42.

39 (i) At the time of sentencing, the court shall advise a defendant,
40 either orally or in writing, of the provisions of this section and of

1 the defendant's right, if any, to petition for a certificate of
2 rehabilitation and pardon.

O

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **SB 53**
Author: **Wilk**
Bill Date: **As Amended 3/5/19 Senate**
Subject: **Open Meetings**
Sponsor: Sponsored by the Author

DESCRIPTION OF CURRENT LEGISLATION:

This bill modifies the Bagley-Keene Open Meeting Act (Bagley Keene) to require two-member advisory committees of a “state body” to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by state funds.

Existing Law:

- Requires, under Bagley-Keene, that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.
- Defines a state body, for purposes of Bagley-Keene, to mean each of the following:
 - a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings, and every commission created by executive order.
 - b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
 - c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.
 - d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.
 - e) The State Bar of California, as specified.

This Bill:

- Clarifies that, under Bagley-Keene, a two-member advisory board, commission, committee, subcommittee, or similar multimember advisory body of a state body, is defined as a “state body” if a member of that larger state body sits on the advisory board, commission, committee, subcommittee, or similar multimember advisory body and the advisory board, commission, committee, subcommittee, or similar multimember advisory body is supported, in whole or in part, by funds provided by the state body.
- Contains an urgency clause to take effect immediately.

ANALYSIS:

According to the author, “SB 53 provides much-needed transparency to state government. The Bagley-Keene Act, which sets open meeting requirements for state government, is ambiguous in its definition of which state bodies must comply with Bagley-Keene.”

Further, the author states that “the ambiguity of Bagley-Keene has for years provided a loophole for state agencies that create two-member committees and claim they are exempt from open meeting requirements so long as they do not take action on anything. SB 53 clarifies Bagley-Keene to state in definite terms that any multimember body that is funded by a state body, created by formal action, or served by a state official is defined as a state body and falls under the scope of the Bagley-Keene.”

The author has provided examples of two-member advisory committees that have been created utilizing what the author argues is a loophole in current law, thereby exempting these two-member advisory committees from the open meeting requirements of Bagley-Keene. Most prominently, during budget negotiations in 2015, the University of California (UC) Board of Regents endorsed forming a committee consisting of two members, Governor Jerry Brown and UC President Janet Napolitano. The author of this bill argues that this two-member committee was in fact a “state body,” and the exemption of this two-member advisory committee defies the original legislative intent of Bagley-Keene.

Previous attempts:

In 2014 and in 2015, Governor Jerry Brown vetoed similar measures. In the veto message of AB 2058 (Wilk, 2014), Governor Brown wrote, “any meeting involving formal action by a state body should be open to the public. An advisory committee, however, does not have authority to act on its own and must present any findings and recommendations to a larger body in a public setting for formal action. That should be sufficient.”

The following year Governor Brown vetoed AB 85 (Wilk, 2015), writing “this bill expands the Bagley-Keene Open Meeting Act to include advisory bodies, regardless of their size. My thinking on this matter has not changed from last year when I vetoed a similar measure, AB 2058. I believe strongly in transparency and openness, but the more informal deliberation of advisory bodies is best left to current law.”

FISCAL:

According to the Senate Appropriations Committee, in general this bill imposes minor to moderate costs on affected state entities. Some state entities may simply decide to eliminate certain advisory bodies and specified standing committees rather than spend limited resources for compliance with open meeting requirements.

Additionally, many regulatory entities with the Department of Consumer Affairs use advisory committees of less than three members. These entities would incur costs to comply with open meeting requirements,

including costs for board member and staff travel, communications, and providing public meeting space. Costs would be less than \$150,000 per entity per year. (Various special funds)

SUPPORT:

CalAware, California Association of Licensed Investigators, California News Publishers Association, League of Women Voters of California.

Arguments in support: In support of the bill, the California News Publishers Association writes that, *“one of the purposes of the Bagley-Keene Act is to ensure that deliberations of state agencies be conducted openly. See Government Code § 11120. Unfortunately, ambiguity in the law is allowing state agencies to deliberate behind closed doors by limiting standing committees to fewer than three members. What this means is that decisions about policy development are being made without the public having a seat at the table. When two-member advisory committees are allowed to meet outside of public view, the public only gets the benefit of an abbreviated version of the deliberations that underlie actions taken by the state body.”*

OPPOSITION:

California Board of Accountancy.

Arguments in Opposition: The California Board of Accountancy (CBA) writes that, *“this bill would prevent the CBA, and its committees, from asking two members to review a document, draft a letter, provide expert analysis, or advise CBA staff on other matters without giving public notice. SB 53 may prevent the CBA from conducting certain outreach and communications activities that include more than one member present, as that may constitute a meeting, and therefore be subject to the Open Meeting Act. This bill would also appear to prohibit two board members meeting together with Legislators in support of any important consumer protection issues relating to the practice of public accountancy as it would be impractical, if not impossible, to publicly notice such visits.”*

POSITION:

Recommendation: Watch

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

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PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: SB 425
Author: Hill
Bill Date: As Amended 5/21/19 Senate
Subject: Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct
Sponsor: Sponsored by the Author

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires every health care facility in the state, health care service plans, or other entities with any arrangement authorizing a licensed health care professional to provide care for patients (such as postsecondary educational institutions), to report allegations of sexual abuse and sexual misconduct made against a licensed health care professional by a patient, if the patient makes the allegation in writing, to the licensee's licensing board, within 15 days of receiving the written allegation of sexual abuse or sexual misconduct; and makes other changes related Medical Board of California (MBC) disciplinary action and enforcement.

Existing Law:

This Bill:

- Requires a health care facility, the administrator or chief executive officer of a health care service plan, or other entity that makes any arrangement under which a licensed health care professional is allowed to practice in or provide care for patients (including but not limited to a private postsecondary educational institution), to file a report of sexual abuse or sexual misconduct (defined as inappropriate contact or communication of a sexual nature) made against a licensed health care professional by a patient, if the patient makes the allegation in writing, to the licensee's licensing board, within 15 days of receiving the written allegation of sexual abuse or sexual misconduct.
- Specifies that any failure to file the report of alleged sexual abuse or sexual misconduct is punishable by a fine of up to \$50,000 per violation, paid by the health care facility or other entity required to report. Specifies that a willful failure (a voluntary and intentional violation of a known legal duty) to file the report of alleged sexual abuse or sexual misconduct is punishable by a fine of up to \$100,000 per violation. States that a person is immune from any civil or criminal liability for reporting the alleged sexual abuse or sexual misconduct.
- Authorizes MBC, upon receipt of information that the public health, safety, or welfare requires emergency action, to place a physician's and surgeon's license on suspension pending formal proceedings. Specifies that this emergency order of suspension shall be issued to the licensee informing the licensee of the facts or conduct warranting the emergency suspension, pending an investigation. Authorizes a licensee whose license has been suspended on emergency order to request a hearing for an ISO, which must be held within 180 days licensee's request.
- Requires, when issuing a probationary license, the record relating to that probationary license to remain on MBC's Web site for 10 years.
- Specifies that failure of a licensee (as opposed to repeated failure under current law), absent good cause, to attend and participate in an interview by MBC is unprofessional conduct.

ANALYSIS:

According to the author, “SB 425 closes legal loopholes that can allow a subject of repeated sexual abuse and misconduct complaints to work at a health facility for years because the relevant regulatory board is not notified by the facility of the allegations against a licensee. Allegations of sexual abuse or misconduct by doctors and other medical professionals must be reported swiftly to the appropriate licensing board for review so that regulators can determine whether to conduct an independent, confidential investigation. State regulatory boards cannot fulfill their responsibilities to protect patients and other consumers, if they are not notified of these serious allegations involving their licensees. The failure to do so shields bad actors while exposing patients to greater risks.”

Mandatory Reporting of Health Practitioner Discipline: There are a number of reporting requirements designed to inform licensing boards about possible matters for investigation, including BPC Section 805 which requires the chief of staff and chief executive officer, medical director, or administrator of a licensed health care facility to file a report when a licensee’s application for staff privileges or membership is denied, or the licensee’s staff privileges or employment are terminated or revoked for a medical disciplinary cause. Licensees include physicians and surgeons, doctors of podiatric medicine, clinical psychologists, marriage and family therapists, clinical social workers, professional clinical counselors, dentists, licensed midwives or physician assistants. The reporting entities are also required to file a report when restrictions are imposed or voluntarily accepted on the licensee’s staff privileges for a cumulative total of 30 days or more for any 12-month period. The report must be filed within 15 days after the effective date of the action taken by a health facility peer review body.

BPC Section 805.01 is a similarly extremely important requirement. The law requires the chief of staff and chief executive officer, medical director, or administrator of a licensed health care facility to file a report within 15 days after the peer review body makes a final decision or recommendation to take disciplinary action which must be reported pursuant to section 805. This reporting requirement is only required if the recommended action is taken for incompetence, or gross or repeated deviation from the standard of care involving death or serious bodily injury to one or more patients in such a manner as to be dangerous or injurious to any person or the public; the use of, or prescribing for or administering to him/herself, any controlled substance; or the use of any dangerous drug, or of alcoholic beverages, to the extent or in such a manner as to be dangerous or injurious to the licentiate, or any other persons, or the public, or to the extent that such use impairs the ability of the licentiate to practice safely; repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith effort prior examination of the patient and medical reason therefor and; sexual misconduct with one or more patients during a course of treatment or an examination.

The purpose of 805 reports is to provide licensing boards with early information about these serious charges so that they may investigate and take appropriate action to further consumer protection at the earliest possible moment. Accordingly, for any allegations listed above, the Legislature determined that an

805.01 report must be filed once a formal investigation has been completed, and a final decision or recommendation regarding the disciplinary action to be taken against a licensee has been determined by the peer review body, even when the licensee has not yet been afforded a hearing to contest those findings.

Peer Review: In peer review, health care practitioners evaluate their colleagues' work to determine compliance with the standard of care. Peer reviews are intended to detect incompetent or unprofessional practitioners early and terminate, suspend, or limit their practice if necessary. Peer review is triggered by a wide variety of events including patient injury, disruptive conduct, substance abuse, or other medical staff complaints. A peer review committee investigates the allegation, comes to a decision regarding the licensee's conduct, and takes appropriate remedial actions. Any physician, for whom an 805 report may be required to be filed, is entitled to specified due process rights, including notice of the proposed action, an opportunity for a hearing with full procedural rights (including discovery, examination of witnesses, formal record of the proceedings and written findings). Furthermore, a physician may seek a judicial review in the Superior Court pursuant to Code of Civil Procedure Section 1094.5 (writ of mandate). The due process requirements do not apply to peer review proceedings conducted in state or county hospitals, to the University of California hospitals or to other teaching hospitals as defined.

Recent Events and Allegations of Misconduct: The Legislature has a long history of interest in, and focus on, statutory reporting requirements that are designed to inform health professional licensing boards about their licensees. In 2018, the Senate Committee on Business, Professions and Economic Development held a hearing, Sexual Misconduct Reporting in the Medical Profession: Missed Opportunities to Protect Patients, to explore whether licensed health professionals who fail to meet established standards are discovered, reviewed and disciplined, if necessary, in a timely manner.

Discussion at the hearing centered on recent events at the University of Southern California (USC) where a physician employed by USC's student health clinic was accused of sexual misconduct. According to information provided by USC, In June 2016, their Office of Equity and Diversity received a complaint from a student health center staff member about Dr. George Tyndall, a gynecologist at the health center. Dr. Tyndall was placed on administrative leave while an investigation was conducted. During that investigation, outside medical reviewers concluded that the manner in which Dr. Tyndall performed physical exams did not meet current practice standards and that he made inappropriate remarks to patients, in some cases during the examination process. The investigation also brought to light complaints about Dr. Tyndall that had been received in prior years but were managed independently by the director of the student health center. USC filed a complaint with MBC about Dr. Tyndall in 2017. At the time, the student health center was organized under USC's university operations, rather than as an extension of its hospitals and medical schools. Complaints against Dr. Tyndall were treated as employment matters and followed an investigation process that did not include peer review, given that the student health center did not have a peer review body. In turn, MBC was not

made aware of action taken against Dr. Tyndall by USC through one of the mandatory reporting requirements contained in BPC Sections 805 or 805.01.

Medical Board Enforcement Enhancement Provisions Contained in This Bill: The sexual abuse and sexual misconduct allegation reporting requirements in this bill apply broadly to health care professionals licensed by a number of boards within the DCA. Four specific provisions in the bill are aimed at increasing the ability of MBC to take timely enforcement action, three of which were approved as legislative proposals at a 2018 board meeting. One provision, providing MBC authority to issue an emergency order of license suspension pending formal proceedings, and requiring a hearing on an ISO to be held, if requested by the licensee, within 180 days related to issuance of an emergency order, was not approved by MBC.

FISCAL:

According to the Senate Committee on Appropriations, this bill will result in minor and absorbable costs for many licensing boards that could receive reports as a result of the measure and a significant increase in workload for MBC and the Division of Investigations, specifically \$3.8 million for MBC.

SUPPORT:

Consumer Attorneys of California, Consumer Watchdog, Medical Board of California, California Board of Psychology.

Arguments in support: The MBC supports three provisions in the bill related to MBC enforcement which it believes will help to prevent delays in the Board's enforcement process, which "negatively impact the Board's enforcement timelines" and which will increase transparency by providing access to information that is public, but not available on MBC's Web site after a probationary period is complete. MBC's position does not reference provisions related to receiving reports about sexual abuse and misconduct allegations involving a MBC licensee, nor does MBC have a position on provisions related to ISOs.

Consumer Attorneys of California (CAOC) and Consumer Watchdog cite the USC case referenced above in their support of this measure. According to CAOC references the author's SB 1448 when noting that this bill will "continue the important work of protecting vulnerable populations from individuals who abuse positions of trust." Consumer Watchdog cites cases at other universities involving physicians and sexual misconduct, stating that "in each of these cases, the failure to investigate multiple, credible allegations of sexual misconduct placed thousands of additional patients in harm's way...SB 425 will help ensure patient complaints are treated seriously and investigated with the alacrity they deserve."

OPPOSITION:

Association of California Life and Health Insurance Companies, California Association of Health Plans, California Medical Association, California Society of Plastic Surgeons, and California Chapter of the American College of Cardiology.

Arguments in Opposition: Opponents state that this bill completely bypasses the peer review process put in place for hospitals by requiring every healing arts

licensee working within a hospital to report any complaint of sexual misconduct or allegation of sexual misconduct to the appropriate licensing board within 15 days and are asking that this provision to be deleted from the bill. According to the opponents, “While we appreciate the procedural steps that the Medical Board must take to file a complaint, and the need to remove dangerous licensees from practice expediently, we do not believe this large jump from 30 to 180 days is warranted”, in reference to the provisions of the bill authorizing an MBC license to be suspended for 180 days before MBC files a formal accusation. Opponents are also concerned about unprofessional conduct being levied against MBC licensees for “repeated failures” to respond to a request for interview and note that repeated needs to be defined.

POSITION:

Recommendation: Watch

AMENDED IN SENATE MAY 21, 2019
AMENDED IN SENATE APRIL 30, 2019
AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 425

Introduced by Senator Hill

February 21, 2019

An act to amend Sections 800, 2221, and 2234 of, and to add Section 805.8 to, the Business and Profession Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 425, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.

Existing law requires the Medical Board of California and specified other boards responsible for the licensure, regulation, and discipline of health care practitioners to separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board, including prescribed historical information for each licensee. Existing law makes the contents of any central file that are not public records confidential, except that the licensee or their counsel or a representative are authorized to inspect and have copies made of the licensee's complete file other than the disclosure of the identity of an information source. Existing law authorizes a board to protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material.

This bill would delete the specification that the summary be comprehensive.

Existing law establishes a peer review process for certain healing arts licensees, as defined, and requires the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic to report specified information, including the denial or revocation of staff privileges, as defined, for a medical disciplinary cause or reason, within 15 days of the denial or revocation to the relevant state licensing agency. Existing law makes a violation of this reporting requirement punishable by a civil fine.

This bill would require any ~~health facility or clinic~~ *health care facility, as defined*, or other entity that makes any arrangement under which a healing arts licensee is allowed to practice or provide care for patients to report any allegation of sexual abuse or sexual ~~misconduct~~ *misconduct, as defined*, made against a healing arts licensee ~~by a patient, if the patient makes the allegation in writing~~, to the relevant state licensing agency within 15 days of receiving the ~~written~~ allegation and would require the relevant agency to investigate the circumstances underlying a received report. ~~The bill would also require an employee or healing arts licensee that works in a health facility or clinic or other entity with knowledge of any allegation of sexual abuse or sexual misconduct by a healing arts licensee to report to the relevant state agency having jurisdiction over the healing arts licensee and the administration of the health facility or clinic or other entity within 15 days of knowing about the allegation of sexual abuse or sexual misconduct.~~ The bill would make a willful failure to file the report by a ~~health care facility or clinic~~ or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation, as specified. The bill would also prohibit a person, including an employee or individual contracted or subcontracted to provide health care services, a ~~health facility or clinic~~ *health care facility*, or other entity from incurring civil or criminal liability as a result of making a report if made in good faith.

The Medical Practice Act establishes the Medical Board of California for the licensure, regulation, and discipline of physicians and surgeons.

The act authorizes the board to deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license. The act authorizes the board in its sole discretion to issue a

probationary physician's and surgeon's certificate to an applicant subject to terms and conditions.

This bill would require the board to disclose a probationary physician's and surgeon's certificate and the operative statement of issues to an inquiring member of the public and to post the certificate and statement on the board's internet website for 10 years from issuance.

The act requires the board to take action against any licensee who is charged with unprofessional conduct and provides that unprofessional conduct includes the repeated failure by a certificate holder who is the subject of an investigation by the board, in the absence of good cause, to attend and participate in an interview by the board.

This bill would delete the condition that the failure to attend and participate in an interview by the board be repeated. The bill would also delete an obsolete provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 800 of the Business and Professions Code
2 is amended to read:
3 800. (a) The Medical Board of California, the Podiatric
4 Medical Board of California, the Board of Psychology, the Dental
5 Board of California, the Dental Hygiene Board of California, the
6 Osteopathic Medical Board of California, the State Board of
7 Chiropractic Examiners, the Board of Registered Nursing, the
8 Board of Vocational Nursing and Psychiatric Technicians of the
9 State of California, the State Board of Optometry, the Veterinary
10 Medical Board, the Board of Behavioral Sciences, the Physical
11 Therapy Board of California, the California State Board of
12 Pharmacy, the Speech-Language Pathology and Audiology and
13 Hearing Aid Dispensers Board, the California Board of
14 Occupational Therapy, the Acupuncture Board, and the Physician
15 Assistant Board shall each separately create and maintain a central
16 file of the names of all persons who hold a license, certificate, or
17 similar authority from that board. Each central file shall be created
18 and maintained to provide an individual historical record for each
19 licensee with respect to the following information:

1 (1) Any conviction of a crime in this or any other state that
2 constitutes unprofessional conduct pursuant to the reporting
3 requirements of Section 803.

4 (2) Any judgment or settlement requiring the licensee or the
5 licensee's insurer to pay any amount of damages in excess of three
6 thousand dollars (\$3,000) for any claim that injury or death was
7 proximately caused by the licensee's negligence, error or omission
8 in practice, or by rendering unauthorized professional services,
9 pursuant to the reporting requirements of Section 801 or 802.

10 (3) Any public complaints for which provision is made pursuant
11 to subdivision (b).

12 (4) Disciplinary information reported pursuant to Section 805,
13 including any additional exculpatory or explanatory statements
14 submitted by the licensee pursuant to subdivision (f) of Section
15 805. If a court finds, in a final judgment, that the peer review
16 resulting in the 805 report was conducted in bad faith and the
17 licensee who is the subject of the report notifies the board of that
18 finding, the board shall include that finding in the central file. For
19 purposes of this paragraph, "peer review" has the same meaning
20 as defined in Section 805.

21 (5) Information reported pursuant to Section 805.01, including
22 any explanatory or exculpatory information submitted by the
23 licensee pursuant to subdivision (b) of that section.

24 (b) (1) Each board shall prescribe and promulgate forms on
25 which members of the public and other licensees or certificate
26 holders may file written complaints to the board alleging any act
27 of misconduct in, or connected with, the performance of
28 professional services by the licensee.

29 (2) If a board, or division thereof, a committee, or a panel has
30 failed to act upon a complaint or report within five years, or has
31 found that the complaint or report is without merit, the central file
32 shall be purged of information relating to the complaint or report.

33 (3) Notwithstanding this subdivision, the Board of Psychology,
34 the Board of Behavioral Sciences, and the Respiratory Care Board
35 of California shall maintain complaints or reports as long as each
36 board deems necessary.

37 (c) (1) The contents of any central file that are not public
38 records under any other provision of law shall be confidential
39 except that the licensee involved, or the licensee's counsel or
40 representative, may inspect and have copies made of the licensee's

complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

SEC. 2. Section 805.8 is added to the Business and Professions Code, to read:

805.8. (a) As used in this section, the following terms shall have the following meanings:

(1) "Agency" means the relevant state licensing agency with regulatory jurisdiction over a healing arts licensee listed in paragraph (2).

(2) "Healing arts licensee" or "licensee" means a licensee licensed under Division 2 (commencing with Section 500) or any initiative act referred to in that division. "Healing arts licensee" or "licensee" also includes a person authorized to practice medicine pursuant to Sections 2064.5, 2113, and 2168.

(3) "Health care facility" means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

1 ~~(3)~~

2 (4) “Other entity” includes, but is not limited to, a postsecondary
3 educational institution as defined in Section 66261.5 of the
4 Education Code.

5 (5) “*Sexual misconduct*” means *inappropriate contact or*
6 *communication of a sexual nature.*

7 (b) A health care facility ~~or clinic~~ or other entity that makes
8 any arrangement under which a healing arts licensee is allowed to
9 practice or provide care for patients shall file a report of any
10 allegation of sexual abuse or sexual misconduct made against a
11 healing arts licensee *by a patient, if the patient makes the allegation*
12 *in writing*, to the agency within 15 days of receiving the *written*
13 allegation of sexual abuse or sexual misconduct. An arrangement
14 under which a licensee is allowed to practice or provide care for
15 patients includes, but is not limited to, full staff privileges, active
16 staff privileges, limited staff privileges, auxiliary staff privileges,
17 provisional staff privileges, temporary staff privileges, courtesy
18 staff privileges, locum tenens arrangements, and contractual
19 arrangements to provide professional services, including, but not
20 limited to, arrangements to provide outpatient services.

21 ~~(c) An employee or a healing arts licensee that works in any~~
22 ~~health facility or clinic or other entity that subdivision (b) applies~~
23 ~~to who has knowledge of any allegation of sexual abuse or sexual~~
24 ~~misconduct by a healing arts licensee shall file a report with the~~
25 ~~agency that has regulatory jurisdiction over the healing arts licensee~~
26 ~~and the administration of the health facility or clinic or other entity~~
27 ~~within 15 days of knowing about the allegation of sexual abuse or~~
28 ~~sexual misconduct.~~

29 ~~(d)~~

30 (c) A willful failure to file the report described in subdivision
31 (b) shall be punishable by a ~~fine~~ *fine*, not to exceed one hundred
32 thousand dollars (\$100,000) ~~per violation~~. *violation, that shall be*
33 *paid by the health care facility or other entity subject to subdivision*
34 *(b).* The fine may be imposed in any civil or administrative action
35 or proceeding brought by or on behalf of any agency having
36 regulatory jurisdiction over the licensee regarding whom the report
37 was or should have been filed. If the person who is designated or
38 otherwise required to file the report under this section is a licensed
39 physician and surgeon, the action or proceeding shall be brought
40 by the Medical Board of California. If the person who is designated

or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licensee. A person who is alleged to have violated this subdivision may assert any defense available at law. As used in this subdivision, “willful” means a voluntary and intentional violation of a known legal duty.

(e)

(d) Except as provided in subdivision (d), (c), any failure to file the report described in subdivision (b) shall be punishable by a ~~fine~~ *fine*, not to exceed fifty thousand dollars (\$50,000) per ~~violation~~ *violation, that shall be paid by the health care facility or other entity subject to subdivision (b)*. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file the report required under this section is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether any person who is designated or otherwise required by law to file the report required under this section exercised due diligence despite the failure to file or whether the person knew or should have known that a report required under this section would not be filed; and whether there has been a prior failure to file a report required under this section. The amount of the fine imposed may also differ based on whether a health care facility ~~or clinic~~ is a small or rural hospital as defined in Section 124840 of the Health and Safety Code.

(f)

1 (e) A person, including an employee or individual contracted
2 or subcontracted to provide health care services, a health facility
3 or clinic, care facility, or other entity shall not incur any civil or
4 criminal liability as a result of making a report required by this
5 section if made in good faith.

6 (g)
7 (f) The agency shall investigate the circumstances underlying
8 a report received pursuant to this section.

9 SEC. 3. Section 2221 of the Business and Professions Code is
10 amended to read:

11 2221. (a) The board may deny a physician's and surgeon's
12 certificate to an applicant guilty of unprofessional conduct or of
13 any cause that would subject a licensee to revocation or suspension
14 of their license. The board, in its sole discretion, may issue a
15 probationary physician's and surgeon's certificate to an applicant
16 subject to terms and conditions, including, but not limited to, any
17 of the following conditions of probation:

18 (1) Practice limited to a supervised, structured environment
19 where the licensee's activities shall be supervised by another
20 physician and surgeon.

21 (2) Total or partial restrictions on drug prescribing privileges
22 for controlled substances.

23 (3) Continuing medical or psychiatric treatment.

24 (4) Ongoing participation in a specified rehabilitation program.

25 (5) Enrollment and successful completion of a clinical training
26 program.

27 (6) Abstention from the use of alcohol or drugs.

28 (7) Restrictions against engaging in certain types of medical
29 practice.

30 (8) Compliance with all provisions of this chapter.

31 (9) Payment of the cost of probation monitoring.

32 (b) The board may modify or terminate the terms and conditions
33 imposed on the probationary certificate upon receipt of a petition
34 from the licensee. The board may assign the petition to an
35 administrative law judge designated in Section 11371 of the
36 Government Code. After a hearing on the petition, the
37 administrative law judge shall provide a proposed decision to the
38 board.

39 (c) The board shall deny a physician's and surgeon's certificate
40 to an applicant who is required to register pursuant to Section 290

1 of the Penal Code. This subdivision does not apply to an applicant
2 who is required to register as a sex offender pursuant to Section
3 290 of the Penal Code solely because of a misdemeanor conviction
4 under Section 314 of the Penal Code.

5 (d) An applicant shall not be eligible to reapply for a physician's
6 and surgeon's certificate for a minimum of three years from the
7 effective date of the denial of their application, except that the
8 board, in its discretion and for good cause demonstrated, may
9 permit reapplication after not less than one year has elapsed from
10 the effective date of the denial.

11 (e) The board shall disclose a probationary physician's and
12 surgeon's certificate issued pursuant to this section and the
13 operative statement of issues to an inquiring member of the public
14 and shall post the certificate and statement on the board's internet
15 website for 10 years from issuance.

16 SEC. 4. Section 2234 of the Business and Professions Code is
17 amended to read:

18 2234. The board shall take action against any licensee who is
19 charged with unprofessional conduct. In addition to other
20 provisions of this article, unprofessional conduct includes, but is
21 not limited to, the following:

22 (a) Violating or attempting to violate, directly or indirectly,
23 assisting in or abetting the violation of, or conspiring to violate
24 any provision of this chapter.

25 (b) Gross negligence.

26 (c) Repeated negligent acts. To be repeated, there must be two
27 or more negligent acts or omissions. An initial negligent act or
28 omission followed by a separate and distinct departure from the
29 applicable standard of care shall constitute repeated negligent acts.

30 (1) An initial negligent diagnosis followed by an act or omission
31 medically appropriate for that negligent diagnosis of the patient
32 shall constitute a single negligent act.

33 (2) When the standard of care requires a change in the diagnosis,
34 act, or omission that constitutes the negligent act described in
35 paragraph (1), including, but not limited to, a reevaluation of the
36 diagnosis or a change in treatment, and the licensee's conduct
37 departs from the applicable standard of care, each departure
38 constitutes a separate and distinct breach of the standard of care.

39 (d) Incompetence.

1 (e) The commission of any act involving dishonesty or
2 corruption that is substantially related to the qualifications,
3 functions, or duties of a physician and surgeon.

4 (f) Any action or conduct that would have warranted the denial
5 of a certificate.

6 (g) The failure by a certificate holder, in the absence of good
7 cause, to attend and participate in an interview by the board. This
8 subdivision shall only apply to a certificate holder who is the
9 subject of an investigation by the board.

O

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **SB 537**
Author: **Hill**
Bill Date: **As Amended 4/11/19 Senate**
Subject: **Workers' Compensation: Treatment and Disability**
Sponsor: Sponsored by the California Physical Therapist Association

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires medical provider networks (MPNs) to list all medical providers on a public roster, prohibits MPNs from altering medical treatment plans and medical billing codes, and prohibits any contract between a medical provider and a contracting agent, employer or insurance carrier that is less than the applicable Medicare fee schedule.

