

**SEPTEMBER
18 – 19, 2019**
BOARD MEETING

Carrington College
395 Civic Drive, Suite C
Pleasant Hill, CA 94523
Room 403



Physical Therapy Board of California

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

September 18, 2019 9 a.m.

September 19, 2019 9 a.m.

Carrington College
395 Civic Drive, Suite C
Pleasant Hill, CA 94523
Room 403

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*

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

Daniel Drummer, PT, DPT, *Member*

Katarina Eleby, M.A., *Member*

Tonia McMillian, *Member*

Vacant, *Physical Therapist Member*

Vacant, *Public Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Manager*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Executive Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

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DEPARTMENT OF CONSUMER AFFAIRS

Agenda – Wednesday, September 18th

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. 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.

4. Reconvene Open Session

5. Review and Approval of June 20-21, 2019 Meeting Minutes – Brooke Arneson

6. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

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

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

v. AB 496 (Low) Business and Professions

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

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

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

7. 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

8. President's Report –Alicia Rabena-Amen

- (A) [2019 Adopted Meeting Calendar](#)
- (B) [2020 Proposed Meeting Calendar](#)

9. Executive Officer's Report – Jason Kaiser

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

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

11. Consumer and Professional Associations and Intergovernmental Relations Reports

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

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

13. Physical Therapy Student Question and Answer Forum

14. 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).)

15. Recess

Agenda – Thursday, September 19th

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

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

17. [Roll Call](#) and Establishment of Quorum

18. 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.

19. Reconvene Open Session

20. Strategic Plan Update – Jason Kaiser

21. Pocket License- Discussion and Possible Board Action – Sarah Conley

22. Administrative Services - Discussion and Possible Board Action – Liz Constancio

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

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

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

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

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

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

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

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

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

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

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

28. Board Member Elections

- (A) Vice-President

29. 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).)

30. Agenda Items for Future Meeting – December 12-13, 2019

DCA, Hearing Room
2005 Evergreen Street,
Sacramento, CA 95815

31. 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.

Roll Call
Carrington College, Pleasant Hill, CA

September 18, 2019

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

September 19, 2019

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



Physical Therapy Board of California

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

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1

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

TJ Watkins

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A.

Tonia McMillian

Physical Therapy Board of California

DRAFT Meeting Minutes

June 20, 2019 9:00 a.m.

June 21, 2019 9:00 a.m.

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

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, June 20, 2019

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1. Call to Order

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10

The Physical Therapy Board of California (Board) meeting was called to order by
President Dr. Rabena-Amen at 9:03 a.m. and recessed at 6:26 p.m. on June 20, 2019.
The Board reconvened at 8:59 a.m. and adjourned at 3:06 p.m. on June 21, 2019.

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2. Roll Call and Establishment of Quorum

15

16

Dominguez- Present

17

Drummer – Present

18

Eleby – Present

19

McMillian – Present

20

Rabena-Amen - Present

21

Watkins – Present

22

23

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

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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.

29

30

31
32 **3. Special Order of Business – 9:05 a.m.**

33 (A) Petition for Modification of Probation/Termination of Probation – Matthew Isenberg,
34 PT

35
36 This matter was heard before a quorum of the Board. Eileen Cohn, Administrative Law
37 Judge (ALJ), Office of Administrative Hearings, sat with the Board and presided over
38 the hearing. Christine Friar, Deputy Attorney General, represented the Attorney General
39 of the State of California, under Government Code section 11522. Petitioner Matthew
40 Isenberg, PT was present and represented himself. Evidence was received, the record
41 was closed, and the matter was submitted for decision.

42
43 (B) Petition for Modification of Probation/Termination of Probation – Kelly Hosking, PT

44
45 This matter was heard before a quorum of the Board. Eileen Cohn, Administrative Law
46 Judge (ALJ), Office of Administrative Hearings, sat with the Board and presided over
47 the hearing. Christine Friar, Deputy Attorney General, represented the Attorney General
48 of the State of California, under Government Code section 11522. Petitioner Kelly
49 Hosking, PT was present and represented herself. Evidence was received, the record
50 was closed, and the matter was submitted for decision.

51
52 (C) Petition for Modification of Probation/Termination of Probation – Michael Maga, PT

53
54 This matter was heard before a quorum of the Board. Eileen Cohn, Administrative Law
55 Judge (ALJ), Office of Administrative Hearings, sat with the Board and presided over
56 the hearing. Christine Friar, Deputy Attorney General, represented the Attorney General
57 of the State of California, under Government Code section 11522. Petitioner Michael
58 Maga, PT was present and represented herself. Evidence was received, the record was
59 closed, and the matter was submitted for decision.

60
61 *After submission of the matters, the Board convened in CLOSED SESSION to*
62 *deliberate on the petitions pursuant to Government Code section 11126(c)(3).*

63
64 **4. Closed Session**

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

68 (B) Pursuant to Government code section 11126(a)(1), the Board will convene to
69 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.

The Board entered closed session at on day one, June 20, 2019, at 1:35 p.m. to deliberate on Agenda Item 3(A), 3(B) and 3(C). The Board reconvened open session at on 5:07 p.m. day one, June 20, 2019.

5. Reconvene Open Session

The Board reconvened into open session at 5:07 p.m. on day one, June 20, 2019.

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

Mr. Kaiser presented the draft March 2019, meeting minutes on day two, June 21, 2109 of the meeting. Dr. Rabena-Amen complimented staff on the meeting minutes.

MOTION: Adopt the proposed March 21-22, 2019, Meeting Minutes.

M/S: Eleby/Watkins

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

7. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

Mr. Kaiser presented the legislative report on behalf of Ms. Arneson. He provided the members with important dates from the legislative calendar and stated that the format of the legislative report was changed to provide a better visual on the process and progress of each bill during the legislative session.

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

Mr. Kaiser did not provide an update on AB 5.

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

Mr. Kaiser did not provide an update on AB 71.

iii. AB 193 (Patterson) Professions and Vocations

Mr. Kaiser stated that AB 193 died in Committee.

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

Mr. Kaiser stated that this bill may impact the Board if passed as the Board would participate in the task force regarding foreign trained professionals to determine if there are any unnecessary barriers to licensure for those that are foreign trained.

v. AB 496 (Low) Business and Professions

Mr. Kaiser reported that AB 496 would affect the Board as it opens up the Board's Practice Act to make minor edits to gendered base terms and other basic terms such as "licentiate" would be replaced with "licensee."

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

Mr. Kaiser reported that this bill failed the deadline and died in Committee.

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

Mr. Kaiser reported that AB 613 is authored by Assembly Member Evan Low and it is designed to allow Boards to look at their fees and Boards would be able to increase fees based on the cost book of California; mainly this would be attributed to inflation or other overhead costs. Mr. Kaiser stated that the legislature has heard from many Boards during the Sunset Process regarding the difficulties of justifying and raising fees and this bill would provide another avenue for Boards to pursue.

Dr. Drummer questioned how this bill affects Boards, such as ours, when fees are already at the statutory cap. Mr. Kaiser stated that a great deal of discussion has occurred regarding this issue and because the language in the bill is a separate vehicle for fee increases and separate statutory authority, the statutory language outlined in this bill would supersede the fee cap in statutory language which would allow the Board to increase its fees over the statutory cap based on the price book of California percentage. Mr. Kanotz, legal counsel, added that the fee increase addressed in AB 613 would not be subject to the regulatory process.

Mr. Kaiser stated that there is a great deal of ambiguity regarding the proposed bill text and how it will conflict with existing statutes which has not been addressed yet during the legislative session.

Dr. Drummer clarified that the fee increase would likely be incremental based on the California Price Index which is usually only a few percent. Mr. Kaiser responded that Dr. Drummer was correct and added that this bill would not change the normal regulatory process to increase fees; it would just be adding an additional vehicle for the Board to pursue a fee increase.

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

Mr. Kaiser stated that AB 1076 primarily affects the Department of Justice (DOJ) and specifically the criminal background information that the Board receives from DOJ. This bill would automate DOJ's criminal records relief process and would remove criminal information from the record if an applicant meets the criteria for expungement, it would happen automatically and as a result the Board would not be made aware of a good portion of convictions that currently would be disclosed in the criminal record.

Dr. Rabena-Amen asked what the specified exceptions were as written in the bill text. Mr. Kaiser responded that right now it is a broad term as they will need to determine with all the different Boards, Bureaus, Professions and entities outside of the Department what exceptions will need to be made in the future. Mr. Kaiser further clarified that the exceptions would be professions that would be excluded from this as it would be deemed a danger to the public.

ix. AB 1592 (Bonta) Athletic Trainers

Mr. Kaiser did not provide an update on AB 1592.

187
188 x. SB 53 (Wilk & Lackey) Open Meetings
189

190 Mr. Kaiser stated that SB 53 looks at the Open Meetings Act and it would require
191 that any committees that the Board would form with two people or more be subject
192 to the Open Meetings Act. This requirement could affect the Board and could
193 create a difficulty in logistics, extended calendar timelines and increase in costs for
194 meetings.
195

196 Mitch Kay, physical therapist with the California Physical Therapy Association
197 (CPTA) asked what the costs associated with sending out a notice for a meeting
198 would be and what other expenses would be incurred by the Board. Mr. Kaiser
199 responded that the cost of noticing the meeting is not much since that can be done
200 electronically, however logistically planning the meeting; including securing venues
201 to hold the meetings and webcasting and broadcasting services for public
202 accessibility would be an issue.
203

204 Ms. Eleby added that she was concerned with the Board's ability to be nimble and
205 handle Board business in between Board meetings and utilize the smaller
206 Committee to bring issues back to the Board for a decision.
207

208 Dr. Rabena-Amen stated she would be comfortable with opposing this bill. Ms.
209 Eleby agreed that she also agreed with opposing the bill. Dr. Drummer added that
210 the Board discussed this bill at the March 2019, meeting and in the past few years,
211 and of note, Governor Brown did veto two separate versions, stating that there is
212 adequate public protection. Dr. Dominguez was not comfortable opposing the bill
213 without the Board suggesting specific amendments. Dr. Drummer stated that the
214 only amendment he would be comfortable suggesting is amending the word
215 "advisory" to action committee or amending it to imply that the committee would
216 have more power than just being advisory to the full Board. Mr. Kaiser added that
217 the Board has not taken a position on this bill when it was introduced in previous
218 legislative sessions.
219

220 Dr. Drummer asked that PTBC staff keep the Board apprised of the status of SB
221 53 and if necessary, the Board could call an emergency meeting or teleconference
222 in August to take a position on the bill and the Board agreed with Dr. Drummer's
223 suggestion.
224

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

Mr. Kaiser did not provide an update on SB 425.

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

Mr. Mitch Kay, PT and CPTA member spoke on behalf of SB 537 as CPTA introduced this bill. Mr. Kay provided the Board with a summary of SB 537 and stated that in mid-July this bill would be heard by the Assembly Insurance Committee. Mr. Kaiser stated that the bill would be going to the Assembly Appropriations Committee soon. Mr. Kay stated that CPTA will be meeting the last week of June 2019, to discuss potential amendments to SB 537 that will be brought forward by insurance companies. Dr. Rabena-Amen stated that she supported the Board taking a support position on SB 537.

Dr. Drummer questioned if the issues outlined in the bill could potentially create a problem with limiting access to quality and convenient physical therapy care for patients with a worker's compensation case. Mr. Kaiser agreed that it could potentially over time create limited access to physical therapy services. Dr. Rabena-Amen added that she believes that workers compensation consumers do not always get timely care because of this issue.

Mr. Watkins stated he had concerns the Board is not addressing the Board's mandate of protecting the public and this bill could potentially be infringing on advocating for the profession when speaking about compensation and the issues addressed in the bill and asked how the public will be impacted in the short and long term. Mr. Kay responded that wait times have increased for workers compensation consumers and they are at a disadvantage with striving to find local coverage and quality care.

Ms. McMillian stated that she supported SB 537 and Ms. Eleby agreed. Mr. Watkins stated that the Boards mandate is public protection, so he felt a neutral position is better for the Board. Ms. Eleby stated that she felt it was a unique situation where the Board could protect the public and protect its licensees. Ms. McMillian added that consumers would be affected by availability and quality care which directly pertains to the patient. Dr. Drummer added that the author of the bill, Senator Hill, and those supporting the bill would not endorse this cause if it was about financial gain for providers and physical therapists. Dr. Drummer stated that

the author is intently focused on support of the workers compensation system and adequate, proficient and accessible care for consumers of California.

MOTION: To adopt a position of support for SB 537 and authorize the Executive Officer to draft a letter of support to be submitted to the bill's author, the chair of the assembly business and professions committee and the governor should the bill in its current status be enrolled

M/S: McMillian/Eleby

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
Watkins – No
5-1 Motion carried

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

Mr. Kaiser highlighted that since the previous Board meeting the three rulemaking files regarding the AB 2138 regulations are now with DCA legal counsel for review and we will be working with legal counsel on the Initial Statement of Reasons and will bring this regulation back to the Board for a hearing date.

(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*

305 Ms. Ybarra presented the proposed changes on the Disciplinary Guidelines rulemaking
306 package. Ms. Ybarra referred members to the handout of proposed changes provided.
307 Ms. Ybarra stated that the Board already adopted the Disciplinary Guidelines, however
308 the changes necessitated from the passage of AB 2138 warranted revisions to the
309 Disciplinary Guidelines presented on the handout for Board consideration to avoid
310 having to do another rulemaking package in the future.

311
312 Ms. Ybarra stated that the changes were very minor, including updating the Board
313 members and reflecting the new Governor of California. In addition, Ms. Ybarra stated
314 that on the second page of the handout the Denial of Licensure and Issuance of an
315 Initial Probationary License, also needed to be amended to reflect AB 2138 changes.
316 The existing language (four bullets) was deleted and added the bill language from AB
317 2138 regarding the applicants with criminal convictions.

318
319 Mr. Kaiser added that the major changes warranted from the passage of AB 2138 was
320 the time duration for history of criminal convictions of 7 years and also the types of
321 violations that are not listed as substantial crimes within the Penal Code so there will be
322 crimes the Board cannot consider during their deliberation and determination.

323
324 Dr. Rabena-Amen asked if those crimes the Board cannot consider were considered by
325 the Board now and Mr. Kaiser responded yes. Dr. Rabena-Amen asked Mr. Kaiser for
326 an example and Mr. Kaiser stated a DUI would be an example; as it is not listed nor
327 defined in the Penal Code as being a significant crime; therefore, a DUI that was over 7
328 years old would not be able to be considered by the Board in their determination. Dr.
329 Drummer asked in the case where there is a pattern of DUI's how is that affected by the
330 passage of AB 2138. Mr. Kaiser responded that the Board would lose evidentiary
331 pattern as they would only be able to view the convictions that occurred during the 7-
332 year period as evidence of a violation.

333
334 Mr. Kaiser stated some additional examples would be domestic disturbances, drunk in
335 public, disturbing the peace etc. which can help the Board in establishing patterns of
336 behavior. Mr. Kaiser stated that sexual misconduct and grand theft is on the list of
337 significant crimes within the Penal Code, so the Board would be able to look at those
338 crimes.

339
340 Mr. Kaiser stated that the Board did write a letter of opposition to AB 2138 and the
341 changes proposed to the Disciplinary Guidelines is to plug in the language from AB
342 2138 into the Disciplinary Guidelines. Mr. Kanotz, legal counsel stated that one thing to
343 note is that AB 2138 only applies to the initial granting of a license; when the Board is

344 considering discipline all those previous acts are available for the Board's consideration.
345 Mr. Kanotz also clarified that the law doesn't take effect until July 1, 2020 and DUI
346 convictions are still substantially related; however, the 7-year timeframe limits the
347 Board's ability to consider those convictions for an applicant only, not for current
348 licensees.

349
350 Ms. Ybarra directed members to page 170-171 which is the new BPC 480 grounds for
351 denial to conform to AB 2138.

352
353 Ms. Eleby suggested some minor edits including the following: on page 1 of the
354 proposed language the last bullet point should begin with "the applicant" to be
355 consistent with the other bullet points and the inconsistencies with the use of
356 capitalization on the word "Section" throughout the language should be corrected to be
357 uniform throughout.

358
359 **MOTION:** To approve the proposed regulatory changes as modified
360 and direct the Executive Officer to take all steps necessary
361 to initiate the rulemaking process, authorize the Executive
362 Officer to make any technical or non-substantive changes to
363 the rulemaking package, notice the proposed text for a 45-
364 day comment period and if no hearing is requested, adopt
365 the proposed regulatory changes as modified.

366
367 **M/S:** Watkins/Eleby

368
369 **VOTE:** Dominguez- Aye
370 Drummer – Aye
371 Eleby – Aye
372 McMillian – Aye
373 Rabena-Amen - Aye
374 Watkins – Aye
375 6-0 Motion carried
376

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

381
382 Mr. Kaiser presented the proposed language for CCR 1398.26.1 and thanked Mr.
383 Kanotz, legal counsel, for his help in rewriting the proposed language to make it easier
384 to understand. Mr. Kaiser reported that in the process of amending the language, staff

discovered, with the help with Dr. Drummer, that FSBPT is providing a new product, a coursework tool that is updated for Physical Therapy Assistants so the new language for Board consideration includes both PTA Tools 1 and 2. Mr. Kaiser directed the Board to a handout which reflected the addition of both PTA tools.

Dr. Drummer stated that the proposed language is to address foreign trained PT's and PTA's and the beginning and title of this section as written, doesn't fully clarify that this is about foreign trained applicants in programs that are not yet accredited, applying for licensure. Dr. Drummer also stated that not all programs are degree programs, so he suggested that "education" should be used in lieu of "degree." Dr. Rabena-Amen agreed with Dr. Drummer's suggested amendments. Mr. Kanotz, legal counsel, provided the Board with suggested amendments to the language replacing Degree with "Foreign Education" in the title, and in subdivision (a) inserting after "physical therapy educational programs" adding "that are not located in the United States."

Ms. Eleby suggested inserting "FSBPT" before Course Work Tool in subdivision e(7) and e(8) for consistency.

Dr. Drummer questioned whether it was necessary to include the number of coursework tools incorporated by reference in subdivision (e) because it does not take into consideration FSBPT creating new coursework tools in the future which would mean if that occurred the Board would have to amend the regulation again. Mr. Kanotz, legal counsel, stated referencing the number of publications incorporated by reference was not necessary; it was historical language and the Board decided to strike the number "eight" from the proposed language.

Dr. Drummer suggested using that word "appropriate" in lieu of the word "corresponding" in subdivision (b) and to also add at the end of the sentence in subdivision (b) "in accordance with subdivision (e)" to better clarify the publications incorporated by reference. Mr. Kanotz agreed with Dr. Drummer's amendments to subdivision (b).

Ms. Eleby also suggested adding the acronym "(FSBPT)" into subdivision (b) after "Federation of State Boards of Physical Therapy's" to be consistent with the rest of the proposed language.

MOTION: To approve the proposed amended 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

424 comments are received during the 45-day comment period
425 and no hearing is requested, delegate to the Executive
426 Officer the authority to adopt the proposed regulatory
427 changes as modified and make any technical or non-
428 substantive changes that may be required in completing the
429 rulemaking file.”

430
431 **M/S:** Drummer/Eleby

432
433 **VOTE:** Dominguez- Aye
434 Drummer – Aye
435 Eleby – Aye
436 McMillian – Aye
437 Rabena-Amen - Aye
438 Watkins – Aye
439 6-0 Motion carried
440

441 **9. Public Comment on Items Not on the Agenda**

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

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

448
449 Dr. Rabena-Amen welcomed and thanked Mr. Michael Kanotz, the Board’s newly
450 appointed legal counsel.

451
452 **10. Recess**

453
454 The Board recessed at 6:26 p.m. on the first day of the meeting, Thursday, June 20,
455 2019.

456
457 **Friday, June 21, 2019**

458
459 **11. Call to Order**

460
461 The Board reconvened at 8:59 a.m. and adjourned at 3:06 p.m. on day two, June 21,
462 2019.

463
464 **12. 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: Michael Kanotz, Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Sarah Conley, Monny Martin, April Beauchamps, Kim Rozakis and Timothy Davis.

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.

13. 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

(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.

The Board did not enter into closed session on Day Two, June 21, 2019, of the Meeting.

14. Reconvene Open Session

The Board did not enter into closed session on Day Two, June 21, 2019, of the Meeting.

15. President's Report – *Alicia Rabena-Amen*

(A) 2019 Adopted Meeting Calendar

Dr. Rabena-Amen questioned the location for the September 18-19, 2019, meeting and Mr. Kaiser stated that the location is still being finalized; however, the meeting would take place in the Bay Area. Mr. Kaiser also stated that the December 12-13, 2019, meeting would take place in Sacramento, at the DCA Hearing Room on Evergreen Street. Ms. Eleby asked that the FSBPT Leadership Issues Forum on July 13-14, 2019, be highlighted on the calendar.

(B) 2020 Proposed Meeting Calendar

Dr. Rabena-Amen presented the 2020 meeting calendar. Dr. Drummer questioned the dates that were scheduled in the Bay Area and the Southern California for the June and September meetings. Mr. Kaiser responded that staff try to consider the legislative calendar, educational programs, graduating classes timeframes when picking dates and locations for the Board meetings in hopes to get more student participation from the programs.

Dr. Drummer informed the Board that CPTA's Annual Conference will be held on October 2-4, 2020 in Anaheim, CA and he would like that added to the 2020 proposed calendar.

Dr. Rabena-Amen stated the Board would take action on this calendar at the December 2019, meeting.

16. Executive Officer's Report – Jason Kaiser

Mr. Kaiser presented the Executive Officer's Report.

