

JUNE 25, 2020
BOARD MEETING

Department of Consumer Affairs
2005 Evergreen St.,
Sacramento, CA 95815



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

June 25, 2020 9 a.m.

Department of Consumer Affairs
2005 Evergreen St.,
Sacramento, CA 95815

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

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

BOARD MEMBERS

Alicia K. Rabena-Amen, PT, DPT, *President*

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

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

Daniel Drummer, PT, DPT, *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

dca

DEPARTMENT OF CONSUMER AFFAIRS

BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

June 25, 2020

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided.

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

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

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

For all those who wish to participate or observe the meeting on Thursday, June 25, 2020, please log on to this website: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e07e1732add0527d15f3618b2aaa6d155>

As an alternative, members of the public who wish to observe the meeting on June 25, 2020 without making public comment can do so (provided no unforeseen technical difficulties) at: <https://thedcapage.wordpress.com/webcasts/>

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

Agenda – Thursday, June 25th

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. **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).)
4. **Review and Approval of December 12-13, 2019, Meeting Minutes** – Brooke Arneson
5. **President's Report** –Alicia Rabena-Amen
 - (A) 2020 Adopted Meeting Calendar
 - (B) 2021 Proposed Meeting Calendar
6. **Executive Officer's Report** – Jason Kaiser
 - (A) PTBC Relocation
7. **Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs**
 - (A) DCA Waiver DCA-20-01 Continuing Education
 - (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
8. **California Jurisprudence Exam Administration Options** - Jeff Rosa, FSBPT
9. **Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer** – Alicia Rabena-Amen
10. **Consumer and Professional Associations and Intergovernmental Relations Reports**
 - (A) Federation of State Boards of Physical Therapy (FSBPT)
 - (B) Department of Consumer Affairs (DCA) – Executive Office
 - (C) California Physical Therapy Association (CPTA)
11. **Legislation Report** – Brooke Arneson
 - (A) 2019/20 Legislative Session Summary
 - i. AB 613 (Low) Professions and Vocations: Regulatory Fees
 - ii. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain
 - iii. AB 1263 (Low) Contracts: Consumer Services: Consumer Complaints
 - iv. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
 - v. AB 1665 (Bonta) Athletic Trainers
 - vi. AB 1850 (Gonzalez) Worker Classification: Employees and Independent Contractors
 - vii. AB 1904 (Boerner Horvath) Pelvic Floor Physical Therapy Coverage
 - viii. AB 2028 (Aguiar-Curry) State Agencies: Meetings
 - ix. AB 2113 (Low) Refugees, Asylees, and Immigrants: Professional Licensing

- x. AB 2185 (Patterson) Professions and Vocations: Applicants Licensed in Other States: Reciprocity
- xi. AB 2214 (Carrillo) Administrative Procedure Act: Notice of Proposed Action
- xii. AB 2410 (Cunningham) Athletic Trainers
- xiii. AB 2549 (Salas) Department of Consumer Affairs: Temporary Licenses
- xiv. AB 2631 (Cunningham) License Fees: Military Partners and Spouses
- xv. AB 2684 (Blanca Rubio) School Employee Credentialing: Occupational Therapy and Physical Therapy Services: Workgroup
- xvi. AB 2704 (Ting) Healing Arts: Licensees: Data Collection
- xvii. AB 2978 (Ting) Department of Justice: Arrest and Conviction Records: Review
- xviii. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses
- xix. SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait Times
- xx. SB 1054 (Moorlach) Physical Therapy Licensure Compact Presentation by the PT Compact Commission
- xxi. SB 1168 (Morrell) State Agencies: Licensing Services

12. Rulemaking Report – Brooke Arneson

(A) 2019 Rulemaking Update

- i. Examination Passing Standard/Setting Examination Score
- ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
- iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- iv. Federation of State Boards of Physical Therapy’s (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States
- v. Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations

13. Administrative Services - Discussion and Possible Board Action - Jason Kaiser

- (A) Budget Report
- (B) Outreach Report
- (C) Board Member Appointments

14. Application Services - Discussion and Possible Board Action – Jason Kaiser

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

15. Licensing Services - Discussion and Possible Board Action – Jason Kaiser

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

16. Continuing Competency Services - Discussion and Possible Board Action – Jason Kaiser

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

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

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

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

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

19. Public Comment on Items Not on the Agenda

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

20. Agenda Items for Future Meeting – September 18-19, 2020
Carrington College
Room 403
395 Civic Drive, Suite C
Pleasant Hill, CA 94523

21. Closed Session

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

22. Adjournment

Informational Notes:

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

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

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

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

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

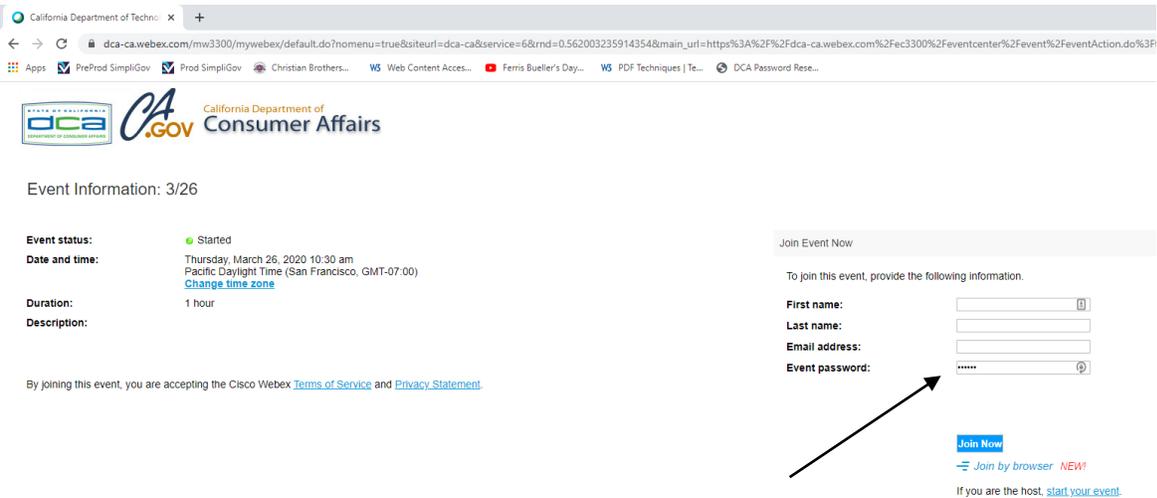
1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window displaying a WebEx event page. The browser's address bar shows the URL: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>. The page header includes the California Department of Consumer Affairs logo and name. The main content is divided into two columns. The left column, titled 'Event Information: 3/26', lists the following details: Event status: Started; Date and time: Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) with a 'Change time zone' link; Duration: 1 hour; Description: (empty). Below this information is a link to 'Terms of Service and Privacy Statement'. The right column, titled 'Join Event Now', contains a form with the following fields: 'First name', 'Last name', 'Email address', and 'Event password'. Below the form are three buttons: a blue 'Join Now' button, a blue 'Join by browser' button with a 'NEW!' tag, and a link 'If you are the host, start your event.'.

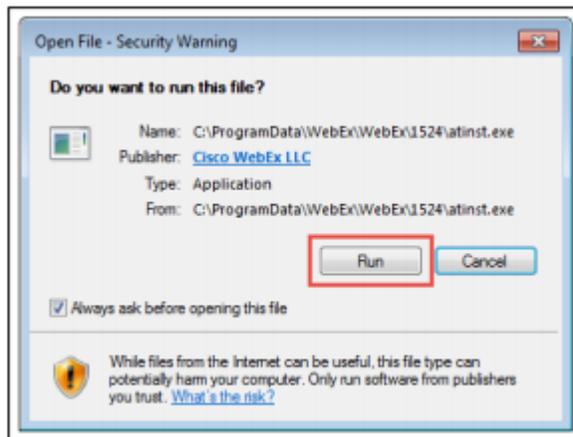
2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



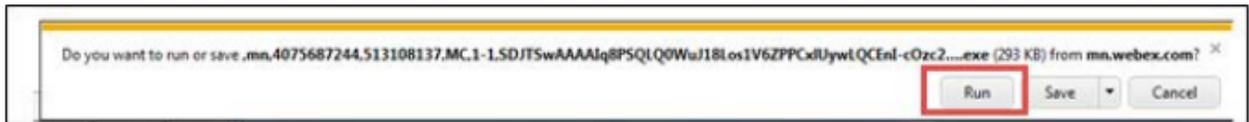
Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

Starting Webex...



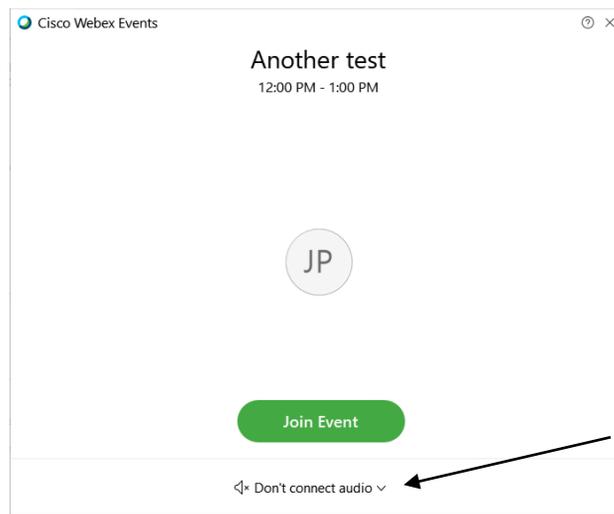
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.

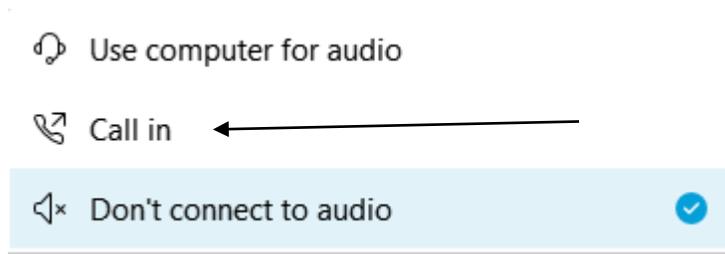


The temporary software will run, and the meeting window will open.

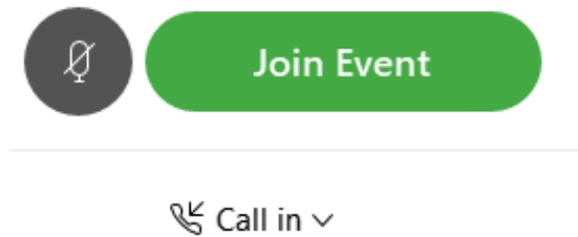
7. Click the audio menu below the green 'Join Event' button.



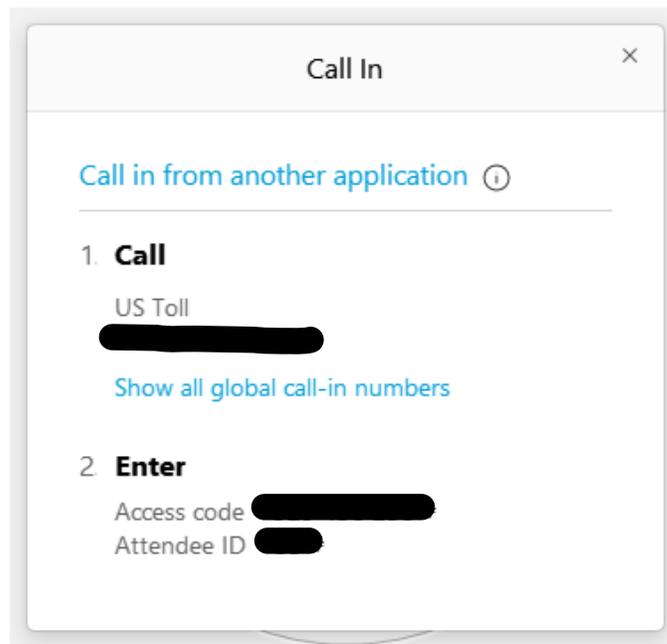
8. When the audio menu appears click 'Call in'.



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



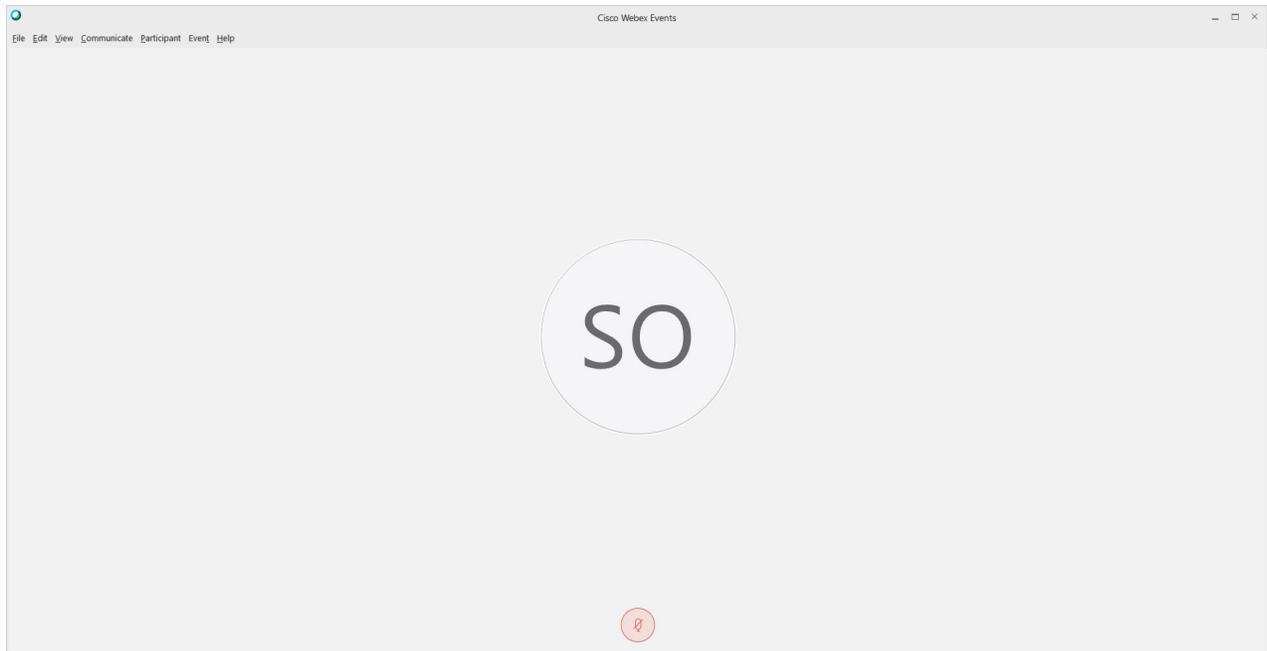
10. Call into the audio conference with the details provided.



NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

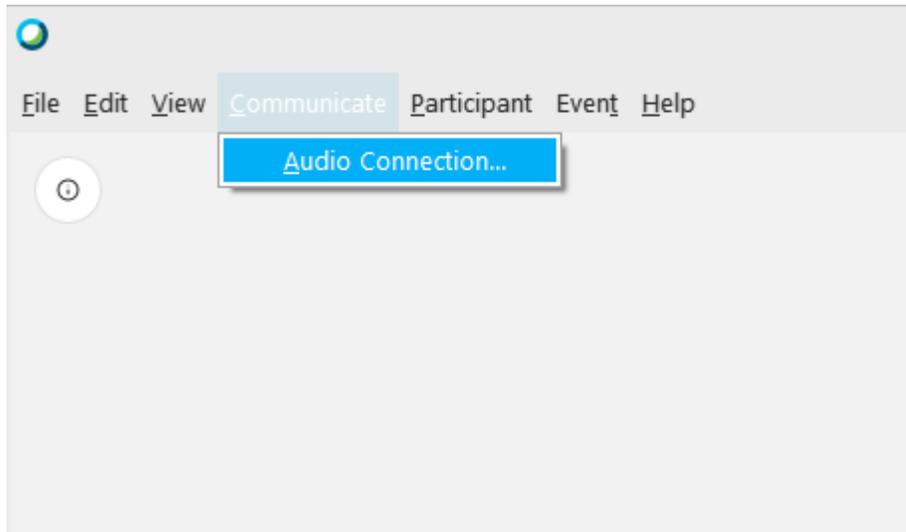
Congratulations!



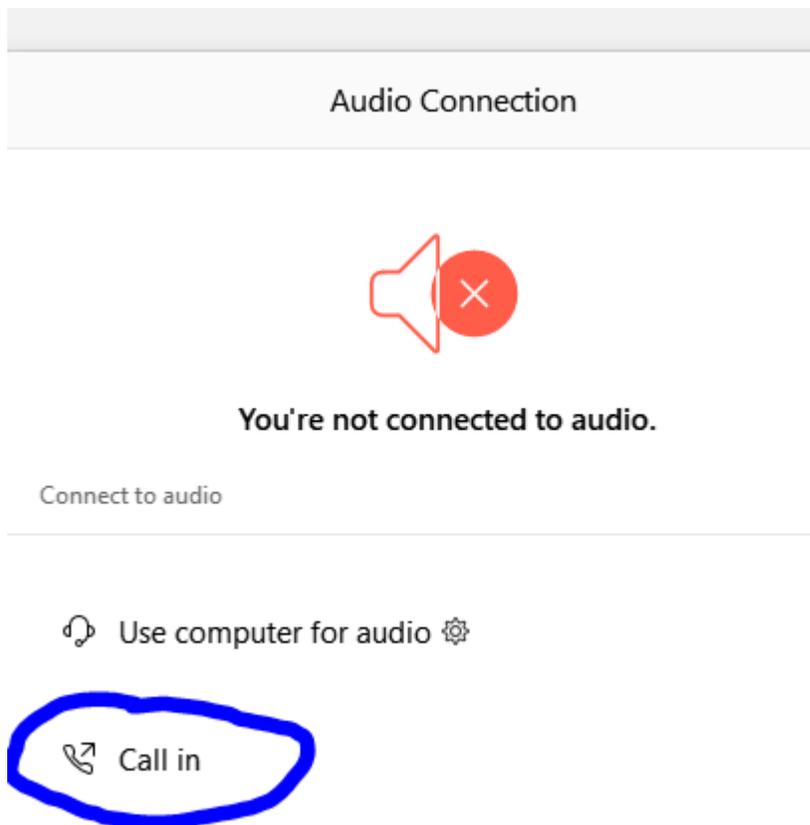
NOTE: Your audio line is muted and can only be unmuted by the event host.

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.



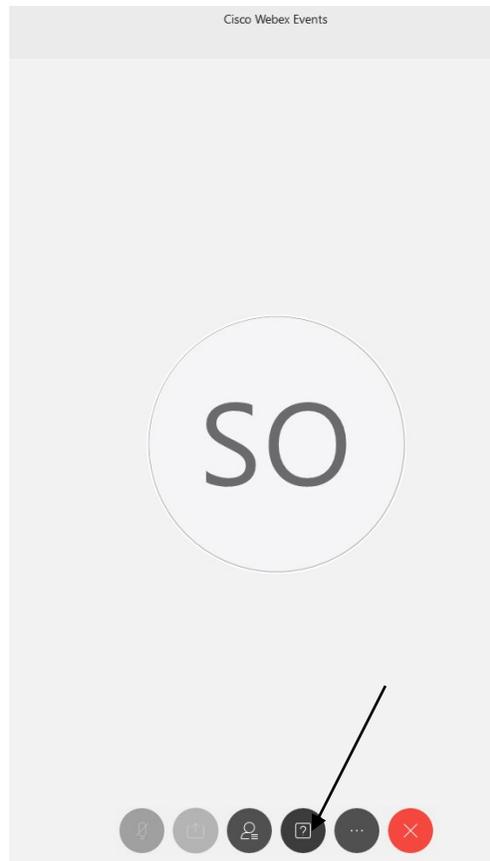
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

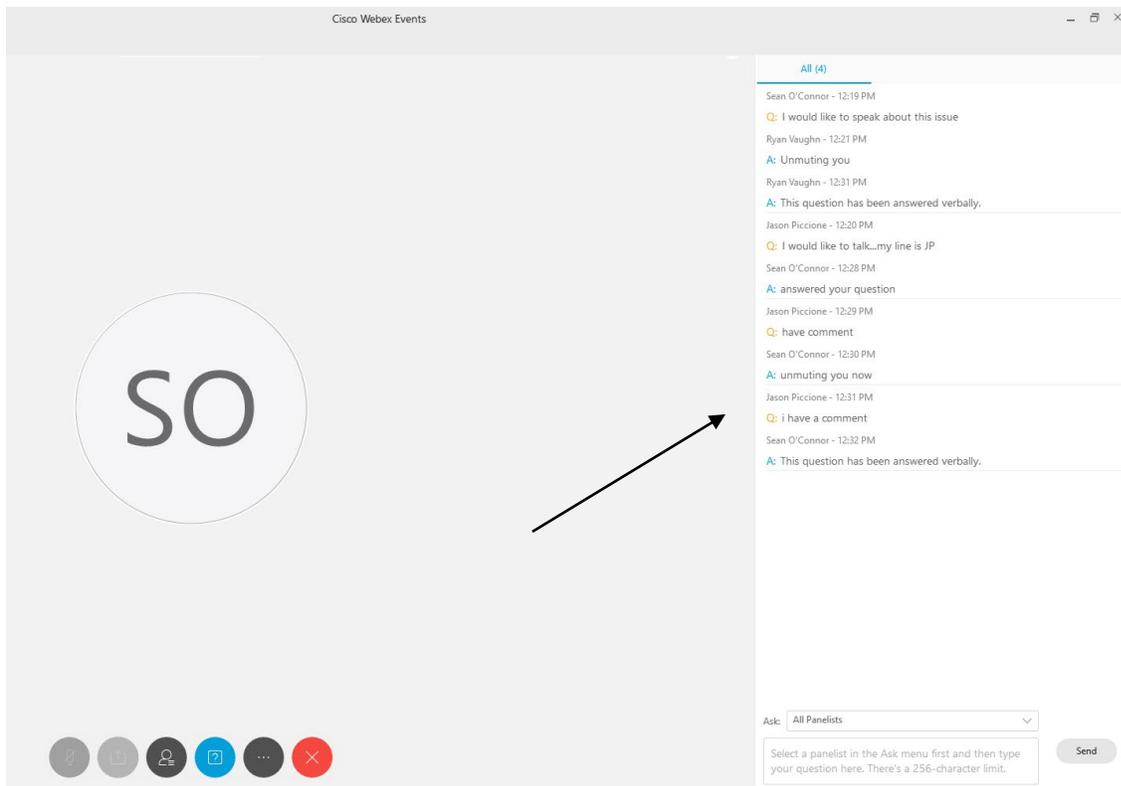
Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

ROLL CALL

**Thursday, June 25,
2020**

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



**Physical Therapy Board of California
DRAFT Meeting Minutes**

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

Vacant, Professional Member

Vacant, Public Member

December 12, 2019 9:00 a.m.
December 13, 2019 9:00 a.m.

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

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Executive

Analyst

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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

Thursday, December 12th, 2019

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1. Call to Order

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The Physical Therapy Board of California (Board) meeting was called to order by
President Dr. Rabena-Amen at 9:00 a.m. and recessed at 5:45 p.m. on December 12,
2019. The Board reconvened at 9:00 a.m. and adjourned at 12:16 p.m. on December
13, 2019.

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2. Roll Call and Establishment of Quorum

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

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

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Dr. Drummer 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

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30 Practice Act.

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32 **3. Closed Session**

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

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

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

42
43 The Board entered closed session on day one, December 12, 2019, at 9:04 a.m. and
44 reconvened into open session at 11:15 a.m. The Board re-entered closed session at 4
45 p.m. and reconvened into open session to recess at 5:45 p.m.

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47 **4. Reconvene Open Session**

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49 The Board reconvened into open session to recess at 5:45 p.m. on day one, December
50 12, 2019.

51
52 **5. Review and Approval of June 20-21, 2019 Meeting Minutes – Brooke Arneson**

53
54 Ms. Arneson presented the draft September 2019 meeting minutes. Dr. Dominguez
55 asked that on page 9, line 55 of the meeting minutes that University of California San
56 Francisco be added. Ms. Eleby asked for clarification on page 10 of the Legislation
57 Report if Assembly member Blanco Rubio was one or two authors and Ms. Arneson
58 stated that she would confirm and edit the meeting minutes accordingly. Ms. Eleby
59 asked that page 12, line 164 be reworded for clarity and Dr. Rabena-Amen asked for
60 the first sentence on page 23 be reworded as well. Dr. Drummer asked on page 28,
61 line 826 that the minutes accurately reflect the answer to the question Ms. Ybarra was
62 asked and Ms. Arneson stated she would make the edit to the meeting minutes.

63
64 **MOTION:** Adopt the proposed December 12-13, 2019, Meeting
65 Minutes as amended.

66
67 **M/S:** Eleby/Dominguez

68
69 **VOTE:** Dominguez- Aye

70 Drummer – Aye
71 Eleby – Aye
72 McMillian – Aye
73 Rabena-Amen - Aye
74 5-0 Motion carried
75

76 **6. President’s Report**

77 **(A) 2020 Proposed Meeting Calendar**
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79 Ms. Eleby stated she had a conflict for the March 2020 meeting and would only be
80 able to attend one day of the scheduled meeting, March 25th, 2020. Mr. Kaiser
81 added that his only concern with Ms. Eleby missing a day of the March meeting was
82 making sure that the Board had a quorum. Dr. Rabena-Amen asked what would
83 happen if the Board lacked a quorum at a Board meeting and Mr. Kanotz, Board
84 legal counsel, responded that the Board could hear informational items however
85 would not be able to take any action without a quorum. Mr. Kaiser added that the
86 location for the March meeting has already been secured and that moving the March
87 meeting date was not a recommendation by staff at this time.
88

89 **MOTION:** Adopt the proposed 2020 Meeting Calendar

90
91 **M/S:** McMillian/Eleby
92

93 **VOTE:** Dominguez- Aye
94 Drummer – Aye
95 Eleby – Aye
96 McMillian – Aye
97 Rabena-Amen - Aye
98 5-0 Motion carried
99

100 **(B) 2021 Proposed Meeting Calendar**
101

102 Mr. Kaiser stated that the 2021 proposed meeting calendar was provided for
103 informational purposes and no adoption of the 2021 calendar was necessary at this
104 time.
105

106 **7. Executive Officer’s Report**

107
108 **(A) Administrative Services**
109

110 Mr. Kaiser reported that the Board's budget analyst, Mr. Carl Nelson, will be retiring
111 in March 2020 and the Board is currently recruiting for his replacement. Mr. Kaiser
112 added that Mr. Nelson has been with the Board for the better part of two decades,
113 worked with every unit of the Board, and has been an integral part of the Board's
114 fiscal operations. Board members thanked Mr. Nelson for his dedication and service
115 to the Board and wished him well in his retirement.

116
117 Mr. Kaiser reported that the recruitment process for the Office Technician position in
118 Administrative Services has commenced and the Board would like to welcome Julie
119 Thao to the Board. Ms. Thao will be serving as the Board's receptionist and
120 administrative support for the Board.