This Bill:

- Authorizes the administrative director to create the medical provider utilization data using individually identifiable information.
- Requires, on or before January 1, 2023, that the administrative director publish on the DWC's Web site provider utilization data for physicians who treated 10 or more injured workers during the 12 months before July 1 of the previous year. The provider utilization data must include all of the following:
 - a) The physician's first and last name.
 - b) The physician's specialty.
 - c) The physician's National Provider Identifier.
 - d) The number of injured workers treated by the physician.
 - e) The International Statistical Classification of Diseases Related Health Problems, 10th revision (ICD-10) codes by both diagnosis and procedure.
 - f) A short description of the ICD-10 codes used by the physician.
 - g) The number of utilization review decisions that resulted in a modification or denial of a request for authorization of medical treatment.
 - h) The number of independent medical review decisions requested due to a utilization review decision that resulted in a modification or denial and the number of independent review decisions that resulted in the utilization review modification or denial being overturned.
 - i) Any additional data as determined by the administrative director.
- Defines, for the purposes of making available UR and prior authorization services to a treating physician, "normal business day" as not including Saturday, Sunday, and government holidays.
- Prohibits an MPN from altering a treatment plan established by a physician and physical therapist that complies with the medical treatment utilization schedule.
- Prohibits an MPN from altering, adding, or deleting common procedure codes related to a claim for service, unless authorized by the healthcare provider.
- Requires, starting July 1, 2020, that every MPN post on its Web site a roster of all participating providers in the MPN and must update the roster at least quarterly. The roster must include, at a minimum, the name, address, and telephone number of all participating providers.
- Requires the administrative director to post on the DWC's Web site the Internet Web site address of every approved MPN.

- Provides, explicitly, that the administrative director has the discretion to investigate complaints and take enforcement action against MPNs regarding noncompliance with the laws and regulations governing MPNs.
- Prohibits contracted rates between a healthcare provider or healthcare facility and a contracting agent, employer or insurance carrier from being less than the applicable Medicare fee schedule.
- Requires the administrative director, with input from the Commission on Health and Safety and Workers' Compensation, must issue a report to the Legislature, on or before January 1, 2023, comparing potential payment alternatives for providers to the official medical fee schedule, including, but not limited to, capitation, bundled payments, quality incentives, and valuebased payment systems. The report shall address advantages and disadvantages of each alternative payment system to the official medical fee schedule and make recommendations to the Legislature on alternative payment pilot programs.

ANALYSIS:

SB 537 is the product of several reform efforts spearheaded by a variety of stakeholders. Broadly speaking, the main thrust of SB 537 can be seen in two areas: reducing medical disputes and improving the operation of MPNs. Both issues are critical to the role of ensuring that injured workers receive appropriate medical care without hindrance or delay.

One of the few areas of agreement among all of the stakeholders in the workers' compensation system is that there are far too many medical disputes. These medical disputes can be costly, result in delays in medical treatment, and reduce the likelihood that an injured worker will ultimately return to work. Recent research from the California Workers' Compensation Institute suggests that medical disputes in the workers' compensation system are not widespread: rather, they are uniquely concentrated among a few providers. For example, in 2015-16, the top 1% of providers who filed IMR requests (97 providers) filed twice as many requests as the bottom 90% of providers (approximately 40,000 providers). As discussed above, the strict protections on the use of individually identifiable information means that it is likely illegal for the DWC to reach out to these providers and find out why there is such a concentration of medical disputes among such a small provider group. SB 537 will address this concern by implementing the same data reporting requirements as are in the federal Medicare system.

Existing law provides that payors can create MPNs, which function in a manner similar to health maintenance organizations in the group health setting. By bringing together large groups of healthcare providers under a series of contracted rates, the goal of MPNs is to provide ample and appropriate medical care in a cost sensitive way. Moreover, by bringing such a large group of providers together, injured workers are able to have significant choice in their providers. In most cases, payors contract with a third-party entity to provide an "off-the shelf" MPN: an MPN, already approved by the DWC, with significant geographic reach and a large number of medical providers throughout California. These contractual arrangements can be a bit like a black box: the payor knows what they have contracted to get (a large number of medical providers throughout California at a contracted rate) and they know that the MPN receives a percentage of the medical services billed due to the cost of maintaining the MPN. However, the payor is not generally involved in the back-of-the-house

MPN operations: ensuring the medical provider who provided the service is paid fairly and incentivized to provide high quality care.

Recently, several civil suits have alleged that some of these MPNs have engaged in unscrupulous behavior towards their providers, but particularly towards physical therapists. These allegations have included altering medical treatment plans prior to submission to the employer, altering medical bills to be more expensive prior to submission to the employer, and aggressive pricing strategies, which have pushed workers' compensation reimbursements to levels where the providers do not wish to treat injured workers.

SB 537 addresses these challenges by prohibiting the MPNs from altering treatment plans and medical bills. SB 537 will have no impact on the employer disputing medical necessity of medical treatment or the appropriateness of billing codes – SB 537 simply prohibits those activities from occurring outside of the UR process or medical billing dispute process. Additionally, SB 537 sets as a reimbursement floor the federal Medicare fee schedule, which is calculated by the federal government to appropriately reimburse medical providers in the Medicare system – a healthcare system with much lower frictional costs when compared to California's workers' compensation system.

FISCAL:

According to the Senate Appropriations Committee, the Department of Industrial Relations indicates that it would incur first-year costs of up to \$800,000 for research, reporting, and IT-related needs, and annual costs of \$180,000 thereafter, to implement the provisions of the bill (special fund).

SUPPORT:

California Physical Therapist Association (source), California Chiropractic Association, Independent Physical Therapists of California, Independent Physical Therapists of California, Peace Officers Research Association of California.

Arguments in support: The California Physical Therapist Association (CPTA) writes the following: *"On behalf of the over 9,000 members of the California Physical Therapy Association (CPTA), I am pleased to express our support for SB 537 and our gratitude for the opportunity to work with you and your staff on the important issues addressed by your legislation. We especially support some of the provisions of the bill expressly aimed at curbing some of the activities that physical therapists are confronting while trying to deliver quality care to injured workers. "Specifically, we are pleased the bill would accomplish the following objectives:*

- *Transparency in the availability of medical providers available to injured workers. SB 537 would require provider networks in the Workers' Compensation system to post on their websites a list of the participating providers available to treat injured workers. This addresses a somewhat recently-developed practice we and others are seeing in which these networks simply list one phone number, which is directly contrary to the requirements in the commercial health market.*
- *Prohibiting a medical provider network from altering treatment plans of physicians, physical therapists and other providers without their*

permission. Recent changes in the California Workers' Compensation system have resulted in the development of treatment guidelines designed to address the needs of injured workers. Despite these efforts to standardize the care available to bring workers back to full health, we have seen a growing trend of medical provider networks limiting the care provided in a manner that is inefficient, contrary to the developed treatment guidelines, and with no apparent purpose other than to limit access to care. These practices are clearly NOT to benefit of the injured worker in any way....

- Prohibits alteration of billing codes utilized by the health provider unless authorized. We have seen cases where the bills submitted, which are fully compliant with established treatment and billing guidelines, have been altered WITHOUT the provider's permission and even used to increase the funds collected by the third-party administrator. We are aware in at least one case where this practice is/was receiving scrutiny by federal law enforcement authorities.*
- Gives clarity for the administrative director to have authority to investigate complaints and take enforcement actions on these items.*
- Provides clarity that discounting agreements for services by medical providers cannot fall below applicable Medicare payments. We have seen practices by medical provider networks to ask for discounted fees in exchange for increase volume, only to see subsequent letters to other providers in the same area asking for deeper and deeper discounts. While this may be framed as "competition," it clearly looks to be nothing more than a misleading attempt to find the lowest cost provider in the area, with little or no regard to the quality of services provided to the injured worker.... "Again, we are grateful for your efforts to address these practices in the form of SB 537, and we are pleased to support your efforts."*

OPPOSITION:

American Association of Payers Administrators, Networks Precision Occupational Medical Group, and Southern California Sports Rehabilitation Inc.

Arguments in Opposition: One Call Care Management, an MPN, argues the following in opposition: *"We appreciate the effort that legislators have taken to address transparency within the workers' compensation system. SB 537 aims to codify several industry best practices, such as requiring MPN's to list and regularly update provider lists on a quarterly basis. We believe that practices like this, and others, should be industry best practices and we would support these.*

"Although we believe the aforementioned provisions are steps in the right direction to ensure industry best practices, we strongly believe that the proposal to prohibit contracts from being no less than the applicable Medicare fee schedule rate will have serious unintended consequences for injured workers, employers and providers. The creation of an artificial payment floor, like the one included in SB 537, will erase the progress California has made in lowering workers' compensation costs and improving patient care. If instituted, MPN's will likely exit the marketplace, leading to significantly higher costs for

employers, increased out of work time for injured workers and elimination of all of the value added services that MPN's are able to provide to injured workers, providers and employers....

“We greatly appreciate the opportunity to present our perspective on SB 537. As noted, we believe that there are several provisions which One Call can support and believe should be industry best practice. However, we strongly oppose the inclusion of an artificial payment floor at 100% of the Medicare fee schedule rate. In addition to obstructing the ability of two individual parties from freely entering into a contract at rates both parties agree to, the unintended consequence from passage of such a proposal will be significant. Workers' compensation medical costs will increase, administrative complexity will become prevalent, and ultimately patient care will suffer. These are all areas where California has been the nation's leader in improving, primarily through the use of MPN's.”

POSITION:

Recommendation: Watch

AMENDED IN SENATE APRIL 11, 2019
AMENDED IN SENATE MARCH 27, 2019

SENATE BILL

No. 537

Introduced by Senator Hill

February 21, 2019

An act to amend Sections 138.7, 4600.4, 4616, ~~4663~~, and 5307.11 of, and to add Sections 127.1, 138.8, 4610.7 and 4610.8 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Hill. Workers' compensation: treatment and disability.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Existing law requires the employer to provide medical, surgical, chiropractic, acupuncture, and hospital treatment that is reasonably required to cure or relieve the injured worker from the effects of the injury. Existing law requires the administrative director to adopt and revise periodically an official medical fee schedule establishing reasonable maximum fees paid for medical services other than physician services, drugs and pharmacy services, health care facility fees, home health care, and all other treatment, care, services, and goods.

Existing law defines a "physician" for purposes of the workers' compensation laws to include physicians and surgeons, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed by state law and within the scope of their practice.

Existing law also requires the administrative director to post certain information on the division's internet website.

This bill would require the administrative director to issue a report to the Legislature, on or before January 1, 2023, comparing potential payment alternatives for providers to the official medical fee schedule. The bill would also require, on or before January 1, 2023, and annually thereafter, the administrative director to publish on the division's internet website provider utilization data for physicians, as defined above, who treated 10 or more injured workers during the 12 months before July 1 of the previous year, including the number of injured workers treated by the physician and the number of utilization review decisions that resulted in a modification or denial of a request for authorization of medical treatment.

Existing law prohibits a person or public or private entity not a party to a claim for workers' compensation benefits from obtaining individually identifiable information obtained or maintained by the division regarding that claim, except as provided. Existing law requires the administrative director to develop a cost-efficient workers' compensation information system and authorizes the administrative director to use individually identifiable information for purposes of creating and maintaining that system.

This bill would require the administrative director to use individually identifiable information for purposes of creating provider medical utilization data as described above.

Existing law requires a workers' compensation insurer, third-party administrator, or other entity that requires, or pursuant to regulation requires, a treating physician to obtain either utilization review or prior authorization in order to diagnose or treat injuries or diseases compensable pursuant to specified law, to ensure the availability of those services from 9 a.m. to 5:30 p.m. Pacific standard time of each normal business day. Existing law defines a normal business day for these purposes to exclude Saturdays, under specified circumstances, Sundays, and certain holidays, as described.

This bill would revise the definition of a normal business day for these purposes to specifically exclude every Saturday, Sunday, and specified other holidays. The bill would also make technical changes.

~~Existing law makes an employer liable only for the percentage of permanent disability directly caused by the injury arising out of and occurring in the course of employment. Existing law also requires that apportionment of permanent disability be based on causation, and requires the physician to determine the approximate percentage of the permanent disability that was caused by the direct result of injury arising~~

~~out of and occurring in the course of employment and the approximate percentage of the permanent disability that was caused by other factors both before and subsequent to the industrial injury, including prior industrial injuries. Existing law requires a physician who prepares a report addressing the issue of permanent disability due to a claimed industrial injury to address in that report the issue of causation of the permanent disability.~~

~~This bill would prohibit a physician from using race, gender, or national origin in determining the percentage of permanent disability that was caused by other factors before and subsequent to the industrial injury.~~

Existing law authorizes an insurer, employer, or entity that provides physician network services to establish or modify a medical provider network for providing medical treatment to injured employees and imposes various duties upon the insurer, employer, or entity in connection with the network. Existing law requires every medical provider network to post on its internet website a roster of all treating physicians in the medical provider network and requires every network to provide to the administrative director the internet website address of the network and of its roster of treating physicians.

Existing law requires the administrative director to adopt a medical treatment utilization schedule. Existing law authorizes the administrative director to investigate complaints and to conduct random reviews of approved medical provider networks.

This bill would require every medical provider network to post on its internet website a roster of all participating providers in the medical provider network and to provide to the administrative director the internet website address of the network and of its roster of participating providers. The bill would prohibit a medical provider network from altering the treatment plan established by a physician and surgeon and physical therapist that complies with the medical treatment utilization schedule. The bill would also prohibit a medical provider network from altering, adding, or deleting common procedure terminology billing codes related to a claim for service, unless authorized by the health care provider. The bill would revise the authority of the administrative director by giving the administrative director discretion to investigate complaints and take enforcement action against medical provider networks regarding noncompliance with, among others, the internet address and roster requirements imposed on those networks.

Existing law requires the administrative director to adopt a schedule for payment of home health care services that are not covered by a Medicare fee schedule and are not otherwise covered by the official medical fee schedule described above. Existing law authorizes a health care provider or licensed health facility and a contracting agent, employer, or carrier to contract for reimbursement rates different from those in the fee schedule.

This bill would limit that authority by prohibiting those contracted rates from being less than the applicable Medicare fee schedule payment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 127.1 is added to the Labor Code, to
2 read:

3 127.1. (a) The administrative director, with input from the
4 Commission on Health and Safety and Workers' Compensation,
5 shall issue a report to the Legislature, on or before January 1, 2023,
6 comparing potential payment alternatives for providers to the
7 official medical fee schedule, including, but not limited to,
8 capitation, bundled payments, quality incentives, and value-based
9 payment systems.

10 (b) The report shall address advantages and disadvantages of
11 each alternative payment system to the official medical fee schedule
12 and make recommendations to the Legislature on alternative
13 payment pilot programs.

14 (c) The report shall be submitted in compliance with Section
15 9795 of the Government Code. The requirement for submitting a
16 report imposed by this section shall be inoperative on January 1,
17 2024, pursuant to Section 10231.5 of the Government Code.

18 SEC. 2. Section 138.7 of the Labor Code is amended to read:

19 138.7. (a) Except as expressly permitted in subdivision (b), a
20 person or public or private entity not a party to a claim for workers'
21 compensation benefits shall not obtain individually identifiable
22 information obtained or maintained by the division regarding that
23 claim. For purposes of this section, "individually identifiable
24 information" means any data concerning an injury or claim that is
25 linked to a uniquely identifiable employee, employer, claims
26 administrator, or any other person or entity.

1 (b) (1) (A) The administrative director, or a statistical agent
2 designated by the administrative director, may use individually
3 identifiable information for purposes of creating and maintaining
4 the workers' compensation information system as specified in
5 Section 138.6.

6 (B) The administrative director may publish the identity of
7 claims administrators in the annual report disclosing the compliance
8 rates of claims administrators pursuant to subdivision (d) of Section
9 138.6.

10 (C) The administrative director shall use individually identifiable
11 information for purposes of creating provider medical utilization
12 data as specified in Section 138.8.

13 (2) (A) The State Department of Public Health may use
14 individually identifiable information for purposes of establishing
15 and maintaining a program on occupational health and occupational
16 disease prevention as specified in Section 105175 of the Health
17 and Safety Code.

18 (B) (i) The State Department of Health Care Services may use
19 individually identifiable information for purposes of seeking
20 recovery of Medi-Cal costs incurred by the state for treatment
21 provided to injured workers that should have been incurred by
22 employers and insurance carriers pursuant to Article 3.5
23 (commencing with Section 14124.70) of Chapter 7 of Part 3 of
24 Division 9 of the Welfare and Institutions Code.

25 (ii) The Department of Industrial Relations shall furnish
26 individually identifiable information to the State Department of
27 Health Care Services, and the State Department of Health Care
28 Services may furnish the information to its designated agent,
29 provided that the individually identifiable information shall not
30 be disclosed for use other than the purposes described in clause
31 (i). The administrative director may adopt regulations solely for
32 the purpose of governing access by the State Department of Health
33 Care Services or its designated agents to the individually
34 identifiable information as defined in subdivision (a).

35 (3) (A) Individually identifiable information may be used by
36 the Division of Workers' Compensation and the Division of
37 Occupational Safety and Health as necessary to carry out their
38 duties. The administrative director shall adopt regulations
39 governing the access to the information described in this
40 subdivision by these divisions. Any regulations adopted pursuant

1 to this subdivision shall set forth the specific uses for which this
2 information may be obtained.

3 (B) Individually identifiable information maintained in the
4 workers' compensation information system and the Division of
5 Workers' Compensation may be used by researchers employed by
6 or under contract to the Commission on Health and Safety and
7 Workers' Compensation as necessary to carry out the commission's
8 research. The administrative director shall adopt regulations
9 governing the access to the information described in this
10 subdivision by commission researchers. These regulations shall
11 set forth the specific uses for which this information may be
12 obtained and include provisions guaranteeing the confidentiality
13 of individually identifiable information. Individually identifiable
14 information obtained under this subdivision shall not be disclosed
15 to commission members. Individually identifiable information
16 obtained by researchers under contract to the commission pursuant
17 to this subparagraph may not be disclosed to any other person or
18 entity, public or private, for a use other than that research project
19 for which the information was obtained. Within a reasonable period
20 of time after the research for which the information was obtained
21 has been completed, the data collected shall be modified in a
22 manner so that the subjects cannot be identified, directly or through
23 identifiers linked to the subjects.

24 (C) Individually identifiable information may be used by the
25 Office of Self-Insurance Plans of the Department of Industrial
26 Relations as necessary to carry out its duties, including evaluating
27 the costs of administration, workers' compensation benefit
28 expenditures, and solvency and performance of the public
29 self-insured employers' workers compensation programs.

30 (4) The administrative director shall adopt regulations allowing
31 reasonable access to individually identifiable information by other
32 persons or public or private entities for the purpose of bona fide
33 statistical research. This research shall not divulge individually
34 identifiable information concerning a particular employee,
35 employer, claims administrator, or any other person or entity. The
36 regulations adopted pursuant to this paragraph shall include
37 provisions guaranteeing the confidentiality of individually
38 identifiable information. Within a reasonable period of time after
39 the research for which the information was obtained has been
40 completed, the data collected shall be modified in a manner so that

1 the subjects cannot be identified, directly or through identifiers
2 linked to the subjects.

3 (5) (A) This section shall not operate to exempt from disclosure
4 any information that is considered to be a public record pursuant
5 to the California Public Records Act (Chapter 3.5 (commencing
6 with Section 6250) of Division 7 of Title 1 of the Government
7 Code) contained in an individual's file once an application for
8 adjudication has been filed pursuant to Section 5501.5.

9 (B) Individually identifiable information shall not be provided
10 to any person or public or private entity who is not a party to the
11 claim unless that person self-identifies or that public or private
12 entity identifies itself and states the reason for making the request.
13 The administrative director may require the person or public or
14 private entity making the request to produce information to verify
15 that the name and address of the requester is valid and correct. If
16 the purpose of the request is related to preemployment screening,
17 the administrative director shall notify the person about whom the
18 information is requested that the information was provided and
19 shall include the following in 12-point type:

20
21 "IT MAY BE A VIOLATION OF FEDERAL AND STATE
22 LAW TO DISCRIMINATE AGAINST A JOB APPLICANT
23 BECAUSE THE APPLICANT HAS FILED A CLAIM FOR
24 WORKERS' COMPENSATION BENEFITS."
25

26 (C) Any residence address is confidential and shall not be
27 disclosed to any person or public or private entity except to a party
28 to the claim, a law enforcement agency, an office of a district
29 attorney, any person for a journalistic purpose, or other
30 governmental agency.

31 (D) This paragraph does not prohibit the use of individually
32 identifiable information for purposes of identifying bona fide lien
33 claimants.

34 (c) Except as provided in subdivision (b), individually
35 identifiable information obtained by the division is privileged and
36 is not subject to subpoena in a civil proceeding unless, after
37 reasonable notice to the division and a hearing, a court determines
38 that the public interest and the intent of this section will not be
39 jeopardized by disclosure of the information. This section shall
40 not operate to restrict access to information by any law enforcement

1 agency or district attorney's office or to limit admissibility of that
2 information in a criminal proceeding.

3 (d) It is unlawful for any person who has received individually
4 identifiable information from the division pursuant to this section
5 to provide that information to any person who is not entitled to it
6 under this section.

7 SEC. 3. Section 138.8 is added to the Labor Code, to read:

8 138.8. (a) On or before January 1, 2023, and annually
9 thereafter, the administrative director shall publish on the division's
10 internet website provider utilization data for physicians who treated
11 10 or more injured workers during the 12 months before July 1 of
12 the previous year. The provider utilization data shall include all
13 of the following:

14 (1) The physician's first and last name.

15 (2) The physician's specialty.

16 (3) The physician's National Provider Identifier.

17 (4) The number of injured workers treated by the physician.

18 (5) The International Statistical Classification of Diseases and
19 Related Health Problems, 10th revision (ICD-10) codes by both
20 diagnosis and procedure.

21 (6) A short description of the ICD-10 codes used by the
22 physician.

23 (7) The number of utilization review decisions that resulted in
24 a modification or denial of a request for authorization of medical
25 treatment.

26 (8) The number of independent medical review decisions
27 requested due to a utilization review decision that resulted in a
28 modification or denial and the number of independent review
29 decisions that resulted in the utilization review modification or
30 denial being overturned.

31 (9) Any additional data as determined by the administrative
32 director.

33 (b) For purposes of this section, "physician" has the same
34 meaning as set forth in Section 3209.3.

35 SEC. 4. Section 4600.4 of the Labor Code is amended to read:

36 4600.4. (a) A workers' compensation insurer, third-party
37 administrator, or other entity that requires, or pursuant to regulation
38 requires, a treating physician to obtain either utilization review or
39 prior authorization in order to diagnose or treat injuries or diseases
40 compensable under this article, shall ensure the availability of

1 those services from 9 a.m. to 5:30 p.m. Pacific standard time of
2 each normal business day.

3 (b) For purposes of this section, “normal business day” does
4 not include Saturday, Sunday, or any day that is not a business day
5 as described in Section 9 of the Civil Code.

6 SEC. 5. Section 4610.7 is added to the Labor Code, to read:

7 4610.7. A medical provider network shall not alter the treatment
8 plan established by a physician ~~and surgeon~~ and physical therapist
9 that complies with the medical treatment utilization schedule.

10 SEC. 6. Section 4610.8 is added to the Labor Code, to read:

11 4610.8. Notwithstanding any other law, a medical provider
12 network shall not alter, add, or delete common procedure codes
13 related to a claim for service, unless authorized by the health care
14 provider.

15 SEC. 7. Section 4616 of the Labor Code is amended to read:

16 4616. (a) (1) An insurer, employer, or entity that provides
17 physician network services may establish or modify a medical
18 provider network for the provision of medical treatment to injured
19 employees. The network shall include physicians primarily engaged
20 in the treatment of occupational injuries. The administrative
21 director shall encourage the integration of occupational and
22 nonoccupational providers. The number of physicians in the
23 medical provider network shall be sufficient to enable treatment
24 for injuries or conditions to be provided in a timely manner. The
25 provider network shall include an adequate number and type of
26 physicians, as described in Section 3209.3, or other providers, as
27 described in Section 3209.5, to treat common injuries experienced
28 by injured employees based on the type of occupation or industry
29 in which the employee is engaged, and the geographic area where
30 the employees are employed.

31 (2) Medical treatment for injuries shall be readily available at
32 reasonable times to all employees. To the extent feasible, all
33 medical treatment for injuries shall be readily accessible to all
34 employees. With respect to availability and accessibility of
35 treatment, the administrative director shall consider the needs of
36 rural areas, specifically those in which health facilities are located
37 at least 30 miles apart and areas in which there is a health care
38 shortage.

39 (3) A treating physician shall be included in the network only
40 if, at the time of entering into or renewing an agreement by which

1 the physician would be in the network, the physician, or an
2 authorized employee of the physician or the physician's office,
3 provides a separate written acknowledgment in which the physician
4 affirmatively elects to be a member of the network. Copies of the
5 written acknowledgment shall be provided to the administrative
6 director upon the administrative director's request. This paragraph
7 shall not apply to a physician who is a shareholder, partner, or
8 employee of a medical group that elects to be part of the network.

9 (4) (A) (i) Every medical provider network shall post on its
10 internet website a roster of all treating physicians in the medical
11 provider network and shall update the roster at least quarterly.
12 Every network shall provide to the administrative director the
13 internet website address of the network and of its roster of treating
14 physicians.

15 (ii) Commencing July 1, 2020, every medical provider network
16 shall post on its internet website a roster of all participating
17 providers in the medical provider network and shall update the
18 roster at least quarterly. Every network shall provide to the
19 administrative director the internet website address of the network
20 and of its roster of participating providers. The roster of
21 participating providers shall include, at a minimum, the name,
22 address, and telephone number of all participating providers.

23 (iii) The administrative director shall post, on the division's
24 internet website, the internet website address of every approved
25 medical provider network.

26 (B) Every medical provider network shall post on its internet
27 website information about how to contact the medical provider
28 network contact and medical access assistants, and information
29 about how to obtain a copy of any notification regarding the
30 medical provider network that is required to be given to an
31 employee by regulations adopted by the administrative director.

32 (5) Every medical provider network shall provide one or more
33 persons within the United States to serve as medical access
34 assistants to help an injured employee find an available physician
35 of the employee's choice, and subsequent physicians if necessary,
36 under Section 4616.3. Medical access assistants shall have a
37 toll-free telephone number that injured employees may use and
38 shall be available at least from 7 a.m. to 8 p.m. Pacific Standard
39 Time, Monday through Saturday, inclusive, to respond to injured
40 employees, contact physicians' offices during regular business

1 hours, and schedule appointments. The administrative director
2 shall promulgate regulations governing the provision of medical
3 access assistants.

4 (b) (1) An insurer, employer, or entity that provides physician
5 network services shall submit a plan for the medical provider
6 network to the administrative director for approval. The
7 administrative director shall approve the plan for a period of four
8 years if the administrative director determines that the plan meets
9 the requirements of this section. If the administrative director does
10 not act on the plan within 60 days of submitting the plan, it shall
11 be deemed approved. Commencing January 1, 2014, existing
12 approved plans shall be deemed approved for a period of four years
13 from the approval date of the most recent application or
14 modification submitted prior to 2014. Plans for reapproval for
15 medical provider networks shall be submitted at least six months
16 before the expiration of the four-year approval period. Commencing
17 January 1, 2016, a modification that updates an entire medical
18 provider network plan to bring the plan into full compliance with
19 all current statutes and regulations shall be deemed approved for
20 a period of four years from the modification approval date. An
21 approved modification that does not update an entire medical
22 provider network plan to bring the plan into full compliance with
23 all current statutes and regulations shall not alter the expiration of
24 the medical provider network's four-year approval period. Upon
25 a showing that the medical provider network was approved or
26 deemed approved by the administrative director, there shall be a
27 conclusive presumption on the part of the appeals board that the
28 medical provider network was validly formed.

29 (2) Every medical provider network shall establish and follow
30 procedures to continuously review the quality of care, performance
31 of medical personnel, utilization of services and facilities, and
32 costs.

33 (3) Every medical provider network shall submit geocoding of
34 its network for reapproval to establish that the number and
35 geographic location of physicians in the network meets the required
36 access standards.

37 (4) Approval of a plan may be denied, revoked, or suspended
38 if the medical provider network fails to meet the requirements of
39 this article. Any person contending that a medical provider network
40 is not validly constituted may petition the administrative director

1 to suspend or revoke the approval of the medical provider network.
2 The administrative director may adopt regulations establishing a
3 schedule of administrative penalties not to exceed five thousand
4 dollars (\$5,000) per violation, or probation, or both, in lieu of
5 revocation or suspension for less severe violations of the
6 requirements of this article. Penalties, probation, suspension, or
7 revocation shall be ordered by the administrative director only
8 after notice and opportunity to be heard. Unless suspended or
9 revoked by the administrative director, the administrative director's
10 approval of a medical provider network shall be binding on all
11 persons and all courts. A determination of the administrative
12 director may be reviewed only by an appeal of the determination
13 of the administrative director filed as an original proceeding before
14 the reconsideration unit of the workers' compensation appeals
15 board on the same grounds and within the same time limits after
16 issuance of the determination as would be applicable to a petition
17 for reconsideration of a decision of a workers' compensation
18 administrative law judge.

19 (c) Physician compensation may not be structured in order to
20 achieve the goal of reducing, delaying, or denying medical
21 treatment or restricting access to medical treatment.

22 (d) If the employer or insurer meets the requirements of this
23 section, the administrative director may not withhold approval or
24 disapprove an employer's or insurer's medical provider network
25 based solely on the selection of providers. In developing a medical
26 provider network, an employer or insurer shall have the exclusive
27 right to determine the members of their network.