(A) Administrative Services

Mr. Kaiser welcomed Timothy Davis to the Board who will be serving as a liaison for the PTBC Board members. Mr. Kaiser stated the Board currently has multiple vacancies and a few more that the Board will be recruiting for in July. Mr. Kaiser stated that the Board will be recruiting for an Assistant Executive Officer. Dr. Rabena Amen asked Mr. Kaiser when PTBC anticipates hiring the additional staff and Mr. Kaiser responded that most of the positions go into effect July 1, 2020; however, there is not room at our current location to accommodate additional staff above the few positions the Board is already recruiting for.

(B) Applications

The Board was referred to Agenda Item 20 for a detailed report.

(C) Licensing/Continuing Competency

The Board was referred to Agenda Item 21 and 22 for a detailed report.

(D) Consumer Protection Services

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

545 (E) Outreach

546 The Board was referred to Agenda Item 18(B) for a detailed report.

547 (F) PTBC Relocation

548 Mr. Kaiser reported that the Board is on track for relocation upstairs and is
549 currently in the planning phase and transitioning to negotiations phase and staff
550 will be preparing the floor plan, selecting and approving new equipment and
551 furniture. Dr. Rabena-Amen asked if there was a timeline for the move upstairs
552 and Mr. Kaiser responded that he anticipated that the Board would be in the new
553 location by June 2020. Dr. Rabena-Amen asked if there was additional
554 information on DCA moving to a central location. Mr. Kaiser responded that the
555 plan to move all the DCA Boards and Bureaus to a centralized location has been
556 cancelled because of logistical issues.

557 Ms. McMillian requested that when staff are choosing furniture and equipment to
558 also take into consideration employees who are breastfeeding and need
559 additional resources to facilitate those needs. Mr. Kaiser responded that the
560 Board has a designated lactation room in the building.

561 (G) Strategic Plan

562 Mr. Kaiser reported that staff are working on the objectives and goals outlined in
563 the Strategic Plan as well as with the facilitator from SOLID. He stated that as
564 part of the PTBC's action plan, staff satisfaction surveys were sent to staff to
565 complete and will establish a baseline measurement of employee satisfaction
566 and SOLID facilitated a focus group to address solutions and tie them into the
567 existing strategic plan.

568
569 Dr. Rabena-Amen stated that this meeting will be Vice-President Watkins last
570 meeting on the Board and expressed her concern with having two vacancies on
571 the Board which could potentially put the Board in jeopardy of having a quorum.
572 Mr. Kaiser added that Mr. Watkins position is appointed by the Speaker of the
573 Assembly, so staff will be reaching out to them to fill the vacancy.

574
575 **17. Consumer and Professional Associations and Intergovernmental Relation**
576 **Reports**

577
578 (A) Federation of State Boards of Physical Therapy (FSBPT)

579
580 No representatives were present. Ms. Eleby, the Board's FSBPT delegate
581 reported on behalf of FSBPT. She stated that FSBPT will be holding its
582 Leadership Issues Forum on July 13-14, 2019, in Alexandria, Virginia. Ms. Eleby
583 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 Annual Meeting and Delegate Assembly on October 24-26, 2019, in Oklahoma City, Oklahoma.

Ms. Eleby asked if the other members of the Board who sit on taskforces or committees had any updates for the Board. Dr. Rabena-Amen stated that the member survey task force survey results would be presented during the Leadership Issues Forum (LIF) meeting in July 2019. Dr. Dominguez stated that the education committee is finalizing programming and the committee is working on a theme for next year. Mr. Kaiser stated that the Board assessment taskforce meets on Monday, June 25, 2019, to finalize their presentation for LIF and the endorsement or taskforce geared toward license verification/endorsement has finalized their recommendations and will be presenting those also at the LIF meeting.

Ms. Eleby stated that FSBPT recently participated in the International Network of Physiotherapy Regulatory Authorities conference in Geneva, Switzerland in May 2019.

Ms. Eleby reported that Colorado is now accepting compact privileges as part of the PT compact, Delaware recently introduced compact legislation and Maryland's Governor signed the PT compact bill making Maryland the 25th state to issue licensure compact privileges. Ms. Eleby stated she can share with staff an updated licensure compact map. Mr. Kaiser clarified that 25 states are in the licensure compact; however only 4 or 5 states are issuing the privileges which changes on a quarterly basis as states promulgate regulation.

Ms. Eleby stated that a NPTE workshop is now available on the west coast and FSBPT is preparing to host the NPTE workshop for educators on Saturday and Sunday, October 5-6, 2019, in Los Angeles at the Hyatt Regency. She reported that educators should expect to receive insight on how the NPTE is developed and how to prepare students for the NPTE as well as hands on assistance on writing tests similar to the NPTE.

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

Karen Nelson, Assistant Deputy Director of Board and Bureau Services provided an update to the Board on behalf of DCA. Ms. Nelson reported that Director Dean Graffilo left his post as Director of DCA on April 19, 2019, and the Governor's office is currently working toward finding a new successor. Ms. Nelson stated that during the transition, Chief Deputy Director, Chris Shultz hosted the June 3rd Director's Quarterly Meeting.

Ms. Nelson reported that in January DCA launched a publicly accessible page where the public can view licensing statistics for all of DCA's Boards and Bureaus and in April they incorporated the enforcement and application data into the portal which will be helpful to Boards and Bureau's in providing data and statistics.

Ms. Nelson stated that on May 22nd the Future Development Leadership individuals graduated, and Ms. Nelson thanked Mr. Kaiser for his participation in the steering committee. Ms. Nelson also thanked Mr. Watkins for coming to the Board panel for one of the sessions and the participants expressed their appreciation for his presentation.

Ms. Nelson reported that DCA retained KH Consulting to conduct the Executive Officer Salary Study and there was a slight delay due to challenges from receiving information from other states to compare with DCA Boards. Ms. Nelson stated that the study is currently being reviewed by Agency and DCA is aiming to release the final report in the next few weeks and as soon as it is released, DCA will convene a teleconference with the Executive Officers as well as Board Presidents so they can provide an overview of the findings. Ms. Nelson stated that DCA will be meeting individually with the programs to go over the findings in detail.

Ms. Nelson reminded the Board that all Board members and DCA employees are required to complete the sexual harassment prevention training this year. Ms. Nelson also informed the Board that DCA is working very closely with Agency and the Governor's Office in making sure that appointments and vacancies are addressed, and she stated that she would inform them that there could be a quorum issue with the Board's two current vacancies.

(C) California Physical Therapy Association (CPTA)

No presentation was made on behalf of CPTA.

18. Administrative Services – Discussion and Possible Board Action

(A) Budget Report – *Kim Rozakis*

Ms. Rozakis presented the Budget Report on behalf of budget staff. She reported that for fiscal year 2018/19, there is a projected reversion of \$150,000 to the fund streamlining the cost savings.

Ms. Rozakis informed the Board that the Spring Finance Letter was approved by the Department of Finance which will provide for funds for the Board's location move. Mr. Kaiser added that the Spring Finance Letter (SFL) will allow for the Board to use

the money already set aside in the Architecture Revolving Fund (ARF) to assist the Board with the move. Mr. Kaiser also stated that the authority for those funds are only available for a certain amount of time, so it creates a sense of urgency for the move to be done timely.

Ms. Eleby asked how much money was set aside in the ARF and Mr. Kaiser answered that \$550,000 has been saved. Ms. Eleby asked how much the total move would cost the Board and Mr. Kaiser responded that the Board is still in the estimates phase of the move; however, since the Board is moving into undeveloped space the costs could be higher than the money set aside in the ARF.

Mr. Kaiser added that an SFL is a budget change proposal that is off calendar; its for emergency situations that cannot wait for the regular budget change proposal process. Dr. Rabena-Amen asked how many times the Board has used a Spring Finance Letter in the past and Mr. Kaiser responded that this is the second time the Board has considered an SFL; and the first time the Board found other means and did not pursue an SFL. Mr. Kaiser added that this SFL applies to all the Boards, and Commissions within DCA that are moving from the Evergreen Street Location.

Ms. Eleby asked when the traditional budget change proposal season was, and Mr. Kaiser responded that it is a year long process and budget change proposal concept papers are being prepared now and they go along with the governor's budget timeline. Mr. Kaiser added that the budget change proposals are done in August and approval is heard usually around March.

Dr. Rabena-Amen asked what the \$99,000 scheduled reimbursement was for and Mr. Kaiser responded that it is a placeholder for fingerprint processing costs. Mr. Kaiser clarified that scheduled reimbursements are for things that we know of and then there are also unscheduled reimbursements, such as cost recovery that are unknown.

Dr. Drummer questioned why the general expense line item is at 123% of the budget spent. Mr. Kaiser responded that there are a few line items where the Board is exceeding their authorized budget and that budget staff throughout the year will continue to readjust the line items.

Dr. Drummer asked why the Board Member line item is over expended and Mr. Kaiser responded that historically, the Board usually over expends that line item and those costs are attributed to travel and per diem expenses which can include case

review etc. Dr. Rabena- Amen asked if that line item was unusual from previous fiscal years and Mr. Kaiser responded no and that it would be readjusted in the next fiscal year or two. Ms. Eleby thanked the Board's budget analyst, Carl Nelson for his diligence in monitoring the Board's budget.

(B) Outreach Report – *April Beauchamps*

Ms. Beauchamps reported that the Board's website had a 6% decrease with the laws section having the most significant decrease at 17% compared to prior fiscal year. Ms. Beauchamps stated that the reason for the decrease on the laws section is due to more outreach being done at schools where the laws and regulation books are being handed out and QR codes are being given to the students, so they access the laws and regulations through downloading the pdf instead of using the website page.

Ms. Beauchamps stated that the forms page had the second largest decrease of 16% and this is due to the Board going green and removing the forms and directing users to use BreZE. Ms. Beauchamps reported that the "About Us" section of the website has also increased due to social media directing people to that tab for meeting agendas locations etc.

Ms. Beauchamps reported a 43% increase in the traffic for Facebook and stated that she added FaceBook Definitions to the outreach briefing paper. Ms. Beauchamps stated that the post with the most activity this quarter was the Skate MD video which reached 6.9 thousand people and there were 580 clicks, and 483 engagements (which includes likes, hearts, wows, comments and shares).

Ms. Beauchamps reported that the Board conducted four outreach events this quarter: UOP on January 16th, Fresno State on January 22nd, UCSF on February 5th and UOP again on February 13th.

Ms. Beauchamps stated that the Spring 2019 Progress Notes were released in May and the Board has gotten a lot of great feedback on the publication. Ms. Beauchamps informed the Board that the progress notes contained an article about hosting a board meeting and two schools have already contacted the Board wanting to host a meeting. In addition, Ms. Beauchamps reported schools that the Board has yet to visit, have contacted the Board requesting outreach presentations.

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

Ms. Beauchamps presented the Board Member Administrative Manual for Board consideration. The Board made additional edits to the proposed Board Member Administrative Manual.

MOTION: To approve the Board Administrative Manual as amended and grant the Executive Officer and his staff to make any non-substantive changes

M/S: Eleby/Watkins

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

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

(A) Program Updates

(B) Statistical Reports

Ms. Conley reported that applications have increased 20%, (approximately 100 applications) which is a significant impact to workload. Ms. Conley stated that there are strategies to mitigate the negative impact to the increased workload which include external strategies such as increased outreach and having applicants apply online and internal strategies such as system changes and processes. Ms. Conley stated that the Board's outreach strategies have been successful in disseminating information which is reflected in the statistical reports that show the online PT and PTA applications have increased significantly. Ms. Conley stated that staff remain focused on increasing the use of the online application as BreEZe accounts are further developed with increased functionality.

Ms. Conley reported that the percentage of military applications increased significantly, and the number of licensees and exam statistics remain consistent in comparison to last fiscal year.

Mr. Kaiser added there may be two more PTA programs in Northern California soon and an additional three PTA programs have applied with the Commission on Accreditation in Physical Therapy Education (CAPTE) and are at various stages in the development process.

Dr. Drummer noted the lack of variability in the passing score statistics between the previous fiscal year and year-to-date this fiscal year.

Dr. Rabena-Amen stated that she would like to see the pass rates go up for the California Law Exam and questioned whether there is an emphasis on the laws and regulations in the school programs. Dr. Rabena-Amen added that she does not want the emphasis to be on just studying to pass the exam but rather on knowing the California practice act.

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

(A) Program Updates

(B) Statistical Reports

Ms. Conley reported that there is an increase in the number of address changes submitted online from last year and additionally, the number of renewal and name change transactions processed has increased. Ms. Conley also stated that the number of address changes, duplicate and verification requests have decreased which is attributed to licensees being encouraged to utilize online transactions through BreEZe in lieu of using paper forms.

Ms. Conley added that staff workload is more reconciling reports vs. data entry because licensees have more control (through BreEZe) over their own information and they can go into their account and update their information and many requests can be processed instantaneously once done online.

Ms. Eleby asked that a chart be added to the materials that shows the number of total licensees by license type.

Dr. Rabena-Amen questioned what a verification request is, and Ms. Conley responded that it is also referred to as an endorsement and is certifying a California license when the licensee is applying in another state.

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

(A) Program Updates

(B) Statistical Reports

Ms. Conley reported that there was an update to the materials for the quarter 2 PT pass rate of 93% as a pending audit was resolved. Ms. Conley stated that the PTA audit pass rate is 81%.

Dr. Rabena-Amen asked how quickly approval agencies who have lost continuing competency recognition are reflected on the Board's website and Ms. Conley responded that the website reflects this information within a few weeks from the date recognition was removed by the Board. Mr. Kaiser added that the Board's website shows when recognition was removed from an approval agency which provides a history record for the agency.

Ms. Conley added that the strategic plan developed with the help of DCA's SOLID has been extremely helpful with streamlining the Board's goals and objectives and tracking the Board's progress in meeting the goals identified in the Board's strategic plan.

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

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

Ms. Ybarra referred members to the CPS report and stated that the quarter 3 statistics look great and gave thanks to her staff for their continued hard work.

Mr. Kaiser stated that the statistic for the year-to-date transmittals to Attorney General (total average days to complete) is only 518.3 which is under the Consumer Protection Enforcement Initiative (CPEI) performance measures which is difficult to accomplish. The Board thanked Ms. Ybarra and staff for their hard work.

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

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

Mr. Martin reported that the Board currently has 88 licensees on probation for various causes with 16 tolling out of state. Mr. Martin stated that 16 licensees are currently participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 22%.

Mr. Martin reported that 4 licensees entered probation and 5 licensees completed probation in quarter 3. Mr. Martin added that 3 licensees entered, and 3 licensees completed Maximus, the Board's Drug and Alcohol Recovery Monitoring Program.

Mr. Martin stated that he has been working on a new contract for the Board's Drug and Alcohol Recovery Monitoring Program along with other Drug and Rehabilitation Program Managers and DCA's contract unit and the contract should go out to bid soon and those bids will be scored in September, so a vendor is anticipated to be in place by the end of this year.

Ms. Eleby asked what the contract term length is for the Board's Drug and Alcohol Recovery Monitoring Program and Mr. Martin responded that the contract the Board is currently in with Maximus was for 5 years with two extension years built into the contract and the Board is currently in the last of the two extension years. Mr. Kaiser added that a great deal goes into the contract negotiation and it can be a very lengthy process.

Ms. Eleby asked if the Board could receive the probation monitoring report that is included in the evidence to review, for petitioners, prior to the hearing. Mr. Kaiser stated he would consult with the Attorney General on the discovery process because defense counsel should be privy to that as well, so there may be a timing issue with that. Ms. Ybarra added that the probation report is usually provided by the petitioner and they are aware of it, and it is part of the discovery process and it is kept back until the Attorney General presents it as part of the evidence. Mr. Kanotz, legal counsel stated that he will research this issue and see how the probation monitoring report could be provided in advance to the Board if possible.

Dr. Drummer asked how many probationers are in Northern California vs. Southern California and Mr. Martin responded that he groups probationers into two groups: the Los Angeles greater area and everywhere else in California and that the Los Angeles greater area has about half of the Board's probationers. Dr. Rabena-Amen asked Mr. Martin how long the visits with probationers are and he responded they are about 45 minutes to an hour which makes it a challenge to fit too many in one day. Mr. Kaiser added that the potential for probationers is about 100 at any given time; and that the Board would want a face to face visit with every probationer every quarter or as needed which is hard for one probation monitor to accomplish which is why the Board is trying to provide justification to increase the probation monitoring program to increase the level of its effectiveness.

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

Due to time constraints, no presentation was made on the Travel Procedures and it will be moved to the September 2019, meeting.

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

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

922 Davit Shambazyan, a first-year physical therapy student at California State University,
923 Long Beach, approached the Board with some questions. Mr. Shambazyan asked how
924 many times a year the Board meets in Long Beach and Mr. Kaiser responded that the
925 Board meets quarterly, and one of those 4 meetings is designated to be held in
926 Southern California. Mr. Shambazyan stated that he looked forward to attending
927 meetings in the future and would speak with his cohorts on attending meetings of the
928 Board. Mr. Kaiser added that Board staff would be back at CSU, Long Beach in a few
929 weeks to give a presentation to the students on the application process and the role and
930 history of the Board. Dr. Drummer also informed Mr. Shambazyan that the first day of
931 the meeting included hearings of licensees under probation and that those archived
932 webcasts could be found on the Board's website or YouTube. Ms. McMillian added that
933 the Board is made up of both professional members and public members.
934

935 Joan Van Natta, licensed physical therapist, stated that the Board meeting process was
936 much more complex than she expected and thanked the Board for their hard work and
937 the opportunity to be a part of the process.
938

939 **27. Agenda Items for Future Meeting –**
940

941 September 18-19, 2019
942 TBD, Bay Area, CA
943

944 Ms. Eleby and Dr. Drummer requested that there be an election for vice-president to
945 account for Mr. Watkins vacant Board position.
946

947 Ms. Eleby requested a presentation or handout from Maximus on what the clinical
948 diagnostic exam entails to get a better understanding of how an individual is deemed
949 appropriate or not appropriate and how that is measured. Ms. Eleby also asked for a
950 course outline or syllabus for the diversion program and what Maximus uses to
951 determine when someone can be released from the program. Ms. Eleby stated that
952 this could wait until the Board is back in Sacramento.
953

954 Dr. Drummer requested an agenda item to discuss modifying the current pocket
955 license or potentially dispensing with the pocket license because this information is
956 immediately available and accurate and current online.
957

958 Dr. Dominguez asked for a presentation on the mechanics of the adjudication
959 process and how to go through a case and extract the pertinent information and
960 formulate an opinion. Dr. Drummer added in this presentation he would like to have a
961 refresher on the role of the DAG and Counsel, the overlap and separation of the
962 Board and how the pieces play together in the process. Mr. Kanotz stated he would
963 be happy to help work on this presentation and stated that this might be better suited
964 for when the Board is back in Sacramento for a Board meeting.

965
966 Mr. Watkins requested that once a year a presentation should be provided to
967 delineate when the Board is in the public protection mandate vs. discussing the
968 profession and that it is an important boundary to observe and Mr. Watkins felt that
969 the Board could never get enough training on the importance of that separation.

970
971 Mr. Kaiser asked if the Board would be interested in the services that the Office of
972 Administrative Hearings (OAH) provides by a representative from OAH or an
973 Administrative Law Judge. The Board stated they would like a presentation by OAH.
974 Mr. Kanotz stated this could be included in the adjudication process presentation.

975
976 Dr. Rabena-Amen stated that she would like to revisit the Board's California Law
977 Exam (CLE) to discuss the law exam and continue the discussion about future
978 licensee's knowing the law vs. passing an exam.

979
980 Dr. Rabena-Amen requested that the Exempt Status of the Executive Officer issue be
981 placed back on the agenda for the September meeting and that the Board needed to
982 continue to discuss this issue until there is some resolution. Ms. Eleby added that
983 she would like the Exempt Level Increase Committee to continue as it has not yet
984 reached its goal and that it would be helpful to have another committee member who
985 is local to Sacramento. Ms. McMillian volunteered to be appointed to the Exempt
986 Level Increase Committee.

987 **28. Adjournment**

988
989 The meeting adjourned at 3:06 p.m.
990



Briefing Paper

Date: August 12, 2019

Agenda Item 6(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, September 6th is the last day to amend bills on the floor and September 13th is the last day for each house to pass bills. 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
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27	28	29	30	31		

FEBRUARY						
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MARCH						
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31						

APRIL						
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28	29	30				

MAY						
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12	13	14	15	16	17	18
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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
	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			

AUGUST						
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

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: Employees and Independent Contractors

Author: Gonzalez (D)

Current Text: Amended 8/30/19 Senate
 Status: 9/3/19 in Senate. Read second time. Ordered to third reading.
 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 (A) the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact, (B) the worker performs work that is outside the usual course of the hiring entity's business, and (C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity. This bill also 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.

[AB 476](#)

DCA: Task Force: Foreign-Trained Professionals

Author: Blanca Rubio (D)

Current Text: Introduced 2/12/19 Assembly
 Status: 8/30/19 in Senate. Read Second Time. Ordered to Third Reading.
 Position: No Position

[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 require the Department of Consumer Affairs (DCA) to create a task force as specified. This taskforce will study and make recommendations to improve foreign degree evaluation processes for professional licenses. DCA would have the authority to hold public hearings to gather information. DCA would be required to report their recommendations to the Legislature no later than January 1, 2021.