121
122 Mr. Kaiser added that the Board will be recruiting for an Assistant Executive Officer
123 in February 2020 and will also be recruiting for a position within the Continuing
124 Competency Unit. Mr. Kaiser stated that the Board is also awaiting decisions on
125 pending budget change proposals that were submitted for an additional probation
126 monitor and an outreach coordinator.

127
128 **(B) Applications**

129
130 Please see Agenda Item 23 for the Application Services update.

131
132 **(C) Licensing/Continuing Competency**

133
134 Please see Agenda Item 24 and 25 for Licensing and Continuing Competency
135 Services update.

136
137 **(D) Consumer Protection Services**

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139 Please see Agenda Item 26 for a Consumer Protection Services update.

140
141 **(E) Outreach**

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143 Mr. Kaiser reported that outreach has been focusing on increasing stakeholder
144 communication with external stakeholders, such as the California Physical Therapy
145 Association (CPTA), other DCA Boards and Bureaus, healthcare networks, and other
146 regulators as well.

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148 **(F) PTBC Relocation**

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Mr. Kaiser reported that a great deal of progress has been made regarding the Board's relocation, and the Board is in the final stages of planning and working on the logistics of the move. Mr. Kaiser thanked Board staff for their patience on the Board's relocation and advised the Board that he would be taking them on a tour of the office space during the break of the meeting.

8. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Ms. Eleby reported that the Board was not able to attend the delegate assembly in October at Oklahoma City, Oklahoma due a prohibition against state sponsored travel or state representative travel to any states that have discriminatory laws. Ms. Eleby stated that the event was well attended, and the Board looks forward to attending the annual conference in 2020.

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

Mr. Kaiser read a written update on behalf of DCA's new Director, Kimberly Kirchmeyer.

Ms. Kirchmeyer reported that her initial focus as Director is to concentrate on client services and satisfaction; working smarter and together; and data transparency and action. Ms. Kirchmeyer stated that as Director, she will additionally address the time frame for processing regulations, obtaining Fi\$cal reports, decreasing the time frame to perform investigations, ADA compliance and ensuring all legislation is implemented by the Boards and Bureaus within the Department.

Ms. Kirchmeyer reported that a Director's Quarterly meeting will be instituted between the Director and the DCA Executive Team and DCA Executive Officers and Bureau Chiefs. The next meeting is scheduled for Monday, December 16, 2019.

Ms. Kirchmeyer updated the board on the changes to DCA's Executive Team and reported that Chief Deputy Director Chris Shultz was appointed by Governor Newsom to serve as Chief Deputy Commissioner at the California Department of Business and Oversight and Mr. Shultz's last day at DCA was Friday, November 1, 2019. Ms. Kirchmeyer added that Deputy Director Chris Castrillo's last day with the department was November 22, 2019. Ms. Kirchmeyer reported that Deputy Director Dennis Cuevas-Romero's last day with DCA was November 15, 2019 and he accepted a

188 position with the American Civil Liberties Union. Ms. Kirchmeyer also stated that
189 Assistant Deputy Director Karen Nelson’s last day with the department was October 31,
190 2019 and that Ms. Nelson accepted a position as Chief Impact Officer with the American
191 Leadership Forum, the Mountain Valley Chapter.

192
193 Ms. Kirchmeyer reported that the DCA Board Members Resource Center has been
194 revamped and relocated to the DCA public website. The Resource Center is an online
195 tool designed to provide information and resources to current Board and Committee
196 members and to those who are interested in becoming appointed to serve as a Board or
197 Committee member.

198
199 Ms. Kirchmeyer informed the Board that DCA’s Communication Division put together a
200 new publication called “DCA We Are Listening” which is a visual how-to guide for
201 Californians to interact with DCA and its Boards and Bureaus. This publication is
202 available in both brochure and poster format.

203
204 Dr. Rabena-Amen questioned whether the Board needed to ask Ms. Kirchmeyer for
205 help in filling the Board’s vacant Board member positions and Mr. Kaiser responded that
206 Ms. Kirchmeyer has already been informed of the vacancies on the Board as well as the
207 Appointment Secretary at the Governor’s Office.

208
209 **(C) California Physical Therapy Association (CPTA)**

210
211 Ms. Tameka Island, CPTA Executive Associate, invited the Board members to
212 participate in CPTA’s 2020 Student Conclave Meeting at Azusa Pacific University on
213 March 28, 2020 and CPTA’s Annual Conference which is scheduled October 2-4, 2020
214 in Anaheim, CA.

215
216 Dr. Drummer asked Ms. Island how the 2019 Tri-State PT Conference was attended
217 and received. Ms. Island responded that it was very well attended and was CPTA’s
218 second most well attended conference with a little over 1,200 attendees and positive
219 feedback was received from attendees on the programming and national speakers
220 during the conference.

221
222 **9. Legislation Report – Brooke Arneson**
223 **(A) 2019/20 Legislative Session Summary**

224
225 Ms. Arneson presented the legislative report and provided the members with important
226 dates from the legislative calendar. Ms. Arneson referred the members to the legislative

227 summary in the meeting materials and discussed the current status and changes to
228 each bill since the last Board meeting as follows:

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

Ms. Arneson stated that AB 5 was chaptered on September 18, 2019.

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

Ms. Arneson reported that AB 476 was vetoed on October 12, 2019 and read the Governor’s veto message: *“I am returning Assembly Bill 476 without my signature. This bill would require the Department of Consumer Affairs to create a task force to study the licensing of foreign-trained professionals and create a report for the Legislature. Integrating foreign-trained professionals into California workforce is an admirable goal. However, creating a new task force and a legislative report to accomplish that goal is unnecessary.” – Gavin Newsom*

Mr. Kaiser added that each Board and Bureau within DCA is unique and a task force to look at foreign trained professionals could potentially be too broad to address each entity within DCA, and he agreed with Governor Newsom’s assessment of the proposed bill.

iii. AB 496 (Low) Business and Professions

Ms. Arneson reported that AB 496 was chaptered on September 27, 2019.

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

Ms. Arneson reported that AB 1076 was chaptered on October 8, 2019.

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

Ms. Arneson reported that SB 425 was chaptered on October 12, 2019.

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

265 Ms. Arneson reported that SB 537 was chaptered on October 8, 2019, the Board
266 sent a letter of support to the Governor, and this bill will take effect January 1, 2020.

267

268 **10. Rulemaking Report – Brooke Arneson**

269 (A) 2019 Rulemaking Update

270

271 Mr. Kanotz, DCA Legal Counsel, introduced Mr. Clay Jackson, the Board's newly
272 appointed attorney in DCA's Legal Regulations unit, who will be working on the Board's
273 rulemaking packages.

274

275 Ms. Arneson presented an overview of the newly updated rulemaking report and
276 referred the members to the rulemaking update in the meeting materials and discussed
277 the current status of each rulemaking item.

278

279 i. Examination Passing Standard/Setting Examination Score

280

281 Ms. Arneson reported that in June 2019, PTBC staff forwarded the pre-review
282 regulation documents (the Initial Statement of Reasons, Notice and Proposed
283 Language) to DCA Legal for review. Mr. Kanotz, legal counsel, added that with the
284 Board's newly appointed regulatory attorney, Mr. Jackson, regulations will move
285 forward at a quicker pace to address the recent backlog.

286

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

288

289 Ms. Arneson reported that with the passage of AB 2138 (Chapter 995, Statutes of
290 2018) it was determined that the Disciplinary Guidelines needed to be amended
291 further and modified proposed language was presented and adopted at the June
292 2019 meeting and in June 2019 PTBC staff forwarded the initial rulemaking
293 package to DCA Legal for review.

294

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

297

298 Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review
299 regulation documents (Initial Statement of Reasons, Notice and Proposed
300 Language) to DCA Legal for review.

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302 iv. FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists
303 Completing a Supervised Clinical Practice in the United States

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Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review.

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

Ms. Arneson reported that 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 and in October 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

Ms. Arneson reported that the two additional items on the rulemaking update, Retired License Status and Continuing Competency will be addressed during presentation of Agenda Item 11, the 2020 Proposed Rulemaking Calendar.

Dr. Rabena-Amen complimented staff on the new rulemaking report format and asked if there was a timeframe for each step reflected in the rulemaking report. Mr. Kaiser responded that for the initial phase, there is not a set timeline, however with the addition of the Board’s regulatory attorney Mr. Jackson, the timelines should establish themselves as an expectation going forward. Mr. Kaiser added that once the regulation packages go into final phase, there are legislatively mandated timelines for public notice, and review.

11. Discussion and Possible Board on the 2020 Rulemaking Calendar

Ms. Arneson reported that all rulemaking items that were adopted on the 2019 Rulemaking Calendar were carried over to the 2020 proposed rulemaking calendar except for the continuing competency regulations and explained that those regulations will be addressed at a future date in 2021 since the Board currently has quite a few rulemaking packages they are already working on. Mr. Kaiser added that the retired license regulation was kept on the 2020 calendar due to it being a higher priority than the continuing competency regulations.

MOTION: Adopt the proposed 2020 Rulemaking Calendar

343 **M/S:** Eleby/Dominguez

344
345 **VOTE:** Dominguez- Aye
346 Drummer – Aye
347 Eleby – Aye
348 McMillian – Aye
349 Rabena-Amen - Aye
350 5-0 Motion carried
351

352 **12. Maximus Presentation – Virginia Matthews, RN, BSN, MBA, Project Manager,**
353 *Maximus*

354
355 Ms. Matthews provided a presentation on the services Maximus provides for the Board.
356

357 **13. Physical Therapy Student Question and Answer Forum**

358
359 Physical Therapy and Physical Therapy Assistant students from California State
360 University, Sacramento, and Sacramento City College participated in a question and
361 answer forum with the Board regarding the regulation and practice of physical therapy in
362 California.
363

364 **14. Elimination of the Printed Pocket License – Discussion and Possible Board**
365 **Action – Sarah Conley**

366
367 Ms. Conley provided a presentation on the online verification process for the proposed
368 consideration of eliminating the printed pocket license.
369

370 Dr. Drummer added that he was able to attend the Tri State Conference in October and
371 was able to talk to a large audience during the conference and there was overwhelming
372 support for the digital pocket license and no opposition to the elimination of the printed
373 pocket license. Dr. Rabena-Amen thanked Dr. Drummer for his feedback.
374

375 **MOTION:** Move forward with the digital pocket license based on staff's
376 recommendation and direct staff to take the necessary steps
377 to launch on July 1, 2020

378
379 **M/S:** Eleby/Dominguez

380
381 **VOTE:** Dominguez- Aye
382 Drummer – Aye
383 Eleby – Aye
384 McMillian – Aye

Rabena-Amen - Aye
5-0 Motion carried

15. Public Comment on Items Not on the Agenda

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

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

16. Recess

The Board recessed at 5:45 p.m. on the first day of the meeting, Friday, December 13, 2019.

Friday, December 13th, 2019

17. Call to Order

The Board reconvened at 9:00 a.m. and adjourned at 12:16 p.m. on day two, December 13, 2019.

18. Roll Call and Establishment of Quorum

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

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

Ms. Eleby 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.

19. Board Member Training – Adjudication Process – Michael Kanotz

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Mr. Kanotz provided a presentation on the adjudication process to the Board.

20. Closed Session

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

(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 closed session on Day Two, December 13, 2019 of the Meeting.

21. Reconvene Open Session

The Board did not enter closed session on Day Two, December 13, 2019 of the Meeting.

22. Administrative Services – Discussion and Possible Board Action

(A) Budget Report – *Carl Nelson*

Mr. Nelson updated the Board that, according to the Budget Office, the quarter 1 final budget adjustments in the budget building process have not yet been completed. There will be some additional adjustments to the Board’s budget, such as the 3.5% merit salary increases staff received in July as well as corresponding increases to retirement and employee benefits.

Mr. Nelson reported that budget change proposals that were approved for July have already been included into the budget and these adjustments will increase the overall bottom line when looking at budget reversions for the year.

(B) Outreach Report – *April Beauchamps*

464 Ms. Beauchamps reported that the Board’s website had an 20% decrease for quarter
465 1 over last fiscal year with the most significant decrease being the “Applicants” and
466 “Forms” pages which is due to some forms being taken down from the website, and
467 outreach efforts with the schools and social media directing applicants and licensees
468 to utilize BreEZe.

469
470 Ms. Beauchamps reported that Facebook traffic increased 13% with the most
471 significant increase being “Reached” showing an overall increase of 18% over prior
472 fiscal year.

473
474 Ms. Beachamps reported that the Board went to the University of California, San
475 Francisco on August 5th, Carrington College on August 9th and Concorde Career
476 College North Hollywood on August 28th. Ms. Beachamps stated that the Board had
477 a Question and Answer session with licensees at the University of California, Los
478 Angeles on August 29th, University of the Pacific on September 3rd, Gurnick Academy
479 on September 9th, and California State University, Sacramento on September 27th.
480 Ms. Beauchamps added that the Board has been to ten of the sixteen physical
481 therapy programs and six of the sixteen physical therapy assistant programs in
482 California. Ms. Beauchamps stated that the Board is focusing on additional outreach
483 to external stakeholders and consumers.

484
485 Ms. Beachamps reported that the Fall Progress Notes were released in November
486 2019 and the Board has received positive feedback.

487
488 Dr. Drummer suggested having a Board member attend outreach events and
489 presentations. Dr. Drummer also asked if other Boards within DCA have outreach
490 programs similar to our Board and Mr. Kaiser responded that other Boards do have
491 outreach programs. Mr. Kaiser stated larger Boards such as the Board of Barbering
492 and Cosmetology have a greater outreach need since they collaborate with schools
493 and approve the school’s credentials, which greater reinforces that outreach
494 connection. Mr. Kaiser added that this Board has a very focused outreach campaign
495 to reach out to every California school before the end of the strategic plan, which he
496 has not seen done by the other Boards and Bureau’s.