28 (e) All treatment provided shall be provided in accordance with
29 the medical treatment utilization schedule established pursuant to
30 Section 5307.27.

31 (f) Only a licensed physician who is competent to evaluate the
32 specific clinical issues involved in the medical treatment services,
33 when these services are within the scope of the physician's practice,
34 may modify, delay, or deny requests for authorization of medical
35 treatment.

36 (g) Every contracting agent that sells, leases, assigns, transfers,
37 or conveys its medical provider networks and their contracted
38 reimbursement rates to an insurer, employer, entity that provides
39 physician network services, or another contracting agent shall,
40 upon entering or renewing a provider contract, disclose to the

1 provider whether the medical provider network may be sold, leased,
2 transferred, or conveyed to other insurers, employers, entities that
3 provide physician network services, or another contracting agent,
4 and specify whether those insurers, employers, entities that provide
5 physician network services, or contracting agents include workers'
6 compensation insurers.

7 (h) On or before November 1, 2004, the administrative director,
8 in consultation with the Department of Managed Health Care, shall
9 adopt regulations implementing this article. The administrative
10 director shall develop regulations that establish procedures for
11 purposes of making medical provider network modifications.

12 (i) The administrative director has the discretion to investigate
13 complaints and take enforcement action against medical provider
14 networks regarding noncompliance with the requirements of this
15 section.

16 SEC. 8. ~~Section 4663 of the Labor Code is amended to read:~~

17 ~~4663. (a) Apportionment of permanent disability shall be based~~
18 ~~on causation.~~

19 ~~(b) A physician who prepares a report addressing the issue of~~
20 ~~permanent disability due to a claimed industrial injury shall address~~
21 ~~in that report the issue of causation of the permanent disability.~~

22 ~~(c) In order for a physician's report to be considered complete~~
23 ~~on the issue of permanent disability, the report shall include an~~
24 ~~apportionment determination. A physician shall make an~~
25 ~~apportionment determination by finding the approximate~~
26 ~~percentage of the permanent disability that was caused by the direct~~
27 ~~result of injury arising out of and occurring in the course of~~
28 ~~employment and the approximate percentage of the permanent~~
29 ~~disability that was caused by other factors both before and~~
30 ~~subsequent to the industrial injury, including prior industrial~~
31 ~~injuries, but excluding race, gender, and national origin. If the~~
32 ~~physician is unable to include an apportionment determination in~~
33 ~~the report, the physician shall state the specific reasons why the~~
34 ~~physician could not make a determination of the effect of that prior~~
35 ~~condition on the permanent disability arising from the injury. The~~
36 ~~physician shall then consult with other physicians or refer the~~
37 ~~employee to another physician from whom the employee is~~
38 ~~authorized to seek treatment or evaluation in accordance with this~~
39 ~~division in order to make the final determination.~~

1 ~~(d) An employee who claims an industrial injury shall, upon~~
2 ~~request, disclose all previous permanent disabilities or physical~~
3 ~~impairments.~~

4 ~~(e) Subdivisions (a), (b), and (c) do not apply to injuries or~~
5 ~~illnesses covered under Sections 3212, 3212.1, 3212.2, 3212.3,~~
6 ~~3212.4, 3212.5, 3212.6, 3212.7, 3212.8, 3212.85, 3212.9, 3212.10,~~
7 ~~3212.11, 3212.12, 3213, and 3213.2.~~

8 ~~SEC. 9.~~

9 ~~SEC. 8.~~ Section 5307.11 of the Labor Code is amended to read:

10 5307.11. A health care provider or health facility licensed
11 pursuant to Section 1250 of the Health and Safety Code, and a
12 contracting agent, employer, or carrier may contract for
13 reimbursement rates different from those in the fee schedule
14 adopted and revised pursuant to Section 5307.1, but the contracted
15 rates shall not be less than the applicable Medicare fee schedule
16 payment. If a health care provider or health facility licensed
17 pursuant to Section 1250 of the Health and Safety Code, and a
18 contracting agent, employer, or carrier contract for reimbursement
19 rates different from those in the fee schedule, the medical fee
20 schedule for that health care provider or health facility licensed
21 pursuant to Section 1250 of the Health and Safety Code does not
22 apply to the contracted reimbursement rates, except that the
23 contracted reimbursement rates shall not be less than the applicable
24 Medicare fee schedule payment. Except as provided in subdivision
25 (b) of Section 5307.1, the official medical fee schedule shall
26 establish maximum reimbursement rates for all medical services
27 for injuries subject to this division provided by a health care
28 provider or health care facility licensed pursuant to Section 1250
29 of the Health and Safety Code other than those specified in
30 contracts subject to this section.

O



Briefing Paper

Date: May 22, 2019

Agenda Item 8(A)

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Rulemaking Report

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

Attachments: 1. 2018/19 Rulemaking Tracking Form
2. Updated DCA Rulemaking Process

Background:

At the November 2018 meeting, the Board adopted the 2019 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

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.

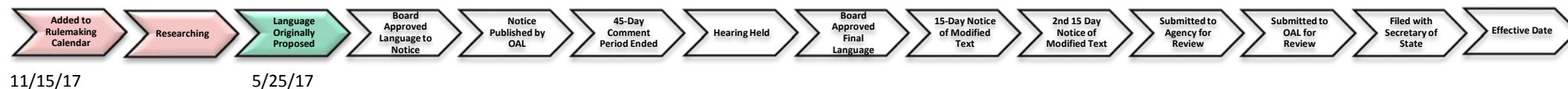
Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

Action:

No action is requested on presentation of the rulemaking report.

2019 Rulemaking Tracking Form

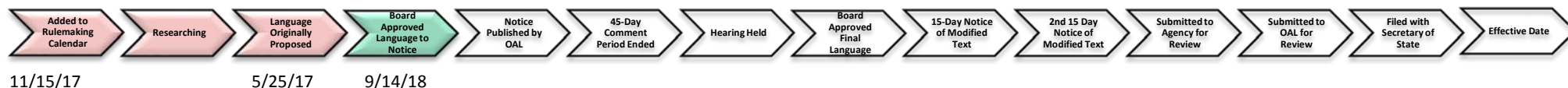
Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool



OAL No.:

Notes: Proposed regulatory language was presented at the May 2017 Board Meeting. The Board identified concerns regarding the proposed regulatory language; those concerns included: who makes the determination on which CWT is used to evaluate credentials, CWT 5 didn't have an end date at the time the language was proposed, and the exact revision date of the CWT 6 wasn't available at the time language was proposed. The Board directed PTBC staff to research the issues identified at the May 2017 meeting and present proposed language for Board consideration at a future meeting date. PTBC staff will be presenting proposed language for Board consideration under Agenda Item 8(C).

Examination Passing Standard/Setting Examination Score



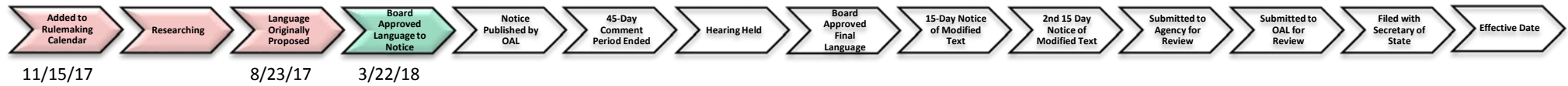
OAL No.:

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. In June 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

Teal: Current Status Burgundy: Completed

2019 Rulemaking Tracking Form

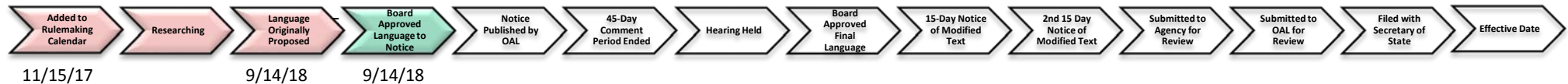
Disciplinary Guidelines



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 2018 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), the Disciplinary Guidelines will need to be updated. PTBC staff will be presenting these proposed amendments to the Disciplinary Guidelines for Board consideration under Agenda Item 8(B).

Clinical Service Requirement for Foreign Educated Applicants



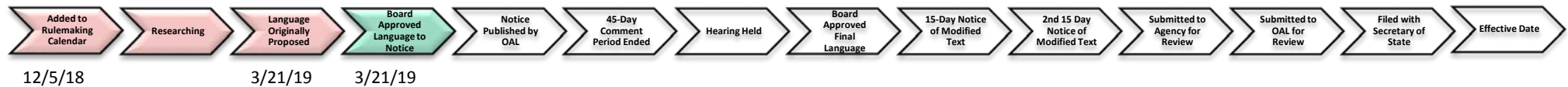
OAL No.:

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. In June 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

Teal: Current Status Burgundy: Completed

2019 Rulemaking Tracking Form

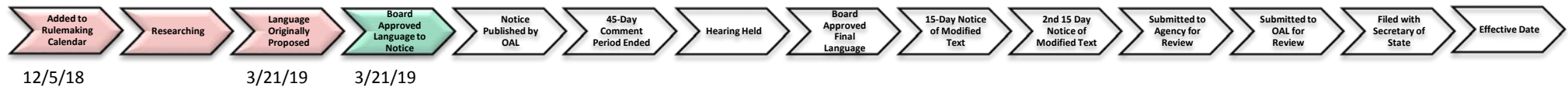
Substantial Relationship Criteria (AB 2138)



OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. The Board adopted language at the March 21, 2019 Board meeting. PTBC staff are preparing the initial rulemaking package for completing the new review process implemented by DCA.

Rehabilitation Criteria for Denial and Reinstatement of Licensure (AB 2138)

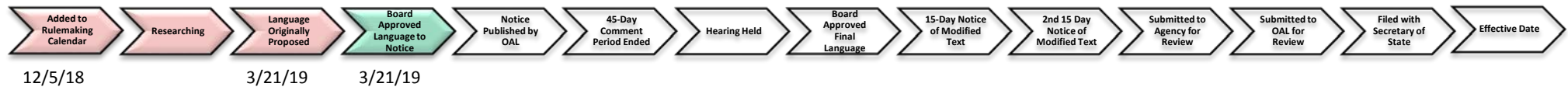


OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. The Board adopted language at the March 21, 2019 Board meeting. PTBC staff are preparing the initial rulemaking package for completing the new review process implemented by DCA.

2019 Rulemaking Tracking Form

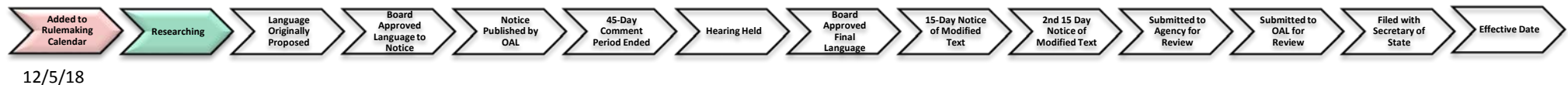
Rehabilitation Criteria for Suspension and Revocations (AB 2138)



OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. The Board adopted language at the March 21, 2019 Board meeting. PTBC staff are preparing the initial rulemaking package for completing the new review process implemented by DCA.

Continuing Competency



OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. PTBC staff are developing proposed language for consideration by the Board at the September 2019 Board meeting.

2019 Rulemaking Tracking Form

License Renewal Exemptions: Retired License Status



12/5/2018

OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. PTBC staff are working on proposed language and rulemaking necessity to be reported on at the September 2019 Board meeting.

Unprofessional Conduct



12/5/2018

OAL No.:

Notes: Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. PTBC staff are working on proposed language and rulemaking necessity to be reported on at the September 2019 Board meeting.

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:

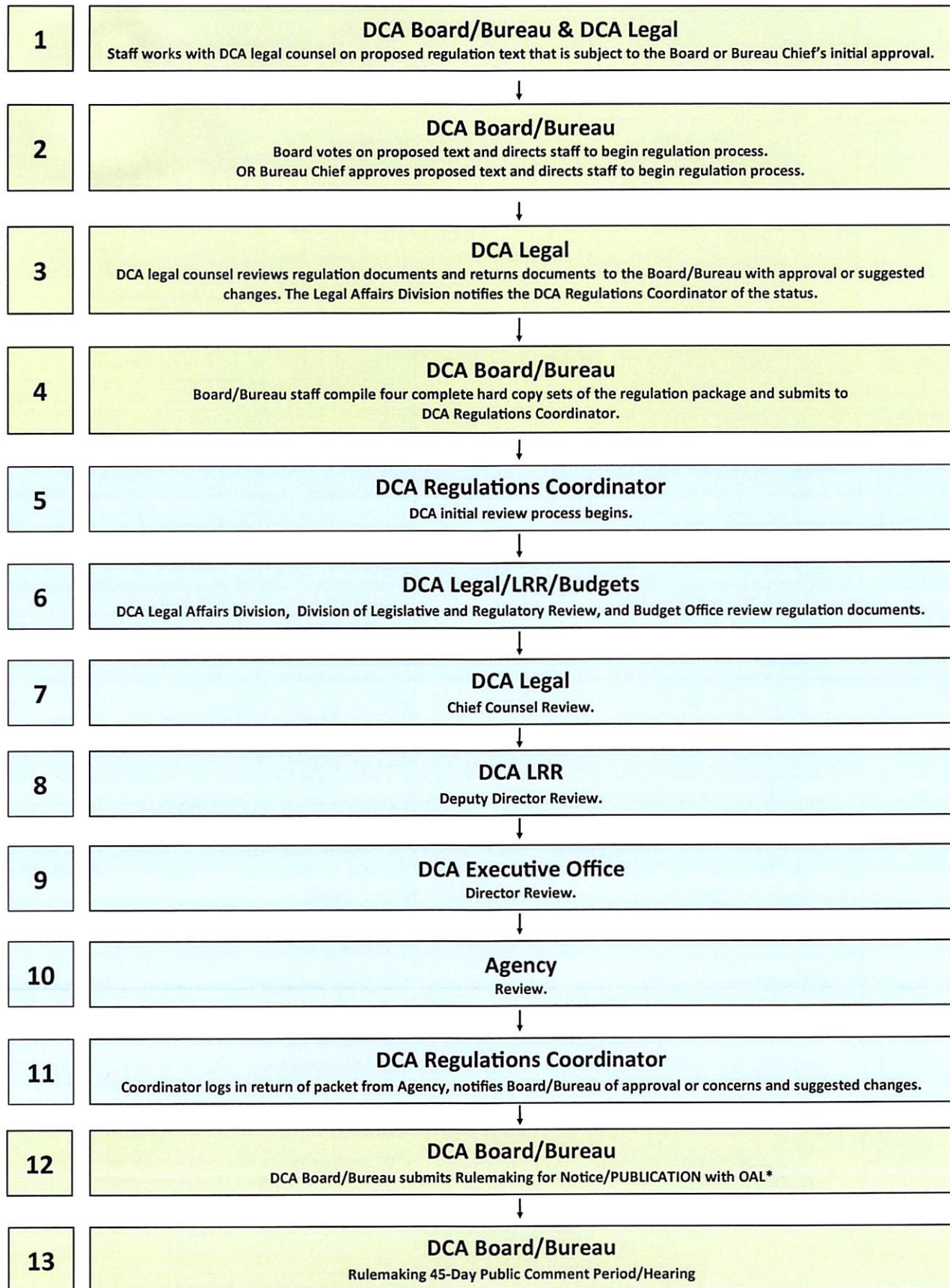
Date Filed with the Secretary of State

Effective Date

September 1 st – November 30 th	January 1 st
December 1 st – February 29 th	April 1 st
March 1 st – May 31 st	July 1 st
June 1 st – August 31 st	October 1 st

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE



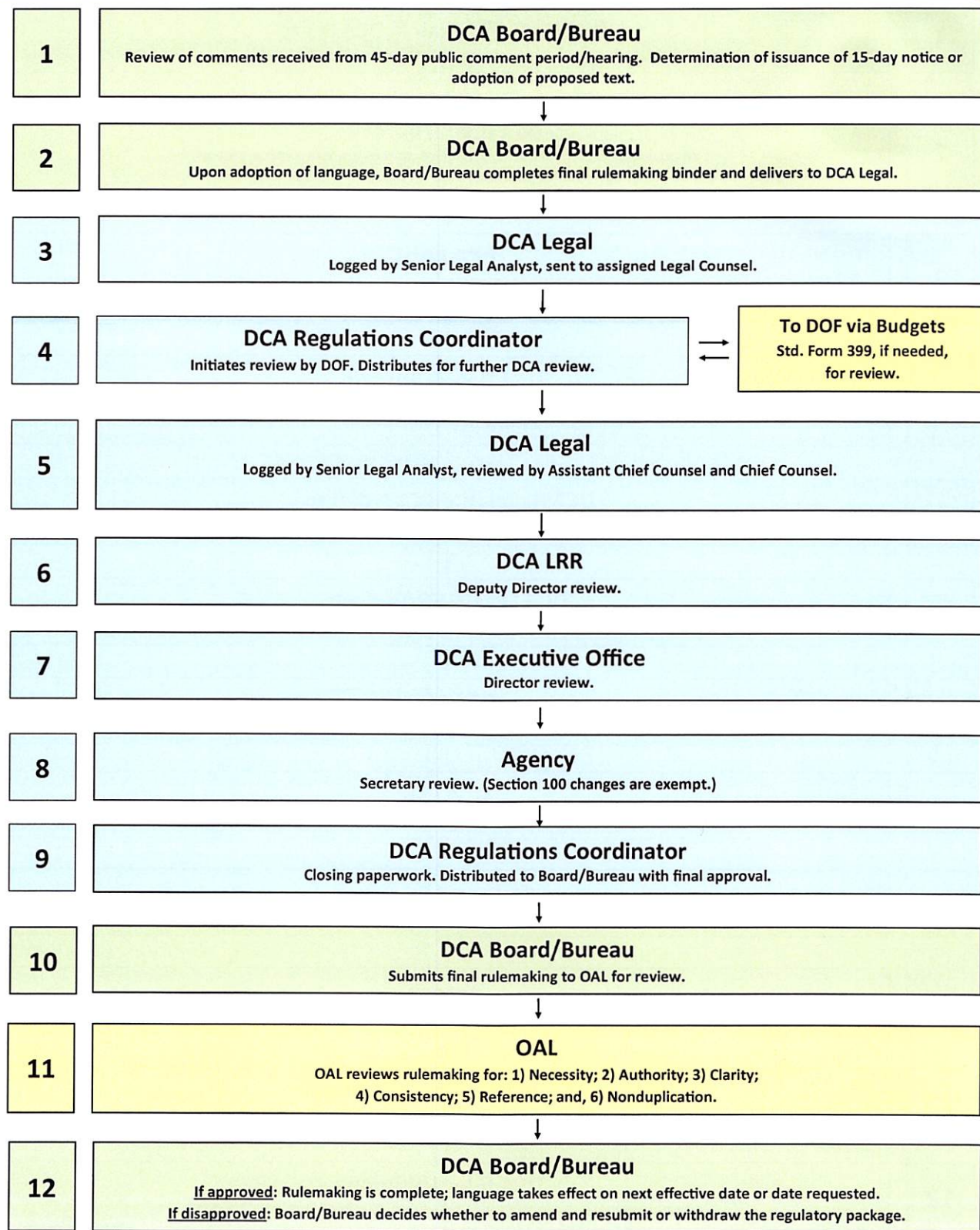
Legend

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

Briefing Paper

Date: June 6, 2019

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

Subject: 1399.15, Guidelines for Issuing Citations and Imposing Discipline (Guidelines)

Purpose: To propose revisions to the language of the Guidelines for Issuing Citations and Imposing Discipline included by reference in section 1399.15 of Article 8, Division 13.2, Title 16 of the California Code of Regulations, specifically:
- Definition of Substantial Relationship and Rehabilitation Criteria

Attachments: [Proposed language for BPC Section 480 of the Disciplinary Guidelines \(Necessitated by AB 2138\)](#)

Background:

The Board initially adopted into regulation the “Model Guidelines for Imposing Discipline” in July 1997. Subsequent to then the Board has adopted language modifying the title and content of the Guidelines into regulation on four separate occasions.

The Board has since considered proposed language modifications to address current issues identified by staff and counsel at the August 2017, November 2017 and the March 2018 meetings. Board staff modified the language adopted by the Board at said meetings accordingly.

However, when learning AB 2138 would most likely be signed by the Governor, Board staff considered the lengthy and burdensome regulatory process and thought it may be prudent to wait before modifying the Guidelines language until legal counsel provided guidance on whether regulatory modifications would be necessary to conform with changes in law that will become operative on July 1, 2020 resulting from Assembly Bill 2138 since these modifications would in turn impact the Guidelines..

It was advised AB 2138 requires boards to amend existing regulations governing substantially related crimes or acts and rehabilitation criteria. The Boards existing regulations addressing substantial relations criteria and rehabilitation reside in sections 1398.20; 1398.21 and 1398.22 of the California Code of Regulations. The proposed amendments to these sections were addressed under Agenda Items 12 B, C and D at the March 2019 meeting.

Action Requested:

Consideration of the following motion: “To approve the proposed regulatory changes as modified and direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and if no hearing is requested, adopt the proposed regulatory changes as modified.”

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text.

(1) Amend Section 1399.15 in Article 8, Division 13.2 of Title 16 of the California Code of Regulations, Guidelines for Issuing Citations and Imposing Discipline to read as follows:

B&P CODE § 480(a)(1). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; CONVICTION OF CRIME

Discipline:

Minimum: License Issued with Public Reproval

Maximum: Denial of License

Refer to related statute for Conditions of Probation: B&P Code § 490

B&P CODE § 480(a)(2). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; DISHONESTY, FRAUD, OR DECEIT

Discipline:

Minimum: License Issued with Public Reproval

Maximum: Denial of License

Refer to related statutes for Conditions of Probation B&P Code §§ 810 and 2660(j)

B&P CODE § 480(a)(3). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; DONE ANY ACT IF DONE BY A LICENTIATE

Discipline:

Minimum: License Issued with Public Reproval

Maximum: Denial of License

Refer to the corresponding statutes for Conditions of Probation.

B&P CODE § 480(d). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; FALSE STATEMENT OF FACT FOR APPLICATION

Discipline:

Minimum: License Issued with Public Reproval

Maximum: Denial of License

Conditions of Probation:

1) All “Standard Probation Conditions”

2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, E, F, J, K, L, M, N

<i>Refer to related statutes: B&P Code §§ 498, 499, 580, 581, 582, 583, 2660(c), and 2660(j)</i>
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Briefing Paper

Date: June 6, 2019

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: 1398.26.1. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant

Purpose: To propose amending California Code of Regulation (CCR) section 1398.26.1

Attachments: - [New Proposed language](#)
[Course Work Tools 1-6](#)

Background:

In August 2005 the Board adopted into regulation five Coursework Tools for Foreign Educated Physical Therapists (CWT's 1 through 5). The CWT's aka "retro tools" are applied according to the date the applicant graduated from their respective physical therapy education program. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence *at the time of graduation* with respect to a US first professional degree in physical therapy. The tools provide a standardized method of evaluating education equivalence and afford the same mobility of foreign educated physical therapists as that afforded to US educated graduates.

In October 2016, through a motion passed at the 2014 Delegate Assembly, the Federation of State Boards of Physical Therapy (FSBPT) adopted CWT 6. In summary, the motion allowed for use of the retro tools for those PT's who are seeking licensure through endorsement but requires first-time licensure candidates be evaluated using CWT 6. CWT 6 is based upon the Commission on Accreditation of Physical Therapy Education (CAPTE) Evaluative Criteria for PT Programs August 2014 and was implemented by FSBPT on January 1, 2017.

CCR section 1398.26.1 *Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant* further defines the education requirement specified in Business and Professions Code (BPC) section 2653(a), which states:

Furnish documentary evidence satisfactory to the board, that he or she has completed a professional degree in a physical therapist educational program substantially equivalent at the time of his or her graduation [underlined for emphasis] to that issued by a board approved physical therapist education program. The professional degree must entitle the applicant to practice as a physical therapist in the country where the diploma was issued. The applicant shall meet the educational requirements set forth in paragraph (2) of subdivision (a) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.

At the May 2017 meeting, the Board considered proposed language and some specific concerns were expressed, such as 1) in subsection (a) it was not clear “who” makes the determination on which CWT is used to evaluate credentials.; 2) CWT 5 didn’t have an end date at the time the language was proposed but it now does and has been added; and, 3) the exact revision date of CWT 6 wasn’t available but now has been added.

The proposed amendments to CCR section 1398.26.1 restructures the CWT’s into an outline format for reading ease and adds CWT 6. It also reorganizes the section to provide the general rule for PTs in subdivision (b), addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d), and incorporates the tools by reference in subdivision (e).

Action Requested:

Consideration of the following motion:

“I move that we approve the proposed text for noticing a 45-day comment period, and direct staff to take all steps necessary to initiate the formal rulemaking process. If no adverse comments are received during the 45-day comment period and no hearing is requested, delegate to the Executive Officer the authority to adopt the proposed regulatory changes as modified and make any technical or non-substantive changes that may be required in completing the rulemaking file.”

PHYSICAL THERAPY BOARD OF CALIFORNIA PROPOSED LANGUAGE

The Physical Therapy Board of California proposes to amend sections 1398.26.1 in Article 2 of Division 13.2 of Title 16 of the California Code of Regulations, as follows:

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

1398.26.1. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant.

(a) This section is only applicable to those applicants who are graduates of non-accredited physical therapy educational programs and applying for licensure on or after the effective date of this regulation.

(b) For the purposes of determining educational equivalency for physical therapist licensure, the credential evaluation services will evaluate foreign educational credentials based on the corresponding Federation of State Boards of Physical Therapy's Coursework Evaluation Tool For Foreign Educated Physical Therapists (CWT) ~~or if applying for physical therapist assistant license, the Coursework Tool For Foreign Educated Physical Therapist Assistants (PTA Tool 2007).~~

(c) Notwithstanding subdivision (b), if an applicant was evaluated utilizing the CWT described in paragraph (6) of subdivision (e), the board shall accept that evaluation in lieu of the corresponding CWT.

(d) For the purposes of determining educational equivalency for physical therapist assistant licensure, the credential evaluation services will evaluate foreign educational credentials based on the Coursework Tool For Foreign Educated Physical Therapist Assistants (PTA Tool 2007).

(e) For the purpose of this regulation, the ~~six~~seven following publications are incorporated by reference:

(1) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated before 1978 - CWT 1 ~~(2004),~~ (Rev. 2014-11).

(2) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1978 to 1991 - CWT 2 ~~(2004),~~ (Rev. 2014-11).

(3) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1992 to 1997 - CWT 3 ~~(2004),~~ (Rev. 2014-11).

(4) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1998 to June 30, 2009 - CWT 4 ~~(2004),~~ (Rev. 2015-05 Summary).

(5) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated after June 30, 2009 to December 31, 2016 - CWT 5 ~~(2004)-~~(Rev. 2009-07-2014-11).

(6) FSBPT Coursework Tool For Foreign Educated Physical Therapists – CWT 6 (Rev. 2016-10) for implementation January 1, 2017.

(7) Coursework Tool for Physical Therapist Assistants - PTA Tool 2007 (2004).

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, ~~and~~ 2653 and 2654, Business and Professions Code.

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	21-22	PTBC Meeting Sacramento, CA	4	PTA NPTE
9	PTA NPTE					20	CPTA Student Conclave University of Pacific Stockton, CA
21	Martin Luther King Jr			31	César Chávez Day		
23-26	APTA Sections Washington, DC					21	Easter
29	PT NPTE					23	PT NPTE
May		June		July		August	
12	Mother's Day	12-15	APTA NEXT Chicago, IL	4	Independence Day	16-18	FSBPT REG Training Alexandria, VA
27	Memorial Day			9	PTA NPTE		
		16	Father's Day	13-14	FSBPT LIF Alexandria, VA		
		20-21	PTBC Meeting CSU Longbeach, CA	24-25	PT NPTE		

September							October							November							December						
2	Labor Day						3	PTA NPTE						11	Veteran's Day						12-13	PTBC Meeting Sacramento, CA					
18-19	PTBC Meeting TBD, Bay Area, CA						12-13	CPTA Annual Meeting Las Vegas, NV						28	Thanksgiving						25	Christmas					
							24	PT NPTE																			
							24-26	FSBPT Annual Meeting Oklahoma City, OK																			
							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					

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					1	2	3	1	2	3	4	5	6	7			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	23	24	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		

January							February							March							April						
1	New Year's Day						12-15	APTA Sections Meeting Denver, Colorado						26-27	PTBC Meeting Sacramento, CA						7	PTA NPTE					
9	PTA NPTE																				TBD	CPTA Student Conclave TBD					
20	Martin Luther King Jr						17	President's Day						31	César Chávez Day												
29	PT NPTE																				12	Easter					
																					28	PT NPTE					

May							June							July							August						
10	Mother's Day						TBD	FSBPT REG Training Alexandria, VA						4	Independence Day												
25	Memorial Day													8	PTA NPTE												
							4-7	APTA NEXT Phoenix, AZ						TBD	FSBPT LIF Alexandria, VA												
							21	Father's Day						28-29	PT NPTE												
							24-25	PTBC Meeting TBD, Southern CA																			

September							October							November							December						
7	Labor Day						6	PTA NPTE						TBD	FSBPT Annual Meeting						10-11	PTBC Meeting Sacramento, CA					
16-17	PTBC Meeting TBD, Bay Area, CA						TBD	CPTA Annual Meeting TBD						11	Veteran's Day												
							27	PT NPTE						26	Thanksgiving						25	Christmas					
							31	Halloween																			



DATE: June 10, 2019

Agenda Item 16

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 a 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 such as mail distribution and answering phones.