2019/20 Legislative Summary

Quarterly Report (Q4) (Apr - Jun 2019)

Agenda Item 6

AB 496 **Business and Professions**

Author: Low (D)

Current Text: Amended 5/6/19 Assembly
Status: 6/13/19 in Senate Ordered to Third Reading
Position: No Position

[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 is a code clean-up effort, intended to correct and update provisions of the BPC, which includes granting the authority to all appointing authorities the ability to remove an appointee of any board for cause, as specified. This bill additionally replaces gendered terms with gender-neutral language throughout the code in accordance with ACR 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.

AB 613 **Professions and Vocations: Regulatory Fees**

Author: Low (D)

Current Text: Introduced 2/14/19 Assembly
Status: 7/1/19 In Senate Business Professions and Economic Development Committee. Hearing Postponed by Committee.
Position: No Position

[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. This bill would require the Director of Consumer Affairs to approve any fee increase proposed by a Board except under specified circumstances.

AB 1076 **Criminal Records: Automatic Relief**

Author: Ting (D)

Current Text: Amended 8/30/19 Senate
Status: 9/3/19 In Senate. Read Second Time. Ordered to Third Reading.
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 require DOJ to review the records in statewide criminal justice databases on a monthly basis to identify arrest and criminal conviction records that are eligible for "record relief" and to grant relief for eligible records without requiring a petition, as specified.

2019/20 Legislative Summary

Quarterly Report (Q4) (Apr - Jun 2019)

Agenda Item 6

[SB 53](#)

Open Meetings

Author: Wilk (R)

Current Text: Amended 3/5/19 Senate

Status: 8/30/19 in Assembly Appropriations Committee. August 30 Hearing: Held in Committee and Under Submission

Position: No Position

[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 6/27/19 Assembly

Status: 9/3/19 In Assembly. Read Second Time. Ordered to Third Reading.

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 a health care facility or other entity with an arrangement authorizing a licensed health care provider to provide care, such as a college student health center, to report allegations of sexual abuse and sexual misconduct, as specified, and makes changes to the disciplinary and enforcement provisions for the Medical Board of California.

[SB 537](#)

Workers' Compensation: Treatment and Disability

Author: Hill (D)

Current Text: Amended 9/3/19 in Assembly

Status: 9/4/19 in Assembly. Read Second Time and Amended. Ordered to Third Reading.

Position: Support

[Bill Analysis](#)

[Bill Text](#)

[Support Letter](#)

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

Requires third-party networks that arrange physician and ancillary medical services for employers, but that do not qualify as "Medical Provider Networks" (MPNs) as that phrase is used in the Labor Code, to disclose to employers "rate sheets" that show the discounted prices paid to providers and makes several additional amendments to the laws governing MPNs.

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 5**
Author: **Gonzalez**
Bill Date: **As Amended August 30, 2019 in Senate**
Subject: **Worker Status: Employees and 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 recent decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) requiring that employers prove that their workers can meet a 3 part (ABC) test in order to be lawfully classified as independent contractors, and also expands the scope of the *Dynamex* decision to include unemployment insurance and other labor law provisions.

The author's recent amendments include:

- (1) Clarify the operation of the ABC test and reorganize existing dispensations from the *Dynamex* employment test.
- (2) Include psychologists, travel agents, enrolled agents, commercial fisherman, and others under the *Borello* test.
- (3) Include freelance journalists and photographers under the professional exemption in the bill.
- (4) Address trucking in the construction trades and clarify the use of trucks by owner-operator truck drivers who are classified as employees.
- (5) Clarify the operation of workers' compensation under the bill.

This bill would provide that for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation or business.

The bill, notwithstanding this provision, would provide that any statutory exception from employment status or any or any extension of employer status or liability remains in effect, and that if a court rules that the 3 part test cannot be applied then the determination of employee of independent contractor status shall be governed by the test adopted in *S.G. Borello and Sons, Inc. V. Department of Industrial Relations* (1989) 48 Cal. 3d 341 (*Borello*).

This bill would exempt specified occupations from the application of *Dynamex* and would instead provide that these occupations are governed by *Borello*. These exempt

occupations would include, among others, licensed insurance agents, certain licensed health care professions, registered securities broker-dealers or investment advisers, direct salespersons, real estate licensees, commercial fishermen, workers providing licensed barber or cosmetology services, and others performing work under a contract for professional services, with another business entity, or pursuant to a subcontract in the construction industry.

This bill would also require the EDD, on or before March 1, 2021, and each March 1 thereafter, to issue an annual report the legislature on the use of unemployment insurance in the commercial fishing industry. This bill would make an exemption for commercial fishermen applicable only until January 1, 2023.

This bill would also redefine the definition of “employee” described above, for purposes of unemployment insurance provisions, to include an individual providing labor or services for remuneration who has the status of an employee rather than an independent contractor, unless the hiring entity demonstrates that the individual meets all of specified conditions, including that the individual performs work that is outside the usual course of the hiring entity’s business. Because this bill would increase 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 addition of the provision to the Labor Code does not constitute a change in, but is declaratory of, existing law with regard to violations of the Labor Code relating to wage orders of the Industrial Welfare Commission.

The bill would also state that specified Labor Code provisions of the bill apply retroactively to existing claims and actions to the maximum extent permitted by law while other provisions apply to work performed on or after January 1, 2020. The bill would additionally provide that the bill’s provisions do not permit an employer to reclassify an individual who was an employee on January 1, 2019, to an independent contractor due to the bill’s enactment.

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, thereby imposing a state-mandated local program.

FISCAL: The Department of Industrial Relations (DIR) indicates that it would incur first-year costs of \$2.2 million and \$2.1 million annually thereafter, to implement the provisions of the bill.

The Employment Development Department (EDD) estimates that the total annual administration costs would range between \$2.5 million and \$2.9 million.

Additionally, the Assembly Appropriations Committee identified that the bill could result in unknown, potentially significant costs to the Medi-Cal

program. Staff notes skilled nursing facilities and intermediate care facilities employ contractors to provide physical therapy, occupational therapy, mental health services, and dietary services. To the extent the bill makes it more challenging for specified facilities to continue employing these contractors, MediCal beneficiaries who reside in skilled nursing facilities and/or intermediate care facilities would have longer stays in institutional settings instead of returning to the community. In addition, if these independent contractors, or new employees qualify as an independent contractor, types of claims could shift significantly, either to reflect higher-cost of care or, potentially, lower preventative utilization in the short-term but costly services in the out-years.

The Franchise Tax Board (FTB) indicates that the bill would likely result in some workers who are currently treated as independent contractors being reclassified as employees. This reclassification would shift responsibility for several business-related expenses from workers to the businesses. A reduction of qualified business expenses will likely increase the tax liability of workers, while the increase in expenses will decrease the tax liability of many businesses. The net effect of these changes would depend on the marginal tax rates of the businesses and workers involved, and any adjustment that make take place in compensation levels or related business expenses and is unknown. In addition, reclassified workers would receive W-2s reporting their wages to FTB which would likely increase the level of compliance for these workers, thereby increasing tax revenues.

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:

California Labor Federation (Sponsor), Amalgamated Transit Union, American Federation of State, County and Municipal Employees, Berkeley City Council, BlueGreen Alliance, California Alliance for Retired Americans, California Association of Health Underwriters, California Conference of Machinists, California Federation of Teachers, California Immigrant Policy Center, California Nevada Conference of Operating Engineers, California Nurses Association, California Partnership for Working Families, California Professional Firefighters, California Rural Legal Assistance Foundation, California School Employees Association, Center on Policy Initiatives, San Diego Central Coast Alliance United for a Sustainable Economy Communication Workers of America, District 9 Direct Selling Association East Bay Alliance for a Sustainable Economy, Employees Rights Center, Engineers and Scientists of California, IFPTE, Local 20, Greater California Livery Association, Independent Insurance Agents and Brokers of California, Labor and Employment Committee of National Lawyers Guild, Legal Aid at Work, Los Angeles Alliance for a New Economy, National Association of Insurance and Financial Advisors of California, National Domestic Workers Alliance, National Employment

Law Project, National Union of Healthcare Workers, Orange County Communities, Organized for Responsible Development Professional and Technical Engineers, IFPTE, Local 21, Professional Beauty Federation of California, SEIU CA, SEIU Local 1000, Shaklee Corporation, Sierra Club California, Southern California Coalition for Occupational Safety and Health, State Building and Construction Trades Council, Teamsters Public Affairs Council, The Greenlining Institute, Union of Concerned Scientists, UNITE HERE United Auto Workers, Local 2865, United Auto Workers, Local 5810, United Domestic Workers, AFSCME Local 3930, United Farm Workers, United Food and Commercial Workers, Western States Council, University Professional and Technical Employees, CWA Local 9119, Warehouse Worker Resource Center, Inland Empire Western Center on Law and Poverty, Western States Council of Sheet Metal, Air, Rail and Transportation, Worksafe, 9 to 5

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:

Anthony Hopkins Investigations, California Aesthetic Alliance, California Association of Winegrape Growers California Hospital Association, California League of Food Processors, California Podiatric Medical Association, California Society for Respiratory Care, California Trucking Association, Chino Valley Chamber of Commerce, Coalition of DMV Motor Carrier Permit Holders, El Dorado County Joint Chambers Commission, Electrologists' Association of California, Electronic Transactions Association, Elk Grove Chamber of Commerce, Folsom Chamber of Commerce, Fontana Chamber of Commerce, Greater Coachella Valley Chamber of Commerce, Greater Ontario Business Council, Hayward Chamber of Commerce, Hesperia Chamber of Commerce, Indy Hub, Inland Empire Economic Partnership, Insights Association, Lavell Water Truck Service LLC, Moreno Valley Chamber of Commerce, Murrieta/Wildomar Chamber of Commerce, National Federation of Independent Business, Rancho Cordova Chamber of Commerce, Rancho Cucamonga Chamber of Commerce, Recording Industry Association of America, Redlands Chamber of Commerce, Roseville Area Chamber of Commerce, Rover Inc., Santoro Transportation Inc., Southern California Contractors Association, TechNet, Victor Valley Chamber of Commerce, Western States Trucking Association, 107-individuals

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

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **AB 1076**
Author: **Ting**
Bill Date: **As Amended 8/30/19 in Senate**
Subject: **Criminal Records: Automatic Relief**
Sponsor: Sponsored by Californians for Safety and Justice

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require DOJ, on a weekly basis starting January 1, 2021, to review state summary criminal history repository and automatically provide record relief to those arrest or conviction records eligible for relief, without requiring a petition or motion, for records dated back to January 1, 1973 and require DOJ to publish statistics annually related to the relief granted. The department would be required to update the state summary criminal history, as specified, when record relief is granted and to submit an electronic notice to the appropriate superior court informing the court of the action. In turn, the court would be prohibited from disclosing information concerning the record, except in specified circumstances.

The prosecuting attorney or probation department would be allowed, no later than 90 calendar days before the date of a person's eligibility for relief, to file a motion to prohibit DOJ from granting automatic relief for criminal conviction records pursuant to this measure. If the court grants that motion, DOJ would be prohibited from granting relief, but the person who suffered the conviction would continue to be eligible for relief through other existing procedures, including petitions to the court.

Additionally, AB 1076 would require the court to advise each defendant at the time of sentencing of their right to conviction relief pursuant to the provisions of this bill.

Author Amendments:

Make automatic relief operative upon a budget appropriation, add amendments to avoid chaptering conflicts with AB 1521 and add a coauthor.

Committee Amendments:

Make the automatic relief prospective only, limit the convictions to which it applies, strike the requirement that proof of automatic relief needs to obtain specified licenses, specify that a person still may be prosecuted within the applicable statute of limitations for a crime underlying an arrest that received automatic relief, and specify that DOJ needs to check only electronic records in determining if a record is eligible for automatic relief.

ANALYSIS:

Existing law allows a person who was arrested and has (i) successfully completed a prefiling diversion program, (ii) successfully completed a specified drug diversion program, (iii) successfully completed a specified deferred entry of judgment program, and (iv) suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Generally, an arrest record that has been ordered sealed by the court is deemed to have never occurred.

Existing law allows a person to petition the court to dismiss specified infraction, misdemeanor, or felony convictions. Depending on specified circumstances, the court either must grant the relief or has the discretion to grant the relief in the interests of justice. In order for the court to consider a petition to dismiss a conviction, the person who suffered the conviction current may not be serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, and depending on the conviction, a specified period of time must have passed. If relief is granted, existing law requires the court to dismiss the accusation or information against the person and release them from all penalties and disabilities resulting from the offense, with exceptions. Generally, a successful petitioner may respond legally to any inquiries about the conviction as if it never occurred. Disclosure still would be required, however, for all public and specified private employment inquiries, among other circumstances. Additionally, dismissed conviction still would be treated as a conviction, if pled and proved, in any subsequent (unrelated) criminal proceeding.

FISCAL:

Department of Justice: Costs of \$1.45 million (and 11.0 personnel (PY)) in FY 2019-20, \$3.8 million (and 23.0 PY) in FY 2020-21, \$4.2 million (and 23.0 PY) in FY 2021-22, \$3.0 million (and 21.0 PY) in 2022-23, \$1.9 million (and 16.0 PY) in FY 2023-24 and annually thereafter to implement and execute the requirements of this measure. (General Fund)

The DOJ has indicated that it would not be able to satisfy the requirements of AB 1076 within the timeline prescribed in the measure and would need the implementation date to be delayed to July 1, 2023 for proper implementation.

Courts: The Judicial Council conservatively estimates workload costs of between approximately \$460,000 and \$880,000 annually, which is broken down to between \$200,000 and \$500,000 of workload costs to process cases for which automatic relief has been granted (in 1 percent (or approximately 32,000 cases annually) of cases) and between \$260,000 and \$380,000 in workload costs to adjudicate challenges to grants of automatic relief in 10 percent (i.e., 3,200) to 15 percent (i.e., 4,800) of the annual 1 percent of affected cases. (General Fund*) *Trial Court Trust Fund

SUPPORT:

Californians for Safety and Justice (co-source), San Francisco District Attorney's Office (co-source), A New Way of Life Re-Entry Project, American Civil Liberties Union of California, Building Opportunities for Self-Sufficiency, California Attorneys for Criminal Justice, California Public Defenders Association, Code for America, Communities in Schools, Community Works, Congregations United for Change, Council of California Goodwill Industries, Democratic Women's Club of San Diego, Ella Baker Center for Human Rights, Feminists in Action, Friends Committee on Legislation of California, Homeboy Industries, Indivisible: San Diego, Initiate Justice, Inland Congregations United for Change, Los

Angeles County Board of Supervisors ,MedMen, National Association of Social Workers – California Chapter, OneJustice, Pillars of the Community, Project Kinship, Root & Rebound, Safe Return Project, San Diego District Attorney’s Office, Smart Justice, Southern California Coalition, Straight Talk Program, Inc., Torrey Pines Democratic Club, United Domestic Workers of America – AFSCME Local 3930, University of California Student Association, We the People SD Democratic Club, One individual

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 District Attorneys Association California Judges Association
California Law Enforcement Association of Records Supervisors
Contractors State License Board

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

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: SB 425
Author: Hill
Bill Date: As Amended 6/27/19 in Assembly
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 health facilities, including hospitals and clinics, and other entities, including college student health centers, to report to healing arts licensing boards such as the Medical Board of California (MBC) any allegation of sexual abuse or sexual misconduct within 15 days of receiving a written allegation of such conduct by a healing arts licensee. It also:

- 1) It also imposes the following maximum fines on a facility, to be imposed in any civil or administrative action or proceeding brought by, or on behalf of, any agency having regulatory jurisdiction over the licensee regarding whom the report was filed:
 - a. For willful failure to report, a fine of up to \$100,000.
 - b. For other failure to report, a fine of up to \$50,000.
- 2) Requires the MBC to disclose information about a doctor's probationary status to an inquiring member of the public and the bill requires the board to post the information about the probation on its internet website for ten years.
- 3) Makes failure to attend or participate in a board interview without good cause unprofessional conduct.

ANALYSIS: This bill is responsive to increased reports of sexual assault and misconduct of health care providers. It intends to ensure reports of sexual assault or misconduct are made to healing arts boards that oversee license professionals. Specifically, this bill responds to recent and troubling revelations about nearly three decades of allegations of sexual assault against a single gynecologist at the USC student health center.

Existing law requires a health care facility or clinic to report physician or surgeon to the medical board under two situations, both of which require the actions of an internal "peer review body" – that is, a designated group of other medical and professional staff at the facility or clinic.

First, the chief of staff and the executive administrator of a health care facility or clinic must file a report if, as a result of an actions of a peer review body, the licensed health care provider's staff privileges are denied, revoked or otherwise restricted, or the provider's employment is terminated, for a medical disciplinary reason. Second, a reporting requirement is triggered if the peer review body determines a licensed health care provider was incompetent (exhibiting gross deviation from professional standards), inappropriate or excessively prescribed dangerous or controlled substances to themselves or others or engaged in sexual misconduct with one or more patients during a course of treatment or an examination.

These requirements do not apply to student health care centers. This bill would create an additional trigger by requiring a health care facility or any other entity, including a student health care center that arranges for the provisions of medical care by licensed health care providers, to report allegations or

sexual misconduct within 15 days of receiving a written allegation of sexual misconduct against a provider. Existing law requires a report to be made 15 days of an action or determination by the peer review body, but there is no specified time frame for when the peer review body must take its action or make its determination. This bill requires the appropriate licensing board to be alerted once a written allegation is made.

FISCAL:

Unknown, potentially significant costs to the Board of Behavioral Sciences (BBS), the Physical Therapy Board and the Board of Psychology (special funds).

\$1.8 million to the MBC to accept and investigate a projected threefold increase in complaints (Medical Board Contingent Fund).

\$800,000 in projected staff and facility costs to DCA Division of Investigations, Investigative Enforcement Unit to investigate a larger number of cases (Medical Board Contingent Fund).

Costs likely to exceed \$2 million to the Department of Justice annually ongoing for additional staff in the Health Quality Enforcement section, which provides legal representation to the MBC (Medical Board Contingent Fund).

SUPPORT:

The bill is supported by consumer groups, the major medical boards, the California Hospital Association and the University of California. Although the bill was originally opposed by the California Medical Association and other health care professional associations, the author has taken amendments in prior committees that appear to have removed all opposition.

California Acupuncture Board, California Chiropractic Examiners Board, California Psychology Board, California Hospital Association, Consumer Attorneys of California, Consumer Watchdog, Medical Board of California, University of California

OPPOSITION:

None on File.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE BILL ANALYSIS

Bill Number: **SB 537**
Author: **Hill**
Bill Date: **As Amended 9/3/19 in Senate**
Subject: **Workers' Compensation: Treatment and Disability**
Sponsor: Sponsored by the California Physical Therapist Association

DESCRIPTION OF CURRENT LEGISLATION:

Requires third-party networks that arrange physician and ancillary medical services for employers, but that do not qualify as "Medical Provider Networks" (MPNs) as that phrase is used in the Labor Code, to disclose to employers "rate sheets" that show the discounted prices paid to providers and makes several additional amendments to the laws governing MPNs.

This Bill:

Requires a health care provider, employer, insurer or contracting agent that contracts for medical services in the workers' compensation system at rates different from the official medical fee schedule (OMFS) to disclose those rates to the health care provider.

Requires a contracting agent that contracts for these services at 15% or more below the OMFS to provide the rate sheet to the employer on whose behalf the health care services are being provided.

Allows the party that is disclosing a rate sheet to obtain a written non-disclosure agreement.

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. Moreover, efforts to reduce medical disputes have been a significant topic of legislation, most notably with SB 863 (De León), Chapter 363, Statutes of 2012, and SB 1160 (Mendoza), Chapter 868, Statutes of 2016.

Recent research from the California Workers' Compensation Institute, however, 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).

Because of strict protections on the use of individually identifiable information, 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.

UR by non-UR entities. 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. This bill will have no impact on the employer disputing medical necessity of medical treatment or the appropriateness of billing codes – this bill simply prohibits those activities from occurring outside of the UR process or medical billing dispute process

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:

Supporters of this bill argue that workers' compensation payors ultimately ought to know how much providers, who are performing services on their behalf for patients to which the payor owes a duty, are being paid. They argue it is not enough that the payor know how much they are paying the "middleman." Rather, the implications of the actual reimbursements paid to providers is a legitimate issue for the payor to know.

OPPOSITION:

American Association of Payers Administrators, Networks Precision Occupational Medical Group, and Southern California Sports Rehabilitation Inc.

Arguments in Opposition:

Opponents object to providing "rate sheets" to others, as these documents are claimed to be proprietary, and disclosure would undermine their business interests in this proprietary data.

POSITION:

Recommendation: Support



July 11, 2019

The Honorable Jerry Hill
California State Senate
State Capitol, Room 5035
Sacramento, CA 95814

Re: SB 537 (Hill) Worker's Compensation: Treatment and Disability

The Physical Therapy Board of California (Board), at its June 2019 meeting, adopted a Support position on SB 537 which prohibits medical provider networks from operating under poor utilization management and claims billing policies while promoting administrative transparency.

The Board recognizes that this bill increases transparency in the availability of medical providers available to injured workers; prohibits a medical provider network from altering treatment plans of physicians, physical therapists and other providers without their permission; and provides clarity that discounting agreements for services by medical providers cannot fall below applicable Medicare payments.

The Board is mandated by Business and Professions Code Section 2602.1 that the Board's highest priority is to protect the public. The provisions outlined in SB 537 seek to stop medical provider networks from limiting access to quality and convenient care for California consumers; therefore, the Board is in Support of SB 537.

Thank you on behalf of the Board for your thoughtful consideration of SB 537. If additional information is needed, please feel free to contact the Board's Legislative Analyst, Brooke Arneson at (916) 561-8260.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JK' with a stylized flourish.