497
498 (C) Presentation of Services – *Carl Nelson, Brooke Arneson, Kim Rozakis, April*
499 *Beauchamps, Timothy Davis and Julie Thao*

500

501 Ms. Constancio, Administrative Services Program Manager introduced the
502 Administrative staff and each staff member provided a presentation of their roles and
503 responsibilities within the Administrative unit.
504

505 **23. Application Services – Discussion and Possible Board Action – Valerie Kearney,**
506 *Paul Harrison, Teresa Gutierrez, Angel Ottley and Eura Trent*

- 507
- 508 (A) Program Updates
- 509 (B) Statistical Reports
- 510 (C) Presentation of Services
- 511

512 Ms. Trent, lead analyst for the Application Services Program and License Maintenance
513 Services Program gave a synopsis of her roles and responsibilities at the Board. She
514 informed the Board that we are now accepting Certificate of Completion Forms (P1E's)
515 electronically received directly from programs Registrar's Office or Program Directors to
516 streamline the application process and meet the goals outlined in the Board's Strategic
517 Plan. Ms. Trent reported that the Board currently has received 35 electronic P1E's from
518 the University of the Pacific and expects at least two other programs to submit their
519 P1E's electronically soon.
520

521 Dr. Rabena-Amen asked how this new process will allow a license to be issued more
522 efficiently and Ms. Trent responded that assuming the application is submitted with no
523 deficiencies, the P1E is received electronically, and the applicant passed their exams,
524 they would be issued a license automatically. Ms. Trent added that this new process
525 will reduce paperwork, back and forth communication that can slow down the
526 application for licensure and streamline the application process.
527

528 Ms. Kearney gave a synopsis of her roles and responsibilities as the physical therapist
529 application analyst in the Application Services Program. Ms. Kearney reported that
530 since the outreach program has been in place, her job has been a great deal easier with
531 fewer application deficiencies and quicker processing time. She thanked the BreEZe
532 team for their help is streamlining the application process.
533

534 Ms. Gutierrez gave a synopsis of her roles and responsibilities as the foreign educated
535 applications analyst and she reported that she is currently receiving electronic
536 certificates of credentialed evaluation from two out of the Board's three evaluation
537 agencies, Staff are currently working on adding the third evaluation agency soon. Dr.
538 Rabena-Amen asked if new licenses for foreign trained individuals get printed in our
539 newsletter and Mr. Kaiser confirmed that they are printed in our newsletter and that
540 there is no distinction on whether they are US or foreign trained.
541

542 Ms. Ottley gave a synopsis on her roles and responsibilities within the Applications
543 Services Program and stated she is assisting Ms. Gutierrez with foreign educated
544 applicants.

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24. Licensing Services – Discussion and Possible Board Action – Justin Silva and Eura Trent

- (A) Program Updates
- (B) Statistical Reports
- (C) Presentation of Services

Mr. Silva gave a synopsis of his roles and responsibilities within the Licensing Maintenance Program. Mr. Silva reported that there has been a significant increase in online renewals and online transactions processed in the first quarter have increased by an average of 50%.

25. Continuing Competency Services – Discussion and Possible Board Action – Veronica Gutierrez and Yasha Crutcher

- (A) Program Updates
- (B) Statistical Reports
- (C) Presentation of Services

Ms. Gutierrez and Ms. Crutcher, analysts for the Continuing Competency Services Program, introduced themselves and presented audit statistics and common occurrences during the audit process. Ms. Crutcher reported that 117 physical therapists were audited with a passing rate of 94%, and 39 physical therapist assistants were audited with a passing rate of 90% for FY 2018/19 Quarter 4 (May-July).

Ms. Gutierrez informed the Board that staff have been collecting data for Quarter 1 (July-September) on how licensees are accumulating their continuing competency hours and have found that most licensees are obtaining their hours through the traditional pathway, which is through recognized approval agencies and not through alternate pathways.

Ms. Gutierrez reported on the most frequent used alternate pathways and the issues staff are encountering while auditing licensees. Ms. Gutierrez stated that licensees commonly use the alternate pathway E) performing in the role of a clinical instructor where the student’s clinical experience is full time and lasts at least 4 weeks. But there is a cap of 12 hours with this pathway and many licensees submit up to 24 hours of continuing competency hours which is a common occurrence found during the audit process, and the Board has received feedback that the cap is too low.

Ms. Crutcher added that other common alternate pathways to obtain continuing competency hours is G) attending a conference related to the practice of physical therapy where proof of attendance is provided by the conference sponsor and F)

588 attending a conference offered by FSBPT, APTA or a component thereof. Ms. Crutcher
589 added that many licensees do not realize that while attending a conference, they can
590 obtain additional hours just for attending the conference and they can receive four hours
591 per conference if the conference is offered by FSBPT, APTA or some other component
592 thereof, and two hours if the conference is related to physical therapy. Ms. Crutcher
593 stated that courses taken while at these conferences are often approved by a PTBC
594 recognized approval agency, and therefore, the licensees can obtain additional
595 continuing competency credits. Ms. Crutcher added that if these courses are not
596 approved by a recognized agency, licensees will only receive continuing competency
597 credit for the conference related to physical therapy. Ms. Crutcher stated that often
598 licensees can complete their elective just by attending a conference if its by an
599 approved agency. Mr. Kaiser added that attending a Board meeting also provides
600 licensees with continuing competency hours.

601
602 Ms. Eleby asked when the next expert consultant training would be held, and Mr. Kaiser
603 responded that the next training the Board will be conducting is a training component
604 involving the Attorney General's Office and the Division of Investigations. Once that is
605 completed, the Board will be scheduling the expert consultant training in late 2020 or
606 early 2021.

607
608 Ms. McMillian asked whether licensees obtaining continuing competency credit for
609 attending a Board meeting receive 2 hours per day of a two-day meeting or 2 hours per
610 meeting. Mr. Kaiser confirmed it is 2 hours per Board meeting.

611
612 Dr. Drummer asked if licensees have utilized any other alternate pathways to obtain
613 their continuing competency hours and Ms. Crutcher stated that licensees have used
614 other pathways however, they are not common. Dr. Drummer asked if the Board should
615 address the alternate pathways list in the future and asked if there are any alternate
616 pathways on the list that have not been used. Ms. Gutierrez responded that D) serving
617 on a Board-appointed task force has not been used. Mr. Kaiser further clarified that
618 since the implementation of the continuing competency regulations, there has not been
619 a Board appointed task force. Mr. Kaiser stated that receiving continuing competency
620 credit for any alternate pathways must be done after licensure and not during the
621 application process, so for example, passing the California Law Exam during the
622 application process does not count toward the continuing competency credit.

623
624 Ms. Eleby asked if the Board offers any continuing competency credits if a licensee
625 serves on a FSBPT committee or taskforce, and Mr. Kaiser responded that continuing
626 competency credits could be received by taskforce members attending conferences that
627 were necessary for them to attend as a taskforce member.

628
629 Ms. Crutcher stated that another way to receive continuing competency credit that is not
630 included as an alternate pathway is the basic life support (BLS) for health care provider
631 course. Ms. Crutcher added that often, licensees will take a BLS course, however, a
632 continuing competency audit will find the course is not a health care provider course

633 comparable to, or more advanced than, the American Heart Association's BLS health
634 Care Provider Course. This is something licensees need to pay close attention to when
635 they are selecting BLS courses for continuing competency credit.

636
637 Dr. Drummer pointed out that the other requirement for continuing competency is 2
638 hours in the field of ethics or law and regulations or the combination thereof.

639
640 Dr. Rabena-Amen asked what percentage of licensees use the traditional pathway and
641 Ms. Crutcher responded over 90% of licensees are using the traditional pathway with
642 10% using the alternate pathway. Ms. Gutierrez and Ms. Crutcher added that a very
643 high percentage of licensees use online continuing education to fulfill their elective;
644 however, BLS does require a hands-on component.

645
646 **26. Consumer Protection Services – Discussion and Possible Board Action– Carole**
647 *Phelps*

- 648
649 (A) Program Updates
650 (B) Statistical Reports
651 (C) Presentation of Services

652
653 Ms. Phelps, an analyst in the Consumer Protection Services, gave a synopsis on her
654 roles and responsibilities and referred members to the CPS report in the meeting
655 materials.

656
657 Ms. Phelps reported that for Quarter 1 (July-September) there has been an increase in
658 the total number of complaints received, all being conviction/arrest reports with
659 consumer complaint decreasing slightly. Ms. Phelps added that investigative aging
660 days have increased which is a result of general fluctuations that occur due to the
661 complexity of each case.

662
663 Ms. Phelps reported that PM3, the average days to close citations, increased slightly
664 due to the investigation process which is similar to cases that are sent for discipline.
665 Ms. Phelps stated that for PM4 Discipline, there was a 5% increase in the number of
666 cases transmitted to the Attorney General's Office for discipline and there was a 50%
667 increase in the number of cases closed after transmission, meaning for this quarter 15
668 cases were finalized. Ms. Phelps added that these cases were finalized by placing 3
669 licensees on probation; one application was granted through the statement of issues
670 process; 4 cases were closed with a stipulated disciplinary surrender of license; two
671 cases were closed with license revocation; one citation was issued and paid; and 4
672 cases were closed and consolidated with the primary.

673
674 Ms. Phelps stated that for Q1 the PM4b (number of days from the date the complaint
675 was assigned for investigation to the date the investigation was completed) jumped up
676 from 146 days to 308 days and she went over two cases to demonstrate sample case

677 time-frames to show what can cause a case to age beyond the averages and
678 performance measure. Ms. Phelps added that cases can be complex and possibly
679 have a new component and take longer to close.
680

681 **27. Probation Monitoring Services – Discussion and Possible Board Action – *Monny***
682 *Martin*

683
684 (A) Program Updates

685 (B) Statistical Reports
686

687 Mr. Martin, the Board's probation monitor, gave a synopsis on his roles and
688 responsibilities within the Consumer Protection Program and referred members to the
689 Probation Monitoring report in the meeting materials.
690

691 Mr. Martin reported that there are currently 93 licensees on probation, 75 of these
692 licensees are in California and there are an additional 18 tolling (out of state) and not
693 receiving credit toward the completion of probation. Mr. Martin added that there were 4
694 licensees placed on probation this quarter. No licensees have completed probation
695 during this quarter, and there were no surrenders. Mr. Martin reported that of the 75
696 licensees that are not currently tolling, 18 are enrolled and participating in the Board's
697 Drug and Alcohol Recovery Monitoring Program, which equals about 24% of licensees
698 on probation that are not tolling.
699

700 Mr. Martin stated that one person was non-compliant with their probation during the
701 quarter and they are in the process of having their probation revoked.
702

703 Mr. Martin addressed a question he heard during the Maximus Presentation from day
704 one of the meeting; it was asked how many people surrendered their license due to the
705 costs of the Maximus Program. Mr. Martin responded that this issue has occurred only
706 once during the last year and the Board did not accept the surrender and ended up
707 accepting a stipulated surrender from that same licensee for a different violation that
708 occurred while they were on probation.
709

710 Mr. Martin added that Maximus was awarded the new probation monitoring contract for
711 the Department which will go into effect January 1, 2020, and the contract is for 5 years.
712

713 Ms. Eleby asked for probationers that are tolling, does Mr. Martin contact them
714 periodically or is it up to them to contact the Board. Mr. Martin responded that for out of
715 state probationers they are not contacted until they come back to California and the
716 responsibility is on the probationer to notify the Board that they are back in California.
717 Mr. Martin added that for probationers in California that are not working and not
718 receiving credit toward completion of probation, he does continue to contact them
719 periodically throughout the year to ensure their situation has not changed.
720

721 Dr. Drummer asked how long probationers are tolling and Mr. Martin stated that it is rare
722 for probationers to come back from another state unless their personal situation has
723 changed to make coming back to California necessary.
724

725 **28. Board Member Elections**

726
727 **(A) President**

728 **NOMINATION:** Ms. Eleby nominated Dr. Rabena-Amen as Board
729 President.

730 **NOMINEE:** Dr. Rabena-Amen

731 **MOTION:** To elect Dr. Rabena-Amen as Board President.

732 **M/S:** Eleby/Drummer

733 Dr. Rabena-Amen accepted the nomination.
734

735
736 **VOTE:** Dominguez- Aye
737 Drummer – Aye
738 Eleby – Aye
739 McMillian – Aye
740 Rabena-Amen - Aye
741 5-0 Motion carried
742

743 **(B) Vice-President**

744
745 **NOMINATION:** Ms. McMillian nominated Ms. Eleby as Board Vice-
746 President.

747 **NOMINEE:** Eleby

748 **MOTION:** To elect Ms. Eleby as Board Vice-President.

749 **M/S:** McMillian/Drummer

750 Ms. Eleby accepted the nomination.
751

752 **VOTE:** Dominguez- Aye
753 Drummer – Aye
754 Eleby – Aye
755 McMillian – Aye
756 Rabena-Amen - Aye
757 5-0 Motion carried
758

759 **(C) FSBPT Delegate**

760
761 **NOMINATION:** Ms. McMillian nominated Dr. Drummer as Board
762 FSBPT Delegate.

763 **NOMINEE:** Drummer

764 **MOTION:** To elect Dr. Drummer as Board's FSBPT Delegate.