On July 1, 2019, the PTBC will begin recruitment for four (4) new positions as follows: one (1) Full Time Office Technician (OT) within the Administrative Services program, two (2) Full Time Staff Services Analysts (SSA) within the Continuing Competency Services program, and one (1) Staff Services Manager II to serve as the PTBC's Assistant Executive Officer.

The Administrative Services program has completed the recruitment process for (1) Staff Services Analyst (SSA) position within the Administrative Services program; we would like to welcome Timothy Davis. Mr. Davis serves as a liaison to the PTBC Board members by providing analytical support for board relations, i.e., board member arrangements, per diem, travel, training, orientation, board meeting planning and logistics and is responsible for strategic planning tracking, policy, guidelines, etc. Mr. Davis previously served with the California Commission on Peace Officers Standards and Training (POST).

Please refer to Agenda Item 18 for a detailed Budget report.

APPLICATIONS SERVICES – Please refer to Agenda Item 20 for a detailed report.

LICENSING/CONTINUING COMPETENCY SERVICES – Please refer to Agenda Item 21 and 22 for a detailed report.

CONSUMER PROTECTION SERVICES – Please refer to Agenda Item 23 for a more detailed report.

OUTREACH – Please refer to Agenda Item 18(B) for a detailed Outreach report.

PTBC Relocation – As previously reported, the PTBC's lease at its existing location, 2005 Evergreen Street #1350, Sacramento, Ca. 95815 expired March of 2019. We are

now operating under a month to month lease at the previously contracted rate and will do so until the new lease is finalized.

The Legislature approved our Spring Finance Letter (SFL) for Budget Bill Language (BBL) allowing a current year budget augmentation for facility costs in FY 2019-20. This is very similar to our Attorney General (AG) and Office of Administrative Hearings (OAH) BBL process which allows our us to augment our current year budget to address increased AG and OAH costs for the future year. The Budget Office will work with our Facilities Management Unit (FMU) to monitor the active lease negotiations and, once lease agreements are final, will coordinate a department-wide effort to pursue the BBL for programs that require additional resources in FY 2019-20. The BBL is only for FY 2019-20, so the Budget Office will be coordinating a department-wide BCP for FY 2020-21 for programs that require additional, ongoing appropriation for facility costs.

As part of the relocation process, the PTBC is currently in the Planning phase, transitioning into the Negotiations phase. We will be preparing the floor plan, selecting and approving new equipment and furniture, and submitting documents to the lessor and State's vendors for costs. We hope to continue negotiations soon and expect to sign a new lease this summer. We look forward to the next step – the Construction phase. It will be nice to see tangible change with the progress of the construction.

Once again, I'd like to express management's appreciation to staff for their work ethic and commitment to their mandate of consumer protection.

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. As part of the PTBC's action plan, staff satisfaction surveys were developed and distributed with help from DCA's SOLID unit (SOLID). Staff's responses to these surveys will establish a baseline measurement of employee satisfaction in a variety of employment areas. SOLID facilitated a staff focus group to celebrate strengths and seek solutions to concerns identified in the surveys. The cumulative data from these activities will be used to steer the action plan for this objective.



Briefing Paper

Date: May 31, 2019

Agenda Item 18(A)

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Jan-Mar (Q3), 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).

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.

Analysis:

The Personnel Services Budget is \$2,132,000 including benefits, slightly up from \$2,039,000 over FY2017-18. The increases are normal and account for annual salary and benefit adjustments.

The Operating Expenses and Equipment (OE&E) budget is \$2,682,000, a 13% decrease from \$3,043,000 in FY2017-18. While various line items decreased, the most significant decrease was in the Department of Investigations services (DOI) at \$312,000. Previous fiscal year, the PTBC was authorized \$757,000 for DOI. Department of Investigation budgets are based on a two year roll forward methodology and fluctuate based on actual expenditures from two years previous.

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 \$3,839,312 through month 10 of 2018/19 in comparison to last fiscal year through month 10, when the Board spent \$3,616,056. Board spending has increased this fiscal year by 6%.

In addition, the PTBC collected \$1,486,996 in revenues during Q3 this fiscal year (FY2018-19). This is an increase of \$35,318 or 4% increase over last FY 2017-18 when the Board received \$1,451,678.

Action Requested:

No action required.

Expenditure Statistics Report						
Budget Line Items	FY 2017 18		CY 2018 19)			
	Q3	YTD	Authorized	YTD	Percent	Balance
	Jan-Mar	(As of 03/31/18)	Budget	(As of 03/31/19)	Budget Spent	Remaining
PERSONNEL SERVICES						
Civil Services Permanent	297,422	873,078	1,253,000	1,077,561	86%	175,439
Temp help	28,714	81,983	0	116,735	-	(116,735)
Statutory Exempt	24,642	77,430	77,000	84,550	110%	(7,550)
Board Members	11,025	29,400	12,000	47,400	395%	(35,400)
Overtime	19,216	0	0	0	-	0
Staff Benefits	186,322	604,570	790,000	750,074	95%	39,926
TOTAL PERS SVS	567,341	1,666,461	2,132,000	2,076,320	97%	55,680
OPERATING EXPENSES & EQUIPMENT						
General Services Totals	122,341	244,143	488,000	399,985	82%	88,015
Fingerprints	8,017	29,560	99,000	33,302	34%	65,698
General Expense	4,960	15,471	13,000	16,014	123%	(3,014)
Minor Equipment	0	0	0	19,473		(19,473)
Major Equipment	0	0	0	0	-	0
Printing	7,764	19,877	4,000	48,744	1219%	(44,744)
Communications	2,255	6,695	9,000	7,190	80%	1,810
Postage	0	0	5,000	10,775	216%	(5,775)
Insurance	1,578	6,310	0	47	-	(47)
Travel in State	4,324	14,269	7,000	8,058	115%	(1,058)
Training	0	0	10,000	1,150	12%	8,850
Facilities Operations	78,838	107,300	118,000	105,633	90%	12,367
C&P Services Interdepartmental	0	0	12,000	91	1%	11,909
C&P Services External	14,605	44,661	211,000	149,508	71%	61,492
Departmental Services Totals	225,500	786,666	1,017,000	802,687	79%	214,313
OIS Pro Rata	74,500	498,333	573,000	477,500	83%	95,500
Indirect Distributed Cost	145,500	251,667	334,000	278,333	83%	55,667
Interagency Services	0	0	37,000	925	3%	36,075
DOI Pro Rata	875	5,833	10,000	8,333	83%	1,667
Communications Pro Rata	2,250	15,000	20,000	16,667	83%	3,333
PPRD Pro Rata	2,375	15,833	19,000	15,833	83%	3,167
Consolidated Data Center	0	0	8,000	0	0%	8,000
Data Processing	0	0	16,000	5,096	32%	10,904
Central Admin Services Pro Rata	0	0	0	0	-	0
Exams Totals	0	0	0	0		0
Exam Administrative External	0	0	0	0		0
Enforcement Totals	295,991	918,786	1,177,000	560,320	48%	616,680
Attorney General	83,225	279,212	655,000	365,325	56%	289,675
Office of Admin Hearings	15,166	49,405	110,000	62,760	57%	47,240
Evidence/Witness	8,350	23,169	100,000	47,499	47%	52,501
Court Reporters	0	0	0	6,736	-	(6,736)
DOI Investigation	189,250	567,000	312,000	78,000	25%	234,000
TOTAL OE & E	643,832	1,949,595	2,682,000	1,762,992	66%	919,008
TOTALS, PERS SVS/OE&E	1,211,173	3,616,056	4,814,000	3,839,312	80%	974,688
Scheduled Reimbursements	-11,980	-23,960	-99,000	-17,766	-	0
Un-Scheduled Reimbursements	-34,738	-69,476	0	-26,830	-	0
TOTAL REIMBURSEMENTS	-46,718	-93,436	-99,000	-44,596		
TOTALS, PERS SVS/OE&E (-REIM)	1,164,455	3,522,620	4,715,000	3,794,716	80%	974,688

*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).



Briefing Paper

Date: June 21, 2019

Prepared for: PTBC Members

Prepared by: April Beauchamps

Subject: Outreach Report

Agenda Item 18 (B)

Purpose:

To provide PTBC's Outreach activities and statistics for January – March (Q3), 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 conducted four outreach events this quarter at UOP on January 16th, Fresno State on January 22nd, UCSF on February 5th, and UOP again on February 13th.
The PTBC also released the Spring 2019 Progress Notes in May.

Analysis:

Website

The PTBC had 213,834 web-hits through its home page tabs, resulting in a 6% decrease over last fiscal year (Q3). The "Laws" section had the most significant decrease compared to prior fiscal year (Q3) of a 17% decrease.

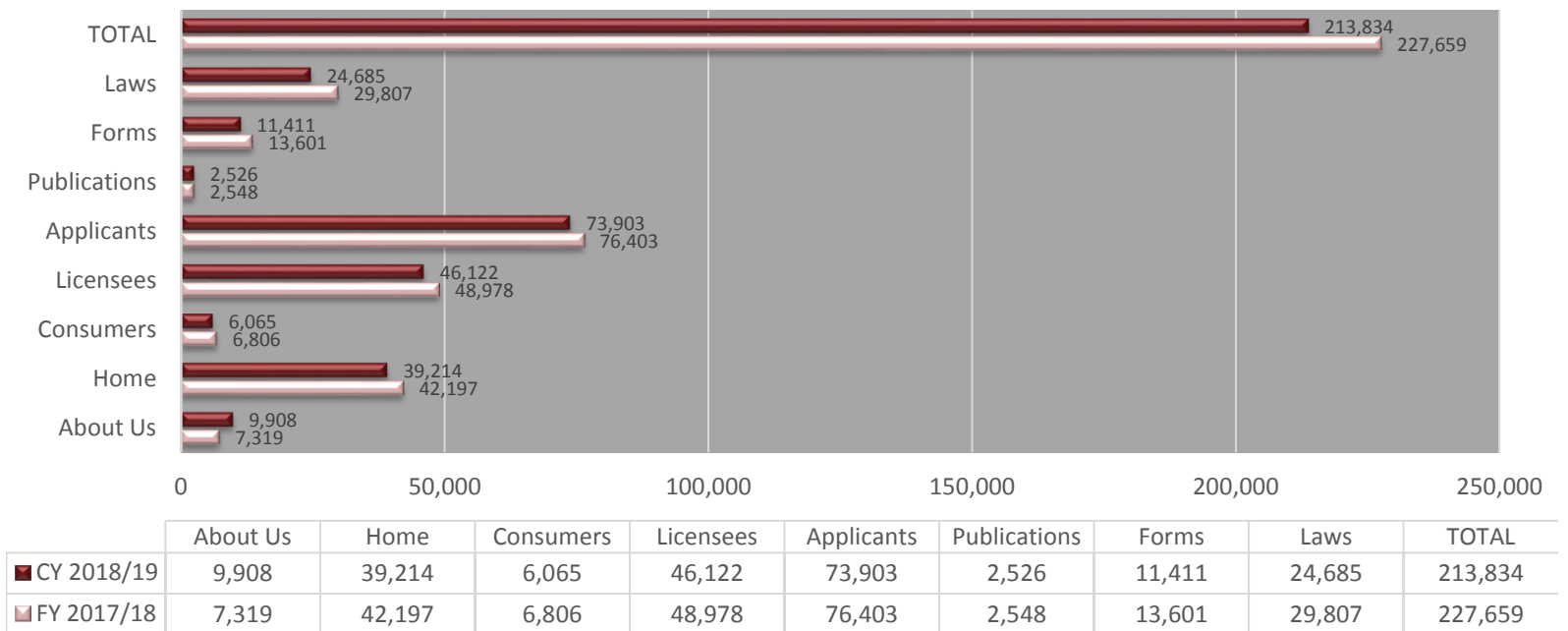
Facebook

The PTBC had 32,650 people access (traffic) our page and we received 86 "likes". In comparison to last fiscal year (Q3), the traffic increased 43%. The most significant increases in activities over last fiscal year (Q3) was our "Talked About" showing an overall 58% increase and our "Reached Users" showing an overall 44% increase.

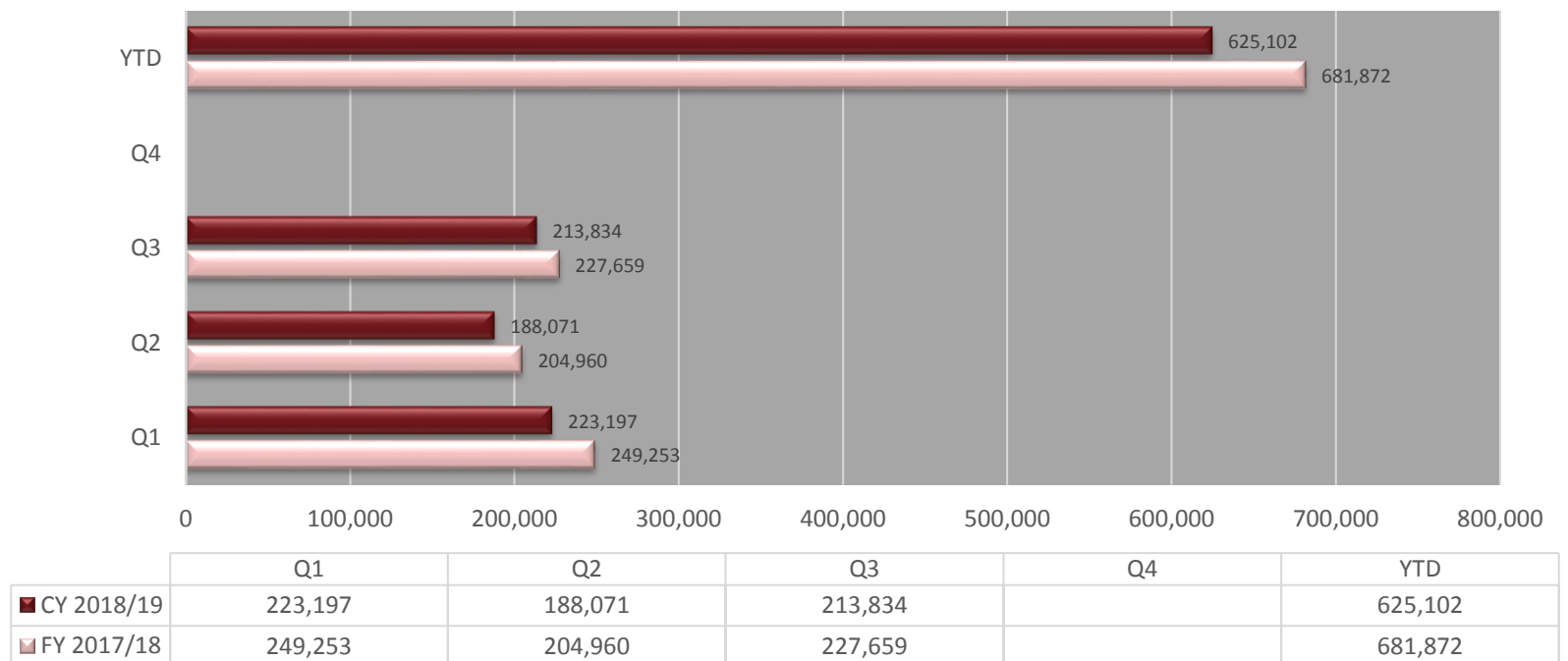
Facebook Insights Definitions: **Likes**-Number of people who have liked the page. **Reached**-The number of people who have had any content from your page enter their screen. **Engaged Users**-Number of people who engaged with your page. **Consumers**- Number of people who click on any of your content. **Talked About**-Number of people talking about your page.

Action: No action requested.

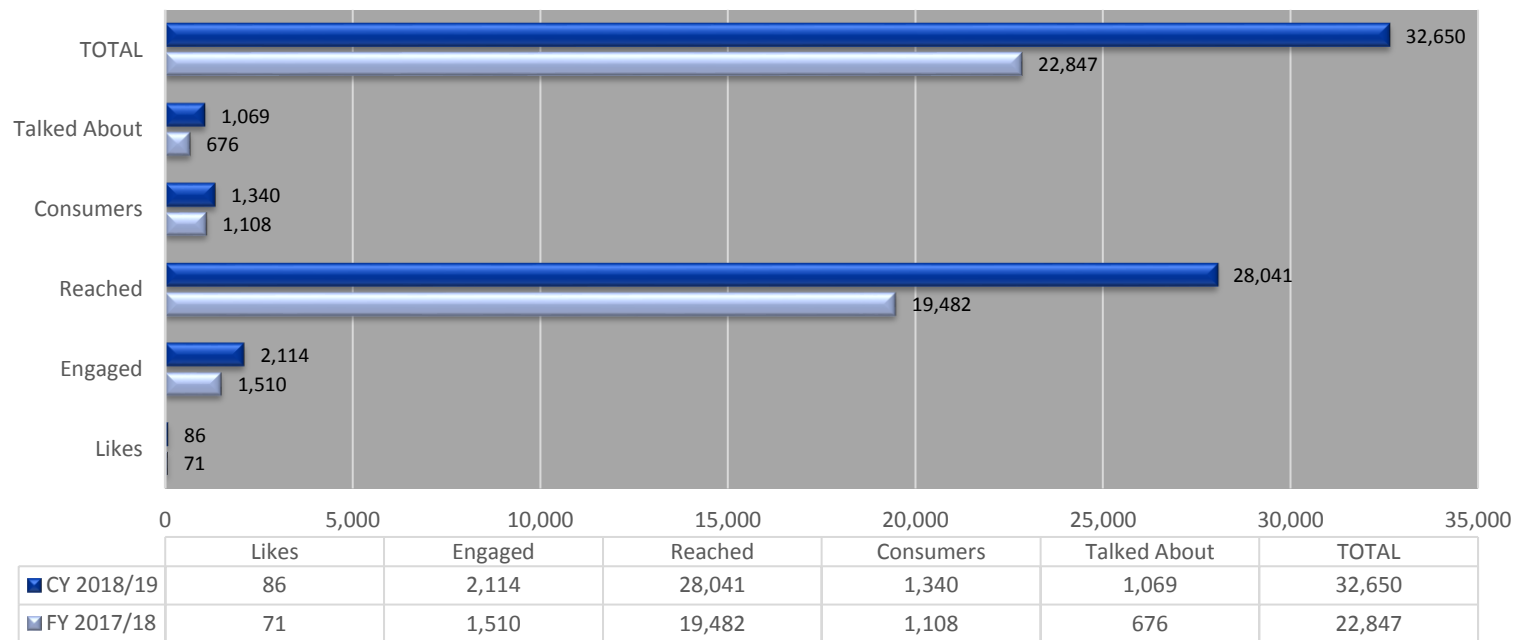
Website Activity (Quarterly)



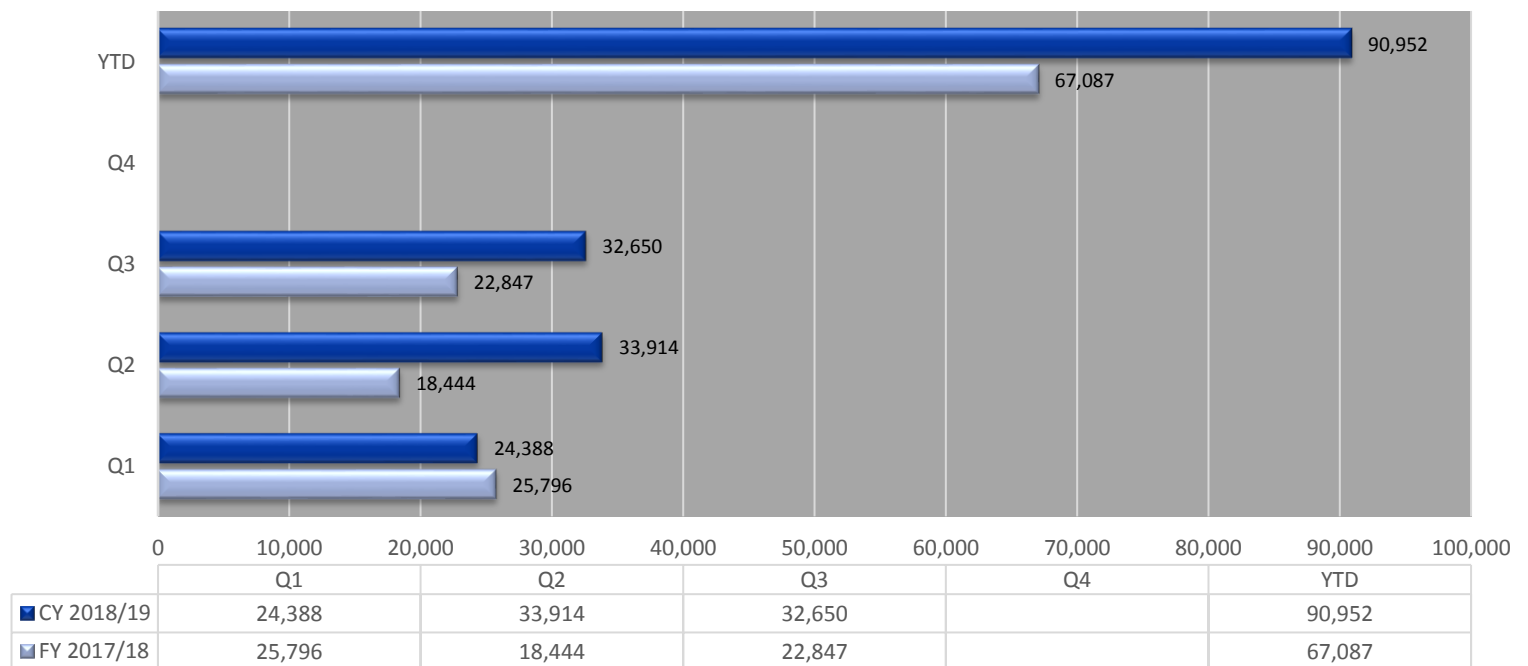
Website Activity (Year-to-date)



Facebook Activity (Quarterly)



Facebook Activity (Year-to-Date)





Briefing Paper

Agenda Item 19

Date: June 21, 2019

Prepared for: PTBC Members

Prepared by: April Beauchamps

Subject: Board Administrative Manual

Purpose: To propose revisions to the Board Administrative Manual.

Attachments: 1. [Proposed Board Administrative Manual](#)

Background:

The Board initially adopted the Board Administrative Manual on November 6, 2014 at the November 2014 board meeting. At the March 2019 Board meeting the Board asked that the Board Administrative Manual be reviewed by DCA legal and staff and brought back to the Board for presentation at the June 2019 Board meeting.

Action Requested:

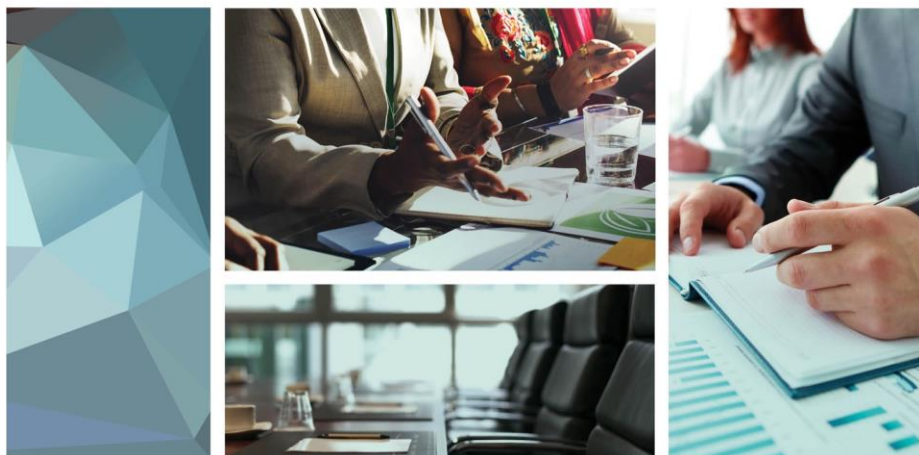
Consideration of the following motions:

“To approve the proposed Board Administrative Manual.”

“To approve the proposed amended Board Administrative Manual.”



PHYSICAL THERAPY BOARD
OF CALIFORNIA



BOARD MEMBER ADMINISTRATIVE MANUAL

NOVEMBER 2014 June 2019



PHYSICAL THERAPY BOARD OF CALIFORNIA

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ACKNOWLEDGEMENTS

Members of the Board

Alicia K. Rabena-Amen, PT, DPT -
President

TJ Watkins – Vice President

Daniel Drummer, PT, DPT

Jesus Dominguez, PT, PhD

Katarina Eleby, M.A.

Tonia McMillian

~~Vacant, Physical Therapist~~

Executive Officer

Jason Kaiser

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

This administrative procedure manual, regarding Board policy, can be amended by a majority of affirmative votes of any current or future Board. The Board delegates authority to staff to make non-substantive changes as necessary.¹

¹ Delegation approved at the May 2014 Board Meeting.

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Appendix A—Complaint Prioritization Guidelines for DCA Health Care Agencies

CHAPTER 1. INTRODUCTION

Acronyms/Definitions

ALJ	Administrative Law Judge
BPC	Business and Professions Code
CPS	Consumer Protection Services
<u>CCR</u>	<u>California Code of Regulation</u>
DOI	Division of Investigation
DCA	Department of Consumer Affairs
GC	Government Code
Board	Physical Therapy Board of California
SAM	State Administrative Manual

CHAPTER 1. INTRODUCTION

Mission Statement

The mission of the Physical Therapy Board of California is to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

Overview

In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB 1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the Legislature has always been ~~to protect~~ ~~protecting~~ the public from the incompetent, unprofessional and criminal ~~acts in provision of physical therapy.~~ ~~practice of physical therapy~~ ~~since its inception~~. The Board is one of over 40 regulatory entities which exists under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

BPC § 2603

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

The Board appoints an Executive Officer as its administrator who oversees the board's staff and ensures all of its programs function efficiently and effectively.

The Board is primarily funded through license and application fees; therefore, the Board does not receive ~~monies~~ ~~general fund~~ ~~allocations~~ ~~appropriations~~ from the General Fund ~~State of California~~.

CHAPTER 1. INTRODUCTION

General Rules of Conduct ([Board Policy](#))

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

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

Board members shall commit time to prepare for Board meeting responsibilities. This includes reviewing Board meeting minutes, administrative cases, and any other materials provided to the Board members by staff that are related to official Board business.

Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or professional.

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

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

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

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with ~~Executive Order 66-2~~[the Department of Consumer Affairs, Policy on Incompatible Work Activities, QHR 14-01.](#)

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

CHAPTER 2. BOARD MEETING PROCEDURES

Frequency of Meetings (BPC § 2611)

(~~Bagley-Keene~~
Open Meeting Act²)

(~~Open Meeting Act~~)

Board Member Attendance at Board Meetings (Board Policy and BPC § 106)

Public Attendance at Board Meetings (~~Gov. Code~~ § 11120 et. seq.)

The Board shall meet at least three times each calendar year, meeting at least once in northern California and once in southern California.

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

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

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

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

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This ~~law~~² governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

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

² ~~Bagley-Keene Open Meeting Act~~

CHAPTER 2. BOARD MEETING PROCEDURES

Quorum (BPC § 2611)

Four members of the Board shall constitute a quorum for the transaction of business.

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

Agenda Items (Board Policy)

Any Board member may submit items for a meeting agenda during the "Future Agenda Items" section of a Board meeting or directly to the Executive Officer ~~not less~~^{fewer} than 30 days prior to the meeting with the approval of the Board President or chair of the committee or task force.

The public may submit an item for consideration for a future meeting agenda. The item shall be submitted ~~not fewer~~^{less} than 30 days prior to the meeting and must be approved by the Board President to be added to a future meeting agenda.

Notice of Meetings (~~G-C § 11125 et seq.~~)

In accordance with the Open Meeting Act, meeting notices (including agendas for Board, committee, or task force meetings) shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include the name, work address, e-mail address, and work telephone number of a staff person who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet (~~Government Code section GC § 11125 et seq.~~)

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

CHAPTER 2. BOARD MEETING PROCEDURES

Record of Meetings (~~G.C. § 1125.5(d)~~ 111261)

The Board and each committee or task force shall keep an official record of all their proceedings. The minutes are a summary, not a transcript, of each Board, committee or task force meeting. They shall be prepared by staff and submitted to members for review before the next meeting. Minutes shall be submitted for approval at the next scheduled meeting of the Board, committee or task force. ~~Draft minutes are not public documents until approved by the Board.~~ When approved, the minutes shall serve as the official record of the meeting.

Electronic Recording (Board Policy)

The meeting may be electronically recorded, whether by video or audio. Electronic recordings will be disposed of upon approval of the minutes in accordance with the Board's record retention schedule.

(G.C. § 11124.1(b))

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

Meeting Rules (Board Policy)

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

Public Comment (Bagley-Keene Open Meeting Act & Board Policy)

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

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

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

CHAPTER 2. BOARD MEETING PROCEDURES

Public Comment
(~~Bagley-Keene~~ Open
Meeting Act & Board
Policy) (Continued)

(G-C: § 11125.7 ~~(a), (b), (c)~~)

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

CHAPTER 3. TRAVEL & SALARY POLICIES & PROCEDURES

Travel Approval
(~~DCA Memorandum
96-01~~ [DCA Travel
Guide](#))

The Board President's approval is required for all Board members' ~~for~~ travel, except for travel to regularly scheduled Board, committee, or task force meetings to which the Board member is assigned.