Jason Kaiser
Executive Officer
Physical Therapy Board of California

cc: Dennis Cuevas-Romero, Deputy Director, Division of Legislative Affairs,
Department of Consumer Affairs



Briefing Paper

Date: August 14, 2019

Agenda Item 7(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.

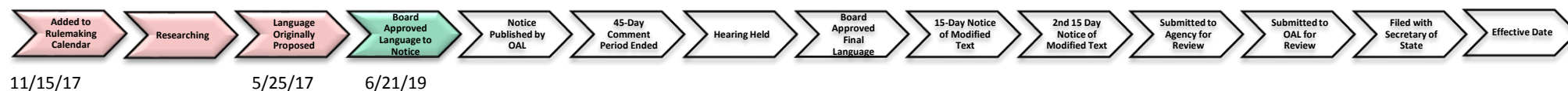
Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

Action:

No action is requested on presentation of the rulemaking report.

2019 Rulemaking Tracking Form

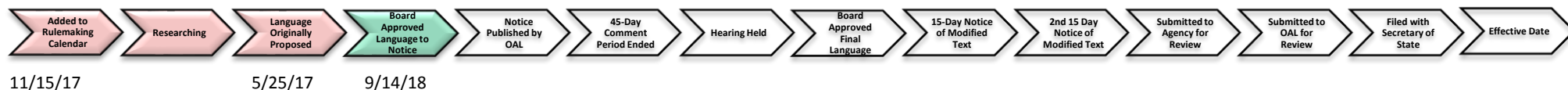
Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool



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. PTBC staff researched the concerns identified and presented proposed language for Board consideration at the June 2019 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. In July 2019, PTBC forwarded the initial rulemaking package to DCA Legal for review.

Examination Passing Standard/Setting Examination Score



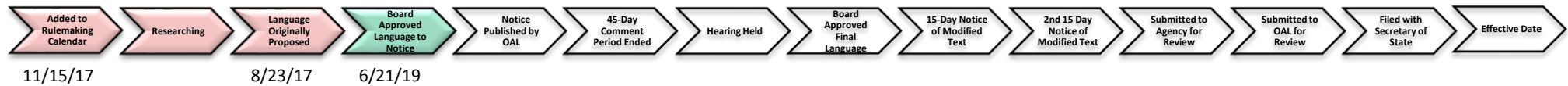
OAL No.:

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

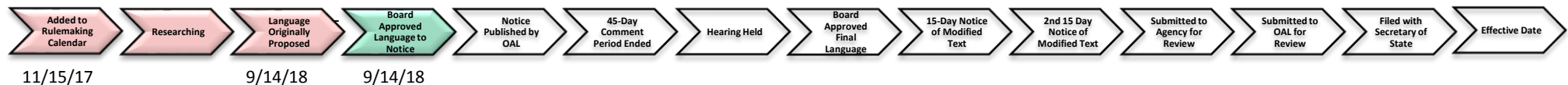
Disciplinary Guidelines



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) it was determined that the Disciplinary Guidelines needed to be amended further. Modified proposed language was presented and adopted at the June 2019 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.

Clinical Service Requirement for Foreign Educated Applicants



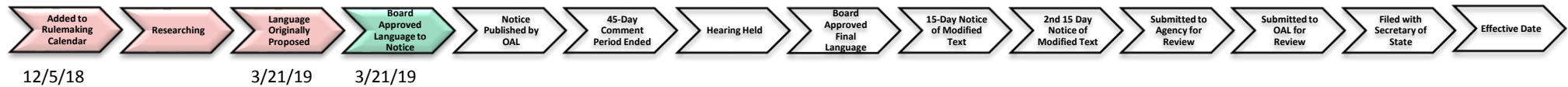
OAL No.:

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 September 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

Teal: Current Status Burgundy: Completed

2019 Rulemaking Tracking Form

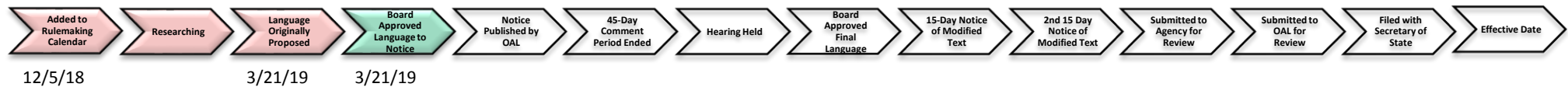
Substantial Relationship Criteria (AB 2138)



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. 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. DCA Legal provided Board staff with their suggested amendments to the rulemaking package on September 3, 2019. Board staff are in the process of making the suggested amendments to the rulemaking documents and will be resubmitting the initial rulemaking package back to DCA Legal Affairs by the end of September 2019.

Rehabilitation Criteria for Denial and Reinstatement of Licensure (AB 2138)

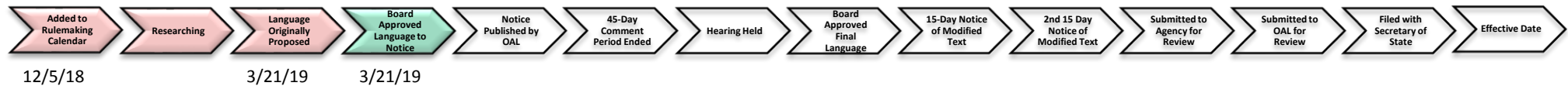


OAL No.:

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. 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. DCA Legal provided Board staff with their suggested amendments to the rulemaking package on September 3, 2019. Board staff are in the process of making the suggested amendments to the rulemaking documents and will be resubmitting the initial rulemaking package back to DCA Legal Affairs by the end of September 2019.

2019 Rulemaking Tracking Form

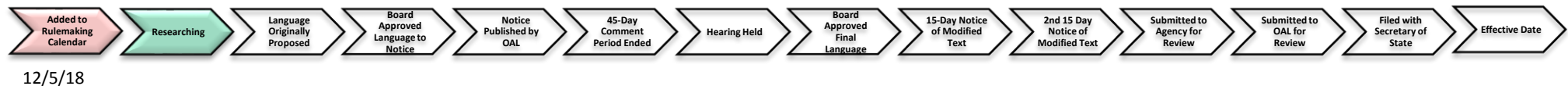
Rehabilitation Criteria for Suspension and Revocations (AB 2138)



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. 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. DCA Legal provided Board staff with their suggested amendments to the rulemaking package on September 3, 2019. Board staff are in the process of making the suggested amendments to the rulemaking documents and will be resubmitting the initial rulemaking package back to DCA Legal Affairs by the end of September 2019.

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 in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

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 in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

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 considered by the Board at a future meeting date.

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:

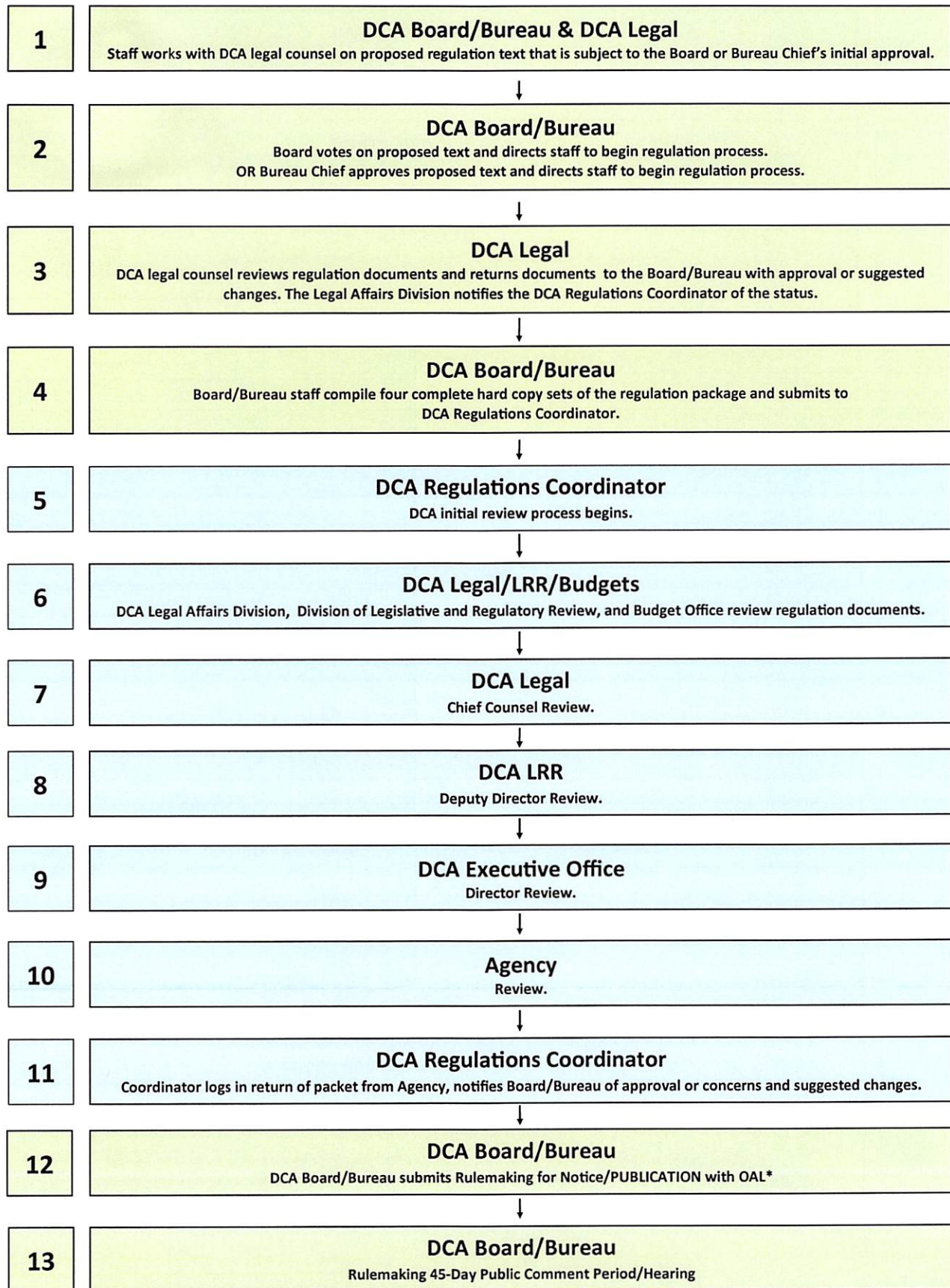
Date Filed with the Secretary of State

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



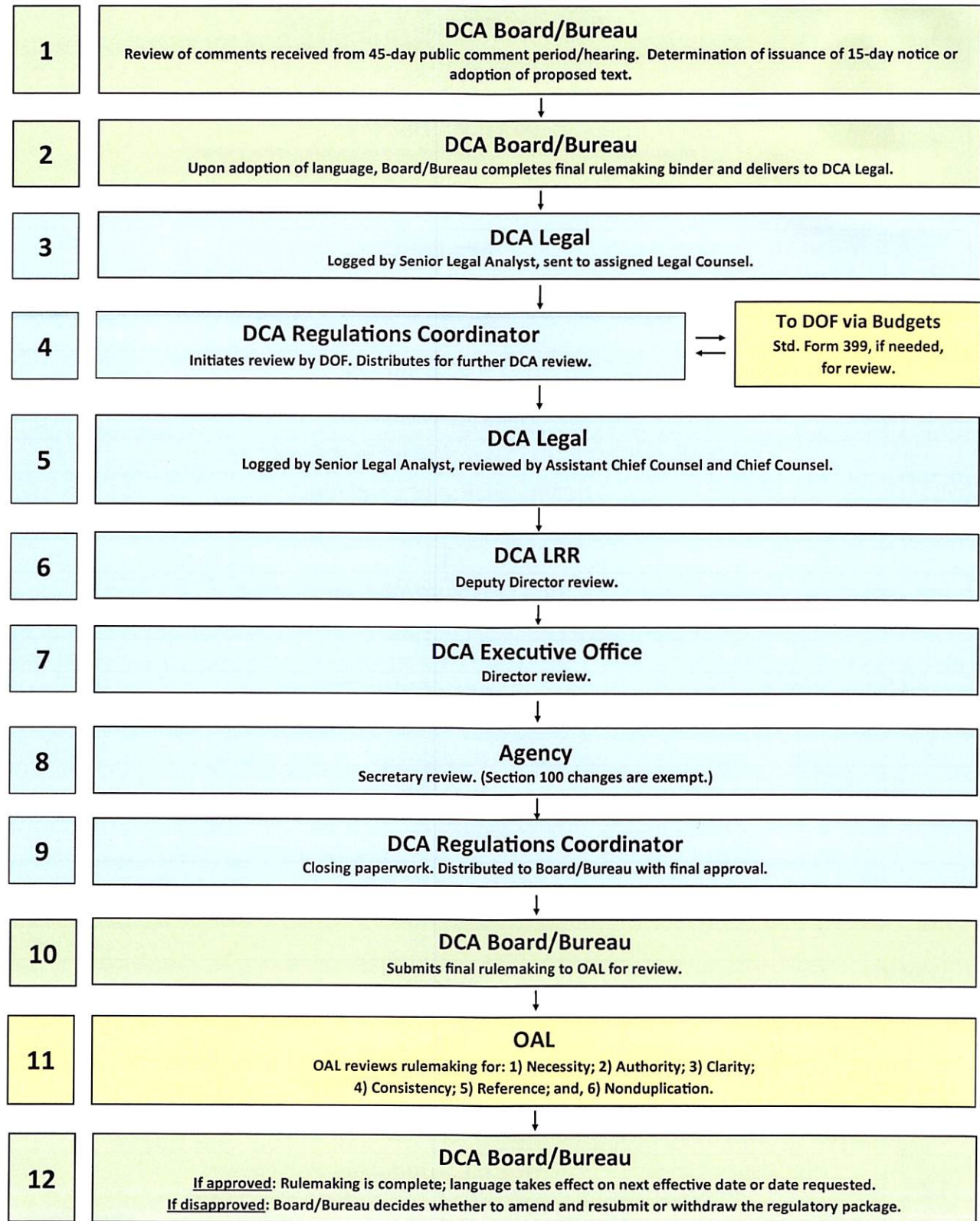
Legend

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

Physical Therapy Board of California

Adopted 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
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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	16	Father's Day	9	PTA NPTE		
		20-21	PTBC Meeting CSU Longbeach, CA	13-14	FSBPT LIF Alexandria, VA		
				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 Carrington College Pleasant Hill, 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
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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
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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 TBD Southern CA						7	PTA NPTE					
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20	Martin Luther King Jr						17	President's Day						31	César Chávez Day												
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May							June							July							August						
10	Mother's Day						TBD	FSBPT REG Training Alexandria, VA						4	Independence Day												
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							4-7	APTA NEXT Phoenix, AZ							FSBPT LIF Alexandria, VA												
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							24-25	PTBC Meeting Sacramento, CA																			

September							October							November							December						
7	Labor Day						2-4	CPTA Annual Meeting Anaheim, CA						TBD	FSBPT Annual Meeting						10-11	PTBC Meeting Sacramento, CA					
16-17	PTBC Meeting TBD, Bay Area, CA						6	PTA NPTE						11	Veteran's Day												
							27	PT NPTE						26	Thanksgiving						25	Christmas					
							31	Halloween																			



Issue Paper

Agenda Item # 21

Date: 9/6/19
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Pocket License

Purpose:

To discuss and determine the future of the pocket license.

Attachments:

1. [Sample PT pocket license](#)
2. [Sample PTA pocket license](#)

Issue:

The following issue has been brought forth at the request of Dr. Drummer:

Should the PTBC continue to issue pocket licenses?

Background/Analysis:

Discussion regarding the material, style and format of the pocket license has changed over the years, but the reason it is issued has not changed. The reason for issuing the pocket license is to provide a way in which the status of physical therapist or physical therapist assistant license may be verified. At one time, this was the only way, aside from calling the PTBC, a license could be verified. Online license verification was not available until approximately 2005. When online license verification was deployed, the PTBC continued to issue pocket licenses due to data reliability and currency concerns, and online information was not widely accepted as an official record. The pocket license, being an official PTBC record, was considered the most reliable and primary source verification of licensure.

With online services becoming standard and the expectation that information be made available online, the PTBC was compelled to confirm data reliability and currency. At present, the information available online reflects exactly what is on file with the PTBC that is public information – it is real-time and there is no secondary

entry that would provide opportunity for error. If PTBC staff update a license status, it is reflected online immediately, and the pocket license status becomes invalid. For this reason, the online license look-up portal has become the optimal license verification source for consumer protection; the pocket license no longer serves this purpose. However, the PTBC continues to issue pocket licenses.

The California Board of Registered Nursing (BRN) is the first board to take action to address outdated pocket licenses being used for license verification. BRN launched what it refers to as its Green Project in September 2017; part of this project was to eliminate the pocket license. Before transitioning to paperless license issuance for both first-time and renewed licenses, BRN initiated a six-month outreach campaign to notify stakeholders. Paperless license issuance has now been in place for approximately two years. The results of eliminating the pocket license include 1) facilitating access to accurate license information – the primary benefit; 2) operating with environmental awareness by eliminating paper; and 3) realizing significant cost savings in printing, paper and postage. BRN did not identify a need to change statute or regulation in order to transition to paperless licensing.

No other boards have implemented paperless licensing.

Staff Recommendation:

Staff recommend the Board vote in favor of eliminating the pocket license and adopt paperless licensing for the following reasons:

1. Facilitates access to accurate license information for consumers and all stakeholders.
2. Environmentally conscious.
3. Significant cost savings.

Action Requested:

Direct staff to do one of the following:

1. Eliminate the pocket license.
2. Obtain additional information as discussed at the meeting, and the bring item back to a future meeting.
3. Continuing issuing the pocket license.

Remove your new Pocket License
from the receipt portion and carry it
with you at all times.

(Please cut along the dotted lines)

Physical Therapy Board of California
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815-3831
(916) 561-8200
www.ptb.ca.gov

I M P O R T A N T

1. Please include your license number on any correspondence to this office.
2. Notify the Board of any name or address change in writing.
3. Report any loss immediately in writing to the Board.
4. Please sign and carry the pocket license with you.

License No. Expiration Date Receipt No.

This is your RECEIPT. Please save for your records.

7201.CERT05.080216

Physical Therapy Board of California

2005 Evergreen Street, Suite 1350
Sacramento, CA 95815-3831
(916) 561-8200



Physical Therapist

License Status: Current

License No.
PT

Expiration

Receipt No.

Signature _____

Remove your new Pocket Certificate
from the receipt portion and carry it
with you at all times.

(Please cut along the dotted lines)

Physical Therapy Board of California

2005 Evergreen Street, Suite 1350
Sacramento, CA 95815-3831
(916) 561-8200



Physical Therapist Assistant

License Status: Current-Inactive

License No.
PTA

Expiration

Signature _____

Receipt No.

Physical Therapy Board of California
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815-3831
(916) 561-8200
www.ptb.ca.gov

I M P O R T A N T

1. Please include your approval number on any correspondence to this office.
2. Notify the Board of any name or address change in writing.
3. Report any loss immediately in writing to the Board.
4. Please sign and carry the pocket certificate with you.

License No. Expiration Date Receipt No.
PTA

This is your RECEIPT.

Please save for your records.

7202.CERT02.080216



Briefing Paper

Date: August 22, 2019

Agenda Item 22(A)

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Apr-Jun (Q4), CY 2019-20.

Attachments:

1. [Budget Expenditure Report](#)
2. [3 YR Milestone Expenditure Report](#)
3. [3 YR Milestone Revenue Report](#)
4. [Fund Condition](#)

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).

Fiscal Year 2018-19 (FY2017-18), according to the Governor's Budget, the PTBC is authorized \$4,715,000 which includes personnel services, operating expenses and equipment, and 21.4 positions to support program requirements. Personnel Services budget is allocated \$2,132,000 and provides for salaries and benefits. Budget allocation is slightly up from \$2,039,000 over FY2017-18. Operating Expenses and Equipment (OE&E) budget is at \$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. Previously (FY17-18), the PTBC was authorized \$757,000 for DOI.

Analysis:

Expenditures: Based on preliminary month 12 projections provided by the DCA Budget Office, the PTBC expended \$4,559,061 through month 12 FY2018-19. Last fiscal year (FY2017-18) through month 12, the Board spent \$4,770,946 or 5% more than this current year.

Revenues: Overall, the PTBC collected \$1,574,280 in Q1, \$1,486,995 in Q2, \$1,540,373 in Q3 and \$1,764,940 in Q4 for a total of \$6,366,558 (year-end). This is an 8% increase in revenues over FY2017-18 when the Board collected \$5,873,000 (year-end).

Milestones: The 3-Year milestone report captures the last three fiscal year's expenditures and revenues. Personnel services expenditures have steadily increased since FY2016-17 from \$2,070,789 to \$2,509,576 in CY2018-19. Operating Expenses and Equipment expenditures have decreased from

\$2,858,695 in FY2016-17 to \$2,177,345 in CY2018-19. This is mainly attributable to DOI investigations which have decreased from \$975,262 in FY2016-17 to \$757,000 in 2017-18 and to \$312,000 in 2018-19.

Fund: According to DCA budget office, month 13 figures are unavailable for FY2017-18 and FY2018-19, but projections are that the Board will have spent total year-end \$4,876,000 after reimbursements in FY2017-18 and \$5,070,000 in FY2018-19, a 4% increase in expenditures this year over FY2017-18. The statistics show that the Board will not begin to see a decrease in its reserves until BY2020-21 and thereafter.

Action Requested: No action required.