765 **M/S:** McMillian/Eleby
766 Dr. Drummer accepted the nomination.
767
768 **NOMINATION:** Dr. Drummer nominated Dr. Dominguez as Board
769 FSBPT Delegate.
770 **NOMINEES:** Dominguez
771 **MOTION:** To elect Dr. Dominguez as Board FSBPT Delegate
772 **M/S:** Drummer
773 Dr. Dominguez declined the nomination.
774
775 **VOTE:** Dominguez- Aye
776 Drummer – Aye
777 Eleby – Aye
778 McMillian – Aye
779 Rabena-Amen - Aye
780 5-0 Motion carried

781
782 **(D) FSBPT Alternate Delegate**
783

784 **NOMINATION:** Ms. McMillian nominated Dr. Dominguez as Board
785 FSBPT Alternate Delegate
786 **NOMINEE:** Dominguez
787 **MOTION:** To elect Dr. Dominguez as Board FSBPT Alternate
788 Delegate.
789 **M/S:** McMillian/Drummer
790 Dr. Dominguez declined the nomination
791
792 **NOMINATION:** Dr. Rabena-Amen nominated Ms. McMillian as Board
793 FSBPT Alternate Delegate
794 **NOMINEE:** McMillian
795 **MOTION:** To elect Ms. McMillian as Board FSBPT Alternate
796 Delegate.
797 **M/S:** Rabena-Amen/Drummer
798 Ms. McMillian accepted the nomination
799
800 **VOTE:** Dominguez- Aye
801 Drummer – Aye
802 Eleby – Aye
803 McMillian – Aye
804 Rabena-Amen - Aye
805 5-0 Motion carried

806
807 **(E) FSBPT Back-up Alternate Delegate**
808

809 The Board determined to use the procedure of establishing back-up alternate
810 delegates in alphabetical order by last name of Board members.

811

812 **29. Public Comment on Items Not on the Agenda**

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

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

819

820 **30. Agenda Items for Future Meeting –**

821

822 March 25-26, 2020

823 University of St. Augustine

824

825 700 Windy Point Dr., Building A, Room 209A

826 San Marcos, CA 92069

827

828 Ms. Eleby requested an agenda item to further discuss the Board possibly absorbing
829 some of the costs for Maximus as the Board of Registered Nursing and other
830 professions have done.

831

832 Ms. Eleby also asked to revisit the Continuing Education Alternate Pathways chart to
833 include some other options to licensees. Mr. Kaiser added that this could be
834 addressed in 2021 as it would be a regulatory change.

835

836 Dr. Rabena-Amen asked for the Increase of Exempt Level of the Executive Officer be
837 placed on the agenda for the next meeting.

838

839 Ms. Eleby asked that the Student Question and Answer Forum be included at the
840 next meeting at St. Augustine.

841

842 **31. Adjournment**

843

844 The meeting adjourned at 12:16 p.m.

845

Physical Therapy Board of California Proposed 2021 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		1	2	3	4	5	6		1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	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			1	2	3	4	5					1	2	3	1	2	3	4	5	6	7
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	29	30	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						1	2		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
							31																				

January		February		March		April	
1	New Year's Day	15	President's Day	24-25	PTBC Meeting	6	PTA NPTE
6	PTA NPTE	24-27	APTA Sections Meeting		Azusa Pacific University	TBD	CPTA Student Conclave
15	APTA Founders Day		Orlando, FL		Azusa, CA		TBD
	TBD			31	César Chávez Day	4	Easter
18	Martin Luther King Jr					28	PT NPTE
26	PT NPTE						

May		June		July		August	
9	Mother's Day	TBD	FSBPT REG Training	4	Independence Day		
31	Memorial Day		TBD	6	PTA NPTE		
		20	Father's Day	TBD	FSBPT LIF		
		24-25	PTBC Meeting		Alexandria, VA		
			Sacramento, CA	27&28	PT NPTE		

September		October		November		December	
6	Labor Day	TBD	CPTA Annual Meeting	TBD	FSBPT Annual Meeting	9-10	PTBC Meeting
9-14	APTA Centennial Gala		TBD		TBD		Sacramento, CA
	Washington, DC	6	PTA NPTE	11	Veteran's Day	25	Christmas
15-16	PTBC Meeting	27	PT NPTE	25	Thanksgiving		
	TBD Bay Area, CA	31	Halloween				



Briefing Paper

Agenda Item 7

Date: 06/09/2020
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Waivers Issued by the Director of the California Department of Consumer Affairs

Purpose:

To provide an update on the waivers issued by the Director of DCA.

Attachments: [1. DCA Waiver DCA-20-01 Continuing Education](#)
[2. DCA Waiver DCA-20-02 Reinstatement of Licensure](#)
[3. DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment](#)

Update:

Pursuant to the Governor’s Executive Order N-39-20 issued March 4, 2020, DCA was granted the authority to provide waivers during the state of emergency resulting from COVID-19. DCA issued three waiver orders applicable to physical therapist and physical therapist assistant licensees:

- 1. DCA-20-01 Continuing Education (3/31/20)** – Temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and June 30th, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - 2. DCA-20-02 Reinstatement of License (3/31/20)** – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner. Since the issuance of this order, the PTBC has processed five requests.
 - 3. DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment (5/6/20)** – Temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates 60 days from the date of the order.
-

Action Requested: None.

Order Waiving License Renewal Requirements

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code (the Code).

Accordingly, for individuals whose active licenses expire between March 31, 2020, and June 30, 2020, the Director temporarily waives:

1. any statutory or regulatory requirement that individuals renewing a license pursuant to Division 2 of the Code take and pass an examination in order to renew a license; and,
2. any statutory or regulatory requirement that an individual renewing a license pursuant to Division 2 of the Code complete, or demonstrate compliance with, any continuing education requirements in order to renew a license.

These temporary waivers do not apply to any continuing education, training, or examination required pursuant to a disciplinary order against a license.

Licensees must satisfy any waived renewal requirements within six months of this order, unless further extended.

These temporary waivers do not relieve such individuals from timely complying with any other renewal requirements, including completing and submitting the required renewal forms to the governing licensing agency.

As a result of these waivers, the Department of Consumer Affairs' constituent licensing agencies may renew licenses despite noncompliance with the statutory or regulatory renewal requirements identified above.

These waivers are effective immediately but may be amended as circumstances require.

Dated: March 31, 2020

Signature on File

Kimberly Kirchmeyer
Director

Order Waiving License Reactivation or Restoration Requirements

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory requirements with respect to a professional license issued pursuant to Division 2 of the Business and Professions Code (the Code), including the requirements to reactivate or restore a license to active status.

Accordingly, the Director temporarily waives any statutory or regulatory requirement that an individual seeking to reactivate or restore a license originally issued pursuant to Division 2 of the Code:

- Complete, or demonstrate compliance with, any continuing education requirements in order to reactivate or restore a retired, inactive, or canceled license; and
- Pay any fees in order to reactivate or restore a retired, inactive, or canceled license (including renewal, delinquency, penalty, or late fees, or any other statutory or regulatory fees).

These waivers apply only to an individual's license that: (1) is in a retired, inactive, or canceled status, and (2) has been in such status no longer than five years.

These waivers do not apply to any license that was surrendered or revoked pursuant to disciplinary proceedings or any individual who entered a retired, inactive, or canceled status following initiation of a disciplinary proceeding.

A license reactivated or restored pursuant to these waivers is valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner.

These temporary waivers do not relieve such individuals from complying with any other reactivation or restoration requirements, including completing and submitting any

required forms or written notices to the governing licensing agency to reactivate or restore the license.

As a result of these waivers, the Department of Consumer Affairs' constituent licensing agencies may reactivate or restore a retired, inactive, or canceled license despite noncompliance with the statutory or regulatory requirements identified above.

This order is effective immediately and may be amended as circumstances require.

Dated: March 31, 2020

Signature on File

Kimberly Kirchmeyer
Director

Executive Office

1625 North Market Blvd., Suite S-308, Sacramento, CA 95834
P (916) 574-8200 F (916) 574-8613 | www.dca.ca.gov

Order Waiving In-Person Physician Examination Requirement for Continued Physical Therapy Treatment

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including physical therapists.

Accordingly, the Director waives Business and Professions Code section 2620.1, subdivision (a)(4) to the extent it requires a licensed physician and surgeon or podiatrist, as applicable, to conduct an "in-person" patient examination and evaluation, subject to the condition that the examination and evaluation must be performed via appropriate electronic means.

This order is effective immediately but may be amended as circumstances require.

This order terminates 60 days from the date of the order, unless further extended.

Dated: May 6, 2020

Signature on File

Kimberly Kirchmeyer
Director



Briefing Paper

Date: May 27, 2020

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Agenda Item 11(A)

Purpose:

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

Attachments:

- [1. 2020 Legislative Calendar](#)
- [2. Definition of the Board's Legislative Positions](#)
- [3. 2019/20 Legislative Summary](#)

Background and Update:

The 2020 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.

Due to the ongoing pandemic, leadership in the Assembly and Senate have requested that members voluntarily reduce their legislative package to allow only the most critical and pressing bills to move forward. A significant number of bills have been dropped by members and many policy committees are taking a pro-active role in limiting what is being set for hearing. The Assembly and Senate legislative calendars have also been modified which is reflected below, resulting in different calendar deadlines in each house. After July 13th, the Assembly and Senate calendar deadlines become harmonized.

Upcoming Assembly Calendar Highlights:

May 22, 2020	Last day for policy committees to hear and report to fiscal committees' fiscal bills introduced in the Assembly.
May 29, 2020	Last day for policy committees to hear and report to the floor non fiscal bills introduced in the Assembly.
June 5, 2020	Last day for fiscal committees to hear and report to the floor bills introduced in the Assembly.
June 15, 2020	Budget Bill must be passed by midnight.

June 15-19, 20	Assembly Floor session only. No committee may meet for any purpose except for Rules Committee and Conference Committees.
June 19, 2020	Last day for the Assembly to pass bills introduced in that house. Summer Recess begins upon adjournment.
July 13, 2020	Assembly reconvenes from Summer Recess.

Upcoming Senate Calendar Highlights:

May 29, 2020	Last day for policy committees to hear and report to fiscal committees' fiscal bills introduced in the Senate.
June 5, 2020	Last day for policy committees to hear and report to the floor non-fiscal bills introduced in the Senate.
June 15, 2020	Budget Bill must be passed by midnight.
June 19, 2020	Last day for fiscal committees to hear and report to the floor bills introduced in the Senate.
June 22-26, 2020	Senate Floor session only. No committee may meet for any purpose except for Rules Committee and Conference Committees.
June 26, 2020	Last day for the Senate to pass bills introduced in that house.
July 2, 2020	Summer Recess begins upon adjournment.
July 13, 2020	Senate reconvenes from Summer Recess.

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.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

DEADLINES

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

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

MARCH						
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	<u>27</u>	28
29	30	31				

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

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

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 6](#) Legislature Reconvenes (J.R. 51(a)(4)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- [Jan. 17](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- [Jan. 20](#) Martin Luther King, Jr. Day.
- [Jan. 24](#) Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#) Last day for each house to **pass bills introduced** in that house in the odd-numbered year (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 17](#) Presidents' Day.
- [Feb. 21](#) Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Mar. 27](#) Cesar Chavez Day observed
- [Apr. 2](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- [Apr. 13](#) Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 24](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).
- [May 1](#) Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 8](#) Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).
- [May 15](#) Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 1 (J.R. 61(b)(9)).
- [May 25](#) Memorial Day
- [May 26 - 29](#) **Floor Session Only.** No committees, other than conference or Rules Committees, may meet for any purpose (J.R. 61(b)(10)).
- [May 29](#) Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

*Holiday schedule subject to Senate Rules committee approval.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

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

- [June 1](#) Committee meetings may resume (J.R. 61(b)(12)).
- [June 15](#) **Budget Bill** must be **passed** by **midnight** (Art. IV, Sec. 12(c)(3)).
- [June 25](#) Last day for a legislative measure to qualify for the November 3 General Election ballot (Election code Sec. 9040).
- [June 26](#) Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY						
S	M	T	W	TH	F	S
			1	<u>2</u>	<u>3</u>	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	

- [July 2](#) Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).
- [July 3](#) Independence Day observed.

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

- [Aug. 3](#) Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- [Aug. 14](#) Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- [Aug. 17 – 31](#) **Floor Session only**. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).
- [Aug. 21](#) Last day to **amend bills** on the Floor (J.R. 61(b)(17)).
- [Aug. 31](#) Last day for **each house to pass bills** (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

- [Sept. 30](#) Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
 - [Nov. 3](#) General Election
 - [Nov. 30](#) Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
 - [Dec. 7](#) 12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).
- 2021**
- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).

**Legislation - Definition of the
Positions Taken by the Physical
Therapy Board Regarding
Proposed Legislation**

(Board Policy)

The Board will adopt the following positions regarding pending or proposed legislation.

Oppose: The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

Oppose, unless amended: The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

Neutral: The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

Watch: The watch position adopted by the Board will indicate interest regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

Support, if amended: The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

Support: The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

AB 613 **Professions and Vocations: Regulatory Fees** Author: Low (D)
 Status: 7/1/2019 In Senate Business Professions and Economic Development Committee. Testimony Taken. Hearing Postponed by Committee.
 Position: No Position
[Bill Analysis](#)

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

Summary: This is a two-year bill located in the Senate Business, Professions and Economic Committee. This bill would allow a board, no more than once every four years, to increase any fee authorized to be imposed by that board by any amount not to exceed the increase in the CPI, as specified, for the preceding four years. This bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

AB 888 **Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain** Author: Low (D)
 Status: Amended 4/11/19. 7/1/2019 In Senate Business, Professions and Economic Committee. Testimony Taken. Hearing Postponed by Committee. Referred, second to the Senate Committee on Health
 Position: No Position
[Bill Analysis](#)

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

Summary: This bill expands requirements for prescribers to discuss risks and dangers of opioids and opioid addiction to all patients and adds a requirement the the prescriber discuss the availability of nonpharmacological treatments for pain (include but are not limited to, acupuncture, chiropractic care, physical therapy, occupational therapy and licensed mental health provider services). Also requires a prescriber to obtain informed written consent for an opioid prescription and offer the patient a referral for a provider of nonpharmacological treatments for pain. Includes services offered by a number of licensed professionals in the definition of nonpharmacological treatments for pain.