Approval of
Unscheduled Travel
(Board Policy)

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

Travel Arrangements
(Board Policy)

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

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

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

Travel Claims
(SAM ~~section
700 et seq. and
DCA~~

~~Memorandum-
96-01~~ [DCA
Travel Guide](#))

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

For the expenses to be reimbursed, Board members shall follow the procedures contained in ~~the~~ [DCA Travel Guide](#), which are periodically disseminated by the Administrative Services Manager, or his or her designee.

CHAPTER 3. TRAVEL & SALARY POLICIES & PROCEDURES

Salary Per Diem (BPC § 103, 2606 & Board Policy)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by BPC section 103, which states:

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

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

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, committee, or task force meetings, in which a substantial official service is performed, shall be approved in advance by the Board President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to Board member's attendance.

CHAPTER 3. TRAVEL & SALARY POLICIES & PROCEDURES

Salary Per Diem
(BPC § 103, 2606 & Board
Policy) *(Continued)*

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

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

~~(Board Policy HR 08-11)~~

It is the Board’s intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.

CHAPTER 4. SELECTION OF OFFICERS & COMMITTEES

Officers of the Board (BPC § 2604)

The Board shall select a President and a Vice-President annually.

Election of Officers (Board Policy)

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year beginning the next calendar year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies (Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice-President shall assume the office of the President. Elected officers then shall serve the remainder of the term.

Committee or Task Force Appointments (Board Policy)

The Board President shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice-President, and the Executive Officer. ~~committees~~ Committees may include the appointment of non-Board members.

Attendance at Committee or Task Force Meetings (~~Board Policy G-C, §11120 et seq.~~)

If a Board member wishes to attend a meeting of a committee or task force of which he or she is not a member, the Board member should notify the committee or task force chair and staff. Board members who are not members of the committee or task force that is meeting cannot vote during the committee or task force meeting and may participate only as observers if a majority of the Board is present at a committee meeting.

CHAPTER 5. BOARD ADMINISTRATION & STAFF

Board Administration (~~DCA Reference Manual~~, ~~Board Policy~~)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Executive Officer (~~BPC § & P-Code §~~ ~~2607.5 & Open Meeting~~ ~~Act~~)

The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, ~~in accordance with the provisions of the Open Meeting Act.~~

Executive Officer Evaluation (Board Policy)

Board members shall evaluate the performance of the Executive Officer at least on an annual basis.

Board Staff (~~Board Policy~~, ~~DCA Reference~~ ~~Manual~~)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

CHAPTER 5. BOARD ADMINISTRATION & STAFF

Experts—Consultants
([BPC 2607.5](#), Board Policy,
[DCA Policy](#))

The Board requires special services, certain content experts, or consultants for specific projects and problems. Such services are arranged by means of state-approved contracts established in the [DCA Policy](#) ~~standard ways~~. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as ~~(e.g.,)~~ ex officio members of the Board.

Board Budget
(Board Policy)

The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Business Cards
(Board Policy)

Business cards will be provided to each Board member with the Board's name, address, telephone number, fax number, website address and e-mail address.

Strategic Planning
([GC 11816](#), [BPC 6140.12](#) &
Board Policy)

The Board will conduct periodic strategic planning sessions. ~~The Board shall complete and implement a five-year strategic plan to be updated every two years.~~

Projects/Approval for
New Projects
(Board Policy)

The Board President will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the Executive Officer for perspective and feasibility.

Definition of the
Positions Taken by the
Physical Therapy Board
Regarding Proposed
Legislation
(Board Policy)

The Board adopted 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.

CHAPTER 5. BOARD ADMINISTRATION & STAFF

Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation
(Board Policy) *(Continued)*

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 concern regarding the proposed legislation. 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.

(Board Policy ~~LEG05-12-~~
)

The Board President has the authority to take interim positions on pending legislation on behalf of the Board, if necessary. The interim position taken by the Board President is the interim position of the Board until the next meeting of the Board at which the Board will decide to either ratify the interim position or reject it.

CHAPTER 6. ENFORCEMENT & DISCIPLINARY ACTIONS

Priority of Complaints (Board Policy)

The Board adopted DCA's Complaint Prioritization Policy to assist staff in determining how to manage incoming complaints in light of available resources. The policy is found in Appendix A.

Investigative Staff and Services ([BPC 2634](#), [BPC 2607.5](#) & Board Policy)

The Executive Officer is responsible for directing the course of any investigation into the conduct of an applicant or licensee. The Board utilizes the Department's Division of Investigation for its formal investigative services.

The Executive Officer may determine the resources to be expended on any given case, including whether a subject matter expert should be consulted, and who may act as a subject matter expert.

Discipline and Citations (BPC § 125.9, BPC § 2660 et. Seq., and [Title 16 CCR § 1398 et. Seq.](#))

The Board is authorized to take enforcement action against a licensee for any violation of the Physical Therapy Practice Act (Act). There are two types of license enforcement actions: 1) discipline and 2) citations.

Discipline is a formal action against the license that becomes a permanent part of the licensing record. Disciplinary actions may result in revocation of the license (and the loss of the ability to practice physical therapy) or the contingent loss of the license (a stayed revocation) with probationary conditions for a specified term.

A citation, which may be issued with or without a fine, is an enforcement tool by which the Board may address relatively minor violations of the Act that do not necessarily warrant disciplinary consequences in order to protect the public. A citation is not a disciplinary action. Citations are purged and destroyed after five years.

All enforcement actions are available to the public for as long as they exist. Both citations and discipline may be appealed, and may result in a matter coming ~~to before~~ the Board ~~itself~~ for decision.

CHAPTER 6. ENFORCEMENT & DISCIPLINARY ACTIONS

Administrative Proceedings (BPC, §§ 2608, 2614)

Unless otherwise specified in the Business and Professions Code, administrative proceedings against a license are conducted in compliance with Chapter 5 of the Administrative Procedure Act (Gov. Code, § 11500 et seq.).

An administrative proceeding refers to any action to deny, restrict or revoke a license. The proceeding begins when the Executive Officer files a charging document – usually a Statement of Issues (to deny a license) or an Accusation (to restrict or revoke a license).

If the licensee fails to respond to a charging document, a default decision is prepared and submitted the Board members for vote. If the licensee and the Executive Officer agree to a particular enforcement outcome, a stipulation is prepared and presented to the Board members for vote. If neither of the above occurs, the case is sent to a formal hearing before an administrative law judge (ALJ). After considering the evidence from the hearing (usually documents and witness testimony), the ALJ issues a proposed decision (a recommended resolution), which is then presented to the Board members for vote.

Review of Decisions (Gov. Code § 11500, et seq.; BPC § 2602.1; Title 16, C.C.R. § 1399.15)

Board members, by majority vote of a quorum, must approve any decision (proposed decision, stipulation or default) before the decision becomes final and the formal discipline (penalty), if any, can take effect.

Each Board member shall thoroughly review any decision presented for vote. Each case shall be evaluated on a case-by-case basis, considering the following factors:

1. Whether the Board's highest priority, protection of the public, is ~~effected~~affected by the decision;
2. Whether the Board's Guidelines for Issuing Citations and Imposing Discipline are satisfied or whether variation is warranted;
3. Whether the decision addresses any misconduct in a way consistent with the nature and degree of the violation;
4. the standards of practice in physical therapy and ~~in the~~ whether community ~~was~~are used as a basis for reaching the decision; and
5. Whether the decision may be reasonably and practically implemented.

Commented [BA1]: Change writing to (GC § 11500 et seq.; BPC § 2602.1; Title 16, CCR § 1399.15)

CHAPTER 6. ENFORCEMENT & DISCIPLINARY ACTIONS

Member Questions and Communications about Decisions
(Gov. Code § 11430.10, et seq.)

Communications with staff concerning pending proceedings, including decisions, are limited by the provisions of the Administrative Procedure Act. There are two parties to any disciplinary proceeding – [the](#) complainant (the Executive Officer and other staff) and [the](#) respondent (the licensee). The Board members decide the case and therefore act as judges. To avoid the fact or appearance of bias or impropriety, communications between one party (staff or the licensee) and Board members are limited.

There are two common exceptions to this restriction. First, staff may answer questions of procedure and ministerial questions (e.g., when is a vote due, when will a decision become effective).

Second, staff or the Deputy Attorney General may communicate about stipulated decisions – and only stipulated decisions – only to explain why the stipulated decision should be adopted.

Board members may direct questions about a decision to the Board's legal counsel, who is not involved in the investigative stage of the proceeding. Questions about permissible or impermissible communications should also be directed to legal counsel.

Mail Ballots
(Gov. Code, § 11526; Board policy)

Proposed decisions, stipulations and default decisions are mailed (electronically or otherwise) to each Board member for voting. The Board members may vote to adopt, reject (non-adopt) or seek to hold the case (discussed in detail below).

A ~~10-calendar~~10-calendar day deadline is generally given for a mail ballot to be completed and returned to the Board's office. Board staff reviews the ballots and, if a decision is reached by a majority of the Board, prepares the decision for the President's signature.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on a mail ballot, a Board member may wish to discuss a particular aspect of the decision before voting. If one or more members marks their ballot to "hold for discussion," the case will be scheduled for the closed session of the Board's next meeting. At the time the ballot is prepared, the Board member should record his or her concern. Recording the concern facilitates the discussion by allowing staff, if permitted to comment, legal counsel and other members an opportunity to prepare to respond to the concern as appropriate. Since there can also be a delay before the next meeting, it can preserve the member's memory.

When a matter is held for closed session, Board legal counsel will be present to advise and assist the Board.

CHAPTER 6. ENFORCEMENT & DISCIPLINARY ACTIONS

Rejection (non-adoption) of a Proposed Decision
(~~Gov. Code~~, §11517, ~~LC~~
~~Board Policy~~)

If the Board votes to reject a Proposed Decision of an ALJ, absent specific direction to the contrary from the Board, the transcript and exhibits of hearing will be ordered and it will provide an opportunity for written argument. No new evidence will be taken. The Executive Officer will fix the date for submission of written argument to ensure Board members have time to review any materials prior to a Board meeting.

Reconsideration
(~~Gov. Code~~ § 115197, ~~LC~~
~~GC § 11521~~, and Board
Policy)

The Board, on its own motion or on petition of any party, may order a reconsideration of all or part of a case at any time prior to the effective date of the decision. Board staff may grant any stay of the effective date authorized by law. If no action is taken on a petition for reconsideration ~~y-a-party~~ prior to the effective date of the decision, the petition is deemed denied by operation of law. After ordering reconsideration, the Board may reconsider the matter, with or without taking additional evidence, or it may assign the matter to an administrative law judge. If oral evidence is introduced before the Board on reconsideration, no member may vote unless he or she heard the evidence.

Petitions for Penalty Relief
(BPC, § 2661.7
Board Policy)

If a licensee files a petition for penalty relief (for modification or termination of existing probation or reinstatement), as long as that petition meets statutory requirements, the matter will be heard by the Board members themselves at a Board meeting. Absent direction to the contrary, an ALJ sits with the members to preside over the hearing where evidence and argument are taken.

Enforcement Actions—
Disclosure to the Public
(~~Gov. Code~~, § 6250, et seq.
~~BPC~~, §125.9)

Enforcement actions, including citations and disciplinary actions, are a matter of public record and shall be provided upon request in accordance with applicable law and Department of Consumer Affairs' Guidelines for Access to Public Records. However, particular records of enforcement investigations may be exempt from disclosure to protect the confidentiality of other parties.

(Department of Consumer
Affairs' Guidelines for Access
to Public Records)

Disciplinary action against a license shall be disclosed to the public by means of the Board's website (through license look-up features or otherwise). It may also be disclosed through other means of communication, including direct email distribution, newsletter, or through a social media service.

CHAPTER 6. ENFORCEMENT & DISCIPLINARY ACTIONS

(Department of Consumer Affairs' Guidelines for Access to Public Records) *(Continued)*

Whenever possible, the actual documents that resulted in the disciplinary action shall also be posted on the Board's website to facilitate consumer access. Disciplinary action documents include the charging document (Statement of Issues or Accusation) and any final decision.

Citations are posted on the Board's website. When citation records are provided to the public, and the licensee paid a fine, the record shall reflect that payment represents satisfactory resolution of the matter.

Policy Variation

In a particular case, action by the Board itself supersedes any general Board ~~policy~~ [Policy](#) set forth in this manual [that is not otherwise required in law](#).

CHAPTER 7. OTHER POLICIES & PROCEDURES

(Board Policy, [Bagley-Keene Open Meeting Act](#))

Board member addresses, email addresses and telephone numbers are confidential and shall not be disclosed to the public without expressed authority of the individual Board member. However, if the Board member is a licensee with the Board, his or her address of record is available to the public upon request in accordance with the Public Records Act. Also, if a teleconference is held from the home of a Board member, the address of where the teleconference occurs must be published [and open to the public in accordance with the Bagley-Keene Open Meeting Act](#). Board issued email addresses are not confidential.

Board Member Written Correspondence and Mailings
(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer.

Communications: Other Organizations/ Individuals/Media
(Board Policy)

All communication relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. [or his or her designee](#). Any Board member who is contacted by any of the above should inform the Board President or Executive Officer.

Commented [KM2]: Should this be "and?"

Communication with Interested Parties

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

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

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

CHAPTER 7. OTHER POLICIES & PROCEDURES

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

(Continued).

(Board Policy)

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

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

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

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

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board's legal counsel or Executive Officer.

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

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

Board Member Disciplinary Actions (Board Policy)

CHAPTER 7. OTHER POLICIES & PROCEDURES

Conflict of Interest (~~G-C~~ § 87100)

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

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

Service of Legal Documents

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

Gifts from Candidates (Board Policy)

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

Request for Records Access (Board Policy)

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

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

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

Commented [BA3]: Should read (GC § 1750)

Removal of Board Members (BPC § 106)

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

CHAPTER 7. OTHER POLICIES & PROCEDURES

Board Member Training Requirements

(BPC § 453)

(~~Gov-Code § 87200 et seq~~ & 11146.3)

(~~Gov-Code § 12950.1, DCA Policy EEO 12-01, Board Policy~~)

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

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

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

Board members are required to complete ~~the following trainings: two hours of sexual harassment prevention training every two years.~~

- [Authorized Use of Privately Owned Vehicle](#)
- [Board Member Orientation](#)
- [Defensive Driver Training](#)
- [Ethics Training](#)
- [Form 700-Statement of Economic Interest](#)
- [Non-Discrimination Policy](#)
- [Sexual Harassment Prevention Policy](#)
- [Sexual Harassment Prevention Training](#)
- [Use of Applicant Criminal Offender Record Information](#)

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Outreach/Information/ Complaints (Board Policy)

([BPC § 2605](#))

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

1. Board newsletters
2. Speaking engagements by Board members and staff
3. Press releases and public affairs announcements
4. Telephone responses
5. Responses to written, faxed and e-mailed inquiries
6. The Board's website
- 6.7. [Social Media](#)

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APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

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

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

Priority Level	Complaint Category
Urgent (Highest Priority)	<ul style="list-style-type: none"> • In general, any act resulting in death or serious injury) • Gross negligence, incompetence or repeated negligent acts that involve death or serious bodily injury— • Drug or alcohol abuse by the licensee resulting in death or serious bodily injury. • Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances, or repeated acts of prescribing w/o a good faith exam • Sexual misconduct with patient during course of treatment or examination • Practicing while under the influence of drugs or alcohol • Physical or mental abuse with injury. • Unlicensed activity alleged to have resulted in patient injuries • Aiding and abetting unlicensed activity –alleged to have resulted in –patient injuries • Arrests or convictions substantially related to the area of practice (Note: may be re-categorized based on the nature of the underlying acts) • Impairments (mental, physical or as a result of alcohol or –drug abuse including termination from a diversion-program) • Theft of prescription drugs • Furnishing prescription drugs without a prescription

APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

Priority Level	Complaint Category
High	<ul style="list-style-type: none"> • Negligence or incompetence without serious bodily injury • Physical or mental abuse (without injury) • Diversion drop outs • 805 Health Facility reports • Complaints about licensees on probation_(whether or not injury) • Prescribing drugs without “good faith” exam_(-where authority to prescribe exists) • Prescribing or dispensing drugs without authority • Multiple complaints of the same allegation • Complaints with multiple prior complaints • Unlicensed activities (with no apparent harm) • Aiding and abetting unlicensed activity _with no apparent harm) • When evidence will likely be destroyed or unavailable
Routine	<ul style="list-style-type: none"> • False/misleading advertising • Patient abandonment • Fraud • Failure to release medical records • Record keeping violations • Applicant misconduct • National Practitioner Data bank reports • Workers Compensation Complaints • Non-jurisdictional complaints (fee disputes, billing) • Exam subversion_(exam not compromised) • Continuing Education • Breach of confidentiality



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Briefing Paper

Agenda Item # 20

Date: 6/04/2019
Prepared for: PTBC Members
Prepared by: Eura Trent
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](#)

Data Format:

In this report, 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 program statistics actual numbers represent a portion of the total.

Update:

The number of applications received online continues to grow. While the implementation of Breeze initiated the PTBC's effort to meet an increasing demand for an electronic application method, it initially lacked the outreach necessary to promote changing from the existing paper custom. The upsurge in Breeze use by applicants over the last year is contributed to the PTBC's education program-focused outreach efforts. These efforts include in-person, interactive instruction about the PTBC and the application process; providing the programs a designated PTBC liaison to address all application-related inquiries and provide timely process and/or requirement updates; and revised application instructions focusing on electronic

application. Staff remains focused on increasing use of the online application; it is important as we further develop the functionality of BreEZe accounts.

FY 2018/19 Quarter 3 comparison to FY 2017/18 Quarter 3

- The percentage of PTA applications received online increased 407%.
 - The percentage of military applications increased 650%.
 - The total number of licenses issued remains consistent between FYs.
 - Exams statistics remain consistent between FYs.
-

Action Requested:

None.

Physical Therapy Board of California
Application Services Report
Fiscal Year 2018/19 Q3

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1304	1132 (87%)	546 (42%)	159 (12%)	14 (1%)
PTA	508	395 (77%)	135 (27%)	43 (9%)	17 (3%)
Total	1812	1527 (84%)	681 (38%)	202 (11%)	31 (2%)
Current FY 2018/19 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	410	365 (89%)	233 (57%)	69 (17%)	8 (2%)
PTA	151	137 (91%)	58 (38%)	15 (10%)	7 (5%)
Total	561	502 (89%)	291 (52%)	84 (15%)	15 (3%)
Last FY 2017/18 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	354	174 (49%)	195 (55%)	60 (17%)	2 (<1%)
PTA	106	27 (25%)	49 (46%)	21 (20%)	1 (<1%)
Total	460	201 (44%)	244 (53%)	81 (18%)	3 (<1%)

Licenses Issued

Current FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1538	N/A	627 (41%)	117 (8%)	9 (<1%)
PTA	495	N/A	120 (24%)	31 (6%)	10 (2%)
Total	2033	N/A	747 (37%)	148 (7%)	19 (<1%)
Current FY 2018/19 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	375	N/A	181 (48%)	28 (7%)	4 (1%)
PTA	207	N/A	45 (22%)	11 (5%)	5 (2%)
Total	582	N/A	226 (39%)	39 (7%)	9 (2%)
Last FY 2017/18 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	410	N/A	203 (50%)	28 (7%)	4 (1%)
PTA	201	N/A	31 (15%)	12 (6%)	5 (2%)
Total	611	N/A	218 (36%)	40 (7%)	9 (1%)

Physical Therapy Board of California
Application Services Report
Fiscal Year 2018/19 Q3

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 Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	375	237	185		797	390	271	184		845	↑ 6%
Fail	36	42	42		120	47	47	30		124	↑ 3%
Total	411	279	227		917	437	318	214		969	↑ 6%
Pass Rate	91%	85%	81%		87%	89%	85%	86%		87%	→ 0%

Non Accredited PT Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	15	8	3		26	7	5	11		23	↓ -12%
Fail	20	33	19		72	25	16	16		57	↓ -21%
Total	35	41	22		98	32	21	27		80	↓ -18%
Pass Rate	43%	20%	14%		27%	22%	24%	41%		29%	↑ 8%

Accredited PTA Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	187	45	154		386	124	64	148		336	↓ -13%
Fail	37	29	43		109	45	33	27		105	↓ -4%
Total	224	74	197		495	169	97	175		441	↓ -11%
Pass Rate	83%	61%	78%		78%	73%	66%	85%		76%	↓ -2%

Non Accredited PTA Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	5	7	6		18	7	7	6		20	↑ 11%
Fail	7	5	7		19	9	4	5		18	↓ -5%
Total	12	12	13		37	16	11	11		38	↑ 3%
Pass Rate	42%	58%	46%		49%	44%	64%	55%		53%	↑ 8%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	692	525	434		1,651	700	520	441		1,661	↑ 1%
Fail	252	211	195		658	242	195	159		596	↓ -9%
Total	944	736	629		2,309	942	715	600		2,257	↓ -2%
Pass Rate	73%	71%	69%		72%	74%	73%	74%		74%	↑ 3%

Physical Therapy Board of California
Application Services Report
Fiscal Year 2018/19 Q3

Non Accredited Program										
	Fiscal Year 2017/18					Fiscal Year 2018/19				
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3
Pass	44	45	40		129	61	48	46		155
Fail	41	39	31		111	40	36	32		108
Total	85	84	71		240	101	84	78		263
Pass Rate	52%	53%	56%		54%	60%	57%	60%		59%
										Year → Year Change
										↑ 20%
										↓ -3%
										↑ 10%
										↑ 10%

National PT and PTA Examination - National Statistics										
Accredited PT Program										
	Fiscal Year 2017/18					Fiscal Year 2018/19				
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3
Pass	4,870	1,601	1,261		7,732	4,823	1,647	1,440		7,910
Fail	511	356	322		1,189	556	502	305		1,363
Total	5,381	1,957	1,583		8,921	5,379	2,149	1,745		9,273
Pass Rate	91%	82%	80%		87%	90%	77%	83%		85%
										Year → Year Change
										↑ 2%
										↑ 15%
										↑ 4%
										↓ -2%

Non Accredited PT Program										
	Fiscal Year 2017/18					Fiscal Year 2018/19				
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3
Pass	268	213	144		625	155	134	160		449
Fail	570	754	427		1,751	550	410	349		1,309
Total	838	967	571		2,376	705	544	509		1,758
Pass Rate	32%	22%	25%		26%	22%	25%	31%		26%
										Year → Year Change
										↓ -28%
										↓ -25%
										↓ -26%
										⇒ 0%

Accredited PTA Program										
	Fiscal Year 2017/18					Fiscal Year 2018/19				
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3
Pass	3,200	1,552	869		5,621	3,155	1,433	980		5,568
Fail	628	455	393		1,476	758	622	424		1,804
Total	3,828	2,007	1,262		7,097	3,913	2,055	1,404		7,372
Pass Rate	84%	77%	69%		79%	81%	70%	70%		76%
										Year → Year Change
										↓ -1%
										↑ 22%
										↑ 4%
										↓ -5%

Non Accredited PTA Program										
	Fiscal Year 2017/18					Fiscal Year 2018/19				
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3
Pass	85	96	78		259	87	76	65		228
Fail	84	74	54		212	88	63	58		209
Total	169	170	132		471	175	139	123		437
Pass Rate	50%	56%	59%		55%	50%	55%	53%		52%
										Year → Year Change
										↓ -12%
										↓ -1%
										↓ -7%
										↓ -5%

Physical Therapy Board of California
Application Services Report
Fiscal Year 2018/19 Q3

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	2,003	1,334	1,135		4,472	2,036	1,353	1,280		4,669	↑ 4%
Fail	426	390	354		1,170	416	384	329		1,129	↓ -4%
Total	2,429	1,724	1,489		5,642	2,452	1,737	1,609		5,798	↑ 3%
Pass Rate	82%	77%	76%		79%	83%	78%	80%		81%	↑ 2%

Non Accredited Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	86	89	72		247	101	79	81		261	↑ 6%
Fail	63	60	44		167	60	49	41		150	↓ -10%
Total	149	149	116		414	161	128	122		411	↓ -1%
Pass Rate	58%	60%	62%		60%	63%	62%	66%		64%	↑ 6%



Briefing Paper

Agenda Item # 21

Date: 06/04/2019
Prepared for: PTBC Members
Prepared by: Eura Trent
Subject: License Maintenance Report

Purpose:

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

Attachments: [License Maintenance Statistics](#)

Data Format:

In this report, 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 program statistics actual numbers represent a portion of the total.

Update:

FY 2018/19 Quarter 3 comparison to FY 2017/18 Quarter 3:

The License Maintenance program continues to encourage licensees to use BreEZe for all requests – renewal, address change, name change, duplicate license and license verification. The most notable change is the 74% increase in the number of address change requests submitted online rather than by paper. The number of renewal and name change transactions processed has increased while the number of address change, duplicate, and verification requests has decreased.

Action Requested:

None.

Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2018/19 Q3

License Maintenance Services Report - Program Statistics

Renewals Processed

Current FY 2018/19 Year to Date		
	Total	Online
PT	9382	7770 (83%)
PTA	2447	2056 (84%)
Total	11829	9826 (83%)
Current FY 2018/19 Q3		
	Total	Online
PT	3222	2689 (83%)
PTA	786	658 (84%)
Total	4008	3347 (84%)
Last FY 2017/18 Q3		
	Total	Online
PT	2955	2340 (79%)
PTA	828	683 (82%)
Total	3783	3023 (80%)

Address Changes Processed

Current FY 2018/19 Year to Date		
	Total	Online
PT	2649	964 (36%)
PTA	680	225 (33%)
Total	3329	1189 (36%)
Current FY 2018/19 Q3		
	Total	Online
PT	796	487 (61%)
PTA	192	137 (71%)
Total	988	624 (63%)
Last FY 2017/18 Q3		
	Total	Online
PT	823	278 (34%)
PTA	238	81 (34%)
Total	1061	359 (34%)

Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2018/19 Q3

Name Changes Processed		
Current FY 2018/19 Year to Date		
	Total	Online
PT	270	70 (26%)
PTA	74	16 (22%)
Total	344	86 (25%)
Current FY 2018/19 Q3		
	Total	Online
PT	87	20 (23%)
PTA	25	9 (36%)
Total	112	29 (26%)
Last FY 2017/18 Q3		
	Total	Online
PT	83	17 (20%)
PTA	22	8 (36%)
Total	105	25 (24%)

Duplicate Requests Received		
Current FY 2018/19 Year to Date		
	Total	Online
PT	159	58 (36%)
PTA	39	11 (28%)
Total	198	69 (35%)
Current FY 2018/19 Q3		
	Total	Online
PT	56	22 (39%)
PTA	13	4 (31%)
Total	69	26 (38%)
Last FY 2017/18 Q3		
	Total	Online
PT	72	25 (35%)
PTA	18	4 (22%)
Total	90	29 (32%)

Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2018/19 Q3

Verification Requests Processed		
Current FY 2018/19 Year to Date		
	Total	Online
PT	872	719 (32%)
PTA	114	100 (88%)
Total	986	819 (83%)
Current FY 2018/19 Q3		
	Total	Online
PT	288	252 (86%)
PTA	35	28 (80%)
Total	323	280 (87%)
Last FY 2017/18 Q3		
	Total	Online
PT	327	231 (71%)
PTA	58	43 (74%)
Total	385	274 (71%)



Briefing Paper

Agenda Item # 22

Date: 5/28/2019
Prepared for: PTBC Members
Prepared by: Veronica Gutierrez, Alyasha Crutcher
Subject: Continuing Competency Services Report

Purpose:

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

Attachments: [Continuing Competency Audit Statistics](#)

Background:

Licensees 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.

Update:

A total of 116 physical therapists and 27 physical therapist assistants were selected for audit for FY 2018/19 Q2 (Oct-Dec). Audits of physical therapist assistants who renewed Q3 are complete with a pass rate of 81%. Staff continues to work on physical therapist audits, so data available thus far has been included, but the pass rate will be reported at the next meeting.

Action Requested:

None.

Physical Therapy Board of California
Continuing Competency Report
FY 2018/2019 Q2 - (10/2018 through 12/2018)

Continuing Competency Audit Statistics

Physical Therapist

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	134	100			234	99	107			206	↓ -12%
Fail	12	5			17	7	8			15	↓ -12%
Pending	0	0			0	0	1			1	
Total	146	105			251	106	116			222	↓ -12%
Pass Rate	92%	95%			93%	93%				Pending	

Physical Therapist Assistant

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	43	81			124	40	22			62	↓ -50%
Fail	2	4			6	0	5			5	↑ 17%
Pending	0	0			0	0	0			0	→ 0%
Total	45	85			130	40	27			67	↑ 48%
Pass Rate	96%	95%			95%	100%	81%			93%	↓ -2%

Approval Agencies and Courses

Approval Agencies	125
Courses	14,382



Briefing Paper

Date: June 1, 2019

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

Subject: Consumer Protection Services Program (CPS)

Purpose: Update on Consumer Protection Services Program - FY 2018/19 Quarter 3 (January – March 2019)

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

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

The enforcement statistics reflect consistency from one quarter to another and YTD without a drastic increase or decrease in year to year change.