Physical Therapy Board of California

Expenditure Statistics Report

CY 2018-19 | Q4 (Apr-Jun 2019)

Agenda Item 22(A) - Attachment 1

Expenditure Statistics Report

Budget Line Items	FY 2017-18		CY 2018-19)							
	Q4	YTD	Authorized	Q1	Q2	Q3	Q4	YTD	Percent	Balance
	Jan-Mar	(As of 06/30/18)	Budget	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	(As of 06/30/19)	Budget Spent	Remaining
PERSONNEL SERVICES										
Civil Services Permanent	297,422	1,189,688	1,253,000	323,920	323,920	323,920	323,920	1,295,681	103%	(42,681)
Temp help	28,714	114,857	0	35,611	35,611	35,611	35,611	142,445	-	(142,445)
Statutory Exempt	24,642	98,566	77,000	25,365	25,365	25,365	25,365	101,460	132%	(24,460)
Board Members	11,025	44,100	12,000	10,300	15,600	21,500	9,400	56,800	473%	(44,800)
Overtime	19,216	76,864	0	0	0	0	0	0	-	0
Staff Benefits	186,322	745,288	790,000	228,470	230,106	291,498	163,116	913,190	116%	(123,190)
TOTAL PERS SVS	567,341	2,269,363	2,132,000	623,667	630,602	697,894	557,412	2,509,575	118%	(377,575)
OPERATING EXPENSES & EQUIPMENT										
General Services Totals	127,114	509,102	481,000	191,427	(32,664)	240,677	(54,831)	344,610	72%	136,391
Fingerprints	8,017	32,066	92,000	3,656	17,148	12,498	4,816	38,118	41%	53,882
General Expense	4,960	19,841	20,000	7,108	3,612	5,410	1,993	18,123	91%	1,877
Minor Equipment	0	1,061	21,000	12,152	5,420	1,901	936	20,409		591
Major Equipment	0	0	0	0	0	0	0	0	-	0
Printing	7,764	31,055	35,000	0	9,757	38,987	-15,932	32,812	94%	2,188
Communications	2,255	8,234	10,000	2,176	2,177	2,177	2,177	8,706	87%	1,295
Postage	4,773	19,092	17,000	9	0	10,766	-68	10,707	63%	6,293
Insurance	1,578	6,310	8,000	0	0	47	7,407	7,454	-	546
Travel in State	4,324	17,294	16,000	38	4,013	4,007	2,786	10,844	-	5,156
Training	0	0	10,000	0	0	1,150	675	1,825	18%	8,175
Facilities Operations	78,838	315,350	118,000	27,780	30,350	47,503	10,567	116,200	98%	1,800
C&P Services Interdepartmental	0	379	12,000	0	0	91	0	91	1%	11,909
C&P Services External	14,605	58,420	122,000	138,508	-105,140	116,140	-70,187	79,321	65%	42,679
Departmental Services Totals	227,865	990,459	1,017,000	351,769	180,712	200,322	227,219	960,022	94%	56,978
OIS Pro Rata	74,500	598,000	573,000	273,167	13,333	191,000	95,500	573,000	100%	0
Indirect Distributed Cost (Admin)	145,500	302,000	334,000	0	167,000	0	167,000	334,000	100%	0
Interagency Services	0	37,000	37,000	33,917	18,500	925	-52,417	925	3%	36,075
DOI Pro Rata	875	7,000	10,000	8,250	-3,250	8,333	-3,333	10,000	100%	0
Communications Pro Rata	2,250	18,000	20,000	18,333	-8,333	-1,666	11,666	20,000	100%	0
PPRD Pro Rata	2,375	19,000	19,000	17,417	-7,917	-1,584	11,084	19,000	100%	0
Consolidated Data Center	2,365	9,459	8,000	1	281	0	-282	0	0%	8,000
Data Processing	0	0	16,000	684	1,098	3,314	-1,999	3,097	19%	12,903
Central Admin Services Pro Rata	0	0	0	0	0	0	0	0	-	0
Exams Totals	0	1,934	0	0	0	0	0	0		0
Exam Administrative External	0	1,934	0	0	0	0	0	0		0
Enforcement Totals	295,991	1,186,964	1,184,000	37,118	342,227	133,476	359,892	872,713	74%	311,287
Attorney General	83,225	332,901	655,000	32,702	157,532	175,091	64,407	429,732	66%	225,268
Office of Admin Hearings	15,166	60,665	110,000	0	28,910	33,850	8,080	70,840	64%	39,160
Evidence/Witness	8,350	33,398	100,000	4,416	-4,416	0	53,161	53,161	53%	46,839
Court Reporters	0	3,000	7,000	0	4,201	2,535	244	6,980	-	20
DOI Investigation	189,250	757,000	312,000	0	156,000	-78,000	234,000	312,000	100%	0
TOTAL OE & E	650,970	2,688,459	2,682,000	580,314	490,276	574,475	532,281	2,177,345	81%	504,656
TOTALS, PERS SVS/OE&E	1,218,311	4,957,822	4,814,000	1,203,981	1,120,878	1,272,369	1,089,693	4,686,920	97%	127,081
*Fingerprint Reimbursements	-11,980	-47,922	-99,000	0	(16,121)	0	(30,674)	(46,795)	47%	0
*Other Scheduled Reimbursements				(71,147)	(1,645)	0	(8,273)	(81,065)	#DIV/0!	
Un-Scheduled Reimbursements	-34,738	-138,954	0	0	0	0	0	0	#DIV/0!	0
TOTAL REIMBURSEMENTS	-46,718	-186,876	-99,000	(71,147)	(17,766)	0	(38,947)	(127,860)		
TOTALS, PERS SVS/OE&E (-REIM)	1,171,593	4,770,946	4,715,000	1,132,834	1,103,112	1,272,369	1,050,746	4,559,060	97%	127,081

*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).

Expenditure Statistics Report			
Budget Line Items	FY2016/17	FY2017/18	FY2018/19
	As of 06/30/17	(As of 06/30/18)	(As of 06/30/19)
PERSONNEL SERVICES			
Civil Services Permanent	1,058,932	1,189,688	1,295,681
Temp help	131,027	114,857	142,445
Statutory Exempt	87,304	98,566	101,460
Board Members	45,900	44,100	56,800
Overtime	43,021	76,864	0
Staff Benefits	704,605	745,288	913,190
TOTAL PERS SVS	2,070,789	2,269,363	2,509,576
OPERATING EXPENSES & EQUIPMENT			
General Services Totals	530,481	509,102	344,610
Fingerprints	43,160	32,066	38,118
General Expense	24,937	19,841	18,123
Minor Equipment	12,862	1,061	20,409
Major Equipment	0	0	32,812
Printing	24,499	31,055	8,706
Communications	9,023	8,234	10,707
Postage	10,031	19,092	7,454
Insurance	20	6,310	10,844
Travel in State	26,357	17,294	
Training	2,083	0	1,825
Facilities Operations	312,892	315,350	116,200
C&P Services Interdepartmental	0	379	91
C&P Services External	64,617	58,420	79,321
Departmental Services Totals	886,913	990,459	960,022
OIS Pro Rata	581,183	598,000	573,000
Indirect Distributed Cost	262,978	302,000	334,000
Interagency Services	0	37,000	925
DOI Pro Rata	6,439	7,000	10,000
Communications Pro Rata	33,707	18,000	20,000
PPRD Pro Rata	1,308	19,000	19,000
Consolidated Data Center	380	9,459	0
Data Processing	918	0	3,097
Central Admin Services Pro Rata	0	0	0
Exams Totals	7,888	1,934	0
Exam Administrative External	7,888	1,934	0
Enforcement Totals	1,433,413	1,186,964	872,713
Attorney General	350,331	332,901	429,732
Office of Admin Hearings	45,493	60,665	70,840
Evidence/Witness	58,267	33,398	53,161
Court Reporters	4,060	3,000	6,980
DOI Investigation	975,262	757,000	312,000
TOTAL OE & E	2,858,695	2,688,459	2,177,345
TOTALS, PERS SVS/OE&E	4,929,484	4,957,822	4,686,921
Scheduled Reimbursements	-47,922	-47,922	-46,795
Un-Scheduled Reimbursements	-138,954	-138,954	-81,065
TOTAL REIMBURSEMENTS	-186,876	-186,876	-127,860
TOTALS, PERS SVS/OE&E (-REIM)	4,742,608	4,770,946	4,559,061

*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).

Revenue Statistics Report			
Budget Line Items	FY2016-17	FY2017-18	CY2018-19
	As of 6/30/17	As of 6/30/18	As of 6/30/19
OTHER REGULATORY			
Cite and Fine (Citations)	15,980	19,751	19,976
Endorsement (License Verification)	70,980	89,760	87,360
Duplicate License / Certificate	15,090	17,650	15,250
TOTALS	102,050	127,161	122,586
INITIAL APPLICATION & LICENSE			
FPTA Application & Initial License Fee	22,850	25,041	18,796
FPT Application Fee	79,099	67,367	73,324
ENMG Exam Fee	0	0	0
ENMG Application Fee	0	0	0
KEMG Exam Fee	500	0	0
KEMG Application Fee	0	0	0
PTA Application & Initial License Fee	198,623	221,428	238,344
PT Application Fee	484,369	541,350	548,208
PT Initial License Fee	265,658	255,649	257,599
<i>Refunded Reimbursements</i>	0	0	0
<i>Over/Short Fees</i>	901	0	0
<i>Suspended Revenue</i>	17,415	0	0
<i>Prior Year Revenue Adjustment</i>	-13,116	0	0
TOTALS	1,056,300	1,110,835	1,136,271
LICENSE RENEWAL			
PTA Renewal Fee	864,800	1,009,349	1,023,001
PT Renewal Fee	3,459,825	3,772,475	3,970,500
ENMG	450	750	250
KEMG	600	800	650
<i>Automated Revenue Refund Claim</i>	0	0	0
<i>Overt/Short Fees</i>	0	0	0
TOTALS	4,325,675	4,783,374	4,994,401
DELINQUENT LICENSE RENEWAL			
PTA Delinquent Fee	4,890		
PT Delinquent Fee	28,400		
EN Delinquent Fee	25		
EK Delinquent Fee	25		
TOTALS	33,340	0	0
MISCELLANEOUS			
Public Sales (142500)	10		
Surplus Money Investments (150300)	32,270		
Attorney General Proceeds (160100)	0		
Unclaimed/Cancelled Warrants (161000)	3,708		
Miscellaneous Income (161400)	247		
TOTALS	36,235	0	0
UNSCHEDULED REIMBURSEMENTS			
Investigative Cost Recovery - Investigations	120,696	103,821	72,328
Investigative Cost Recovery - Probation Monitoring	18,259	19,079	17,652
TOTALS	138,954	122,900	89,980
TOTAL REVENUES	5,692,554	6,144,270	6,343,238

0759 - Physical Therapy
Analysis of Fund Condition

Prepared 9.4.19

(Dollars in Thousands)

2019-20 Budget Act with Rent Increase and Estimated Attorney General Rate Increase

	PY 2017-18	PY 2018-19	Budget Act CY 2019-20	BY 2020-21	BY+1 2021-22
BEGINNING BALANCE	\$ 2,078	\$ 3,075	\$ 4,104	\$ 4,244	\$ 4,209
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,078	\$ 3,075	\$ 4,104	\$ 4,244	\$ 4,209
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 28	\$ 32	\$ 37	\$ 37	\$ 37
4127400 Renewal fees	\$ 4,609	\$ 4,768	\$ 4,610	\$ 4,610	\$ 4,610
4129200 Other regulatory fees	\$ 116	\$ 136	\$ 115	\$ 115	\$ 115
4129400 Other regulatory licenses and permits	\$ 1,090	\$ 1,092	\$ 1,086	\$ 1,086	\$ 1,086
4163000 Income from surplus money investments	\$ 27	\$ 69	\$ 46	\$ 62	\$ 59
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4172500 Miscellaneous revenues	\$ 1	\$ -	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 5,873	\$ 6,099	\$ 5,897	\$ 5,913	\$ 5,910
Totals, Resources	\$ 7,951	\$ 9,174	\$ 10,001	\$ 10,157	\$ 10,119
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,573	\$ 4,633	\$ 5,215	\$ 5,371	\$ 5,532
Facilities lease increase			\$ 11	\$ 11	\$ 11
Attorney General Rate Increase			\$ 108	\$ 143	\$ 143
8880 Financial Information System for California (State Operations)	\$ 6	\$ 1	\$ -1	\$ -1	\$ -1
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 41	\$ 89	\$ 89	\$ 89
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 297	\$ 395	\$ 335	\$ 335	\$ 335
Total Disbursements	\$ 4,876	\$ 5,070	\$ 5,757	\$ 5,948	\$ 6,109
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,075	\$ 4,104	\$ 4,244	\$ 4,209	\$ 4,010
Months in Reserve	7.3	8.6	8.6	8.3	7.9

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..
- C. ASSUMES INTEREST RATE OF 1.5%
- D. PROJECTED FY 2017-18 EXPENDITURES (NET) AND REVENUES



Briefing Paper

Date: September 18, 2019

Agenda Item 22 (B)

Prepared for: PTBC Members

Prepared by: April Beauchamps

Subject: Outreach Report

Purpose:

To provide PTBC's Outreach activities and statistics for April – June (Q4), CY 2018/19.

Attachments:

1. [Website Statistics](#)
2. [Facebook Statistics](#)
3. [Three Year Milestone 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).

This quarter (Q4). PTBC attended the DCA Licensing Fair at West Hills College, Lemoore 4/12/2019. PTBC staff also did school presentations at Casa Loma College on 4/25/2019, CSU Northridge on 4/26/2019, and Sacramento City College on 5/13/2019. In addition, the PTBC released its Spring 2019 newsletter on May 29, 2019. For FY 2018/19 we had 15 outreach events.

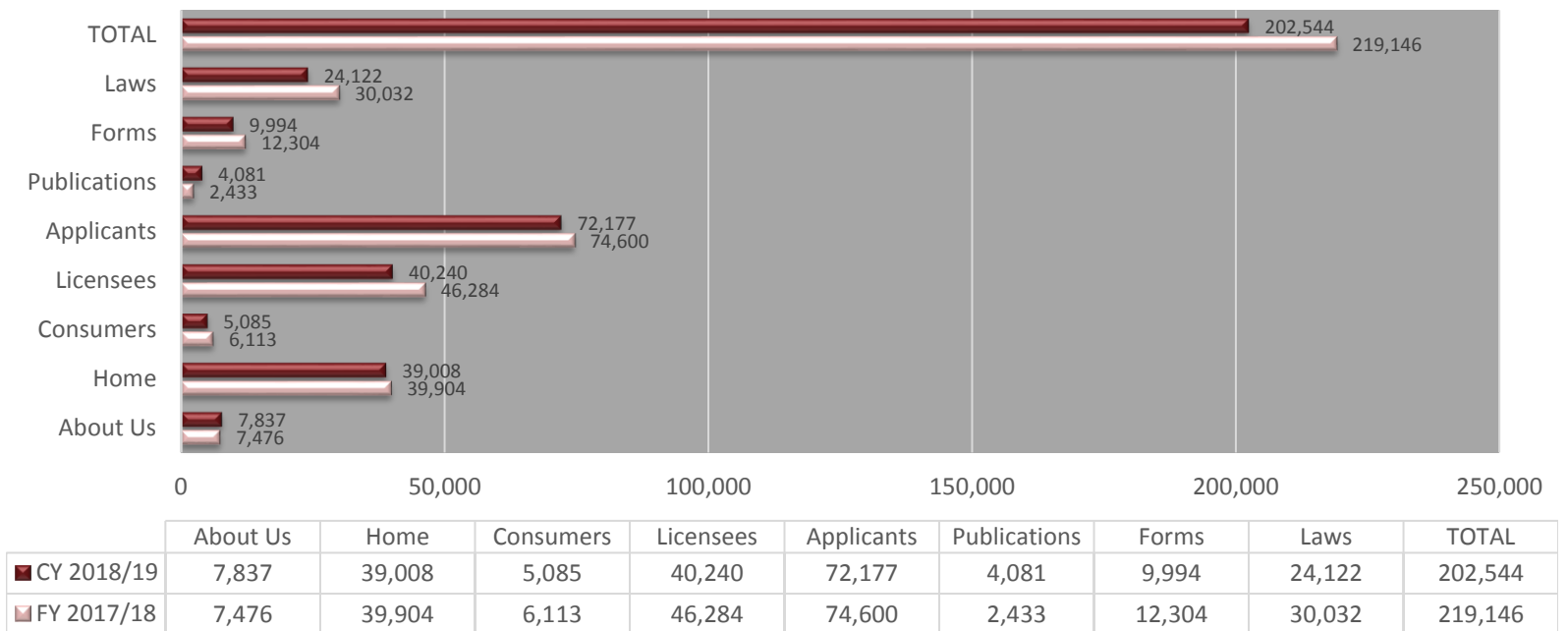
Analysis:

Website - PTBC had 202,544 web-hits through its home page tabs, resulting in an 8% decrease over last fiscal year (Q4). The "Laws" section had the most significant decrease compared to prior fiscal year (Q4) of a 20% decrease. The "Publications" tab increased by 68% over last fiscal year (Q4). Overall for the whole FY 18-19 compared to last FY 17-18, the traffic decreased by 8%. The website traffic has consistently dropped 13.58% over the past three years. This is due to outreach and the boards effort to go green and direct applicants and licensees to BreEZe.

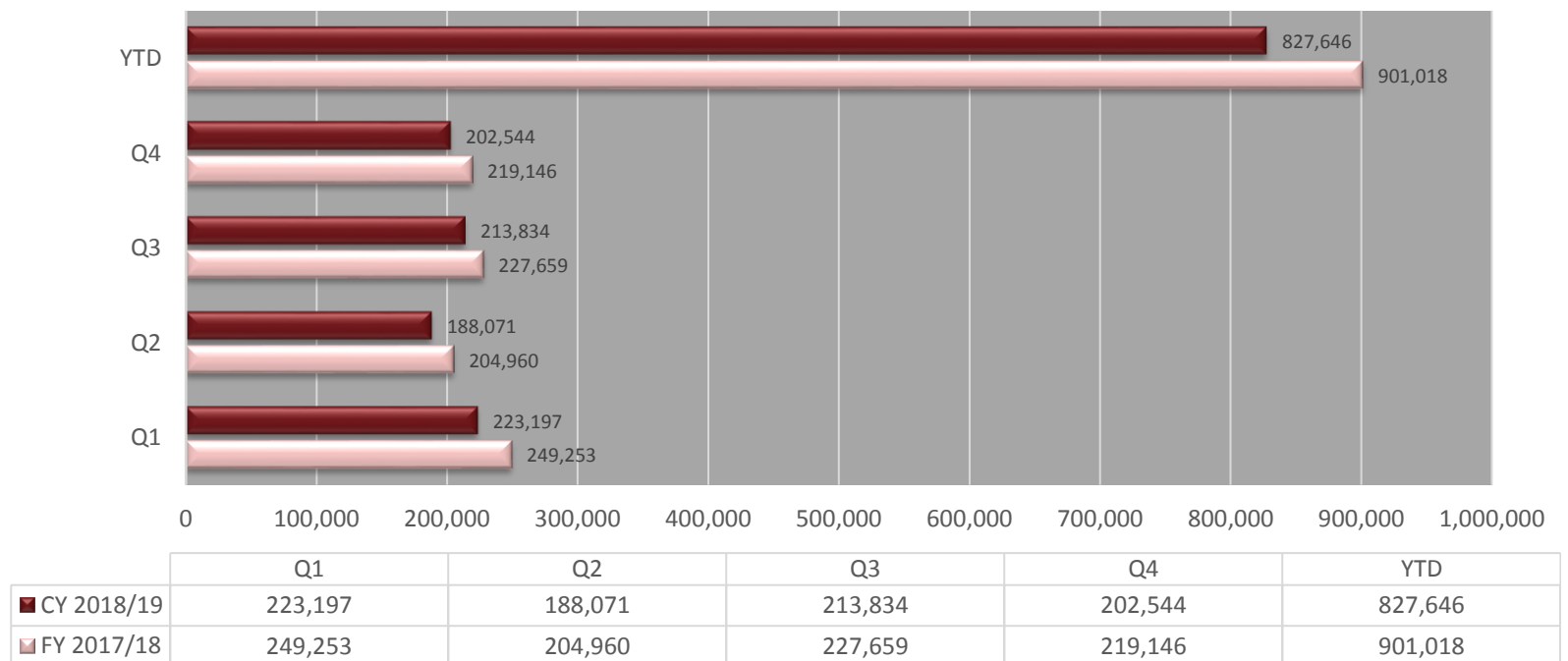
Facebook¹ - PTBC had 30,557 people access (traffic) our page and we received 53 "likes". In comparison to last fiscal year (Q4), the traffic decreased 18%. The most significant decrease in activities over last fiscal year (Q4) was our "Talked About" showing an overall 49% decrease and our "Likes" showing an overall 37% decrease. Overall for the whole FY 18-19 compared to last FY 17-18, the traffic increased by 16%. The 3-year milestones show that Facebook traffic overall increased 3.32% from FY 2016-17 to FY 2018-19. FY 2018-19 has the highest traffic of all three years.

¹ **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.