AB 1263 **Contracts: Consumer Services: Consumer Complaints** Author: Low (D)
 Status: 1/6/20 Amended Assembly. 1/30/20 In Senate. Read First Time. To Senate Rules Committee for Assignment.
 Position: No Position
[Bill Analysis](#)

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

2019/20 Legislative Summary

Summary: This bill prohibits a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board from limiting the consumer’s ability to file a complaint with a licensing board against a licensee, or from participating in a board’s investigation. The bill defines “licensing board” to be any entity regulated by the Department of Consumer Affairs (DCA), the State Bar of California, or the Department of Real Estate (DRE) and any other state agency that issues a professional license.

[AB 1616](#) **Department of Consumer Affairs: Boards** Author: Low (D)

Expunged Convictions

Status: Amended 1/6/20. 1/30/20 In Senate. Read First Time. To Senate Rules Committee for Assignment.

Position: No Position

[Bill Analysis](#)

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 programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to update or remove information about the revoked license within six months of the board receiving an expungement order related to the conviction. The person seeking the change must pay to the board a fee, determined by the Department, designed to cover the administrative costs of these requirements.

[AB 1665](#) **Athletic Trainers** Author: Bonta (D)

Status: Amended 2/27/20. 2/27/20 Re-referred to Senate Rules Committee pursuant to Senate Rule 20.10(c).

Position: No Position

[Bill Analysis](#)

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

Summary: This bill would enact the Athletic Training Practice Act, which, until January 1, 2028, would establish the California Board of Athletic Training within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act. The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board, subject to limited exceptions. The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only in collaboration with a physician and surgeon. The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny, suspend, or revoke a license and to discipline a licensee for specified reasons. The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act, as specified. This bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees, as specified, and would make those fees available to the board for the purpose of implementing the act’s provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers’ Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, would specify that a general fund or special fund loan may be used and repaid with fee revenue. This bill would repeal its provisions on January 1, 2028.

2019/20 Legislative Summary

[AB 1850](#)

Worker Classification: Employees and Independent Contractors

Author: Gonzalez (D)

Status: Amended 5/12/20. 6/3/20 Read second time. Ordered to third reading.
 Position: No Position

Bill Analysis

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

Exempts from the 3-part ABC test for employment status and instead applies the test set forth in the California Supreme Court's Borello decision (S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341) to certain occupations such as musicians, insurance inspectors and competition judges, subject to specified conditions, adds appraisers and certain master class teachers to the professional services exemption, revises the freelancer exemption, and recasts the exemption for referral agencies, as specified.

[AB 1904](#)

Pelvic Floor Physical Therapy Coverage

Author: Boerner Horvath (D)

Status: 1/17/20 Referred to Assembly Health Committee
 Position: No Position

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

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2021, to provide coverage for pelvic floor physical therapy after pregnancy. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

[AB 2028](#)

State Agencies: Meetings

Author: Aguiar- Curry (D)

Status: Amended Assembly 6/4/2020. 6/4/2020 Read second time and amended. Ordered returned to second reading.
 Position: No Position

Bill Analysis

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

This bill would modify the Bagley-Keene Open Meeting Act (Bagley-Keene) to require a state body to post online relevant writings and materials on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier. This bill would also require that all writings or materials provided for a noticed meeting to a member of a state body by the staff of a state agency be made

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available on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier. This bill provides that this requirement does not apply to writings or materials prepared for a matter to be discussed in a closed session of the state body. This bill deletes a provision allowing a state body to not hear public comment on an agenda item if the item had already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded the opportunity to provide public comment, as specified. This bill specifies if relevant writings and materials are related to current legislation, a state body is entitled to post online additional materials related to that active legislation as it becomes available.

[AB 2113](#) **Refugees, Asylees, and Immigrants: Professional Licensing** Author: Low (D)

Status: Amended Assembly 5/4/20. 6/4/20 Read second time. Ordered to third reading.
 Position: No Position
[Bill Analysis](#)

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

This bill requires licensing boards under the Department of Consumer Affairs (DCA) to expedite the licensure process for refugees, asylees, and Special Immigrant Visa (SIV) holders.

[AB 2185](#) **Professions and Vocations: Applicants In Other States: Reciprocity** Author: Patterson and Gallagher (R)

Status: 5/13/20 Amended Assembly. 5/14/20 Referred to Assembly Business and Professions Committee
 Position: No Position
[Bill Analysis](#)

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

Requires each board within the Department of Consumer Affairs (DCA) to issue a license to any applicant who is the spouse or partner of an active duty member of the Armed Forces if the applicant is licensed in another state.

[AB 2214](#) **Administrative Procedure Act: Notice of Proposed Action** Author: Carrillo (D)

Status: 2/20/20 Referred to Assembly Committee on Accountability and Administrative Review
 Position: No Position

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

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Existing This bill would require a state agency, including programs within the Department of Consumer Affairs, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to the Office of Administrative Law.

**This bill has been pulled and will not move forward.

[AB 2410](#)

Athletic Trainers

Author: Cunningham (R)

Status: 5/18/20 Read second time. Ordered to third reading.

Position: No Position

[Bill Analysis](#)

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

This bill would make it unlawful for any person to hold themselves out as an athletic trainer, use the title of, among others, athletic trainer, or to use specified terms to imply or suggest that the person is an athletic trainer, unless that person fulfills certain requirements, including, but not limited to, being certified by the Board of Certification, Inc., or its predecessors or successors, or by another certifying entity with comparable standards for certifying athletic trainers. The bill would make it an unfair business practice to use the title "athletic trainer," "certified trainer," or other specified terms that imply or suggest that the person is an athletic trainer if the person does not meet the requirements. This bill, notwithstanding these provisions, would authorize a person who has worked as an athletic trainer in California for a period of 20 consecutive years prior to January 1, 2021, and who is not otherwise eligible to use the title "athletic trainer" to use that title. This bill would declare that it is to take effect immediately as an urgency statute.

[AB 2549](#)

DCA: Temporary Licenses

Author: Salas (D)

Status: 5/18/20 Amended Assembly. 6/4/20 Read second time. Ordered to third reading.

Position: No Position

[Bill Analysis](#)

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

This bill adds specified licensing boards to the list of boards that are required to issue temporary licenses to military spouses, requires boards under the requirement to promulgate regulations, as specified, and makes other technical changes.

[AB 2631](#)

License Fees: Military Partners and Spouses

Author: Cunningham (R)

Status: 3/2/20 Referred to Assembly Business and Professions Committee

Position: No Position

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

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This bill would require programs with the Department to waive initial or original licensing fees for spouses and domestic partners of active duty military members.

**This bill has been pulled and will not move forward.

[AB 2684](#)

School Employee Credentialing: Occupational Therapy and Physical Therapy Services: Workgroup

Author: Blanca Rubio (D)

Status: 3/2/20 Referred to Assembly Education Committee

Position: No Position

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

Existing law requires the Commission on Teacher Credentialing to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law sets forth the minimum requirements for a services credential with a specialization in health and excludes services as an occupational therapist or physical therapist from the health services the holder of a services credential with a specialization in health is authorized to perform. This bill would require the commission to convene a workgroup, as provided, to consider whether the development of a services credential with a specialization in occupational therapy or physical therapy services is warranted. The bill would require the workgroup to provide a report on its findings to the commission on or before July 1, 2021.

**This bill has been pulled and will not move forward.

[AB 2704](#)

Healing Arts: Licensees: Data Collection

Author: Ting (D)

Status: Amended Assembly 5/14/20. 5/18/20 Re-referred to Assembly Business and Professions Committee.

Position: No Position

[Bill Analysis](#)

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

Existing law requires the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board of California, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to regulate and oversee the practice of healing arts within their respective jurisdictions and to, among other things, collect and report specific demographic data relating to their licensees, subject to a licensee's discretion to report their race or ethnicity, to the Office of Statewide Health Planning and Development. Existing law requires these boards to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license. Existing law also authorizes the Board of Registered Nursing to expend \$145,000 to implement these provisions. This bill would repeal these provisions applicable only to the licensees of those boards and instead, would require all Boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information, and to post the information on the internet websites that they each maintain. The bill would also require each board, or the Department of Consumer Affairs on its behalf, beginning on July 1, 2021, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would

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require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form, as specified.

AB 2978 **Department of Justice: Arrest and Conviction Records: Review** Author: Ting (D)

Status: 2/24/20 From Printer. Read First Time. Pending Referral. May be heard in Committee March 23rd.

Position: No Position

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

Pursuant to AB 1076 (Ting, Chapter 587, Statutes of 2019), the Department of Justice is required, beginning January 1, 2021, to review statewide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or criminal conviction records, withheld from disclosure or modified. Current law provides that individuals are eligible for this relief, among other criteria, if the arrest or conviction occurred on or after January 1, 2021. This bill would instead require the arrest or conviction to have occurred on or after January 1, 1973.

**This bill has been pulled and will not move forward.

AB 3045 **Department of Consumer Affairs: Boards:** Author: Gray (D)

Veterans: Military Spouses: Licenses

Status: 6/4/20 Read second time. Ordered to third reading.

Position: No Position

[Bill Analysis](#)

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

This bill would require certain regulatory boards to grant licenses to an applicant who is either a veteran or the spouse or partner of an active duty member of the armed forces if the applicant holds a qualified license in another state.

SB 878 **Department of Consumer Affairs: Licensing: Applications** Author: Jones (R)

Wait Times

Status: 6/3/20 Set for hearing June 9, 2020.

Position: No Position

[Bill Analysis](#)

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

This bill would require each Board within the Department that issues licenses to prominently display the current average timeframe for processing initial and renewal license applications on its internet website and specify the average timeframes for each license category.

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SB 1054

Physical Therapy Licensure Compact

Author: Moorlach (R)

Status: 5/14/20 Set for hearing. Did not pass out of the Senate (4 ayes, 5 Noes)

Position: No Position

[Bill Analysis](#)

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

This bill would enact the Physical Therapy Licensure Compact, under which each member state is required to grant a compact privilege, as defined, to a physical therapist holding a license in another member state if specified conditions are satisfied. The bill would authorize a member state to charge a fee for granting a compact privilege. The bill would prohibit fees collected by the Physical Therapy Board of California for purposes of granting a compact privilege from exceeding the cost of administering that privilege under the compact and would require the fees to be deposited in the Physical Therapy Fund. The bill would require the Board to select a delegate to be a member of the Physical Therapy Compact Commission, a joint public agency which would be authorized to promulgate uniform rules in accordance with specified rulemaking procedures to implement the compact. The bill would authorize an executive board of the commission to act on behalf of the commission, and would specify the executive board's duties, including recommending changes to fees. The bill would authorize the commission to levy and collect an annual assessment from each state or impose fees on other parties to cover the costs of the operations and activities of the commission. The bill would require the board to transmit specified data on licensees to a coordinated database and reporting system maintained by the commission. The bill would specify that the provisions of the compact and the rules promulgated pursuant to the compact shall have the force and effect of state law. The bill would state that if any provision of the compact is contrary to the United States Constitution, the California Constitution, or any state or federal statute or regulation, the provision is void and unenforceable.

Because a person licensed in another state practicing under a compact privilege would be subject to the provisions of the act, a violation of which is a misdemeanor, the bill would expand the scope of a crime and would thereby impose a state-mandated local program.

SB 1168

State Agencies: Licensing Services

Author: Morrell (R)

Status: 6/3/20 Set for Hearing

Position: No Position

[Bill Analysis](#)

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

This bill would require that a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application to defer fees, as specified. The bill also would require that a state agency that issues any business license to establish a process to expedite licensing services for persons who have been displaced or are experiencing economic hardship directly resulting from an emergency proclaimed or declared within 365 days of the request for licensing services

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 613
Author: Low (D)
Bill Date: Introduced 2.14.19
Subject: Professions and Vocations: Regulatory Fees
Sponsor: Sponsored by the Author

DESCRIPTION OF CURRENT LEGISLATION:

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

ANALYSIS:

Existing Law:

- 1) Establishes the DCA within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Requires an agency to reduce license or other fees, as specified, if at the end of any fiscal year, an agency within the DCA, except as specified, has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years. (BPC § 128.5)
- 3) Specifies that a charge for the estimated administrative expenses of the DCA, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance. (BPC § 201(a)(1))
- 4) Requires the DCA to submit a report on of the accounting of the pro rata calculation of administrative expenses to the appropriate policy committees of the Legislature on or before July 1 of each subsequent year. (BPC § 201(a)(2))

This Bill:

- 1) Allows a board, no more than once every four years, to increase any fee authorized to be imposed by that board by any amount not to exceed the increase in the CPI, as specified, for the preceding four years. Requires a board to provide its calculations and proposed fee, rounded to the nearest whole dollar, to the director of the DCA, and the director must approve the fee unless any of the following apply:
 - a) The Board has unencumbered funds in an amount that is equal to more than the Board's operating budget for the next two fiscal years;
 - b) The fee would exceed the reasonable regulatory costs to the Board in administering the provisions for which the fee is authorized;
 - c) The director determines that the fee increase would be injurious to the public, health, safety, or welfare.

- 2) States that the adjustment of fees and publication of the adjusted fee list is not subject to the Administrative Procedure Act.
- 3) Specifies, for purposes of this bill, that “fee” includes any fees authorized to be imposed by a board for regulatory costs, but does not include administrative fines, civil penalties, or criminal penalties.

FISCAL:

This bill is keyed fiscal by the Legislative Counsel. According to the Assembly Committee on Appropriations Analysis dated April 10, 2019, this bill will result in minor and absorbable costs to DCA to adapt to this change. DCA indicates while this bill exempts the adjustment of fees and publication of a fee schedule from the regulatory process, some programs may elect to pursue regulation changes to conform existing fee schedules to the new fees, therefore avoiding confusion.