For PM3, there was a slight increase of 14% in the average days to complete an investigation; however, in PM4, there was a 14% decrease in the average days to final disposition of cases transmitted to the Attorney General's Office (AG's) for disciplinary action. For PM4 the 540-day target was met with a total average of days to complete at 519 (YTD). Of the eleven cases closed at the AG's, six cases were closed within the 540 days.

Attachment 2: [Disciplinary Summary List](#)

Disciplinary Summary of formal discipline and citations issued for the period of January 1 through March 30, 2019. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

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	323	91	83	68		242	↓ -25%
PM1: Convictions/Arrest Received	182	55	59	55		169	↓ -7%
PM1: Total Received	505	146	142	123		411	↓ -19%

Intake

Target: 9 Days	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	2	2	2	3		2	↑ 17%

Investigations

Target: 90 Days	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	102	97	141	110		116	↑ 14%
PM3a: Intake Only	2	2	2	2		2	→ 0%
PM3b: Investigation Only	93	89	124	99		104	↑ 12%
PM3c: Post Investigation Only	2	1	6	1		3	↑ 33%

Investigations Aging

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	72%	107	75	60		63%	↓ -9%
91 - 180 Days	10%	17	27	22		17%	↑ 7%
181 Days - 1 Year (364)	12%	13	23	14		13%	↑ 1%
1 to 2 Years (365-730)	5%	3	12	6		5%	↑ 0%
2 to 3 Years (731- 1092)	0%	1	1	0		1%	↑ 1%
Over 3 Years (1093 +)	1%	0	1	0		0%	↓ -1%

Citations

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	20	9	25	5		39	↑ 95%
Average Days to Close	274	212	209	136		185.7	↓ -32%

Transmittals to Attorney General (AG)

Target: 540 Days	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	604	482	488	587		519	↓ -14%
PM4a: Intake Only	6	1	2	2		2	↓ -72%
PM4b: Investigation Only	268	146	187	276		203	↓ -24%
PM4c: Pre-AG Transmittal	11	17	1	1		6	↓ -42%
PM4d: Post-AG Transmittal	326	323	301	311		312	↓ -4%

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	53	21	12	13		46	↓ -13%
AG Cases Pending	46	47	42	52		52	↑ 13%
SOIs Filed	9	0	2	0		2	↓ -78%
Accusations Filed	15	15	6	4		25	↑ 67%

AG Transmittals							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	32	10	17	11		38	↑ 19%
Total Average Days to Complete	668	482	488	585		518.3	↓ -22%

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		0%	→ 0%
91 - 180 Days	3%	0	0	0		0%	↓ -3%
181 Days - 1 Year (364)	25%	4	8	3		39%	↑ 14%
1 to 2 Years (365-730)	47%	4	8	6		47%	↑ 0%
2 to 3 Years (731- 1092)	6%	2	0	1		8%	↑ 2%
Over 3 Years (1093 +)	19%	0	1	1		5%	↓ -14%

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	3	0	0	1		1	↓ -67%

PM1 Volume - Total Number of Complaints Received. (Non conviction/arrest related)

PM2 Cycle Time - Intake - Average number of days of complaint intake during the specified time period

PM3 Cycle Time-No Discipline - (Target 90 Days) Average number of days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline)

PM3a Intake Only - of the cases included in PM3, the average number of days from the date the complaint was received, to the date the complaint was assigned for investigation.

PM3b Investigation Only - Only of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed.

PM3c Post Investigation - Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG.

PM4 Cycle Time-Discipline - (Target 540 Days) Average Number of Days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g., withdrawals, dismissals, etc.)

PM4a Intake Only - Of the cases included in PM4, the average number of days from the date the complaint was received, to the date the complaint was assigned for investigation.

PM4b Investigation Only - Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed.

PM4c Pre-AG Transmittal - Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG

PM4d Post-AG Transmittal - Of the cases included in PM4, the average number of days from the date the case is transmitted to the AG, to the date of the case outcome or formal discipline effective date.

Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of January through March 2019. 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. 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

.....
January 2019

(NONE)

February 2019

MALVINO, JULIA ANNE PTA 48389

Violation of B & P Codes: 2239(a), 2660, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.24, and 1399.24(d)(3). Stipulated Settlement and Disciplinary Order Effective 02/06/19, 5 years' probation.

CHARLET, DAVID PT 20035

Violation of B & P Codes: 2239, 2660, 2660(a), 2660(e), 2660(g), 2660(h), 2660(i), 2660(j), and 2660(n). Violation of CCR: 1399, and 1399.20. Stipulated Settlement of License and Order Effective 02/11/19, License Surrendered.

LOW, SHELDON CURTIS PT 10013

Violation of B & P Codes: 680, 2600(x), 2620, 2620.1, 2620.7, 2630.4, 2660(a), 2660(b), 2660(d), 2660(g), 2660(h), 2660(i), 2660(j), 2660(n), and 24172. Violation of CCR: 1398.11, 1398.13, and 1399. Stipulated Settlement and Disciplinary Order Effective 02/11/19, 3 years' probation.

March 2019

MANZANO, MIGUEL ADRIAN WIJANGCO PTA 49064

Violation of probationary terms. Default Decision and Order Effective 03/15/19, License Revoked.

ENGUILLADO, POLLIE FABILA PTA 47950

Violation of B & P Codes: 490, 493, 2234, 2239, 2660, 2660(a) 2660(e), and 2661. Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 03/27/19, 5 years' probation.

.....
Initial Probationary Licenses (IPL) Issued

January through March 2019

ZAGAL, RAUL GIL PTA 49851

Agenda Item 23(B)

Violation of B & P Codes: 475(a)(2), 475(a)(4), 480(a), 480(a)(3)(A), 480(a)(3)(B), 2660, 2660(e), 2660(j), 2660.2, and 2661. Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 02/07/19, 5 years' probation.

MULLEN, CHAGO MAC SHAWN

Violation of B & P Codes: 480(a)(1),(a)(3). Violation of CCR: 1399.20. Decision effective 2/6/2019. Application for a license to practice as a physical therapist assistant is granted, assuming all conditions for the granting of license is met. License will not be issued until required examinations are taken and passed.

Licenses Denied

.....

January through March 2019

(NONE)

Glossary of Terms

.....

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.



Briefing Paper

Agenda Item 24

Date: June 7, 2019

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q3 - FY 2018-2019

Attachments: (1) [Statistical Report](#)

Background:

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

Currently there are 88 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 72 licensees on probation and in the state of California, there are an additional 16 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were also 5 licensees that completed probation in the quarter.

Of the 72 licensees that are not currently tolling, 16 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 22% of all licensees on probation that aren't tolling.

Action Requested:

No Action Required.

application. Staff remains focused on increasing use of the online application; it is important as we further develop the functionality of BreEZe accounts.

FY 2018/19 Quarter 3 comparison to FY 2017/18 Quarter 3

- The percentage of PTA applications received online increased 407%.
 - The percentage of military applications increased 650%.
 - The total number of licenses issued remains consistent between FYs.
 - Exams statistics remain consistent between FYs.
-

Action Requested:

None.

Probation Statistics Report

Probation						
	FY 2017/18	Fiscal Year 2018/19				
	YTD	Q1	Q2	Q3	Q4	YTD
Entered Probationer		3	7	4		14
Completed Probation	15	2	2	5		9
Probation Terminated	1	0	1	0		1
Non-Compliant w/Probation	2	1	1	0		2
Tolling (Out of State)		11	17	16		44
Surrenders		3	0	0		3
Total Probationers	87	85	89	88		88
						Year → Year Change
						↑ 27%
						↓ -40%
						→ 0%
						→ 0%
						↑ 1%

Maximus						
	FY 2017/18	Fiscal Year 2018/19				
	YTD	Q1	Q2	Q3	Q4	YTD
Entered Maximus	4	0	2	3	0	5
Completed Maximus	2	0	2	3	0	5
Total Maximus Participants	19	17	17	16	0	16
Determined To Be Clinically Inappropriate	1	0	0	0	0	0
Terminated - Public Risk	2	0	0	0	0	0
Withdrawn (Expense) - Post-Dec	1	0	0	1	0	1
Withdrawn (Left State) - Post-Dec	1	1	0	0	0	1
Withdrawn - Pre-Dec	1	0	0	0	0	0
						Year → Year Change
						↑ 25%
						↑ 150%
						↓ -16%
						↓ -100%
						↓ -50%
						→ 0%
						→ 0%
						↓ -100%



FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated before 1978

CWT 1

Federation of State Boards of Physical Therapy
124 West Street South Third Floor Alexandria, VA 22314
Telephone: 703.299.3100 Fax: 703.299.3110
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COURSEWORK TOOL 1

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 1 is based upon the 1955 educational criteria established by the American Medical Association.

The CWT that reflects current standards may be used to determine qualifications for prescreening certification for the United States Citizenship and Immigration Services (USCIS). They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 105 semester credit hours. The 105 semester credits do not meet the minimal requirement of a BS degree, thus electives could be included to meet the minimum of 120 credit hours and the baccalaureate degree. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the baccalaureate degree. The applicant must have completed sufficient credit to satisfy the requirement for a baccalaureate degree. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of humanities, physical science, biological science, social science, behavioral science, and mathematics, must be identified. A minimum of a one-semester course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require a specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

2. Physical Science

- a. Chemistry with laboratory (recommended)
- b. Physics with laboratory (recommended)
- c. Geology
- d. Astronomy

3. Biological Science

- | | |
|-----------------------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy (recommended) | f. Neuroscience |
| c. Physiology (recommended) | g. Genetics |
| d. Zoology | |

4. Social Science

- | | |
|--------------|----------------------|
| a. History | d. Economics |
| b. Geography | e. Political science |
| c. Sociology | f. Religion |

5. Behavioral Science

- | | |
|-----------------------------|---------------|
| a. Psychology (recommended) | c. Philosophy |
| b. Anthropology | d. Ethics |

6. Mathematics

No Requirement or Recommendation

Professional Education

Forty-five semester credits shall be the minimum required in professional education, reflecting no less than 12 months of study.

1. Basic Health Science

Content area is required in each topic listed (a through d) under basic health sciences.

- a. Human anatomy: may have been taken pre-PT (specific to physical therapy)
- b. Human physiology: may have been taken pre-PT (specific to physical therapy)
- c. Kinesiology or functional anatomy
- d. Pathology

2. Medical and Clinical Science

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination and Intervention. Therefore, educational coursework must contain all of the following:

- a. Clinical medicine pertinent to physical therapy. This must include but not be limited to:
 - 1. General Medical Surgical Conditions
- b. Physical therapist coursework must include but not be limited to:
 - 1. Musculoskeletal System
 - a. Examination
 - 2. Neuromuscular System
 - a. Examination
 - 3. Tests & Measures
 - a. Shall include Exam and Eval
- c. Physical therapist coursework must include but is not limited to:
 - 1. Musculoskeletal Interventions
 - 2. Neuromuscular Interventions
 - 3. Physical Agents/Electrotherapy

3. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy. The applicant must have a minimum of 600 hours total, which are completed in multiple sites and supervised by a physical therapist. The maximum number of full time clinical education credits is 15.

4. Related Professional Coursework

- a. Administration
- b. Psychosocial aspects in physical therapy practice
- c. Community health
- d. Legal and ethical aspects of physical therapy practice
- e. Medical terminology
- f. Communication (related to client/patient care)

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to each page of the Evaluation Checklist for authentication purposes.

General Education

A. HUMANITIES: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. English*		
2. English Composition*		
3. Speech or Oral Communication		
4. Foreign Language (other than native language)		
5. Literature		
6. Art		
7. Music		
8. Native Language		

*For rows 1 & 2, if no credit in English or English composition is provided, the licensing jurisdiction should require the applicant to demonstrate English proficiency.

B. PHYSICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Chemistry with laboratory (Course I)*		
2. Physics with laboratory (Course I)*		
3. Geology		
4. Astronomy		

*Recommended

C. BIOLOGICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Biology		
2. Anatomy *		
3. Physiology *		
4. Zoology		
5. Kinesiology		
6. Neuroscience		
7. Genetics		

* Could be completed as Professional Education

D. SOCIAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		

E. BEHAVIORAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Psychology*		
2. Anthropology		
3. Philosophy		
4. Ethics		
5.		
6.		

* Could be completed as Professional Education

F. MATHEMATICS: Not required	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 45 semester credits is required in this area.

A. BASIC HEALTH SCIENCE: Must include but not limited to areas 1 – 4.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Human Anatomy (Specific to physical therapy)			
2. Human Physiology (Specific to physical therapy)			
3. Kinesiology or Functional Anatomy			
4. Pathology			

B. MEDICAL SCIENCE: Clinical medicine pertinent to physical therapy.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. General Medical Surgical Conditions			
2.			
3.			

C. CLINICAL SCIENCE: Examination & Evaluation (Tests & Measures) Must include but is not limited to 1a – 3b.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Musculoskeletal System			
a. Examination			
2. Neuromuscular System			
a. Examination			
3. Tests & Measures			
a. Examination			
b. Evaluation			
4.			

Note: Within the credit hours assigned in Clinical Science: Examination & Evaluation above, indicate on the Examination and Evaluation Content Area Summary below, content for which you found evidence for items 1 - 9.

Examination and Evaluation Content Area Summary

Must include, but are not limited to the following:	Present = √ Absent = Ø	Transcript Reference
1. Anthropometric characteristics		
2. Assistive and adaptive devices		
3. Gait, assisted locomotion, and balance		
4. Muscle performance (including strength, power, and endurance)		
5. Orthotic, protective and supportive devices		
6. Pain		
7. Prosthetic requirements		
8. Range of motion		
9. Self-care and home management (including activities of daily living and instrumental activities of daily living)		

D. CLINICAL SCIENCE: Interventions Must include but is not limited to 1 – 3.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Musculoskeletal Interventions			
2. Neuromuscular Interventions			
3. Physical Agents/Electrotherapy			
4.			
5.			

Note: Within the credit hours assigned in Clinical Science: Interventions above, indicate on the Intervention Content Area Summary below, content for which you found evidence for items 1-4.

Intervention Content Area Summary

Must include, but are not limited to, the following:	Present = √ Absent = Ø	Transcript Reference
1. Electrotherapeutic modalities		
2. Physical agents and mechanical modalities		
3. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment		
4. Therapeutic exercise (including aerobic conditioning)		

E. CLINICAL EDUCATION	CREDIT HOURS*	TRANSCRIPT REFERENCE	COMMENTS
Two Clinical Internships, total 600 hours			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory. The applicant must have a minimum of two time clinical experiences of no less than 600 hours total that are supervised by a physical therapist.

*Maximum number of full-time clinical education credits is 15.

F. RELATED PROFESSIONAL COURSEWORK: Must include but not limited to areas 1 – 6.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Professional Behaviors			
2. Administration			
3. Community Health			
4. Communication (related to client/patient care)			
5. Legal and Ethical Aspects of Physical Therapy practice			
6. Psychosocial Aspects in Physical Therapy Practice			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(45 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:
1. Status (recognition/accreditation) within the country's educational system:
2. Entry requirements (secondary education):
3. Degree equivalence (Baccalaureate, etc.):
4. Other (CAPTE accreditation, etc.):

Summary

Total General Education Credits	
Total Professional Education Credits (45 Minimum):	
Total Credits (105 Minimum)	
Total Credits for BS degree (120 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That portion of a physical therapy program that is conducted in the healthcare environment rather than the academic environment. (*A Normative Model of Physical Therapist Professional Education: Version 2004: p. 159.*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159.*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Content Area: Component competencies as designated from the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapists* (Adopted October 1996; Effective January 1998), and designated by match with the *Essentials of an Acceptable School of Physical Therapy*; (AMA, 1955)

Course: A series of study which is taught at the post-secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*)

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied* and as *biological*, *physical*, and *behavioral*. (*A Normative Model of Physical Therapist Professional Education: Version 2004, p. 162*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements.

Grades: Undergraduate grades must equate to a “C” average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a “C” or higher. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFSA publications, or AACROA publications.

Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004*; Page 163)

Standards: Foundational requirements of an established profession to determine entry-level professional/technical requirements for physical therapists. In physical therapy, *The Essentials of an Acceptable School of Physical Therapy (AMA 1955)*, *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Professional Education: Version 2004*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1978 to 1991

CWT 2

Federation of State Boards of Physical Therapy
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COURSEWORK TOOL 2

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 2 is based upon the 1978 American Physical Therapy Association Standards for Accreditation.

The CWT that reflects current standards may be used to determine qualifications for prescreening certification for the United States Citizenship and Immigration Services (USCIS). They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 120 semester credit hours. The general credits and professional credit minimums do not meet the minimal requirement of a B.S. degree, thus electives could be included to meet the minimum of 120 credits hour and the baccalaureate degree. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the baccalaureate degree. The applicant must have completed sufficient credit to satisfy the requirement for a baccalaureate degree and content in physical therapy curriculum. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of humanities, physical science, biological science, social science, behavioral science, and mathematics, must be identified. A minimum of a one semester course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

2. Physical Science

- a. Chemistry with laboratory (recommended)
- b. Physics with laboratory (recommended)
- c. Geology
- d. Astronomy

3. Biological Science

- | | |
|-----------------------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy (recommended) | f. Neuroscience |
| c. Physiology (recommended) | g. Genetics |
| d. Zoology | |

4. Social Science

- | | |
|--------------|----------------------|
| a. History | d. Economics |
| b. Geography | e. Political science |
| c. Sociology | f. Religion |

5. Behavioral Science

- | | |
|-----------------------------|---------------|
| a. Psychology (recommended) | c. Philosophy |
| b. Anthropology | d. Ethics |

6. Mathematics (Not Required)

- | | |
|---------------|-----------------|
| a. Statistics | d. Geometry |
| b. Algebra | e. Trigonometry |
| c. Calculus | |

Professional Education

Sixty semester credits shall be the minimum required in professional education, reflecting no less than two years of study.

1. Basic Health Science

Content is required in each topic listed (a through e) under basic health sciences.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Neurosciences (neuroanatomy or neurophysiology)
- d. Kinesiology or functional anatomy
- e. Pathology

2. Medical and Clinical Science

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination and Intervention. Therefore, educational coursework must contain all of the following:

- a. Clinical medicine pertinent to physical therapy. This must include but not be limited to:
 - 1. Neurology
 - 2. Orthopedics
 - 3. Cardiopulmonary

- b. Physical therapist coursework must include but not be limited to:

1. Integumentary	3. Neuromuscular System
a. Examination	a. Examination
b. Evaluation	b. Evaluation
2. Musculoskeletal System	4. Cardiopulmonary
a. Examination	a. Examination
b. Evaluation	b. Evaluation

- c. Physical therapist coursework must include but is not limited to:
 - 1. Integumentary Interventions
 - 2. Musculoskeletal Interventions
 - 3. Neuromuscular Interventions
 - 4. Cardiopulmonary Interventions
 - 5. Physical Agents/Electrotherapy

3. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy. The applicant must have a minimum of 600 hours total, which are completed in multiple sites and supervised by a physical therapist. The maximum number of full-time clinical education credits is 20.

4. Related Professional Coursework

- | | |
|---------------------------|---|
| a. Professional Behaviors | f. Medical Terminology |
| b. Administration | g. Communication (related to client/patient care) |
| c. Community Health | h. Legal and ethical aspects of physical therapy practice |
| d. Research | i. Psychosocial aspects in physical therapy practice |
| e. Educational Techniques | |

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to each page of the Evaluation Checklist for authentication purposes.

General Education

A. HUMANITIES: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. English*		
2. English Composition*		
3. Speech or Oral Communication		
4. Foreign Language (other than native language)		
5. Literature		
6. Art		
7. Music		
8. Native Language		
9.		

*For rows 1 & 2, if no credit in English or English composition is provided, the licensing jurisdiction should require the applicant to demonstrate English proficiency.

B. PHYSICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Chemistry with laboratory (Course I)*		
2. Physics with laboratory (Course I)*		
3. Geology		
4. Astronomy		
5.		
6.		

*Recommended

C. BIOLOGICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Biology		
2. Anatomy*		
3. Physiology*		
4. Zoology		
5. Kinesiology		
6. Neuroscience		
7. Genetics		
8.		
9.		

* Could be completed as Professional Education

D. SOCIAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		

E. BEHAVIORAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Psychology*		
2. Anthropology		
3. Philosophy		
4. Ethics		
5.		
6.		

* Could be completed as Professional Education

F. MATHEMATICS: Not Required	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 60 semester credits is required in this area.

A. BASIC HEALTH SCIENCE: Must include but not limited to areas 1 – 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Human Anatomy (Specific to Physical Therapy)			
2. Human Physiology (Specific to physical therapy)			
3. Neuroscience (Neuroanatomy or Neurophysiology)			
4. Kinesiology or Functional Anatomy			
5. Pathology			

B. MEDICAL SCIENCE: Clinical medicine pertinent to physical therapy. Must include but not limited to 1 - 3.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Neurology			
2. Orthopedics			
3. Cardiopulmonary			
4.			

C. CLINICAL SCIENCE: Examination & Evaluation (Tests & Measures) Must include but not limited to 1a – 4b.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary System			
a. Examination			
b. Evaluation			
2. Musculoskeletal System			
a. Examination			
b. Evaluation			
3. Neuromuscular System			
a. Examination			
b. Evaluation			
4. Cardiopulmonary System			
a. Examination			

b. Evaluation			
5.			

Note: Within the credit hours assigned in Clinical Science: Examination and Evaluation above, indicate on the examination and evaluation content area summary below, content for which you found evidence for items 1 - 10.

Examination and Evaluation Content Area Summary

Must include, but not limited to the following:	Present = √ Absent = ∅	Transcript Reference
1. Anthropometric characteristics		
2. Assistive and adaptive devices		
3. Environmental, home, and work barriers		
4. Gait, assisted locomotion, and balance		
5. Muscle performance (including strength, power, and endurance)		
6. Orthotic, protective, and supportive devices		
7. Pain		
8. Prosthetic requirements		
9. Range of motion		
10. Self-care and home management (including activities of daily living and instrumental activities of daily living)		

D. CLINICAL SCIENCE: Interventions Must include but not limited to 1 – 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary Interventions			
2. Musculoskeletal Interventions			
3. Neuromuscular Interventions			
4. Cardiopulmonary Interventions			
5. Physical Agents/Electro			

Note: Within the credit hours assigned in Clinical Science: Interventions, indicate on the intervention content area summary below, content for which you found evidence for items 1-8.

Intervention Content Area Summary

Must include, but not limited to, the following:	Present = √ Absent = Ø	Transcript Reference
1. Debridement and wound care		
2. Electrotherapeutic modalities		
3. Functional training in community work (job, school, or play) reintegration (including instrumental activities of daily living, work hardening, and work conditioning)		
4. Functional training in self-care and home management (including activities of daily living and instrumental activities of daily living)		
5. Patient-related instruction		
6. Physical agents and mechanical modalities		
7. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment		
8. Therapeutic exercise (including aerobic conditioning		

E. CLINICAL EDUCATION	CREDIT HOURS*	TRANSCRIPT REFERENCE	COMMENTS
Two Clinical Internships, total 600 hours			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory. The applicant must have a minimum of two time clinical experiences of no less than 600 hours total that are supervised by a physical therapist.

*Maximum number of full time clinical education credits is 20.

F. RELATED PROFESSIONAL COURSE WORK: Must include but not limited to areas 1 – 9.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Professional Behaviors			
2. Administration			
3. Community Health			
4. Research and Clinical Decision Making			
5. Educational Techniques			
6. Medical Terminology			
7. Communication			

(related to client/patient care)			
8. Legal and Ethical Aspects of Physical Therapy Practice			
9. Psychosocial Aspects in Physical Therapy Practice			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(60 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:
1. Status (recognition/accreditation) within the country's educational system:
2. Entry requirements (secondary education):
3. Degree equivalence (Baccalaureate, etc.):
4. Other (CAPTE accreditation, etc.):

Summary

Total General Education Credits	
Total Professional Education Credits (60 Minimum):	
Total Credits for BS degree (120 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That portion of a physical therapy program that is conducted in the healthcare environment rather than the academic environment. (*A Normative Model of Physical Therapist Professional Education: Version 2004: p. 159*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Content Area: Component competencies as designated by the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapists* (Adopted October 1996; Effective January 1998), and designated to match the *APTA Standards For Accreditation of Physical Therapy Education Programs*. (Adopted June 1978)

Course: A series of study which is taught at the post-secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*)

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied* and as *biological*, *physical*, and *behavioral*. (*A Normative Model of Physical Therapist Professional Education: Version 2004, p. 162*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements.

Grades: Undergraduate grades must equate to a “C” average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a “C” or higher. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFSA publications, or AACROA publications.

Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004*; Page 163)

Standards: Foundational requirements of an established profession; in this case used by FCCPT to determine entry-level professional requirements for physical therapists. In physical therapy, *APTA Standards For Accreditation of Physical Therapy Education Programs* (1978), *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Professional Education Version 2004*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1992 to 1997

CWT 3

Federation of State Boards of Physical Therapy
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COURSEWORK TOOL 3

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 3 is based upon the *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*, CAPTE, which was implemented by FSBPT on January 1, 1992.

The CWT that reflects current standards may be used to determine qualifications for prescreening certification for the United States Citizenship and Immigration Services (USCIS). They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 120 semester credit hours. The general credits and professional credit minimums do not meet the minimal requirement of a B.S. degree, thus electives could be included to meet the minimum of 120 credits hour and the baccalaureate degree. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the baccalaureate degree. The applicant must have completed sufficient credit to satisfy the requirement for a baccalaureate degree and content in physical therapy curriculum. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of humanities, physical science, biological science, social science, behavioral science, and mathematics. A minimum of a one-semester course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

2. Physical Science

- a. Chemistry with laboratory (required)
- b. Physics with laboratory (required)
- c. Geology
- d. Astronomy

3. Biological Science

- | | |
|---------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy | f. Neuroscience |
| c. Physiology | g. Genetics |
| d. Zoology | |

4. Social Science

- | | |
|--------------|----------------------|
| a. History | d. Economics |
| b. Geography | e. Political science |
| c. Sociology | f. Religion |

5. Behavioral Science

- | | |
|-----------------------------|---------------|
| a. Psychology
(required) | c. Philosophy |
| b. Anthropology | d. Ethics |

6. Mathematics

- | | |
|---------------|-----------------|
| a. Statistics | d. Geometry |
| b. Algebra | e. Trigonometry |
| c. Calculus | |

Professional Education

Sixty-nine semester credits shall be the minimum required in professional education, reflecting no less than two years of study.

1. Basic Health Science

Content Area is required in each topic listed (a through e) under basic health sciences.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Neurosciences (neuroanatomy or neurophysiology)
- d. Kinesiology or functional anatomy
- e. Pathology

2. Medical and Clinical Science

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination and Intervention. Therefore, educational coursework must contain all of the following:

- a. Clinical medicine pertinent to physical therapy. This must include but not be limited to:
 1. Neurology
 2. Orthopedics
 3. Pediatrics
 4. Geriatrics
 5. Cardiopulmonary
- b. Physical therapist coursework must include but not be limited to:

<ol style="list-style-type: none">1. Integumentary<ol style="list-style-type: none">a. Examinationb. Evaluation2. Musculoskeletal System<ol style="list-style-type: none">a. Examinationb. Evaluation	<ol style="list-style-type: none">3. Neuromuscular System<ol style="list-style-type: none">a. Examinationb. Evaluation4. Cardiopulmonary<ol style="list-style-type: none">a. Examinationb. Evaluation
--	--
- c. Physical therapist coursework must include but is not limited to:
 1. Integumentary Interventions
 2. Musculoskeletal Interventions
 3. Neuromuscular Interventions
 4. Cardiopulmonary Interventions
 5. Physical Agents/Electrotherapy

3. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy. The applicant must have a minimum of 800 hours total, which are completed in multiple sites and supervised by a physical therapist. The maximum number of full-time clinical education credits is 23.

4. Related Professional Coursework

- | | |
|---|---|
| <ol style="list-style-type: none">a. Professional Behaviorsb. Administrationc. Community Healthd. Researche. Educational Techniques | <ol style="list-style-type: none">f. Medical Terminologyg. Communication (related to client/patient care)h. Legal and ethical aspects of physical therapy practicei. Psychosocial aspects in physical therapy practicej. Consultation, Screening & Delegation |
|---|---|

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to each page of the Evaluation Checklist for authentication purposes.

General Education

A. HUMANITIES: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. English*		
2. English Composition*		
3. Speech or Oral Communication		
4. Foreign Language (other than native language)		
5. Literature		
6. Art		
7. Music		
8. Native Language		
9.		

*For rows 1 & 2, if no credit in English or English composition is provided, the licensing jurisdiction should require the applicant to demonstrate English proficiency.

B. PHYSICAL SCIENCE: Two courses minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Chemistry with laboratory (Course I)*		
2. Physics with laboratory (Course I)*		
3. Geology		
4. Astronomy		
5.		
6.		

*Required

C. BIOLOGICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Biology		
2. Anatomy		
3. Physiology		
4. Zoology		
5. Kinesiology		
6. Neuroscience		
7. Genetics		
8.		
9.		

D. SOCIAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		
7.		
8.		

E. BEHAVIORAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Psychology		
2. Anthropology		
3. Philosophy		
4. Ethics		
5.		
6.		