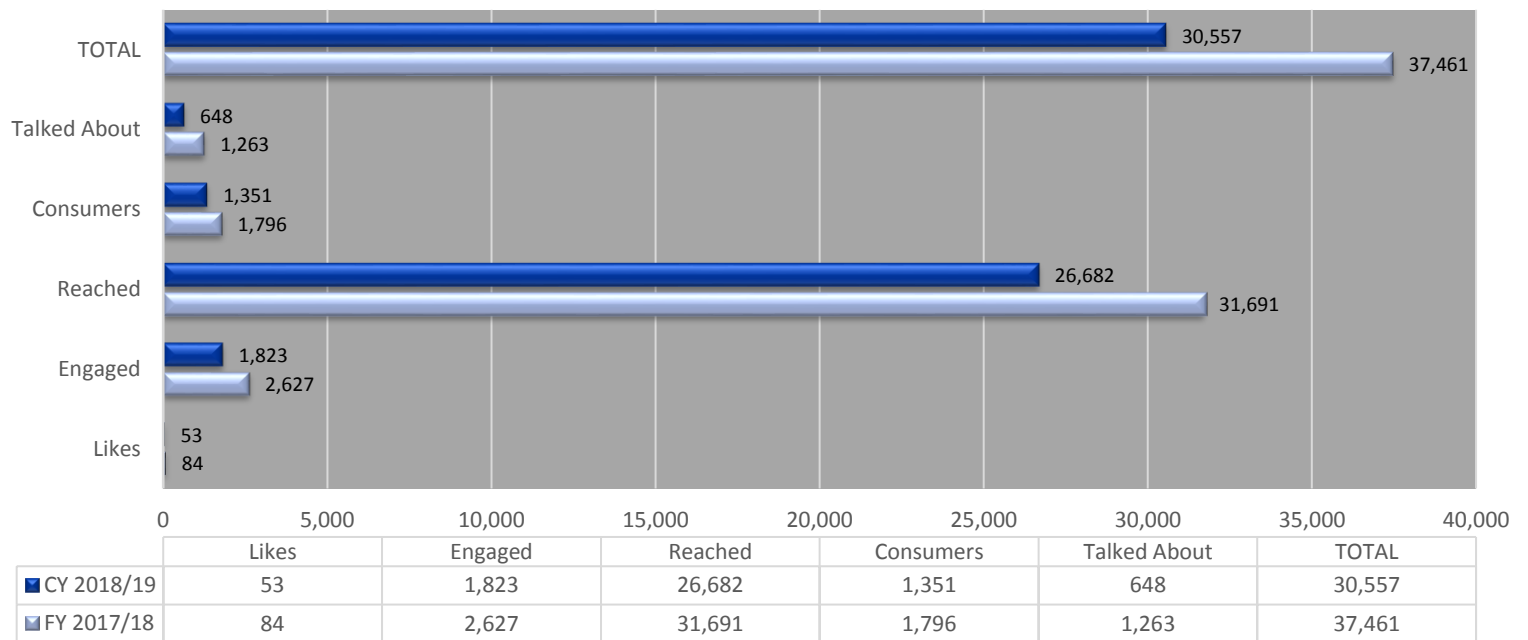
Website Activity (Quarterly)



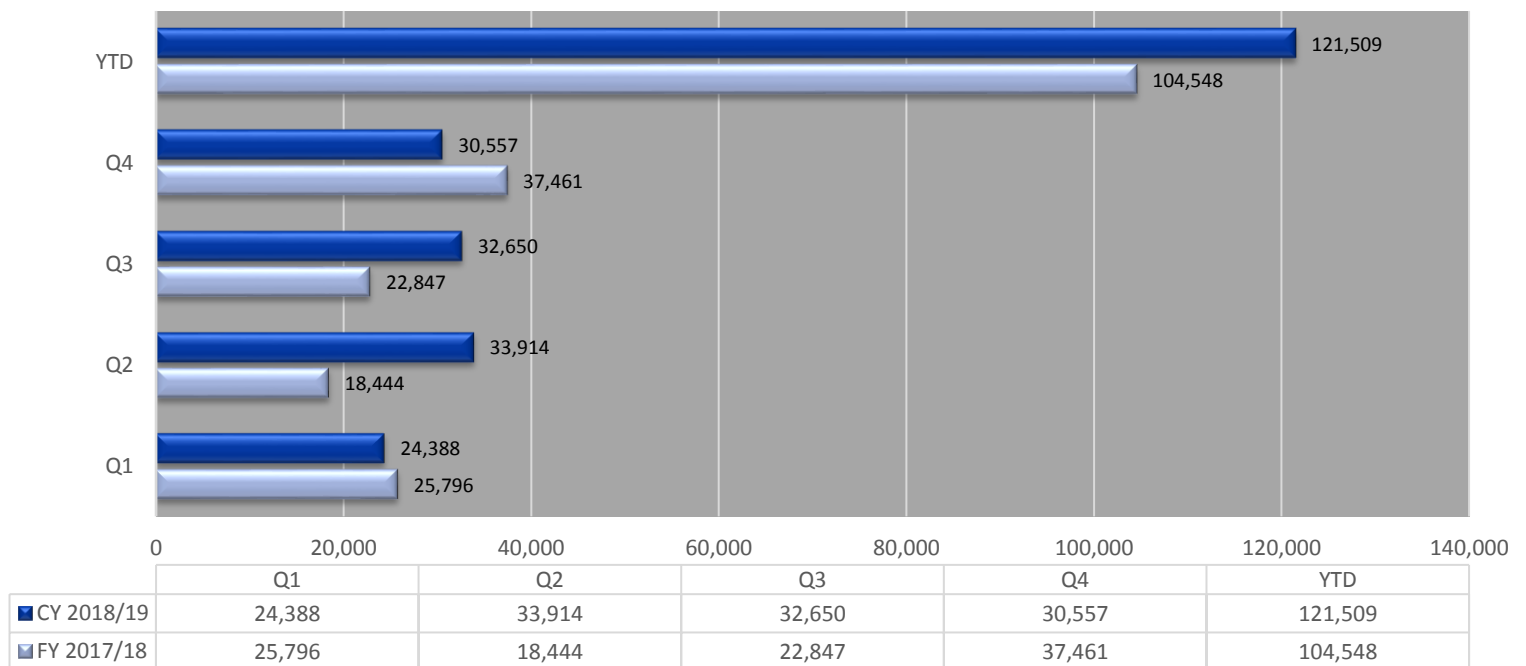
Website Activity (Year-to-date)



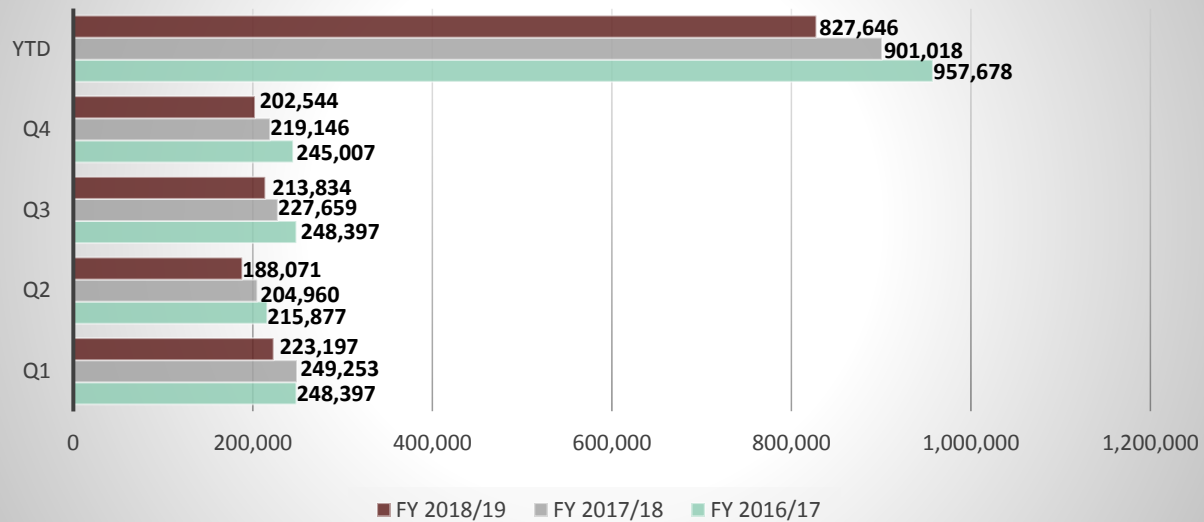
Facebook Activity (Quarterly)



Facebook Activity (Year-to-Date)

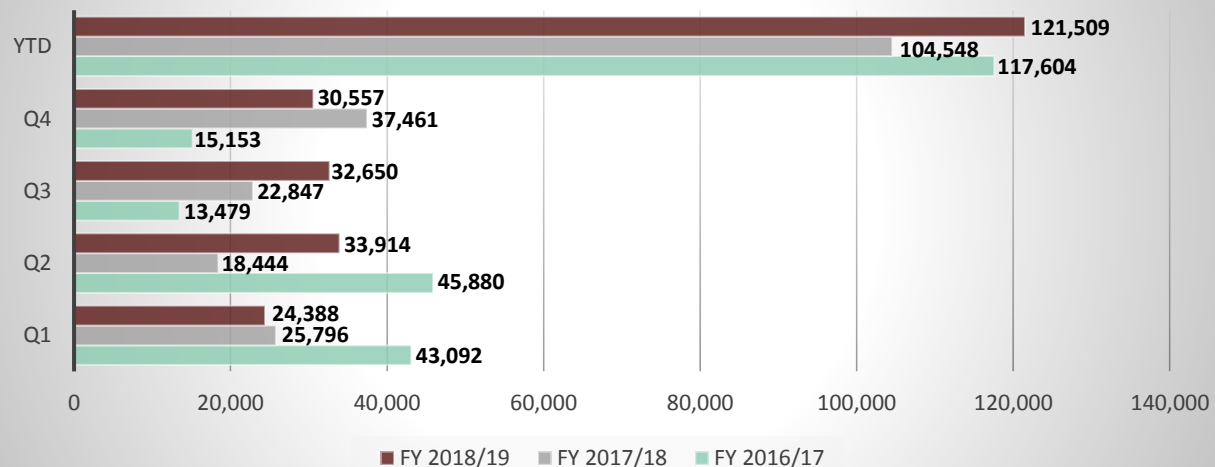


Website 3-Year Milestones



Website 3-Year Milestones					
Fiscal Years	Q1	Q2	Q3	Q4	YTD
FY 2016/17	248,397	215,877	248,397	245,007	957,678
FY 2017/18	249,253	204,960	227,659	219,146	901,018
FY 2018/19	223,197	188,071	213,834	202,544	827,646

Facebook 3-Year Milestones



Facebook 3-Year Milestones					
Fiscal Years	Q1	Q2	Q3	Q4	YTD
FY 2016/17	43,092	45,880	13,479	15,153	117,604
FY 2017/18	25,796	18,444	22,847	37,461	104,548
FY 2018/19	24,388	33,914	32,650	30,557	121,509



Briefing Paper

Agenda Item # 23

Date: 9/2/2019
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Application Services Report

Purpose:

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

Attachments: [1. Application Services Program Statistics](#)
[2. Examination Statistics](#)
[3. Three-Year Statistics: Online vs. Paper](#)

Data Format:

The report has been updated to include year-to-date data from the prior fiscal year. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

With the end of the fiscal year, a three-year statistics report focusing on online versus paper application usage is included with the standard statistics report. The data spans three years from FY 2016/17 to FY 2018/19 because the data collection method was the same for these years. Data collected prior to the implementation of Breeze in January 2016 would not provide comparable measures to current data because the collection criteria was different.

As illustrated, most applicants are applying online. This is attributed to increased outreach efforts as well as updated application information provided on the Board's website.

Action Requested:

None.

Application Services Report - Program Statistics

Initial Applications Received									
Fiscal Year 2018/19 - YEAR TO DATE									
	Total	Online		OOS		Foreign		Military	
PT	1942	1734	89%	866	45%	227	12%	39	2%
PTA	826	677	82%	213	26%	61	7%	38	5%
Total	2768	2411	87%	1079	39%	288	10%	77	3%
Fiscal Year 2017/18 - YEAR TO DATE									
	Total	Online		OOS		Foreign		Military	
PT	1910	1024	54%	865	45%	206	11%	25	1%
PTA	787	184	23%	174	22%	78	10%	9	1%
Total	2697	1208	45%	1039	39%	284	11%	34	1%
Fiscal Year 2018/19 - Q4									
	Total	Online		OOS		Foreign		Military	
PT	635	366	58%	231	36%	67	11%	10	2%
PTA	225	51	23%	45	20%	19	8%	1	<1%
Total	860	417	48%	276	32%	86	10%	11	1%
Fiscal Year 2017/18 - Q4									
	Total	Online		OOS		Foreign		Military	
PT	638	602	94%	213	33%	68	11%	11	2%
PTA	318	282	89%	56	18%	18	6%	13	4%
Total	956	884	92%	269	28%	86	9%	24	3%

Licenses Issued								
Fiscal Year 2018/19 - YEAR TO DATE								
	Total	Online	OOS		Foreign		Military	
PT	1811	N/A	814	45%	149	8%	26	1%
PTA	626	N/A	161	26%	36	6%	16	3%
Total	2437	N/A	975	40%	187	8%	42	2%
Fiscal Year 2017/18 - YEAR TO DATE								
	Total	Online	OOS		Foreign		Military	
PT	1805	N/A	834	46%	148	8%	29	2%
PTA	649	N/A	127	20%	40	6%	24	19%
Total	2454	N/A	961	39%	188	77%	53	6%
Fiscal Year 2018/19 - Q4								
	Total	Online	OOS		Foreign		Military	
PT	273	N/A	187	68%	32	12%	5	2%
PTA	131	N/A	41	31%	7	5%	2	2%
Total	404	N/A	228	56%	39	10%	7	2%
Fiscal Year 2017/18 - Q4								
	Total	Online	OOS		Foreign		Military	
PT	302	N/A	209	69%	43	14%	2	1%
PTA	138	N/A	29	21%	12	8%	1	1%
Total	440	N/A	238	54%	55	13%	3	1%

Application Services Report - Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	375	237	185	74	871	390	271	184	87	932	↑ 7%
Fail	36	42	42	27	147	47	47	30	25	149	↑ 1%
Total	411	279	227	101	1,018	437	318	214	112	1,081	↑ 6%
Pass Rate	91%	85%	81%	73%	86%	89%	85%	86%	78%	86%	→ 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	4	30	7	5	11	6	29	↓ -3%
Fail	20	33	19	20	92	25	16	16	17	74	↓ -20%
Total	35	41	22	24	122	32	21	27	23	103	↓ -16%
Pass Rate	43%	20%	14%	17%	25%	22%	24%	41%	26%	28%	↑ 14%

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	89	475	124	64	148	76	412	↓ -13%
Fail	37	29	43	34	143	45	33	27	36	141	↓ -1%
Total	224	74	197	123	618	169	97	175	112	553	↓ -11%
Pass Rate	83%	61%	78%	72%	77%	73%	66%	85%	68%	75%	↓ -3%

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	7	25	7	7	6	1	21	↓ -16%
Fail	7	5	7	8	27	9	4	5	8	26	↓ -4%
Total	12	12	13	15	52	16	11	11	9	47	↓ -10%
Pass Rate	42%	58%	46%	47%	48%	44%	64%	55%	11%	45%	↓ -7%

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	644	2,295	700	520	441	661	2,322	↑ 1%
Fail	252	211	192	227	882	242	195	159	146	742	↓ -16%
Total	944	736	626	871	3,177	942	715	600	807	3,064	↓ -4%
Pass Rate	73%	71%	69%	74%	72%	74%	73%	74%	82%	76%	↑ 6%

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	44	45	40	52	181	61	48	46	58	213	⬆️ 18%
Fail	41	39	31	51	162	40	36	32	40	148	⬆️ -9%
Total	85	84	71	103	343	101	84	78	98	361	⬆️ 5%
Pass Rate	52%	53%	56%	50%	53%	60%	57%	60%	59%	59%	⬆️ 11%

National PT and PTA Examination - National Statistics

Accredited PT Program											
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	4,870	1,601	1,261	2,741	10,473	4,823	1,647	1,440	2,768	10,678	⬆️ 2%
Fail	511	356	322	356	1,545	556	502	305	336	1,699	⬆️ 10%
Total	5,381	1,957	1,583	3,097	12,018	5,379	2,149	1,745	3,104	12,377	⬆️ 3%
Pass Rate	91%	82%	80%	89%	87%	90%	77%	83%	89%	86%	⬇️ -1%

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	268	213	144	144	769	155	134	160	140	589	↓-23%
Fail	570	754	427	530	2,281	550	410	349	435	1,744	↓-24%
Total	838	967	571	674	3,050	705	544	509	575	2,333	↓-24%
Pass Rate	32%	22%	25%	21%	25%	22%	25%	31%	24%	25%	→0%

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	3,200	1,552	869	1,055	6,676	3,155	1,433	980	1,133	6,701	⬆️0%
Fail	628	455	393	444	1,920	758	622	424	453	2,257	⬆️18%
Total	3,828	2,007	1,262	1,499	8,596	3,913	2,055	1,404	1,586	8,958	⬆️4%
Pass Rate	84%	77%	69%	70%	78%	81%	70%	70%	71%	75%	⬇️-4%

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	85	96	78	69	328	87	76	65	63	291	↓-11%
Fail	84	74	54	74	286	88	63	58	68	277	↓-3%
Total	169	170	132	143	614	175	139	123	131	568	↓-7%
Pass Rate	50%	56%	59%	48%	53%	50%	55%	53%	48%	51%	↓-3%

Jurisprudence Examination - National Statistics

Accredited Program

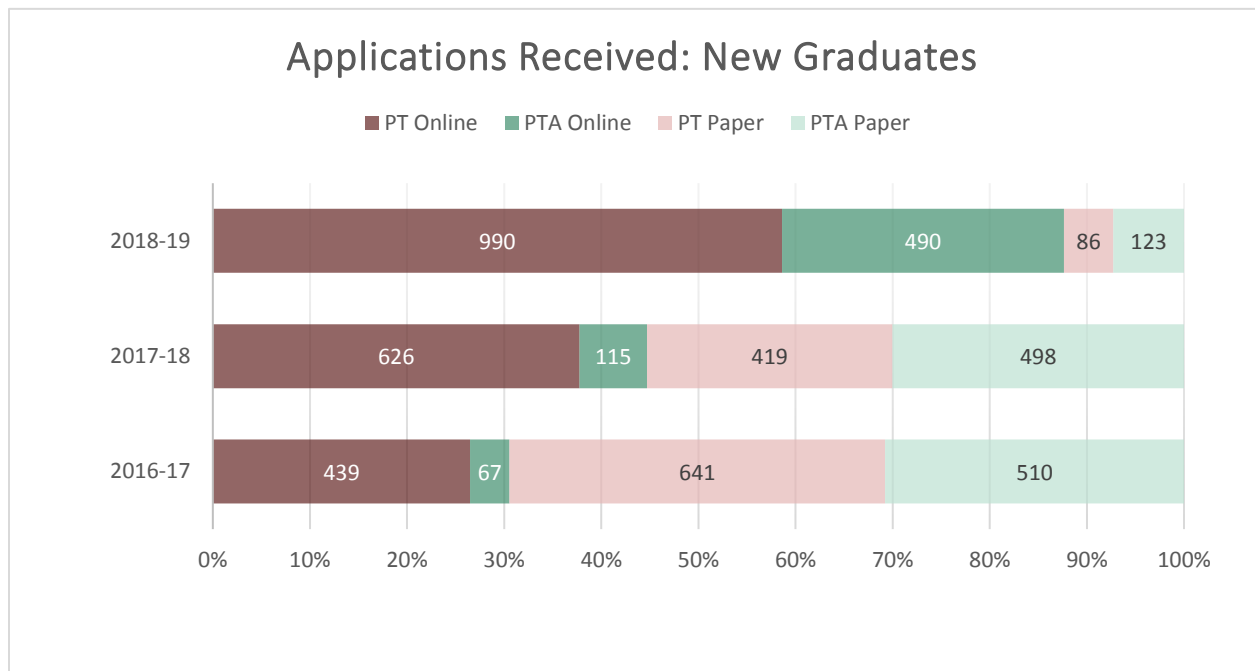
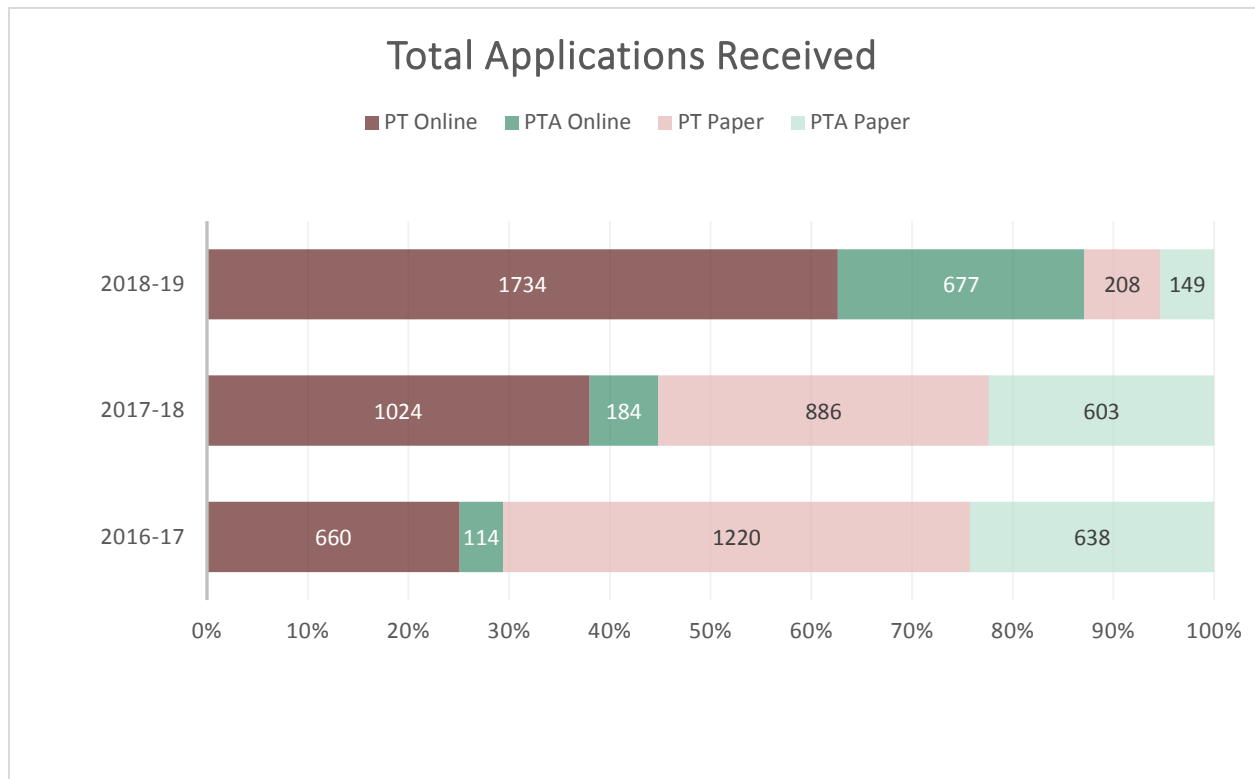
	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	2,003	1,334	1,135	2,056	6,528	2,036	1,353	1,280	2,155	6,824	↑ 5%
Fail	426	390	354	421	1,591	416	384	329	335	1,464	↓ -8%
Total	2,429	1,724	1,489	2,477	8,119	2,452	1,737	1,609	2,490	8,288	↑ 2%
Pass Rate	82%	77%	76%	83%	80%	83%	78%	80%	87%	82%	↑ 3%