**AUTHOR’S
SUGGESTED
AMMENDMENTS
AND POLICY
ISSUES:**

The following amendments allow for clearer oversight in this new process and ensure that the public and Legislature are aware of proposed changes, as well as advised of fee updates.

101.1.

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

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

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

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

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

(2) Any fee adjusted pursuant to this subdivision shall be published by the board on its internet website and transmitted in writing to the Joint Legislative Budget Committee, as well as the appropriate policy committees of the Legislature so that the adjustments may be considered during the board’s next regularly scheduled sunset review.

(3) Any fee adjustment made pursuant to this subdivision shall be effective on the first day of the first calendar quarter commencing

more than 90 days after the publication and transmittal of the adjustment made pursuant to paragraph (2)

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

(5) A board that is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) shall approve any proposed fee adjustments made pursuant to this subdivision by a majority vote prior to providing the adjustments to the Department of Finance for approval

- (b) For purposes of this section, “fee” includes any fees authorized to be imposed by a board for regulatory costs. “Fee” does not include administrative fines, civil penalties, or criminal penalties.
- (c) Nothing in this section shall preclude a board from adjusting any fee within its existing authority or authorize the creation of any new fee.

SUPPORT:

Board of Behavioral Services, California Acupuncture Board, California Architects Board, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Medical Board of California, California Dental Association, and Contractors State Licensing Board

OPPOSITION:

California Medical Association, California Orthopaedic Association. California Academy of Family Physicians, California Psychiatric Association

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 888
Author: Low (D)
Bill Date: Amended 4.11.2019
Subject: **Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain**
Sponsor: Sponsored by the California Chiropractic Association (CalChiro)

DESCRIPTION OF CURRENT LEGISLATION:

This bill expands requirements for prescribers to discuss risks and dangers of opioids and opioid addiction to all patients and adds a requirement the prescriber discuss the availability of nonpharmacological treatments for pain (include but are not limited to, acupuncture, chiropractic care, physical therapy, occupational therapy and licensed mental health provider services). Also requires a prescriber to obtain informed written consent for an opioid prescription and offer the patient a referral for a provider of nonpharmacological treatments for pain. Includes services offered by a number of licensed professionals in the definition of nonpharmacological treatments for pain.

ANALYSIS:

Existing Law:

- (1) Requires a prescriber, with certain exceptions, before directly dispensing or issuing for a minor the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss specified information with the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment.
- 2) Makes an exception to the requirement for the prescriber in the case of a patient who is being treated for a diagnosis of chronic intractable pain, as specified.
- 3) Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health benefit plan issuer that offers coverage in the small group or individual market to ensure that the coverage includes the essential health benefits package, as defined.

This Bill:

- 1) States findings and declarations about the opioid crisis which has prompted an urgent discussion about the risks of addiction associated with overreliance on prescription medication for pain management; a growing body of research indicates that certain nonpharmacological therapies are proven to be equally effective to treat certain causes of pain as prescription opioids, without placing patients at risk for addiction or overdose; to this end, awareness of, and access to, nonpharmacological treatments for pain are vitally important to the state's efforts to combat the opioid crisis, and that coverage of these treatments should be considered during the next update to the state's essential health benefits benchmark plan.
- 2) Expands requirements for prescribers in to discuss risks and dangers of opioids and opioid addiction from only minor patients to all patients. Adds a requirement that the prescriber discuss the availability of nonpharmacological treatments for pain.

- 4) Requires the prescriber to obtain written informed consent, that must be placed in the patient's medical record and that must contain the name and quantity of the controlled substance being prescribed or issued and the amount of the initial dose; a statement certifying that the prescriber discussed the information and the availability of nonpharmacological treatments for pain; and that the written informed consent contains space for a signature.
- 5) Requires the prescriber to offer, as deemed appropriate by the prescriber, a referral for a provider of nonpharmacological treatments for pain.
- 6) Specifies that nonpharmacological treatments for pain include, but are not limited to, acupuncture, chiropractic care, physical therapy, occupational therapy, and licensed mental health provider services.

FISCAL:

This bill is keyed fiscal by Legislative Counsel. According to the Assembly Committee on Appropriations, this bill will result in minor and absorbable costs to affected boards within the Department of Consumer Affairs for enforcement and for updating regulations, if necessary.

SUPPORT:

California Chiropractic Association (Sponsor), Board of Chiropractic Examiners, California Acupuncture and Traditional Medicine Association, California Acupuncture Board, California Consortium of Addiction Programs and Professionals, California Health Coalition Advocacy, California Life Sciences Association, California Physical Therapy Association, County Behavioral Health Directors Association, Independent Physical Therapists of California, Medical Board of California, Medtronic, National Coalition Against Prescription Drug Abuse, Occupational Therapy Association of California, Southern California University of Health Sciences

OPPOSITION:

American Congress of Obstetricians & Gynecologists - District IX, California Academy of Family Physicians, California Chronic Care Coalition, California Dental Association, California Medical Association, California Orthopedic Association, Kaiser Permanente

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 1263
Author: Low (D)
Bill Date: Amended 1.6.20
Subject: **Contracts: Consumer Services: Consumer Complaints**
Sponsor: Sponsored by the Author.

DESCRIPTION OF CURRENT LEGISLATION:

This bill prohibits a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board from limiting the consumer's ability to file a complaint with a licensing board against a licensee, or from participating in a board's investigation. The bill defines "licensing board" to be any entity regulated by the Department of Consumer Affairs (DCA), the State Bar of California, or the Department of Real Estate (DRE) and any other state agency that issues a professional license.

ANALYSIS: This bill would prohibit contracting for, or to propose to contract for, an agreement to not file a complaint with a licensing board or to participate in a license board's investigation into a licensee for a consumer service. Specifically, this bill would:

- 1) State that any waiver of the provisions of this section is contrary to public policy and is void and unenforceable.
- 2) Provide that violation of this section by a licensee shall constitute unprofessional conduct subject to discipline by the licensee's licensing board.
- 3) Define "consumer service" to mean any service which is obtained for use primarily for personal, family, or household purposes.
- 4) Define "licensing board" to mean any entity contained in Section 101 of the Business and Professions Code, the State Bar of California, the Department of Real Estate, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

FISCAL: Minor and absorbable costs to the boards and bureaus under the DCA. Minor and absorbable costs to Department of Real Estate. No cost to the State Bar.

FROM THE AUTHOR: Existing law intends to prohibit non-disparagement clauses in consumer contracts. This bill responds to the author's determination that companies providing professional services are nevertheless seeking to restrict their customer's authority to make substantiated complaints to regulatory boards through refund agreements and other contracts. This bill would expressly

prohibit these provisions in any contract governing the provision of professional services that are subject to licensure and oversight by the state.

SUPPORT: None on File.

OPPOSITION: None on File.

POSITION: Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 1616
Author: Low (D) Coauthor: Garcia (D)
Bill Date: Amended 1.6.20
Subject: DCA: Boards: Expunged Convictions
Sponsor: Sponsored by the Author.

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to update or remove information about the revoked license within six months of the board receiving an expungement order related to the conviction. The person seeking the change must pay to the board a fee, determined by the Department, designed to cover the administrative costs of these requirements.

ANALYSIS: This bill requires a professional licensing board under the Department of Consumer Affairs (DCA) that posts information on its internet website about a revoked license due to a criminal conviction to update or remove information about the revoked license should the board receive an expungement order related to the conviction. Specifically, this bill:

- 1) Requires a board that posts disciplinary information on its website to do either of the following within six months of the board receiving a certified copy of an expungement order related to the conviction:
 - a) Post notification of the expungement order and the date it was granted, if the ex-licensee reapplies for licensure or has been granted a new license.
 - b) Remove the original posted information on the license revocation, if the ex-licensee does not currently have a license and does not apply for licensure.
- 2) Requires a person seeking to have their license revocation history updated or removed to pay a fee to the board, at an amount determined by DCA, but not exceeding the reasonable cost of administering the service.
- 3) Specifies the Medical Board of California's internet web site posting requirements take precedence over this bill's provisions, should a conflict occur.

FISCAL: Unknown costs, but likely in the range of the low tens of thousands of dollars to the low hundreds of thousands of dollars (GF), to DCA boards and bureaus to post notifications of expungement orders on their boards' internet websites. DCA indicates these costs are difficult to estimate because they will vary significantly depending on the need to validate expungement orders.

Estimated total costs in the low tens of thousands of dollars (GF) to the Office of Information Services (OIS) to update multiple IT platforms to

meet the requirements of the bill. These costs will be absorbed by redirecting existing maintenance resources.

**FROM THE
AUTHOR:**

This bill is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. This bill allows individuals who were formerly licensed through the state of California to appropriately reflect the record of their rehabilitation as granted by the judicial branch and improve their opportunity to seek meaningful employment.

SUPPORT:

None on File.

OPPOSITION:

None on File.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 1665
Author: Bonta (D)
Bill Date: Amended 1.6.20
Subject: Athletic Trainers
Sponsor:

DESCRIPTION OF CURRENT LEGISLATION:

This bill would enact the Athletic Training Practice Act, which, until January 1, 2028, would establish the California Board of Athletic Training within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act. The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board, subject to limited exceptions. The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only in collaboration with a physician and surgeon. The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny, suspend, or revoke a license and to discipline a licensee for specified reasons. The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act, as specified. This bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees, as specified, and would make those fees available to the board for the purpose of implementing the act's provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers' Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, would specify that a general fund or special fund loan may be used and repaid with fee revenue. This bill would repeal its provisions on January 1, 2028.

ANALYSIS: Existing law provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs, including athlete agents.

This bill would enact the Athletic Training Practice Act, which, until January 1, 2028, would establish the California Board of Athletic Training within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act.

The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board, subject to limited exceptions.

The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only in collaboration with a physician and surgeon.

The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny,

suspend, or revoke a license and to discipline a licensee for specified reasons.

The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act, as specified.

This bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees, as specified, and would make those fees available to the board for the purpose of implementing the act's provisions upon appropriation by the Legislature.

The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers' Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, would specify that a general fund or special fund loan may be used and repaid with fee revenue.

This bill would repeal its provisions on January 1, 2028.

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

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

FISCAL:

Unknown.

SUPPORT:

Kings, Sacramento Republic FC, California Medical Association, California Interscholastic Federation and the National Collegiate Athletic Association.

OPPOSITION:

The California Physical Therapy Association "If there was a bill about ensuring that athletic trainers are more available in youth sports, we would support that," the CPTA said in a statement. "Instead, they seem to focus on creating a license in California where they would move out of sports and athletics and into simply being a health care provider without any relation to sports."

The California Nurses Association also opposes the bill. "If an athletic trainer can be on any scene, anywhere -- and we're talking outside of athletic events -- to diagnose and treat without the proper education and training? That's a huge scope of practice bill that we believe needs to be reined in," said Stephanie Roberson with the CNA. "If they are saying training needs to be beefed up, let's look at the athletic training programs right now and let's look at the curriculum."

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 1850
Author: Gonzalez (D)
Bill Date: Amended 5.12.20
Subject: Worker classification: Employees and Independent Contractors
Sponsor: Sponsored by the Author.

DESCRIPTION OF CURRENT LEGISLATION:

Exempts from the 3-part ABC test for employment status and instead applies the test set forth in the California Supreme Court's Borello decision (S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341) to certain occupations such as musicians, insurance inspectors and competition judges, subject to specified conditions, adds appraisers and certain master class teachers to the professional services exemption, revises the freelancer exemption, and recasts the exemption for referral agencies, as specified.

ANALYSIS:

Major Provisions

- 1) Recasts the requirements for the referral agency exemption to the ABC test by clarifying a number of provisions, including but not limited to, how a referral agency confirms the licensing of a service provider, the freedom of a service provider to maintain its own clientele, and the ability of a service provider to set or negotiate its terms in consultation with clients as well as establishing its rates without deduction by a referral agency.
- 2) Adds to the professional services exemption performers hired to teach a master class, as defined, and real estate appraisers, as defined.
- 3) Exempts the professional services of a still photographer, photojournalist, videographer, or photo editor, as defined, who works under a contract with specified terms, as long as the individual providing the services is not replacing an employee performing the same work at the same volume, the individual does not primarily perform the work at the hiring entity's business location, and the individual is not restricted from working for more than one hiring entity.
- 4) Revises the freelancer exemption to provide that the professional services of a freelance writer, certified translator, editor, copyeditor, illustrator, or newspaper cartoonist are exempt if the individual works under a contract with specified terms, is not replacing an employee performing the same work at the same volume, does not primarily perform the work at the hiring entity's business location, and is not restricted from working for more than one hiring entity.
- 5) Exempts individuals who provide underwriting inspections, premium audits, risk management or loss control work for the insurance industry.
- 6) Exempts individuals engaged by the International Exchange Visitor Program with official designation by the United States Department of State and that are in full compliance with its regulations.
- 7) Exempts certain competition judges who have a specialized skillset or expertise and provide services requiring the exercise of discretion and independent judgment to an organization in order to determine competition outcomes.

- 8) Exempts certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions, including, but not limited to, recording artists and musicians, as specified, songwriters, composers, record producers, and musical engineers.
- 9) Exempts a musician or musical group for the purpose of a single-engagement live performance event, unless certain conditions are met.
- 10) Provides that an action for injunctive relief to prevent the continued misclassification of employees as independent contractors may also be prosecuted by a district attorney.