F. MATHEMATICS: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 69 semester credits is required in this area.

A. BASIC HEALTH SCIENCE: Must include but not limited to areas 1 – 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Human Anatomy (Specific to physical therapy)			
2. Human Physiology (Specific to physical therapy)			
3. Neuroscience (Neuroanatomy or Neurophysiology)			
4. Kinesiology or Functional Anatomy			
5. Pathology			

B. MEDICAL SCIENCE: Clinical medicine pertinent to physical therapy. Must include but not limited to areas 1-5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Neurology			
2. Orthopedics			
3. Pediatrics			
4. Geriatrics			
5. Cardiopulmonary			
6.			

C. CLINICAL SCIENCE: Examination & Evaluation (Tests & Measures) Must include but not limited to areas 1a – 4b.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary System			
a. Examination			
b. Evaluation			
2. Musculoskeletal System			
a. Examination			
b. Evaluation			
3. Neuromuscular System			
a. Examination			
b. Evaluation			
4. Cardiopulmonary System			
a. Examination			
b. Evaluation			
5.			

Note: Within the credit hours assigned in Clinical Science: Examination & Evaluation above, indicate on the examination and evaluation content area summary below, content for which you found evidence for items 1 - 16.

Examination and Evaluation Content Area Summary

	Present = √ Absent = Ø	Transcript Reference
Must include but not limited to areas 1-16.		
1. Anthropometric characteristics		
2. Assistive and adaptive devices		
3. Environmental, home, and work barriers		
4. Gait, assisted locomotion, and balance		
5. Integumentary integrity		
6. Joint integrity and mobility		
7. Motor function		
8. Muscle performance (including strength, power, and endurance)		
9. Neuromotor development and sensory integration		
10. Pain		
11. Posture		
12. Range of motion		
13. Reflex integrity		
14. Self-care and home management (including activities of daily living and instrumental activities of daily living)		

Must include but not limited to areas 1-16.	Present = √ Absent = Ø	Transcript Reference
15. Sensory integration (including proprioception and kinesthesia)		
16. Ventilation, respiration, and circulation		

D. CLINICAL SCIENCE: Interventions Must include but not limited to areas 1 – 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary Interventions			
2. Musculoskeletal Interventions			
3. Neuromuscular Interventions			
4. Cardiopulmonary Interventions			
5. Physical Agents/Electro			

Note: Within the credit hours assigned in Clinical Science: Interventions above, indicate on the intervention content area summary below, content for which you found evidence for items 1-10.

Intervention Content Area Summary

Must include, but not limited to areas 1-10.	Present = √ Absent = Ø	Transcript Reference
1. Airway clearance techniques		
2. Debridement and wound care		
3. Electrotherapeutic modalities		
4. Functional training in community work (job, school, or play) reintegration (including instrumental activities of daily living, work hardening, and work conditioning)		
5. Functional training in self-care and home management (including activities of daily living and instrumental activities of daily living)		
6. Manual therapy techniques		
7. Patient-related instruction		
8. Physical agents and mechanical modalities		
9. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment		
10. Therapeutic exercise (including aerobic conditioning		

E. CLINICAL EDUCATION	CREDIT HOURS**	TRANSCRIPT REFERENCE	COMMENTS
Two Clinical Internships, total 800 hours			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory. The applicant must have a minimum of one full-time clinical internship and a total of no less than 800 hours that are supervised by a physical therapist. Clinical experiences should be integrated as well as terminal in nature.

**Maximum number of full time clinical education credits is 23.

F. RELATED PROFESSIONAL COURSEWORK: Must include but not limited to areas 1 – 10.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Professional Behaviors			
2. Administration			
3. Community Health			
4. Research and Clinical Decision Making			
5. Educational Techniques			
6. Medical Terminology			
7. Communication (related to client/patient care)			
8. Legal and Ethical Aspects of Physical Therapy Practice			
9. Psychosocial Aspects in Physical Therapy Practice			
10. Consultation, Screening & Delegation			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(69 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:
1. Status (recognition/accreditation) within the country's educational system:
2. Entry requirements (secondary education):
3. Degree equivalence (Baccalaureate, etc.):
4. Other (CAPTE accreditation, etc.):

Summary

Total General Education Credits :	
Total Professional Education Credits (69 Minimum):	
Total Credits for BS degree (120 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That portion of a physical therapy program that is conducted in the healthcare environment rather than the academic environment. (*A Normative Model of Physical Therapist Professional Education: Version 2004: p. 159*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Content Area: Component competencies as designated by the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapists* (Adopted October 1996; Effective January 1998).

Course: A series of study which is taught at the post secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*)

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied* and as *biological*, *physical*, and *behavioral*. (*A Normative Model of Physical Therapist Professional Education: Version 2004, p. 162*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements

Grades: Undergraduate grades must equate to a "C" average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a "C" or higher. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and

recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFAA publications, or AACROA publications.

Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004*; Page 163)

Standards: Foundational requirements of an established profession; in this case used by FCCPT to determine entry-level professional requirements for physical therapists. In physical therapy, *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Professional Education: Version 2004*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



FSBPT Coursework Tool For Foreign Educated Physical Therapists who graduated from 1998 to June 30, 2009

CWT 4

Federation of State Boards of Physical Therapy
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COURSEWORK TOOL 4

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 4 is based upon the *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*, CAPTE, which was implemented by FSBPT on January 1, 1998.

The CWT that reflects current standards may be used to determine qualifications for prescreening certification for the United States Citizenship and Immigration Services (USCIS). They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 150 semester credit hours as a prerequisite. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the first professional degree. The applicant must have completed sufficient credit to satisfy the requirement for a post-baccalaureate degree. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of humanities, physical science, biological science, social science, behavioral science, and mathematics, must be identified. A minimum of a one-semester course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require a specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

2. Physical Science

- a. Chemistry with laboratory (two courses required)
- b. Physics with laboratory (two courses required)
- c. Geology
- d. Astronomy

3. Biological Science

- | | |
|---------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy | f. Neuroscience |
| c. Physiology | g. Genetics |
| d. Zoology | |

4. Social Science

- | | |
|--------------|----------------------|
| a. History | d. Economics |
| b. Geography | e. Political science |
| c. Sociology | f. Religion |

5. Behavioral Science

- | | |
|-----------------|---------------|
| a. Psychology | c. Philosophy |
| b. Anthropology | d. Ethics |

6. Mathematics

- | | |
|---------------|-----------------|
| a. Statistics | d. Calculus |
| b. Algebra | e. Trigonometry |

c. Pre-calculus

f. Geometry

Professional Education

Ninety semester credits shall be the minimum required in professional education.

1. Basic Health Science

Content is required in each topic listed (a through e) under basic health sciences.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Neuroscience
- d. Kinesiology or functional anatomy
- e. Pathology

2. Medical and Clinical Science

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination, Evaluation, and Intervention. Therefore, educational coursework must contain all of the following:

- a. Clinical medicine pertinent to physical therapy. This must include but not be limited to:
 1. Neurology
 2. Orthopedics
 3. Pediatrics
 4. Geriatrics
 5. Cardiopulmonary
 6. Pharmacology
- b. Physical therapist coursework must include but not be limited to:

<ol style="list-style-type: none">1. Integumentary System<ol style="list-style-type: none">a. Examinationb. Evaluation2. Musculoskeletal System<ol style="list-style-type: none">a. Examinationb. Evaluation	<ol style="list-style-type: none">3. Neuromuscular System<ol style="list-style-type: none">a. Examinationb. Evaluation4. Cardiopulmonary System<ol style="list-style-type: none">a. Examinationb. Evaluation
---	---

Note: Examination and evaluation content areas must be completed. See Examination and Evaluation Content Area Summary.

- c. Physical therapist coursework must include but is not limited to:
 1. Integumentary Interventions
 2. Musculoskeletal Interventions
 3. Neuromuscular Interventions
 4. Cardiopulmonary Interventions

Note: Intervention content areas must be completed. See Intervention Content Area Summary.

3. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical internships of no less than 800 hours total, which are supervised by a physical therapist. The maximum number of full time clinical education credits is 23.

4. Related Professional Coursework

Content is required in the following nine areas:

- | | | |
|---------------------------|--|---|
| a. Professional behaviors | d. Research and clinical decision making | g. Communication (related to client/patient care) |
| b. Administration | e. Educational techniques | h. Legal and ethical aspects of physical therapy practice |
| c. Community health | f. Medical terminology | i. Psychosocial aspects in physical therapy practice |

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to each page of the Evaluation Checklist for authentication purposes.

General Education

A. HUMANITIES: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. English*		
2. English Composition*		
3. Speech or Oral Communication		
4. Foreign Language (other than native language)		
5. Literature		
6. Art		
7. Music		
8. Native Language		
9.		

*For rows 1 & 2, if no credit in English or English composition is provided, the licensing jurisdiction should require the applicant to demonstrate English proficiency.

B. PHYSICAL SCIENCE: Two one-semester courses in chemistry with laboratory and two one-semester courses in physics with laboratory are required*	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Chemistry with laboratory (Course I)*		
2. Chemistry, with laboratory (Course II)*		
3. Physics with laboratory (Course I)*		
4. Physics with laboratory (Course II)*		
5. Geology		
6. Astronomy		
7.		
8.		

*Required

C. BIOLOGICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Biology		
2. Anatomy		
3. Physiology		
4. Zoology		
5. Kinesiology		
6. Neuroscience		
7. Genetics		
8.		
9.		

D. SOCIAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		
7.		
8.		

E. BEHAVIORAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Psychology*		
2. Anthropology		
3. Philosophy		
4. Ethics		
5.		
6.		

*Required

F. MATHEMATICS: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		
7.		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 90 semester credits is required in this area.

A. BASIC HEALTH SCIENCE: Must include but not limited to areas 1- 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Human Anatomy (Specific to physical therapy)			
2. Human Physiology (Specific to physical therapy)			
3. Neuroscience (Neuroanatomy/ Neurophysiology)			
4. Kinesiology or Functional Anatomy			
5. Pathology			
6.			
7.			

B. MEDICAL SCIENCE: Clinical medicine pertinent to physical therapy. Must include but not limited to 1 - 6.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Neurology			
2. Orthopedics			
3. Pediatrics			
4. Geriatrics			
5. Cardiopulmonary			
6. Pharmacology			
7.			
8.			
9.			
10.			

C. CLINICAL SCIENCE: Examination & Evaluation Must include but not limited to 1a – 4b.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary System			
a. Examination			
b. Evaluation			
2. Musculoskeletal System			
a. Examination			
b. Evaluation			
3. Neuromuscular System			
a. Examination			
b. Evaluation			
4. Cardiopulmonary System			
a. Examination			
b. Evaluation			
5.			
6.			
7.			

Note: Within the credit hours assigned in Clinical Science: Examination & Evaluation above, indicate on the examination and evaluation content area summary below, for which you found evidence for items 1 - 23.

Examination and Evaluation Content Area Summary

Must include, but are not limited to areas 1-23:	Present = √ Absent = Ø	Transcript Reference
1. Aerobic capacity		
2. Anthropometric characteristics		
3. Arousal, mentation, and cognition		
4. Assistive and adaptive devices		
5. Community and work (job, school, or play) reintegration		
6. Cranial nerve integrity		
7. Environmental, home, and work barriers		
8. Ergonomics and body mechanics		
9. Gait, assisted locomotion, and balance		
10. Integumentary integrity		
11. Joint integrity and mobility		
12. Motor function		
13. Muscle performance (including strength, power, and endurance)		
14. Neuromotor development and sensory integration		

Must include, but are not limited to areas 1-23:	Present = √ Absent = ∅	Transcript Reference
15. Orthotic, protective and supportive devices		
16. Pain		
17. Posture		
18. Prosthetic requirements		
19. Range of motion		
20. Reflex integrity		
21. Self-care and home management (including activities of daily living and instrumental activities of daily living)		
22. Sensory integration (including proprioception and kinesthesia)		
23. Ventilation, respiration, and circulation		
24.		
25.		

Adapted from *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*. Commission on Accreditation in Physical Therapy Education; 1996; p. 29.

D. CLINICAL SCIENCE: Interventions Must include but not limited to areas 1 – 4.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Integumentary Interventions			
2. Musculoskeletal Interventions			
3. Neuromuscular Interventions			
4. Cardiopulmonary Interventions			
5.			
6.			

Note: Within the credit hours assigned in Clinical Science: Interventions above, indicate on the intervention content area summary below, content for which you found evidence for items 1-10.

Intervention Content Area Summary

Must include, but not limited to, areas 1-10.	Present = √ Absent = Ø	Transcript Reference
1. Airway clearance techniques		
2. Debridement and wound care		
3. Electrotherapeutic modalities		
4. Functional training in community and work (job, school, or play) reintegration (including instrumental activities of daily living, work hardening, and work conditioning)		
5. Functional training in self-care and home management (including activities of daily living and instrumental activities of daily living)		
6. Manual therapy techniques		
7. Patient-related instruction		
8. Physical agents and mechanical modalities		
9. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment		
10. Therapeutic exercise (including aerobic conditioning)		
11.		
12.		

Adapted from: *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*. Commission on Accreditation in Physical Therapy Education; 1996; p. 30.

E. CLINICAL EDUCATION	CREDIT HOURS*	TRANSCRIPT REFERENCE	COMMENTS
Two Clinical Internships, total 800 hours			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical internships of no less than 800 hours total that are supervised by a physical therapist.

*Maximum number of full time clinical education credits is 23.

F. RELATED PROFESSIONAL COURSEWORK: Must include but not limited to areas 1 – 9.	CREDIT HOURS	TRANSCRIPT REFERENCE	COMMENTS
1. Professional Behaviors			
2. Administration			
3. Community Health			
4. Research and Clinical Decision Making			
5. Educational Techniques			
6. Medical Terminology			
7. Communication (related to client/patient care)			
8. Legal and Ethical Aspects of Physical Therapy practice			
9. Psychosocial Aspects in Physical Therapy Practice			
10.			
11.			
12.			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(90 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:
1. Status (recognition/accreditation) within the country's educational system:
2. Entry requirements (secondary education):

Describe the academic level of the educational program and the institution within the context of the country's educational system:
3. Degree equivalence (Baccalaureate, etc.):
4. Other (CAPTE accreditation, etc.):

Summary

Total General Education Credits:	
Total Professional Education Credits (90 Minimum):	
Total Credits (150 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That portion of a physical therapy program that is conducted in the healthcare environment rather than the academic environment. (*A Normative Model of Physical Therapist Professional Education: Version 2004: p. 159*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Content Area: Component competencies as designated by the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapists* (Adopted October 1996; Effective January 1998).

Course: A series of study which is taught at the post secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*)

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied* and as *biological*, *physical*, and *behavioral*. (*A Normative Model of Physical Therapist Professional Education: Version 2004, p. 162*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements

Grades: Undergraduate grades must equate to a "C" average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a "C" or higher. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and

recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFSA publications, or AACROA publications.

Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004*; Page 163)

Standards: Foundational requirements of an established profession; in this case used by FCCPT to determine entry-level professional requirements for physical therapists. In physical therapy, *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Professional Education: Version 2004*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



FSBPT Coursework Tool For Foreign Educated Physical Therapists who Graduated after June 30, 2009

CWT 5

Federation of State Boards of Physical Therapy
124 West Street, South Alexandria, VA 22314
Telephone: 703.299.3100 Fax: 703.299.3110
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COURSEWORK TOOL 5

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 5 is based upon the *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*, CAPTE, which will be implemented by FSBPT on July 1, 2009.

The CWT that reflects current standards may be used to determine qualifications for prescreening certification for the United States Citizenship and Immigration Services (USCIS). They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 150 semester credit hours as a prerequisite. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the first professional degree. The applicant must have completed sufficient credit to satisfy the requirement for a post-baccalaureate degree. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of humanities, physical science, biological science, social science, behavioral science, and mathematics, must be identified. A minimum of a one-semester course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require a specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

2. Physical Science

- a. Chemistry with laboratory (one course required) *
 - b. Physics with laboratory (one courses required) *
 - c. Geology
 - d. Astronomy
- * Two semesters preferred

3. Biological Science

- | | |
|----------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy* | f. Neuroscience |
| c. Physiology* | g. Genetics |
| d. Zoology | |
- * One year of anatomy & physiology preferred

4. Social Science

- | | |
|--------------|----------------------|
| a. History | d. Economics |
| b. Geography | e. Political science |
| c. Sociology | f. Religion |

5. Behavioral Science

- | | |
|-----------------|---------------|
| a. Psychology* | c. Philosophy |
| b. Anthropology | d. Ethics |
- * Required

6. Mathematics

- | | |
|-----------------|-----------------|
| a. Statistics | d. Calculus |
| b. Algebra | e. Trigonometry |
| c. Pre-calculus | f. Geometry |

Professional Education

Ninety semester credits shall be the minimum required in professional education.

1. Basic Health Science

Content is required in each topic listed (a through e) under basic health sciences.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Neuroscience
- d. Kinesiology or functional anatomy
- e. Pathology

2. Medical and Clinical Science

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination, Evaluation, and Intervention. Therefore, educational coursework must contain all of the following:

- a. Clinical medicine pertinent to physical therapy. This must include but not be limited to:
 1. Neurology
 2. Orthopedics
 3. Pediatrics
 4. Geriatrics
 5. Cardiopulmonary
 6. Pharmacology
 7. General Medical/Surgical Metabolic Conditions
- b. Physical therapist coursework must include but not be limited to:

1. Integumentary System	3. Neuromuscular System	5. Metabolic Problems
a. Examination	a. Examination	a. Examination
b. Evaluation	b. Evaluation	b. Evaluation
2. Musculoskeletal System	4. Cardiopulmonary System	
a. Examination	a. Examination	
b. Evaluation	b. Evaluation	

Note: Examination and evaluation content areas must be completed. See Examination and Evaluation Content Area Summary.

- c. Physical therapist coursework must include but is not limited to:
 1. Integumentary Interventions
 2. Musculoskeletal Interventions
 3. Neuromuscular Interventions
 4. Cardiopulmonary Interventions

Note: Intervention content areas must be completed. See Intervention Content Area Summary.

3. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical internships of no less than 800 hours total, which are supervised by a physical therapist. The maximum number of full time clinical education credits is 23.

4. Related Professional Coursework

Content is required in the following 12 areas:

- | | | |
|--|---|--|
| a. Professional behaviors | e. Educational techniques | i. Psychosocial aspects in physical therapy practice |
| b. Administration | f. Medical terminology | j. Emergency procedures |
| c. Community health | g. Communication (related to client/patient care) | k. Cultural competency |
| d. Research and clinical decision making | h. Legal and ethical aspects of physical therapy practice | l. Consultation, screening and delegation |

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to each page of the Evaluation Checklist for authentication purposes.

General Education

A. HUMANITIES: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. English*		
2. English Composition*		
3. Speech or Oral Communication		
4. Foreign Language (other than native language)		
5. Literature		
6. Art		
7. Music		
8. Native Language		
9.		

*For rows 1 & 2, if no credit in English or English composition is provided, the licensing jurisdiction should require the applicant to demonstrate English proficiency.

B. PHYSICAL SCIENCE: One semester course in chemistry with laboratory and one semester course in physics with laboratory are required.	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Chemistry with laboratory (Course I)		
2. Chemistry, with laboratory (Course II)*		
3. Physics with laboratory (Course I)		
4. Physics with laboratory (Course II)*		
5. Geology		
6. Astronomy		
7.		
8.		

*One year of chemistry & physics preferred

C. BIOLOGICAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Biology		
2. Anatomy*		
3. Physiology*		
4. Zoology		
5. Kinesiology		
6. Neuroscience		
7. Genetics		
8.		
9.		

* One year of anatomy & physiology preferred

D. SOCIAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		
7.		
8.		

E. BEHAVIORAL SCIENCE: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Psychology*		
2. Anthropology		
3. Philosophy		
4. Ethics		
5.		

*Required

F. MATHEMATICS: One course minimum	CREDIT HOURS	TRANSCRIPT REFERENCE
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		
7.		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 90 semester credits is required in this area.

A. BASIC HEALTH SCIENCE: Must include but not limited to areas 1 – 5.	CREDIT HOURS	TRANSCRIPT REFERENCE	JUSTIFICATION
1. Human Anatomy (Specific to physical therapy)			
2. Human Physiology (Specific to physical therapy)			
3. Neuroscience (Neuroanatomy/ Neurophysiology)			
4. Kinesiology or Functional Anatomy			
5. Pathology			
6.			
7.			

B. MEDICAL SCIENCE: Clinical medicine pertinent to physical therapy. Must include but not limited to areas 1 - 7.	CREDIT HOURS	TRANSCRIPT REFERENCE	JUSTIFICATION
1. Neurology			
2. Orthopedics			
3. Pediatrics			
4. Geriatrics			
5. Cardiopulmonary			
6. Pharmacology			
7. General Medical/Surgical Metabolic Conditions			
8.			
9.			
10.			

C. CLINICAL SCIENCE: Examination & Evaluation Must include but not limited to areas 1a – 5b.	CREDIT HOURS	TRANSCRIPT REFERENCE	JUSTIFICATION
1. Integumentary System			
a. Examination			
b. Evaluation			
2. Musculoskeletal System			
a. Examination			
b. Evaluation			
3. Neuromuscular System			
a. Examination			
b. Evaluation			
4. Cardiopulmonary System			
a. Examination			
b. Evaluation			
5. Metabolic Problems			
a. Examination			
b. Evaluation			

Examination and Evaluation Content Area Summary

Within the credit hours assigned in Clinical Science: Examination & Evaluation above, indicate on the examination and evaluation content area summary below, content for which you found evidence for items 1 - 23.	Present = √ Absent = Ø	Transcript Reference
1. Aerobic capacity		
2. Anthropometric characteristics		
3. Arousal, mentation, and cognition		
4. Assistive and adaptive devices		
5. Community and work (job, school, or play) reintegration		
6. Cranial nerve integrity		
7. Environmental, home, and work barriers		
8. Ergonomics and body mechanics		
9. Gait, assisted locomotion, and balance		
10. Integumentary integrity		
11. Joint integrity and mobility		
12. Motor function		
13. Muscle performance (including strength, power, and endurance)		
14. Neuromotor development and sensory integration		

Within the credit hours assigned in Clinical Science: Examination & Evaluation above, indicate on the examination and evaluation content area summary below, content for which you found evidence for items 1 - 23.	Present = √ Absent = ∅	Transcript Reference
15. Orthotic, protective and supportive devices		
16. Pain		
17. Posture		
18. Prosthetic requirements		
19. Range of motion		
20. Reflex integrity		
21. Self-care and home management (including activities of daily living and instrumental activities of daily living)		
22. Sensory integration (including proprioception and kinesthesia)		
23. Ventilation, respiration, and circulation		
24.		
25.		

Adapted from *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*. Commission on Accreditation in Physical Therapy Education; 1996; p. 29.

D. CLINICAL SCIENCE: Interventions Must include but not limited to areas 1 – 4.	CREDIT HOURS	TRANSCRIPT REFERENCE	JUSTIFICATION
1. Integumentary Interventions			
2. Musculoskeletal Interventions			
3. Neuromuscular Interventions			
4. Cardiopulmonary Interventions			
5. Physical Agents / Electrotherapy			
6.			

Intervention Content Area Summary

Within the credit hours assigned in Clinical Science: Interventions above, indicate on the intervention content area summary below, content for which you found evidence for items 1-10.	Present = √ Absent = ∅	Transcript Reference
1. Airway clearance techniques		
2. Debridement and wound care		
3. Electrotherapeutic modalities		
4. Functional training in community and work (job, school, or play) reintegration (including instrumental activities of daily living, work hardening, and work conditioning)		

5. Functional training in self-care and home management (including activities of daily living and instrumental activities of daily living)		
6. Manual therapy techniques		
7. Patient-related instruction		
8. Physical agents and mechanical modalities		
9. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment		
10. Therapeutic exercise (including aerobic conditioning)		
11.		
12.		

Adapted from *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists*. Commission on Accreditation in Physical Therapy Education; 1996; p. 30.

E. CLINICAL EDUCATION	CREDIT HOURS*	TRANSCRIPT REFERENCE	JUSTIFICATION
Two Clinical Internships, total 800 hours			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical internships of no less than 800 hours total that are supervised by a physical therapist.

*Maximum number of full time clinical education credits is 23.

F. RELATED PROFESSIONAL COURSEWORK: Must include but not limited to areas 1 – 12.	CREDIT HOURS	TRANSCRIPT REFERENCE	JUSTIFICATION
1. Professional Behaviors			
2. Administration			
3. Community Health			
4. Research and Clinical Decision Making			
5. Educational Techniques			
6. Medical Terminology			
7. Communication (related to client/patient care)			
8. Legal and Ethical Aspects of Physical Therapy practice			
9. Psychosocial Aspects in Physical Therapy			

Practice			
10. Emergency Procedures			
11. Cultural Competency			
12. Consultation, Screening & Delegation			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(90 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:
1. Status (recognition/accreditation) within the country's educational system:
2. Entry requirements (secondary education):
3. Degree equivalence (Baccalaureate, Post – Baccalaureate etc.):
4. Other (CAPTE accreditation, etc.):

Summary

Total General Education Credits:	
Total Professional Education Credits (90 Minimum):	
Total Credits (150 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That portion of a physical therapy program that is conducted in the healthcare environment rather than the academic environment. (*A Normative Model of Physical Therapist Professional Education: Version 2004: p. 159*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Content Area: Component competencies as designated by the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapists* (Adopted January 2006; Effective July 1, 2009).

Course: A series of study which is taught at the post secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*).

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied* and as *biological*, *physical*, and *behavioral*. (*A Normative Model of Physical Therapist Professional Education: Version 2004, p. 162*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements

Grades: Undergraduate grades must equate to a “C” average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a “C” or higher. Credentialing decisions for

conversion of grades or semester credits should follow accepted guidelines as published in acceptable and recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFSA publications, or AACROA publications.

Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004*; Page 163)

Standards: Foundational requirements of an established profession; in this case used by FCCPT to determine entry-level professional requirements for physical therapists. In physical therapy, *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Professional Education: Version 2004*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



FSBPT Coursework Tool For Foreign Educated Physical Therapists

CWT 6

For implementation beginning January 1, 2017

Federation of State Boards of Physical Therapy
124 West Street, South Alexandria, VA 22314
Telephone: 703.299.3100 Fax: 703.299.3110
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COURSEWORK TOOL 6

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INTRODUCTION

The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Each CWT reflects the minimum general and professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy. Adoption of the tools would allow the same mobility of foreign educated physical therapists as that afforded to US educated graduates. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to practice. CWT 6 is based upon the Commission on Accreditation of Physical Therapy Education (CAPTE) *Evaluative Criteria for PT Programs* August 2014, which will be implemented by FSBPT on January 1, 2017.

The CWT that reflects current standards may be used to determine qualifications for an applicant to sit for the NPTE, for first-time licensure in US jurisdictions and prescreening certification for the United States Citizenship and Immigration Services (USCIS).

Per the following motion passed by the 2014 Delegate Assembly, CWTs that reflect previous standards may be used to determine qualifications for licensure through endorsement of a foreign educated PT or PTA who is already licensed, certified or registered in another US jurisdiction.

DEL-14-02

The credentials of a foreign educated physical therapist (FEPT) who is currently licensed in a jurisdiction, and is seeking licensure through endorsement in another jurisdiction should be evaluated using the version of the FSBPT Coursework Tool retro tool that covers the date the applicant graduated from their respective physical therapy education program.

This process should be used for those seeking licensure through endorsement only. First-time licensure candidates should be evaluated using the current Coursework Tool.

In addition, rescind Delegate Assembly motion DEL-05-10.

They are also designed to be used by credentialing organizations and education programs. In addition, the CWTs may be used as a self-evaluation method to guide foreign educated physical therapists in comparing their education to US standards.

OVERVIEW

Summary

The applicant must meet the requirement of not less than 170 semester credit hours as a prerequisite. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the first professional degree. The applicant must have completed sufficient credit to satisfy the requirement for at minimum a post-baccalaureate degree. The applicant must also meet any jurisdiction-specific requirements.

General Education

General education in the areas of communications and humanities, physical science, biological science, social and behavioral science, and mathematics, must be identified. A minimum of a one course must be successfully completed in each area of general education unless otherwise noted.

Note: Some jurisdictions may require a specific number of semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Communication and Humanities

- | | |
|--|--------------------|
| a. English | e. Native Language |
| b. English composition | f. Literature |
| c. Speech or oral communication | g. Visual Arts |
| d. Foreign language (other than native language) | h. Performing Arts |
| | i. Philosophy |
| | j. Ethics |

2. Physical Science

- a. Chemistry with laboratory (one course required) *
- b. Physics with laboratory (one courses required) *
- c. Geology
- d. Astronomy

3. Biological Science (General – not core to PT)

- | | |
|---------------|-----------------|
| a. Biology | e. Kinesiology |
| b. Anatomy | f. Neuroscience |
| c. Physiology | |
| d. Zoology | |

4. Social and Behavioral Science

- | | |
|----------------|----------------------|
| a. History | e. Economics |
| b. Geography | f. Political science |
| c. Sociology | g. Religion |
| d. Psychology* | h. Anthropology |

* Required

5. Mathematics

- | | |
|---------------|-------------|
| a. Statistics | d. Calculus |
|---------------|-------------|

- b. Algebra
- c. Pre-calculus
- e. Trigonometry
- f. Geometry
- g. Computer Studies

Professional Education

Ninety semester credits shall be the minimum required in professional education. There should be at least 68 didactic credits and 22 clinical education credits.