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	93	340	101	79	81	96	357	↑ 5%
Fail	63	60	44	71	238	60	49	41	50	200	↓ -16%
Total	149	149	116	164	578	161	128	122	146	557	↓ -4%
Pass Rate	58%	60%	62%	57%	59%	63%	62%	66%	66%	64%	↑ 9%

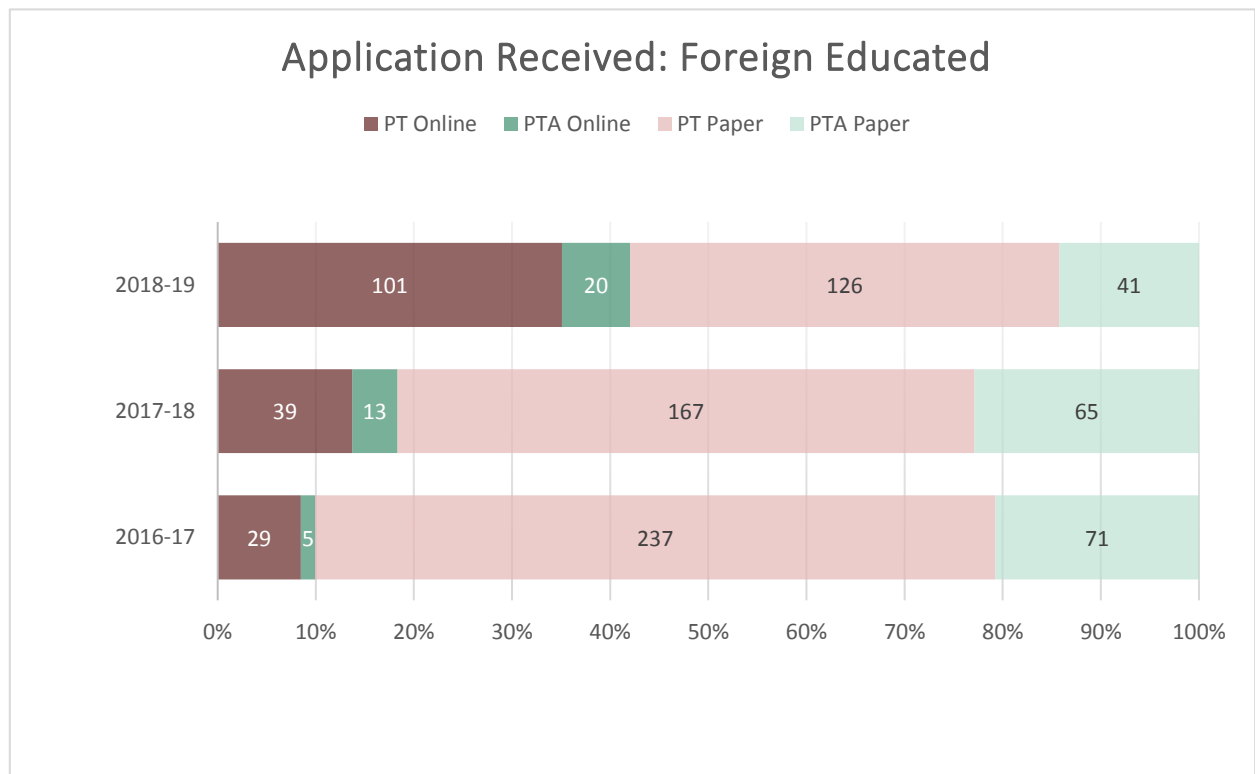
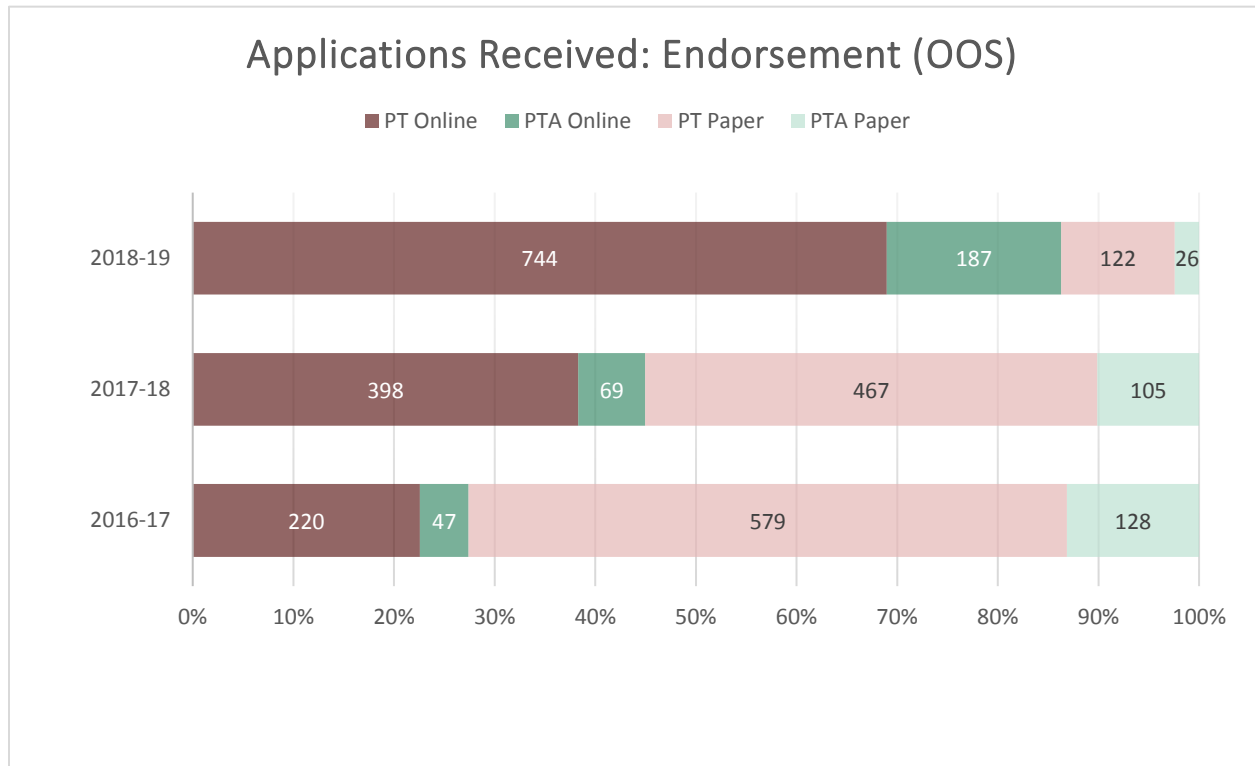
Physical Therapy Board of California Application Services Three-Year Data Comparison Report Online vs. Paper

Fiscal Year 2016/17 – Fiscal Year 2018/19



Physical Therapy Board of California Application Services Three-Year Data Comparison Report Online vs. Paper

Fiscal Year 2016/17 – Fiscal Year 2018/19





Briefing Paper

Agenda Item # 24

Date: 9/2/19
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: License Maintenance Report

Purpose:

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

Attachments:

1. [License Maintenance Statistics](#)
2. [Three-Year Statistics: Online vs. Paper](#)

Data Format:

The report has been updated to include year-to-date data from the prior fiscal year and license status data. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

With the end of the fiscal year, a three-year statistics report focusing on online versus paper application usage is included with the standard statistics report. The data spans three years from FY 2016/17 to FY 2018/19 because the data collection method was the same for these years. Data collected prior to the implementation of Breeze in January 2016 would not provide comparable measures to current data because the collection criteria was different.

While the data does not show a significant increase in online usage each year for each transaction type, it does reflect gradual increases. Renewals account for the majority of License Maintenance transactions and online usage is just above 80%. The data for all License Maintenance transactions closely mirrors this trend. Online usage for name change, address change, and duplicate requests is not as prevalent.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts*

Fiscal Year 2018/19				
	Current	Inactive	Delinquent	Retired
PT	26,194	1,217	3,952	309
PTA	7,293	315	1,127	92
Total	33,487	1,532	5,079	401
Fiscal Year 2017/18				
	Current	Inactive	Delinquent	Retired
PT	25,208	1,220	3,830	241
PTA	6,826	322	1,082	69
Total	32,034	1,542	4,912	310

*As of 7/31/19

Renewals Processed

Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	12,699	10,530	83%
PTA	3,305	2,780	84%
Total	16,004	13,310	83%
Fiscal Year 2017/18 - YEAR TO DATE			
	Total	Online	
PT	12,139	9,688	80%
PTA	3,255	2,638	81%
Total	15,394	12,326	80%
Fiscal Year 2018/19 - Q4			
	Total	Online	
PT	3,314	2,759	83%
PTA	858	724	84%
Total	4,172	3,483	83%
Fiscal Year 2017/18 - Q4			
	Total	Online	
PT	2,955	2,340	79%
PTA	828	683	82%
Total	3,783	3,023	80%

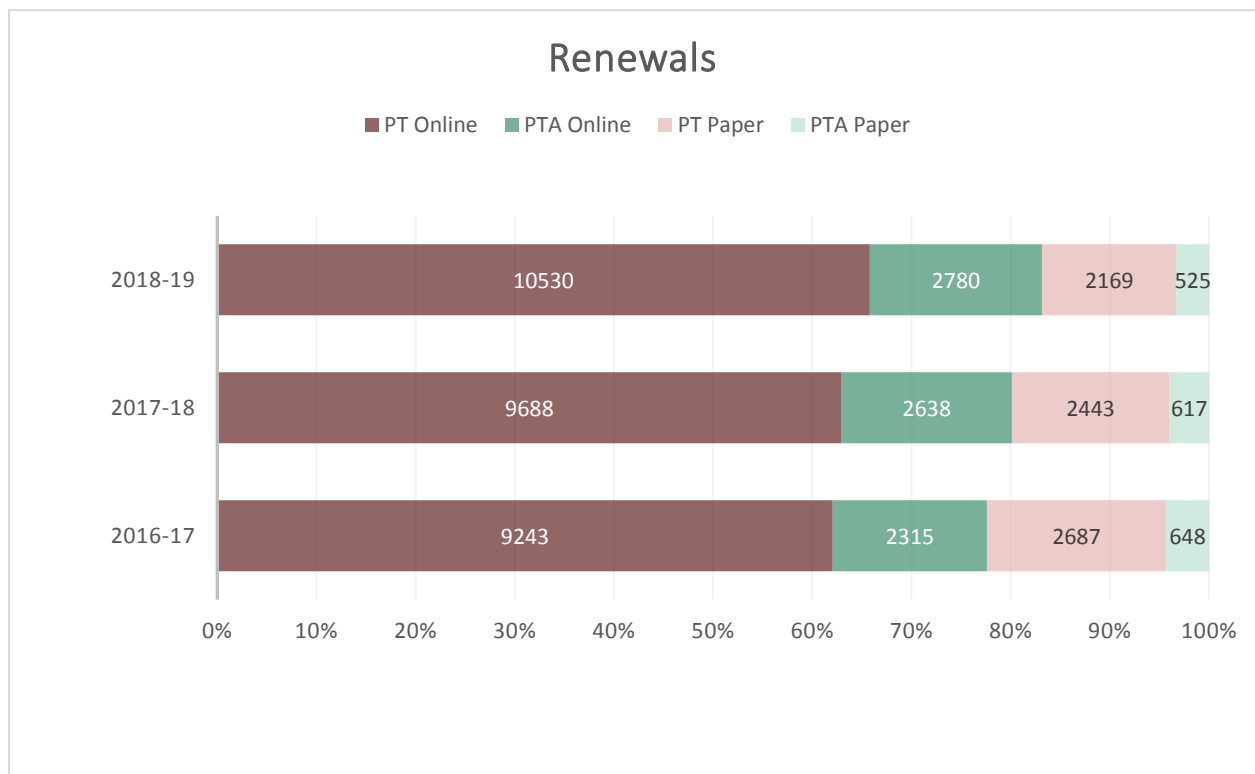
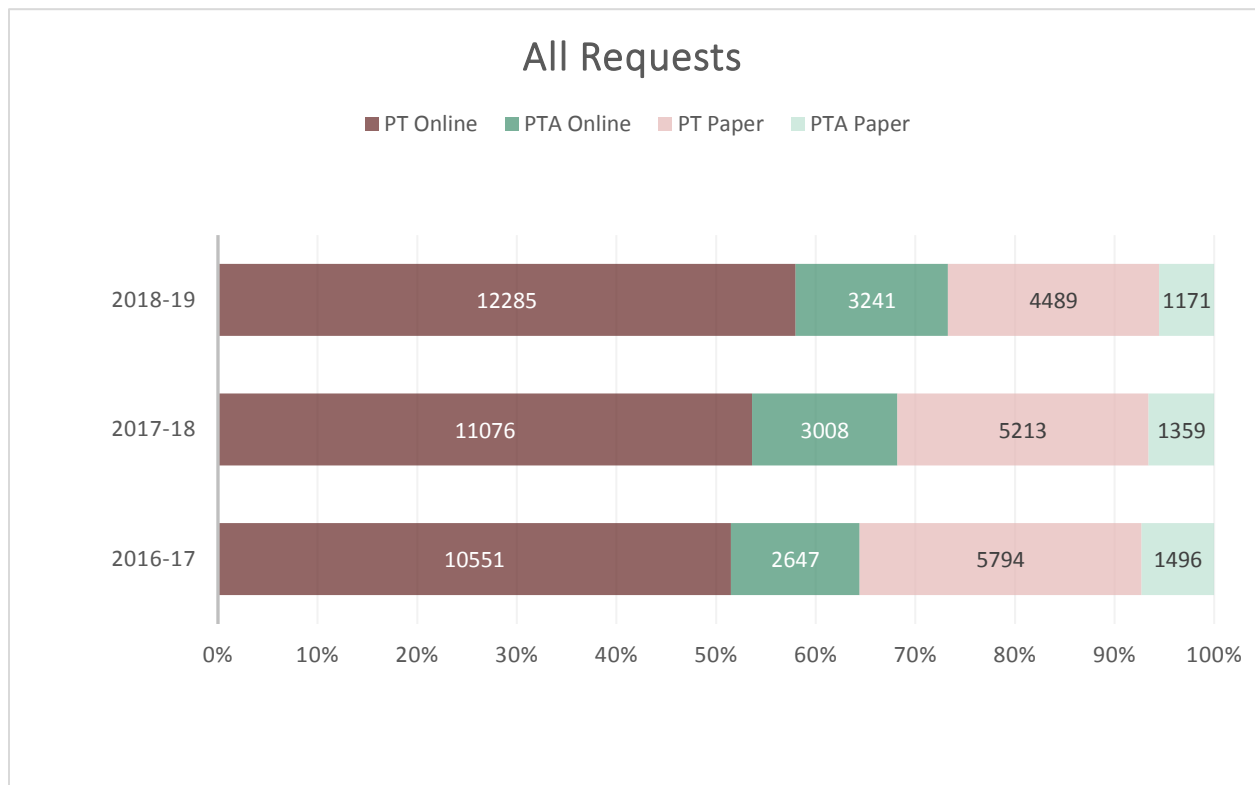
Name Changes Processed

Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	351	121	34%
PTA	106	36	34%
Total	457	157	34%
Fiscal Year 2017/18 - YEAR TO DATE			
	Total	Online	
PT	371	82	22%
PTA	100	21	21%
Total	471	103	22%
Fiscal Year 2018/19 - Q4			
	Total	Online	
PT	81	51	63%
PTA	32	20	63%
Total	113	71	63%
Fiscal Year 2017/18 - Q4			
	Total	Online	
PT	79	18	23%
PTA	18	6	34%
Total	97	24	25%

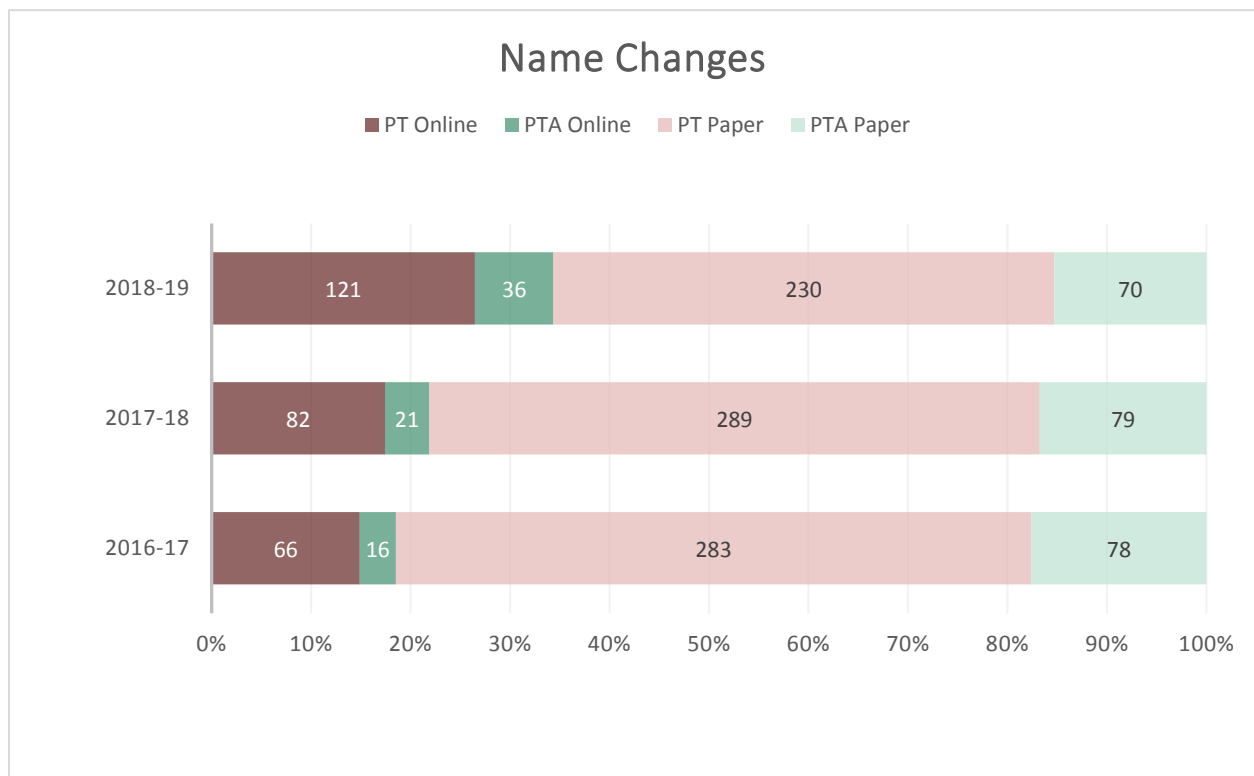
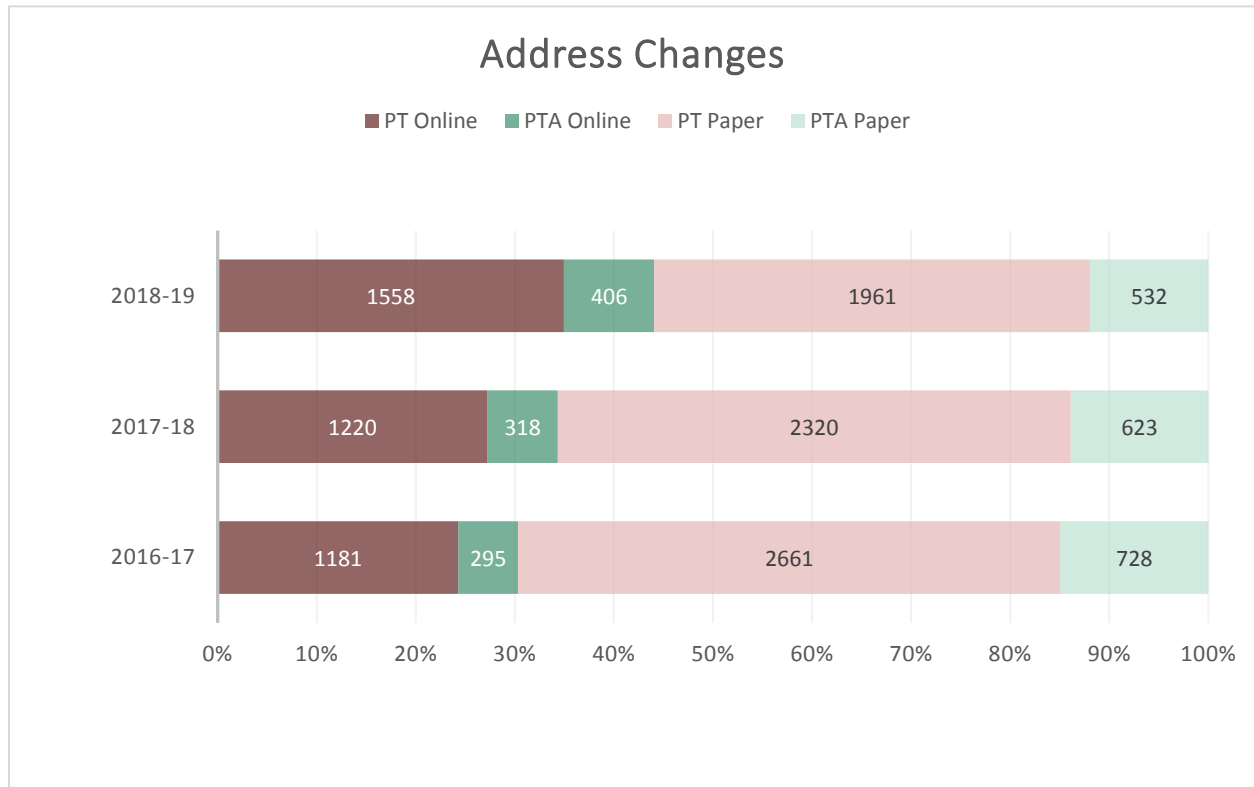
Address Changes Processed			
Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	3,519	1,558	44%
PTA	938	406	43%
Total	4,457	1,964	44%
Fiscal Year 2017/18 - YEAR TO DATE			
	Total	Online	
PT	3,540	1,220	34%
PTA	941	318	34%
Total	4,481	1,538	34%
Fiscal Year 2018/19 - Q4			
	Total	Online	
PT	876	600	68%
PTA	260	183	70%
Total	1,136	783	69%
Fiscal Year 2017/18 - Q4			
	Total	Online	
PT	811	275	34%
PTA	247	92	37%
Total	1,058	367	34%

Duplicate Requests Processed			
Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	205	76	37%
PTA	63	19	30%
Total	268	107	40%
Fiscal Year 2017/18 - YEAR TO DATE			
	Total	Online	
PT	247	86	35%
PTA	71	31	44%
Total	318	117	38%
Fiscal Year 2018/19 - Q4			
	Total	Online	
PT	42	16	38%
PTA	22	6	27%
Total	64	22	34%
Fiscal Year 2017/18 - Q4			
	Total	Online	
PT	51	17	34%
PTA	20	10	50%
Total	71	27	38%

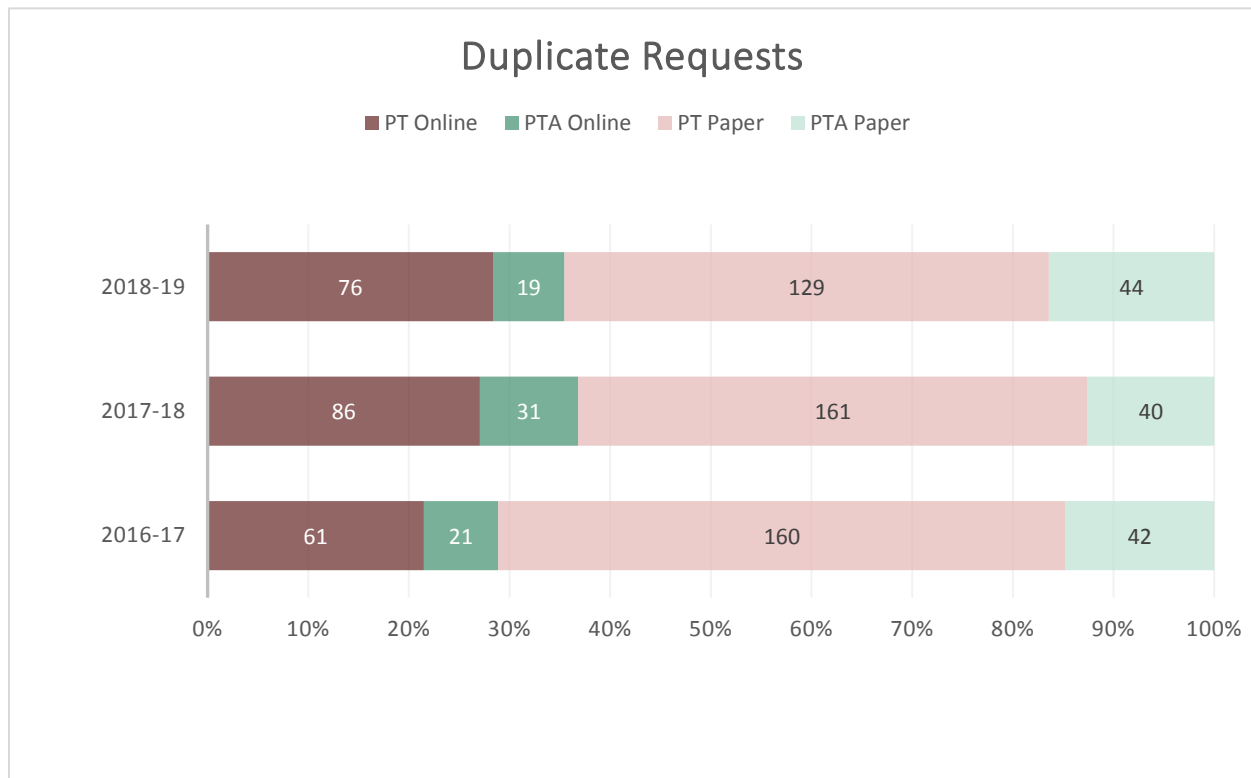
Physical Therapy Board of California
 License Maintenance Services Three-Year Data Comparison Report:
 Online vs. Paper
Fiscal Year 2016/17 – Fiscal Year 2018/19



Physical Therapy Board of California
 License Maintenance Services Three-Year Data Comparison Report:
 Online vs. Paper
Fiscal Year 2016/17 – Fiscal Year 2018/19



Physical Therapy Board of California
 License Maintenance Services Three-Year Data Comparison Report:
 Online vs. Paper
Fiscal Year 2016/17 – Fiscal Year 2018/19





Briefing Paper

Agenda Item # 25

Date: 8/12/2019
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:

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

Update:

A total of 117 physical therapists and 30 physical therapist assistants were selected for audit for FY 2018/19 Q3 (Jan-Mar). Staff continues to work on physical therapist/physical therapist assistant audits, so data available thus far has been included, but the final pass rate will be reported at the next meeting.

Action Requested:

None.

Continuing Competency Audit Statistics

Physical Therapist

	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	134	100	126	128	360	99	108	108		315	%
Fail	12	5	9	8	26	7	8	4		19	%
Pending	0	0	0	0	0	0	0	5		5	%
Total	146	105	135	136	386	106	116	117		339	%
Pass Rate	92%	95%	93%	94%	93%	93%	93%	Pending		Pending	Pending

Physical Therapist Assistant

	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	43	81	42	43	124	40	22	27		89	%
Fail	2	4	4	2	6	0	5	1		6	%
Pending	0	0	0	0	0	0	0	2		2	%
Total	45	85	46	45	130	40	27	30		97	%
Pass Rate	96%	95%	91%	95%	95%	100%	81%	Pending		Pending	Pending

Approval Agencies and Courses

Approval Agencies	125
Courses	14,382



Briefing Paper

Date: August 15, 2019
Prepared for: PTBC Members
Prepared by: Elsa Ybarra, Manager
Subject: Consumer Protection Services Program (CPS)

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

Attachments: (A) [Consumer Protection Services Statistics Report](#)
(B) [3 Year Performance Measure Milestone](#)
(C) [Disciplinary Summary](#)

Attachment A: Consumer Protection Services Report

Overall for FY 18/19, there were no significant changes with its performance measures in comparison to the FY 17/18 year to date.

PM1 Volume: Comparing FY 17/18 to FY 18/19, there was a 15% decrease in the complaint and conviction cases received. Of the complaints (non-conviction related) received, 38% of the complaints were in the unprofessional conduct category, 14% unlicensed, 14% incompetence, and 13% fraud. In other categories, such as substance abuse, non-jurisdictional, sexual misconduct, and unsafe/unsanitary, the percentages were 6% or less.

The high percentage in the unprofessional conduct category is a result of it being a catch-all for other type of violations that do not have a specific category type within the BreEZe system. For instance, unprofessional conduct is patient/client abandonment, failure to release and/or return records to the Board as requested, breach of confidentiality, unethical practices, acts of violence, theft, and failure to report abuse-child/spousal/elder/dependent adult, but does not include criminal convictions/charges.

PM3 Investigations: There have not been significant changes with the average days to complete an investigation. The changes that have occurred are due to general fluctuations that occur on a case by case bases.

PM4 Discipline: FY 18/19 year to date reflects a 13% decrease in the number of cases transmitted to the Attorney General's for disciplinary action; however, there was a 50% increase in the number of cases closed after transmission. Overall, there was a slight decrease in the average days to complete the enforcement process for discipline.

Attachment B: 3 Year Performance Measure Milestone

The Performance Measure Milestone captures the last five fiscal year-end statistics which reflects a steady average in the various PM's, with the exception of PM4 – Cycle Time-Discipline. There has been a major decrease in the average days from start to finish on cases resulting in disciplinary action. We are always looking at ways to streamline processes; however, keeping in mind that it doesn't hinder the quality of the investigation. Some of the internal processes include improving the prioritization of cases and ensuring that the desk investigations are thorough in obtaining the documents and/or information needed to allow for a more comprehensive determination of the level of action. In addition, with the Office of Attorney General's implementation of performance measure goals, there has been a significant impact on their timelines to complete a case.

Attachment C: Disciplinary Summary List

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

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	404	91	83	68	78	320	↓ -21%
PM1: Convictions/Arrest Received	250	55	59	55	66	235	↓ -6%
PM1: Total Received	654	146	142	123	144	555	↓ -15%

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	2	↑ 13%

Investigations

Target: 90 Days	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	108	97	141	110	154	126	↑ 16%
PM3a: Intake Only	2	2	2	2	3	2	↑ 13%
PM3b: Investigation Only	100	89	124	99	151	116	↑ 16%
PM3c: Post Investigation Only	2	1	6	1	1	2	↑ 13%

Investigations Aging

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	68%	107	75	60	64	62%	↓ -6%
91 - 180 Days	10%	17	27	22	23	18%	↑ 8%
181 Days - 1 Year (364)	14%	13	23	14	18	14%	↓ 0%
1 to 2 Years (365-730)	5%	3	12	6	5	5%	↑ 0%
2 to 3 Years (731- 1092)	1%	1	1	0	4	1%	↑ 0%
Over 3 Years (1093 +)	1%	0	1	0	1	0%	↓ -1%

Citations

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	29	9	25	5	20	59	↑ 103%
Average Days to Close	270	212	209	136	226	195.8	↓ -28%

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	830	597	↓ -1%
PM4a: Intake Only	5	1	2	2	3	2	↓ -60%
PM4b: Investigation Only	268	146	187	276	341	238	↓ -11%
PM4c: Pre-AG Transmittal	11	17	1	1	6	6	↓ -43%
PM4d: Post-AG Transmittal	326	323	301	311	703	410	↑ 26%

	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	77	21	12	13	21	67	↓ -13%
AG Cases Pending	57	47	42	52	59	59	↑ 4%
SOIs Filed	11	0	2	0	0	2	↓ -82%
Accusations Filed	29	15	6	4	5	30	↑ 3%

AG Transmittals							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	38	10	17	11	19	57	↑ 50%
Total Average Days to Complete	601	482	488	587	830	596.8	↓ -1%

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%	→ 0%
91 - 180 Days	5%	0	0	0	0	0%	↓ -5%
181 Days - 1 Year (364)	26%	4	8	3	5	35%	↑ 9%
1 to 2 Years (365-730)	45%	4	8	6	5	40%	↓ -5%
2 to 3 Years (731- 1092)	8%	2	0	1	3	11%	↑ 3%
Over 3 Years (1093 +)	16%	0	1	1	6	14%	↓ -2%

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	6	0	0	1	1	2	↓ -67%

PM1: Volume - Numbr of complaints received within the reference period.

PM2: Cycle Time - Intake - Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation (assigned to staff).

PM3: Cycle Time - Investigations - Average number of days to complete the entire enforcement process for complaints not transmitted to the AG for formal discipline. (includes intake and investigation days)

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 - 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. (without intake)

PM3c: Post Investigation Only - Of the cases included in PM3, the average number of days from the date the investigation was completed to the date of the case outcome or non-AG formal discipline effective date.

PM4: Cycle Time-AG Transmittal - Average number of days to complete the enforcement process for cases investigated and transmitted to the AG for formal discipline. (includes intake & investigation to final outcome of cases transmitted to the AG - includes withdrawals, dismissals, etc.)

PM4a: AG Transmittal - 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: AT Transmittal - 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: AG Transmittal - Pre AG Transmittal - Of the cases 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: AG Transmittal - Post AG Transmittal - Of the cases 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. (AG days only)

**Physical Therapy Board of California
Consumer Protection Services Program**

3 Year Performance Measures Milestone			
Fiscal Year *	2016-2017	2017-2018	2018-2019
PM1 Volume - Total Number of Complaints Received. (Non conviction/arrest related)	459	404	320
PM1 Volume - Conviction/Arrest Reports Received	312	250	235
Total Complaints Received	771	654	555
PM2 Cycle Time - Intake Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS
	2	2	2
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.	AVG DAYS	AVG DAYS	AVG DAYS
	105	108	126
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.			
	2	2	2
PM3b Investigation 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.			
	102	100	116
PM3c Post Investigation Of the cases included in PM3, the average number of days from the date the investigation was completed, to the date the case outcome or non AG formal discipline effective date. was transmitted to the AG.			
	3	2	2
PM 4 Cycle Time-Discipline (Target 540 Days) Average Number of Days to complete the Enforcement process for cases investigated and transmitted to the AG for formal discipline within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS
	554	604	597

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.	2	5	2
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.	269	268	238
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.	1	11	6
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.	357	326	410
Total Final Orders	26	38	49

**Physical Therapy Board of California Consumer
Protection Services Program**

5 Year Performance Measures Milestone					
Fiscal Year *	2014/2015	2015/2016	2016-2017	2017-2018	2018-2019
PM1 Volume - Total Number of Complaints Received. (Non conviction/arrest related)	669	409	459	404	320
PM1 Volume - Conviction/Arrest Reports Received	336	294	312	250	235
Total Complaints Received	1006	703	771	654	555
PM2 Cycle Time - Intake Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS
	4	4	2	2	2
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.	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS
	167	148	105	108	126
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.	N/A	4	2	2	2
PM3b Investigation 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.	N/A	133	102	100	116
included in PM3, the average number of days from the date the investigation was completed, to the date the case outcome or non AG formal discipline effective date. was transmitted to the AG.	N/A	19	3	2	2
PM 4 Cycle Time-Discipline (Target 540 Days) Average Number of Days to complete the Enforcement process for cases investigated and transmitted to the AG for formal discipline within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS	AVG DAYS
	932	793	554	604	597

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.	N/A	4	2	5	2
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.	N/A	322	269	268	238
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.	N/A	3	1	11	6
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.	N/A	492	357	326	410
Total Final Orders	54	61	26	38	49

* The new Sub-Performance Measures were implemented FY 2015-2016.

Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of April through June 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

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April 2019

CHAPMAN, BETH ANN PT 134559

Violation of B & P Codes: 2238, 2660(e), and 2660(f)(3). Violation of CCR: 490, 1399.20, 1399.24(b), 1399.24(c) 1399.24(d)(2), and 1399.24(d)(3). Proposed Decision Order Effective 04/26/19, 3 years' Probation.

GAMPER, JACOB ROBERT

Violation of B & P Codes: 480, 481, 493, 2660, 2661, 2239, 2636, 2636(a)(1), and 2636(a)(2). Proposed Decision Order Effective 04/26/19, 3 years.

NAGELE, AMY LYNNE PT 25243

Violation of B & P Codes: 2620.7, 2660, 2660(g), 2660(j), 2660(r), and 2660(s). Violation of CCR: 1398.13, 1399.20, 1399.24(b) 1399.24(c), and 1399.24(d)(2). Stipulated Settlement and Disciplinary Order Effective 04/29/19, 4 years' Probation.

May 2019

SCHERR, JOEL Z. PT 8588

Violation of B & P Codes: 725(a), 2620.1(a)(4), 2620.7(a), 2660, 2660(g), 2660(h), and 2660(s). Violation of CCR: 1398.13. Proposed Decision Effective 05/03/19, Public Reprimand.

TOBIAS, LESLIE NICHOLE PT 42634

Violation of B & P Codes: 2239, 2660(a), 2660(e), 2660 (w), 2661, 2239, and 2239(a). Violation of CCR: 1399.20(a), 1399.20(c), and 1399.20(e). Stipulated Settlement and Disciplinary Order Effective 05/27/19, 3 years' Probation.

GHATTAS, GEORGE GHASSAN PT 296694

Violation of B & P Codes: 480, 481, 493, 2660, 2661, and 2239. Stipulated Settlement and Disciplinary Order Effective 05/24/19, 5 years.

ROBESON, DANIEL COOPER PT 292598

Violation of B & P Codes: 2239(a), 2660, 2660(a), 2660(w), 2660(e), and 2661. Violation of CCR: 1399.20(a), and 1399.20(c). Stipulated Settlement and Disciplinary Order Effective 05/28/19, 5 years' Probation.

ADRIANO, ANGELINE CURA PTA 6921

Violation of B & P Codes: 2620.7, 2660, 2660(g), 2660(j), and 2660(s). Violation of CCR: 1398.13. Public Reprimand Effective 05/28/19.

GALUTERA, AARON MIKAEL PT 296706

Violation of B & P Codes: 475, 480, 482, 2660, 2660.2, and 2661. Violation of CCR: 1399.15, 1399.20, and 1399.21. Disciplinary Order Effective 05/24/19, 3 years' Probation.

ROOHI, MARIA PT 25011

Violation of B & P Codes: 810, 2605(d), 2620.7, 2660, 2660(a), 2660(g), 2660(i), 2660(j), 2660(r), and 2660(s). Violation of CCR: 1399.12, and 1399.20(a). Stipulated Surrender of License and Order Effective 05/29/19, License Surrendered.

June 2019

MANZANO, ALISA PT 18465

Violation of B & P Codes: 490, 493, 2234, 2239, 2660, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20, 1394.24(d)(2), and 1394.24(d)(3). Stipulated Settlement and Disciplinary Order Effective 06/05/19, 4 years' Probation.

TUAZON, LOVERN RAMIREZ PTA 9948

Violation of B & P Codes: 2644(b), 2649, 2660(a), 2660(c), 2660(j). Violation of CCR: 1399.91, 1399.93, 1399.97. Stipulated Settlement and Disciplinary Order Effective 06/12/19, Public Reprimand.

VASSALLO, TERESA ANN PT 15568

Violation of B & P Codes: 2239(a), 2660, 2660(d), 2660(e), 2660(h). Stipulated Surrender of License and Order Effective 06/13/19, License Surrendered.

Initial Probationary Licenses (IPL) Issued

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NONE

Glossary of Terms
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B & P Code – Business and Professions Code

H & S Code – Health and Safety Code

R & R – Rules and Regulations

CCR – California Code of Regulations

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

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

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

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

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

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

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

Stipulated Decision: Negotiated settlements waiving court appeals.

Briefing Paper

Agenda Item 27A

Date: August 20, 2019

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q4 - FY 2018-2019

Attachments: (1) [Statistical Report](#)

Background:

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

Currently there are 89 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 73 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 8 licensees that entered into probation in the quarter and 7 licensees that completed probation in the quarter.

Of the 73 licensees that are not currently tolling, 20 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 27% of all licensees on probation that aren't tolling. During the quarter, 7 licensees entered into the Board's Drug and Alcohol Recovery Monitoring Program and 2 licensees completed the program. One additional licensee was released from the program after the clinical assessment deemed them to be "Clinically Inappropriate" for the program.

Action Requested:

No Action Required.

Probation Statistics Report

Probation							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	11	3	7	4	8	22	⬆️ 100%
Completed Probation	15	2	2	5	7	16	⬆️ 7%
Probation Terminated	1	0	1	0	0	1	➡️ 0%
Non-Compliant w/Probation	2	1	1	0	0	2	➡️ 0%
Tolling (Out of State)		11	17	16	16		
Surrenders		3	0	0	0	3	
Total Probationers	87	85	89	88	89	89	⬆️ 2%

Maximus							
	FY 2017/18	Fiscal Year 2018/19					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	4	0	2	3	7	12	⬆️ 200%
Completed Maximus	2	0	2	3	2	7	⬆️ 250%
Total Maximus Participants	19	17	17	16	20	20	⬆️ 5%
Determined To Be Clinically Inappropriate	1	0	0	0	1	1	➡️ 0%
Terminated - Public Risk	2	0	0	0	0	0	⬇️ -50%
Withdrawn (Expense) - Post-Dec	1	0	0	1	0	1	➡️ 0%
Withdrawn (Left State) - Post-Dec	1	1	0	0	0	1	➡️ 0%
Withdrawn - Pre-Dec	1	0	0	0	0	0	⬇️ -100%