1. Basic Health Science

Content is required in each topic listed (a through l) under basic health sciences. The didactic content is basic to the practice of PT practice.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Neuroscience (Neuroanatomy/Neurophysiology)
- d. Kinesiology, functional anatomy or biomechanics
- e. Pathology
- f. Pharmacology
- g. Genetics
- h. Histology
- i. Nutrition
- j. Exercise Science
- k. Psychosocial aspects of health, disability, physical therapy
- l. Diagnostic imaging

2. Medical Science

The competent physical therapist practitioner is cognizant of general medical sciences relevant to healthcare, human function and system interaction. This must include but not be limited to:

- a. Cardiovascular (Including Lymphatic) system
- b. Respiratory system
- c. Endocrine & metabolic systems
- d. Renal, genitourinary systems
- e. Immune system
- f. Integumentary system
- g. Musculoskeletal system
- h. Neurologic system
- i. System interactions
- j. Differential diagnosis
- k. Medical, surgical conditions across the lifespan
 - i. Pediatrics
 - ii. Geriatrics

To prepare a competent physical therapist practitioner, the education must incorporate the essential elements of Examination, Evaluation, and Intervention. Therefore, educational coursework must contain all of the following:

3. Examination

- a. Patient history
- b. Screening of patient
- c. Systems review
- d. Physical exams, tests and measure selection
 - i. Test and measures administration
 - ii. Aerobic capacity/endurance

- iii. Anthropometric characteristics
- iv. Mental functions
- v. Assistive, adaptive devices
- vi. Community work (job, school, or play) reintegration
- vii. Cranial nerve integrity
- viii. Peripheral nerve integrity
- ix. Environmental, home, work barriers
- x. Ergonomics, body mechanics
- xi. Gait
- xii. Integumentary integrity
- xiii. Joint integrity and mobility
- xiv. Mobility (excluding gait)
- xv. Motor function
- xvi. Muscle performance
- xvii. Neuromotor development, sensory processing
- xviii. Pain
- xix. Posture
- xx. Range of motion
- xxi. Reflex integrity
- xxii. Self-care, home management
- xxiii. Sensory integrity
- xxiv. Ventilation, respiration or gas exchange

4. Evaluation

The physical therapist is responsible for the interpretation and analysis of the data collected in the examination of the client/patient. Education must include the following but is not limited to:

- a. Data analysis and evaluation
- b. Patient problem identification
- c. Findings that warrant referral
- d. Prognosis and goal formulation
- e. Plan of care development

5. Plan of Care Implementation

The implementation of treatment interventions is to be included in the educational program for the physical therapist practitioner. This includes the following but is not limited to:

- a. Interventions
 - i. Airway clearance techniques
 - ii. Integumentary repair and protection
 - iii. Wound debridement
 - iv. Electrotherapy
 - v. Physical agents
 - vi. Mechanical agents
 - vii. Community, work, functional training
 - viii. Self-care, home management, functional training
 - ix. Manual therapy techniques (including joint and soft tissue mobilization and massage)
 - x. Patient/client education
 - xi. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment
 - xii. Therapeutic exercise
 - xiii. Mobility training
- b. Plan of care management
- c. Supervision of support staff

- d. Outcome assessment
- e. Discharge or discontinuation planning
- f. Patient-related emergency procedures

6. Clinical Education

Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical internships of no less than 900 hours total, which are supervised by a physical therapist. The required and maximum number of full-time clinical education credits is 22. The clinical internships must also show evidence of a variety of patient diagnoses or conditions.

7. Related Professional Coursework

Content is required in the following 12 areas:

- | | | |
|---|--|--|
| a. Professional roles and behaviors | f. Teaching & learning (including educational theory) | k. Teamwork and inter-professional collaboration |
| b. Healthcare Systems, Administration and Management | g. Documentation (all aspects of patient/client management) | l. Cultural competency |
| c. Community health | h. Communication | m. Consultation |
| d. Health promotion and wellness | i. Legal and regulatory aspects of physical therapy practice | |
| e. Clinical Decision Making Processes - Evidence-based Practice and | j. Ethical aspects and values of physical therapy practice | |

EVALUATION CHECKLIST

Name:	Date:
School:	Country:
Degree:	
Reviewing Organization:	
Reviewer(s):	
Signature of Issuing Organization's Authorized Representative:	
Print Name and Title:	

Note for Reviewing Organizations: Please affix official organization seal to the Evaluation Checklist authentication purposes.

General Education

A. Communication and Humanities One course minimum from the category	Credit Hours	Transcript Reference
1. English Language		
2. English Composition		
3. Speech or Oral Communication		
4. Foreign Language		
5. Native Language		
6. Composition of Research Writing		
7. Literature		
8. Visual Arts		
9. Performing Arts		
10. Philosophy		
11. Ethics		

B. Physical Science: One course in chemistry (with laboratory) and one course in physics (with laboratory) are required*.	Credit Hours	Transcript Reference
1. Chemistry (with laboratory)*		
2. Physics (with laboratory)*		
3. Geology		
4. Astronomy		

C. Biological Science: (General - not core to PT) One course minimum	Credit Hours	Transcript Reference
1. Biology		
2. Anatomy		
3. Physiology		
4. Zoology		
5. Kinesiology		
6. Neuroscience		

D. Social and Behavioral Science: Two courses minimum from the category	Credit Hours	Transcript Reference
1. History		
2. Geography		
3. Sociology		
4. Economics		
5. Religion		
6. Political Science		
7. Psychology*		
8. Anthropology		

*Required

E. Mathematics: One course minimum from the category	Credit Hours	Transcript Reference
1. Statistics		
2. Algebra		
3. Pre-Calculus		
4. Calculus		
5. Trigonometry		
6. Geometry		
7. Computer Studies		

SUB-TOTAL GENERAL EDUCATION CREDITS: _____

Professional Education

A minimum of 90 semester credits is required in this area.

A. Basic Health Science: Must include but not limited to areas 1– 12.	Credit Hours	Transcript Reference	Justification
1. Human Anatomy /core to PT			
2. Human Physiology / core to PT			
3. Neuroscience (Neuroanatomy/ Neurophysiology)			
4. Kinesiology, Functional Anatomy, or Biomechanics			
5. Pathology			
6. Pharmacology			
7. Genetics			
8. Histology			
9. Nutrition			
10. Exercise Science			
11. Psychosocial aspects of health, disability, physical therapy			
12. Diagnostic imaging			

Subtotal Basic Health Science			
-------------------------------	--	--	--

B. Medical Science: Must include but not limited to areas 1 – 11b.	Credit Hours	Transcript Reference	Justification
1. Cardiovascular (including Lymphatic)			
2. Respiratory			
3. Endocrine& Metabolic			
4. Renal, Genitourinary			
5. Immune			
6. Integumentary			
7. Musculoskeletal			
8. Neurologic			
9. System Interactions			
10. Differential Diagnosis			
11. Medical, Surgical Conditions across the life span			
11a. Pediatrics			
11b. Geriatrics			
Subtotal Medical Science			

C. Examination: Must include but not limited to areas 1 – 5w.	Credit Hours	Transcript Reference	Justification
1. History			
2. Screening			
3. Systems Review			
4. Physical Exams, Tests, Measures Selection			
5. Tests and Measures Administration:			
a. Aerobic capacity/Endurance			
b. Anthropometric characteristics			
c. Mental Functions			
d. Assistive, adaptive devices			
e. Community, work (job, school, or play) reintegration			
f. Cranial Nerve Integrity			
g. Peripheral Nerve Integrity			
h. Environmental, home, work barriers			
i. Ergonomics, body mechanics			
j. Gait			
k. Integumentary integrity			
l. Joint integrity and mobility			
m. Mobility (excluding gait)			
n. Motor function			
o. Muscle performance			

p. Neuromotor development, sensory processing			
q. Pain			
r. Posture			
s. Range of motion			
t. Reflex integrity			
u. Self-care, home management			
v. Sensory integrity			
w. Ventilation, respiration or gas exchange			
Subtotal Examination			

D. Evaluation: Must include but not limited to areas 1 - 5.	Credit Hours	Transcript Reference	Justification
1. Data Analysis and Evaluation			
2. Patient Problem Identification			
3. Findings that Warrant Referral			
4. Prognosis and Goal Formulation			
5. Plan of Care Development			
Subtotal Evaluation			

E. Plan of Care Implementation: Must include but not limited to areas 1 (1a-m) – 6.	Credit Hours	Transcript Reference	Justification
1. Interventions			
a. Airway clearance techniques			
b. Integumentary Repair & Protection			
c. Wound Debridement			
d. Electrotherapy			
e. Physical Agents			
f. Mechanical Agents			
g. Community, Work Functional Training			
h. Self-Care, Home Management Function Training			
i. Manual therapy techniques (including joint and soft tissue mobilization and massage)			
j. Patient/Client Education			
k. Prescription, application, and as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and			

equipment			
l. Therapeutic exercise			
m. Mobility Training			
2. Plan of Care Management			
3. Supervision of Support Staff			
4. Outcome Assessment			
5. Discharge or Discontinuation			
6. Patient-related Emergency Procedures			
Subtotal Plan of Care Implementation			

F. Clinical Education 22 credits required*	Credit Hours	Transcript Reference	Justification

Clinical experiences:	Yes	No	TRANSCRIPT REFERENCE
1. Deliver physical therapy services to patients/clients with a variety of diseases and conditions settings			
2. Occur in at least 2 different types of practice settings			

Note: Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention. The applicant must have a minimum of two full-time clinical educational experiences (with a variety of patient populations, diagnoses, and acuity levels) of no less than 900 hours.

*Full time clinical education credits is to be 22 credits.

G. Related Professional Coursework: Must include but not limited to areas 1-13.	Credit Hours	Transcript Reference	Justification
1. Professional Roles and Behaviors			
2. Healthcare Systems, Administration, and Management			
3. Community Health			
4. Health Promotion and Wellness			
5. Clinical Decision Making Processes - Evidence-based Practice and			
6. Teaching and Learning (including educational theory)			
7. Documentation (all aspects of patient/client management)			
8. Communication			
9. Legal and Regulatory Aspects			

of Physical Therapy practice			
10. Ethical Aspects and values of Physical Therapy Practice			
11. Teamwork and Inter-professional Collaboration			
12. Cultural Competency			
13. Consultation			
Subtotal Related Professional Coursework			

SUB-TOTAL PROFESSIONAL EDUCATION CREDITS: _____
(90 minimum)

Academic Institution

Describe the academic level of the educational program and the institution within the context of the country's educational system:	
1.	Status (recognition/accreditation) within the country's educational system:
2.	Entry Requirements (secondary education):
3.	Degree Equivalence (Baccalaureate, Post-Baccalaureate etc.)
4.	Other (CAPTE accreditation, etc.)

Summary

Total General Education Credits:	
Total Professional Education Didactic Credits (68 Minimum):	
Total Clinical Education Hours (900 Hours required equals 22 credits)	
Total Credits (170 Minimum)	

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level degree.

Clinical Education: That aspect of the professional curriculum during which student learning occurs directly as a function of being immersed within physical therapist practice. These experiences comprise all of the formal and practical “real-life” learning experiences provided for students to apply classroom knowledge, skills, and professional behaviors in the clinical environment. (CAPTE Evaluative Criteria)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Professional Education: Version 2004; p. 159*)

Comments: Validation of transcript references. Identifies specific location within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions or other curricular documents.

Course: A series of study which is taught at the post secondary level, which results in an official transcript of record with assigned grade, a course description and syllabus, and credit that can be verified by the institution. Credit is either assigned by a semester of 15 weeks, plus an exam week, or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 40 hours of clinical education.

Evaluation: A dynamic process in which the physical therapist makes clinical judgments gathered during the examination (*Guide to Physical Therapist Practice Rev. Second Edition, 2003, APTA*).

Examination: A comprehensive and specific testing process performed by a physical therapist that leads to diagnostic classification or, as appropriate, to a referral to another practitioner. The Examination has three components: the patient/client history, the systems reviews, and tests and measures. (*Guide to Physical Therapist Practice Rev. Second Edition, APTA, 2003*).

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the post secondary level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the core course requirements

Grades: Undergraduate grades must equate to a “C” average in the United States. No failing grades should be accepted. Professional coursework must meet the requirement of a “C” or higher. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and recognized country codes and “International Reference Guides.” This includes, but is not limited to P.I.E.R., NAFAA publications, or AACROA publications.

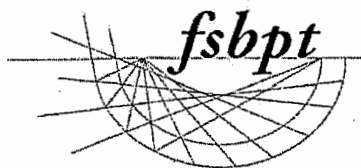
Intervention: The purposeful interaction of the physical therapist with the patient/client, and, when appropriate, with other individuals involved in patient/client care, using various physical therapy procedures and techniques to produce changes in the condition. (*A Normative Model of Physical Therapist Professional Education: Version 2004;*

Page 163)

Standards: Foundational requirements of an established profession; in this case used by credentialing agencies to determine entry-level professional requirements for physical therapists. In physical therapy, *The Guide to Physical Therapist Practice Second Edition, A Normative Model of Physical Therapist Professional Education: Version 2004*, and *Evaluative Criteria for PT Programs* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Coursework completed may not be identical in all respects to a U.S. first professional degree in physical therapy, but all required content areas are evident. Deficiencies may be noted in coursework, but not in essential areas of professional education nor be of such magnitude that the education is not deemed to be at the entry-level of preparation for practice in the United States.

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.



Coursework Tool For Foreign Educated Physical Therapist Assistants

PTA Tool 2007

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INTRODUCTION

The Coursework Tool for Foreign Educated Physical Therapist Assistants (PTA Tool 2007) was developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the 2008 published regulation number CMS-1385 by the Centers for Medicare and Medicaid Services (CMS) for Medicare reimbursement. This CMS regulation requires a foreign educated physical therapist assistant to show certification of education which is substantially equivalent to an entry-level physical therapist assistant's education in the United States. PTA Tool 2007 reflects the minimum foundational studies and applied science and technical education for substantial equivalence with respect to a US first degree for a physical therapist assistant. Coursework Tools should not be interpreted as the sole determinant of an individual's educational preparation or competence to work as a physical therapist assistant. CWT PTA 2007 is validated against the Commission on Accreditation in Physical Therapy Education's (CAPTE) *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapist Assistants* adopted April 2006 and effective July 1, 2007.

PTA Tool 2007 may be used by credentialing organizations and educational programs. In addition, it may be used as a self-evaluation method to guide foreign educated physical therapist assistants in comparing their education to US standards.

THE USE OF THE COURSEWORK TOOL

The PTA Tool 2007 is to be used to assess those candidates who are applying for licensure or certification as PTAs in a US jurisdiction, or who are working in a setting providing services to clients who qualify for CMS funding. Finding substantial equivalency alone does not qualify an individual to work as a PTA. The finding of equivalency, however, may be a determinant in allowing a candidate to sit for the PTA National Physical Therapy Examination.

The role of the physical therapist assistant has historically been identified and labeled in the US as one of a paraprofessional who is uniquely educated to assist the physical therapist in the provision of physical therapy services. PTA education in the US is at the post-secondary level of education, and results in an Associate of Applied Science (A.A.S.), Associate of Science (A.S.) or an Associate of Arts (A.A.) degree. Programs are generally two years in length. The emphasis of PTA education is in the area of intervention.

US PTA curriculum consists of Foundational Studies and Applied Sciences and Technical Education.

Foundational Studies include 15 semester credits in humanities, natural sciences, social/behavioral sciences and mathematics/logic. The Applied Sciences and Technical Education include a minimum of 49 semester credits to address basic health science, medical science, data collection techniques, therapeutic interventions, supervised clinical work and related technical coursework.

At the time of this publication, FSBPT has identified at least seven foreign PTA programs, located primarily in Canada and Europe.

OVERVIEW

Summary

The applicant must meet the requirement of not less than sixty-four semester credit hours; 15 in foundational studies and 49 in applied science and technical education. The minimum coursework requirements, in and of themselves, do not necessarily satisfy the requirements of the entry-level physical therapist assistant degree. The applicant must have completed sufficient credits to satisfy the requirement for at least two years of post-secondary education. The applicant must also meet any jurisdiction-specific requirements.

Foundational Studies

Fifteen semester credits is the minimum number required in foundational studies. Foundational studies include the areas of English composition, physical/natural & biological science, social/ behavioral science, and mathematics/logic. A minimum of a one-semester course must be successfully completed in each area of foundational studies unless otherwise noted. The physical/natural/biological science content may be imbedded in the technical coursework.

Some jurisdictions may require more than 15 semester credits. The applicant must meet the specific requirements in the jurisdiction where they are seeking licensure.

1. Humanities

- | | |
|--|---------------|
| a. English | e. Literature |
| b. English composition* | f. Art |
| c. Speech or oral communication | g. Music |
| d. Foreign language (other than native language) | |

*required

2. Physical/Natural/Biological Sciences

- | | |
|---------------|-----------------|
| a. Chemistry | f. Physics |
| b. Biology | g. Kinesiology |
| c. Anatomy | h. Neuroscience |
| d. Physiology | i. Genetics |
| e. Zoology | j. Astronomy |

3. Social/Behavioral Science

- | | |
|-----------------|----------------------|
| a. History | f. Economics |
| b. Geography | g. Political science |
| c. Sociology | h. Religion |
| d. Psychology | i. Philosophy |
| e. Anthropology | j. Ethics |

4. Mathematics/Logic

- | | |
|-----------------|-----------------|
| a. Statistics | d. Calculus |
| b. Algebra | e. Trigonometry |
| c. Pre-calculus | f. Geometry |

Applied Science & Technical Education

Forty-nine semester credits shall be the minimum required in applied science and technical education.

1. Basic Health Science

Coursework is required in each topic listed below.

- a. Human anatomy (specific to physical therapy)
- b. Human physiology (specific to physical therapy)
- c. Kinesiology or functional anatomy
- d. Pathology

2. Medical and Clinical Science

- a. Medical science pertinent to physical therapy. This must include but not be limited to:
 1. Neurology
 2. Orthopedics
 3. Cardiopulmonary
- b. Physical therapist assistant coursework must include but not be limited to:

<ol style="list-style-type: none">1. Integumentary System<ol style="list-style-type: none">a. Data Collection2. Musculoskeletal System<ol style="list-style-type: none">a. Data Collection	<ol style="list-style-type: none">3. Neuromuscular System<ol style="list-style-type: none">a. Data Collection4. Cardiopulmonary System<ol style="list-style-type: none">a. Data Collection
---	---
- c. Physical therapist assistant coursework must include but is not limited to:
 1. Integumentary Interventions
 2. Musculoskeletal Interventions
 3. Neuromuscular Interventions
 4. Cardiopulmonary Interventions
 5. Physical Agents/Electrotherapy
 6. First Aid/Emergency Care

3. Clinical Education

The clinical education component includes organized and sequential experiences coordinated with the didactic component of the curriculum, which may include integrated and full-time experiences. The applicant must have full-time clinical experiences with a minimum of two clinical areas of work, for no less than 520 hours total, which are supervised by a clinical supervisor who is a physical therapist or physical therapist assistant. The maximum number of full-time clinical education credits is 15.

4. Related Technical Coursework

Content is required in the following seven areas:

- a. Role of the PTA
- b. Professional Ethics, Behaviors & Issues
- c. Administration
- d. Educational Techniques
- e. Communication (related to client/patient care)
- f. Medical Legal Issues and Healthcare Delivery
- g. Psychosocial Aspects in Physical Therapy Work

PTA EVALUATION CHECKLIST

Foundational Studies

Fifteen semester credits are required in this area.

A. HUMANITIES: One course minimum.	Credit	Transcript Reference	Comments
1. English			
2. English Composition*			
3. Speech or Oral Communication			
4. Foreign Language (other than native language)			
5. Literature			
6. Art			
7. Music			

* Required

B. NATURAL SCIENCE: Physical Sciences & Biological Sciences This content area may be imbedded in Applied Sciences.	Credit	Transcript Reference	Comments
1. Physics			
2. Biology			
3. Anatomy			
4. Physiology			

C. SOCIAL /BEHAVIORAL SCIENCE: At least one course - from any area.	Credit	Transcript Reference	Comments
A. History			
B. Sociology			
C. Economics			
D. Religion			
E. Political Science			
F. Psychology			
G. Philosophy			
H. Ethics			

D. MATHEMATICS/LOGIC: At least one course - from any area.	Credit	Transcript Reference	Comments
1. Statistics			
2. Algebra			
3. Pre-Calculus			
4. Calculus			
5. Trigonometry			
6. Geometry			
7. General Mathematics			

SUB-TOTAL FOUNDATIONAL STUDIES CREDITS: _____ (15 minimum)

Applied Sciences & Technical Education

Forty-nine semester credits are required in this area.

A. BASIC HEALTH SCIENCE: Coursework is required in each area (1-4).	Credit	Transcript Reference	Comments
1. Human Anatomy			
2. Human Physiology			
3. Kinesiology or Functional Anatomy			
4. Pathology			

B. MEDICAL SCIENCE: General Medical Knowledge Coursework must include but is not limited to 1-3.	Credit	Transcript Reference	Comments
1. Neurology			
2. Orthopedics			
3. Cardiopulmonary			

C. CLINICAL SCIENCE: Data Collection PTA coursework must include but is not limited to areas 1-4.	Credit	Transcript Reference	Comments
1. Integumentary System Data Collection			
2. Musculoskeletal System Data Collection			

3. Neuromuscular System Data Collection			
4. Cardiopulmonary System Data Collection			

Data Collection Skills Content Area Summary

Within the credit hours assigned above, indicate content area which you found evidence for items 1 – 14.

Data collection skills content areas include but are not limited to the following:	Present = √ Absent = Ø	Transcript Reference
1. Aerobic capacity		
2. Anthropometric characteristics		
3. Arousal, mentation, and cognition		
4. Assistive and adaptive devices		
5. Gait, assisted locomotion, and balance		
6. Integumentary integrity		
7. Joint integrity and mobility		
8. Muscle performance (including strength, power, and endurance)		
9. Neuromotor development		
10. Pain		
11. Posture		
12. Range of motion		
13. Self-care and home management (including activities of daily living and instrumental activities of daily living)		
14. Ventilation, respiration, and circulation		

Adapted from the *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapist Assistants*, Commission on Accreditation in Physical Therapy Education; 2007; Appendix A1-31.

D. CLINICAL SCIENCE: INTERVENTIONS PTA coursework must include but is not limited to areas 1 – 5.	Credit	Transcript Reference	Comments
1. Integumentary Interventions			
2. Musculoskeletal Interventions			
3. Neuromuscular Interventions			
4. Cardiopulmonary Interventions			
5. Physical Agents/Electro			
6. First Aid/ Emergency Care			

Intervention Content Area Summary

Within the credit hours assigned above, indicate the content area for which you found evidence for items 1-5.

Intervention content areas include, but are not limited to, the following:	Present = √ Absent = Ø	Transcript Reference
1. Wound Management		
A. Application and removal of dressing agents		
B. Identification of precautions for dressing removal		
2. Functional Training		
A. Activities of Daily Living		
B. Assistive /Adaptive Devices		
C. Body Mechanics		
D. Developmental Activities		
E. Gait and Locomotion Training		
F. Prosthetics and Orthotics		
G. Wheelchair Management Skills		
H. Infection Control Procedures		
I. Isolation Techniques		
J. Sterile Technique		
3. Patient-related instruction		
4. Physical agents and mechanical modalities		
A. Athermal Agents		
B. Biofeedback		
C. Compression Therapies		
D. Cryotherapy		
E. Electrotherapeutic Agents		
F. Hydrotherapy		
G. Superficial and Deep Thermal Agents		
H. Traction		
5. Therapeutic exercise (including aerobic conditioning)		
A. Aerobic Exercise		
B. Balance and Coordination Training		
C. Breathing Exercises and Coughing Techniques		
D. Conditioning and reconditioning		
E. Posture Awareness training		
F. Range of Motion Exercises		
G. Stretching Exercises		
H. Strengthening Exercises		

Adapted from the *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapist Assistants*.

Commission on Accreditation in Physical Therapy Education; 2007; Appendix A1 30 - 31.

E. CLINICAL EDUCATION	HOURS*	Transcript reference	Comments
Two clinical internships. Total clinic hours = 520 hours			

Note: The clinical education component includes organized and sequential experiences coordinated with the didactic component of the curriculum, which may include integrated and full time experiences. The applicant must have full-time clinical experiences with a minimum of two clinical areas of work, which are supervised by a clinical supervisor who is a physical therapist or physical therapist assistant.

*Maximum number of full time clinical education credits is 15. Forty-eight clock hours equal one semester credit.

F. RELATED TECHNICAL COURSEWORK:			
Coursework is required in areas 1-7.	Credit	Transcript Reference	Comments
1. Role of the PTA			
2. Professional Ethics, Behaviors & Issues			
3. Administration			
4. Educational Techniques			
5. Communication (related to client/patient care)			
6. Medical Legal Issues and Healthcare Delivery			
7. Psychosocial Aspects in Physical Therapy Work			

SUB-TOTAL TECHNICAL EDUCATION CREDITS: _____ **(49 minimum)**

ACADEMIC INSTITUTION

Describe the academic level of the educational program and the institution within the context of the country's educational system:	
1. Status (recognition/accreditation) within the country's educational system:	
2. Entry requirements (minimum of secondary education):	
3. Degree equivalence (Associate of Science, etc.):	
4. Other (CAPTE accreditation, etc.):	

Summary

	Number of Credits
Total Foundational Studies Credits (15 minimum):	
Total Technical Education Credits (49 minimum):	
Total Credits (64 minimum):	

64 credits = Two years of study

DEFINITIONS

Adequate: Coursework satisfies the requirement that the level of complexity and scope of the content in a course or courses meets established standards necessary for the entry-level associate's degree.

Clinical Education: That portion of a physical therapy program that is conducted in the health care environment rather than the academic environment. (*A Normative Model of Physical Therapist Assistant Education: Version 2007, p 12*)

Clinical Sciences: Content includes both diseases that require direct intervention of a physical therapist for management and diseases that affect conditions being managed by physical therapists across systems. (*A Normative Model of Physical Therapist Assistant Education: Version 2007; p. 159*)

Clock Hour: Fifty to sixty minutes or as determined by the policy of the institution.

Comments: Validation of transcript references. Identifies specific references within official institutional records where content area(s) may be found. These references may be in the form of educational objectives, listing of course content, course syllabi, test questions, or other curricular documents.

Content Area: Component competencies as designated by the *Evaluative Criteria for Accreditation of Educational Programs for the Preparation of Physical Therapist Assistants* (Adopted April 2006, effective July 1, 2007).

Course: A series of study which is taught at the post-secondary level and results in an official transcript of record with assigned grade, a course description and syllabus, and credit can be verified by the institution. Credit is either assigned by a semester of 15 weeks plus exam week or is converted to semester hours based on 16 weeks of study.

Credit Hour: A semester credit hour must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Data-collection skills: Those processes/procedures used throughout the intervention to gather information about the patient's/client's progress through observation; measurement; subjective, objective, and functional findings. (*A Normative Model of Physical Therapist Assistant Education: Version 2007; p. 130*)

Foundational Sciences: Essential content that contributes to the development and understanding of physical therapy to include sciences that can be described as *basic* and *applied*. (*A Normative Model of Physical Therapist Assistant Education: Version 2007, Page 132*)

General Education: General Education constitutes all non-physical therapy education completed, provided these courses were taken at the college level from a recognized educational program. These courses, both pre-professional and post-professional education, may be used to fulfill the 30 credit requirements after the core courses have been met. General education may be included in Foundational Studies.

Grades: Grades must equate to a "C" average in the United States. No failing grades should be accepted. Credentialing decisions for conversion of grades or semester credits should follow accepted guidelines as published in acceptable and recognized country codes and "International Reference Guides." This includes but is not limited to, P.I.E.R., NAFSA publications or AACROA publications.

Intervention: The purposeful and skilled interaction of the physical therapist or physical therapist assistant with the patient/client, and, when appropriate, with other individuals involved in the patient/client care, using various physical therapy procedures and techniques to produce changes in the patient's/client's condition. (*A Normative Model of Physical Therapist Assistant Education: Version 2007 p. 133*)

Standards: Foundational requirements of an established profession to determine entry-level professional/ technical requirements for physical therapists and physical therapist assistants. In physical therapy, *The Guide to Physical Therapist Practice Second Edition*, *A Normative Model of Physical Therapist Assistant Education: Version 2007*, and *Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapist Assistants* serve as resources for setting these requirements.

Substantially Equivalent: The individual has satisfied or exceeded the minimum number of credits required in foundational and technical education needed for a U.S. first degree for a physical therapist assistant. Coursework completed may not be identical in all respects to a U.S. first degree for a physical therapist assistant, but all required content areas are evident. Deficiencies may be noted in coursework, but may not be in the essential areas of technical education or of such magnitude that the education is not deemed to be at the entry-level of preparation for work in the United States.

Technical Skills: Psychomotor processes/procedures supported by affective and cognitive processes/procedures that constitute patient/client interventions. The skills must be integrated to achieve the most effective interventions and optimal outcomes. (*A Normative Model of Physical Therapist Assistant Education: Version 2007, p.135*)

Transcript Reference: Official documentation from the academic institution of courses completed, grades assigned, and degree conferred in the form of an official transcript. In the exceptional cases where an official transcript does not exist within the institution, an alternative official document may be considered.

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