FISCAL:

According to the Assembly Appropriations Committee:

- 1) Minor and absorbable costs to the Department of Industrial Relations (DIR) to implement the provisions of this bill. This bill is not expected to create additional workload beyond what is expected from ongoing implementation of AB 5 (Gonzalez) of 2019.
- 2) Minor and absorbable costs to the Employment Development Department (EDD) to update employer guidance and train staff on the provisions of this bill. EDD does not anticipate this bill generating additional workload related to classification issues compared to current law.
- 3) Unknown impact on state income tax revenues because of a possible shift in the number of individuals classified as independent contractors instead of employees. The Franchise Tax Board (FTB) notes that this type of reclassification shifts business-related expenses from the business to the worker, which will decrease a business's tax liability. At the same time, the decrease in business expenses will increase business tax liability. The net revenue effect is unknown.

**FROM THE
AUTHOR:**

"I introduced Assembly Bill 1850 in January to continue working on clarifying issues affecting a variety of industries following the passage of AB 5. To date, I have spent two years since the Dynamex ruling engaging with individuals, worker and business representatives to understand how the ruling and AB 5 has impacted their work, as well as examine the legacy of misclassification in the respective industries. It is my intent as AB 1850 moves through the legislative process to continue to address ambiguities in existing law and ensure there are clear workplace rules for those individuals operating as their own, independent businesses. Under both the ABC test and the Borello test, employment status has always been determined based on whether a hiring business can impose a significant level of control and direction on the manner and means by which a worker accomplishes their task. AB 1850 remains consistent with this principle and makes it clear that when the nature of an individual's work is inherently subject to control and direction by the hiring business, those individuals will continue to be protected against misclassification under the ABC test. "

SUPPORT:

Acclamation Insurance Management Services, Agricultural Council of California, Allied Managed Care, Associated General Contractors, Auto Care Association, California Chamber of Commerce, California Farm

Bureau Federation, California Manufacturers and Technology Association, Cawa - Representing the Automotive Parts Industry, Coalition of Community Artists, Coalition of Small & Disabled Veteran Business, Edelstein, Gilbert, Robson & Smith, LLC, Flasher Barricade Association, National Federation of Independent Business (NFIB), Vintage Duplicate Bridge Club

OPPOSITION: CMEA oppose unless amended

POSITION: Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2028
Author: Aguiar-Curry (D)
Bill Date: Amended 6.4.20
Subject: State Agencies: Meetings
Sponsor: National Nurses United (NNU)

DESCRIPTION OF CURRENT LEGISLATION:

This bill would modify the Bagley-Keene Open Meeting Act (Bagley-Keene) to require a state body to post online relevant writings and materials on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier. This bill would also require that all writings or materials provided for a noticed meeting to a member of a state body by the staff of a state agency be made available on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier. This bill provides that this requirement does not apply to writings or materials prepared for a matter to be discussed in a closed session of the state body. This bill deletes a provision allowing a state body to not hear public comment on an agenda item if the item had already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded the opportunity to provide public comment, as specified. This bill specifies if relevant writings and materials are related to current legislation, a state body is entitled to post online additional materials related to that active legislation as it becomes available.

ANALYSIS: This bill modifies the Bagley-Keene Open Meeting Act (Bagley-Keene) to require a state body to post online relevant writings and materials on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier.

Major Provisions:

- 1) Requires that all writings or materials provided for a noticed meeting to a member of a state body by the staff of a state agency be made available on the same day as they are disseminated to members of the body, or at least 48 hours in advance of the meeting, whichever is earlier.
- 2) Provides that this requirement does not apply to writings or materials prepared for a matter to be discussed in a closed session of the state body.
- 3) Deletes a provision allowing a state body to not hear public comment on an agenda item if the item had already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded the opportunity to provide public comment, as specified.
- 4) Specifies if relevant writings and materials are related to current legislation, a state body is entitled to post online additional materials related to that active legislation as it becomes available.

PTBC posts its agenda for a Board meeting on PTBC's website at least 10 days prior to a Board meeting, as required by the Bagley-Keene Open Meeting Act. In addition, Board meeting agendas are published to PTBC's social media channels and disseminated to PTBC's subscribed email lists. Board meeting materials are also posted online prior to each meeting and public copies are available at each meeting for the public.

The provisions of this bill would require that all writings or materials provided for the noticed meeting in connection with a matter subject for discussion or consideration at the meeting be made available on the internet for at least 10 days in advance of the meeting.

- This provision would limit the Board from being nimble during the quarterly Board meetings with legislative bills, regulatory information among other valuable content i.e. Student Question and Answer forums from students, handouts addressing emergency information provided to the Board and public during the meeting.
- This provision could prohibit the Board from conducting business, prolong regulatory packages, and prevent the Board from taking positions on pertinent legislative bills. If additional meetings are required to address Board business, this would increase travel costs for the PTBC and increase PTBC staff's workload to facilitate and attend additional meetings.

In addition, this bill would affect PTBC's business process in the posting of meeting materials as it would require DCA's Office of Information Services to post the materials in a web accessible format very quickly after receiving them from PTBC staff. Currently, OIS has additional time to take the Board's meeting materials and make them web accessible; if PTBC is required to publish materials 10 days prior to a meeting; this would create additional workload and strain on OIS to publish these documents to the website quickly.

FISCAL:

This bill would affect PTBC's business process in the preparation and posting of meeting materials and could increase the PTBCs staff and DCA, OIS staff workload for preparing these materials within abbreviated timeframes. This bill could also increase the frequency of meetings, which would increase travel costs for the PTBC and increase PTBC staff's workload to facilitate and attend the additional meetings to be held.

According to the Assembly Committee on Appropriations, potentially significant costs to state agencies for complying with new notice and open meeting requirements. While this bill applies to a range of state agencies and departments, the Department of Consumer Affairs (DCA) will be the most acutely affected. A range of DCA programs, such as the Board of Behavioral Sciences, will see increased workload and costs related to fast tracking materials to meet the required 48- day deadline. Altogether, additional DCA costs could exceed \$150,000 annually.

**FROM THE
SPONSOR:**

National Nurses United (NNU) is the largest union and professional association of registered nurses in U.S. history. It unifies 3 of the most progressive organizations in the US- the California Nurses Association, United American Nurses, and Massachusetts Nurses Association. "This bill ensures the public has access to all relevant background documents prior to the meeting of a state agency, board or commission. Public access to information is a critical component of our democratic process and encourages informed public engagement with our state leaders. This bill provides the diverse public of our state with a platform to share their opinions and make their voices heard."

SUPPORT:

California Teachers Association, California Labor Federation, California Federation of Teachers, California Nurses Association/National Nurses, United California School Employees Association

OPPOSITION:

Board of Behavioral Sciences

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2113
Author: Low (D) and Coauthored Carrillo, Medina and Blanca Rubio (D) **Amended 5.4.20 new coauthor added: Chiu (D)**
Bill Date: **Amended 5.4.20**
Subject: **Refugees: Asylees, and Immigrants: Professional Licensing**
Sponsor: Author sponsored.

DESCRIPTION OF CURRENT LEGISLATION:

This bill, notwithstanding any other law, would require a Board within the Department of Consumer Affairs to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the Board that they are a refugee, have been granted political asylum, or have a special immigrant visa, as specified.

The bill would authorize a Board to adopt regulations necessary to administer these provisions.

ANALYSIS: This bill would add Section 135.4 to the BPC and would require PTBC Applications staff to expedite and may assist the initial licensure process for an applicant who supplies satisfactory evidence to the Board that they have been admitted to the US as a:

- refugee under Section 1157 of Title 8 of the United States Code, or;
- granted political asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or;
- have a special immigrant visa (SIV), that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of the Title VI of Division F of Public Law 111-8.

In addition, this bill specifies that a Board under the DCA may adopt regulations necessary to administer this section which would give authority to PTBC regulations staff to pursue regulations under the authority of BPC 135.4.

New Amendment 5/4/20- Added language to BPC Section 135.4 that nothing in the added Section shall be construed as changing existing licensure requirements and a person applying for expedited licensure under the new provisions of the bill shall meet all applicable statutory and regulatory licensure requirements.

FISCAL: The provisions of this bill could impact the workload of Applications and Licensing programs for the processing of refugee, political asylum and SIV applications.

If this bill is chaptered and a regulation is required, PTBC's regulation analyst would need to promulgate regulations to further define the statute requirements which would be an increase in the regulation workload for the Board.

According to the Assembly Committee on Appropriations, there would be a one-time information technology (IT) costs, ranging from negligible to the low hundreds of thousands of dollars, to DCA depending on the number of boards impacted and how the expedited reason is tracked. The IT cost for each license type is relatively low, but if all programs chose to automate tracking for all license types (over 260), the projected cost could be in the low hundreds of thousands of dollars. DCA indicates much of the associated IT work could likely be done by redirecting existing resources. All other costs to the various boards are minor and absorbable.

**AUTHOR'S
OFFICE:**

This bill would assist immigrant refugees and Special Immigrant Visa (SIV) holders seeking economic opportunity in California by requiring their professional licensing applications to be expedited. Under federal law, refugees may be granted asylum in the United States if they are fleeing war or persecution. Special Immigrant Visas are also available to persons who have assisted or worked with the United States Armed Forces in conflict zones, such as Iraq and Afghanistan. However, the federal government has taken aggressive measures against refugees in recent years – including enacting travel bans, suspending access to asylum, and enforcing child separation policies at the border for families fleeing violence. “Since taking office, the Trump administration continues to maliciously scapegoat immigrants to promote its dangerous xenophobic agenda – making it harder for refugee families fleeing violence to build new and productive lives” said Assembly member Low. “While the President continues its cruel policies towards immigrants, AB 2113 will ensure that California is a place where the most vulnerable can find the opportunities to thrive and succeed.” Even for immigrants who served alongside U.S. troops in conflict zones and were granted Special Immigrant Visas, research shows that they face significant challenges in the United States. A February 2018 report by the federal Government Accountability Office determined that SIVs faced significant challenges finding skilled employment after resettling in the United States.

AB 2113 would extend existing programs for expedited professional licensure under the Department of Consumer Affairs, aiming to provide economic stability for families seeking refuge in California.

SUPPORT:

International Rescue Committee, California Immigrant Policy Center, National Association of Social Workers, California Chapter Santa Barbara, Women's Political Committee, Service Employees International Union State Council, Coalition for Humane Immigrant Rights, California Pan-Ethnic Health Network, Asian Americans Advancing Justice, California Asian Americans for Community Involvement

OPPOSITION: None yet.

POSITION: Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2185
Author: Patterson (R) and Gallagher(R)
Bill Date: Amended Assembly 5.14.20
Subject: Professions and Vocations: Applicants Licensed in Other States:
Reciprocity
Sponsor: R Street Initiative

DESCRIPTION OF CURRENT LEGISLATION:

Requires each board within the Department of Consumer Affairs (DCA) to issue a license to any applicant who is the spouse or partner of an active duty member of the Armed Forces if the applicant is licensed in another state.

ANALYSIS: This bill:

- 1) Requires every board within the DCA to issue a license to an applicant who meets all of the following requirements:
 - a) The applicant is married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.
 - b) The applicant currently holds a license in good standing in another state in the discipline and practice level and with the same scope of practice for which the person is applying.
 - c) The applicant has held the license and has practiced in the licensed field in another state or jurisdiction for at least three of the last five years.
 - d) The applicant has not had any disciplinary actions imposed against their license and has not had a license in the discipline for which the person is applying revoked or suspended in any other state.
 - e) The applicant submits verification that they have gained licensure in the other state and holds that license in good standing, and those requirements are deemed similar to the standards required for licensure in this state by the appropriate licensing board.
 - f) The applicant would not be denied licensure under any other provision of the law, including, but not limited to, disqualification for criminal history relating to the license.
 - g) The applicant pays all applicable fees for licensure and complies with any applicable surety bond and insurance requirements.
 - h) If required by the board, the applicant has passed a California jurisprudence and ethics examination otherwise required for applicants by the board on the statutes and regulations relating to the license.

FISCAL:

The provisions of this bill would still allow the Board to collect the necessary fees to process the license and may require the passage of the CLE if necessary. This is one of many bills this session related to military. The provisions in this bill could potentially limit the Board’s discretion to applicants and would also increase application staff workload to process these applicants separately.

**FROM THE
AUTHOR’S
OFFICE**

The R Street Institute is the sponsor of this bill. According to the R Street Institute, “the state ought not to impose the additional hurdle of requiring qualified military spouses to navigate the costly, time-consuming and bureaucratic process of earning a license from scratch. AB 2185 offers a simple fix that will in no way endanger public safety, but will help those who are on the front lines of the nation’s defenses avoid financial hardship.”

SUPPORT:

R Street Institute (Sponsor), Beale Military Liaison Council, California Association for Health Services at Home, California Chiropractic Association, California Defense Community Alliance, City of Monterey, City of Salinas, San Diego Military Advisory Council, United States Department of Defense (if amended), Western Electrical Contractors Association

OPPOSITION:

California Landscape Contractor’s Association

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2410
Author: Cunningham (R) Coauthor: Mullin
Bill Date: Introduced 2.18.20
Subject: Athletic Trainers
Sponsor: Author Sponsored.

DESCRIPTION OF CURRENT LEGISLATION:

This bill establishes title protection for athletic trainers, as specified.

ANALYSIS: This bill establishes title protection for athletic trainers.
Major Provisions:

- 1) Declare that a person shall not hold themselves out to be an athletic trainer, use the title "athletic trainer," "certified athletic trainer," "licensed athletic trainer," "registered athletic trainer," or any other term such as "AT," "ATC," "LAT," or "CAT" to imply or suggest that the person is an athletic trainer, unless the person meets the following requirements:
 - a) The person has done either of the following:
 - i) Graduated from a college or university after completing an athletic training education program accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors.
 - ii) Completed eligibility requirements for certification by the Board of Certification, Inc., or its predecessors or successors, or from another certifying entity with comparable standards for certifying athletic trainers.
 - b) The person is certified by the Board of Certification, Inc., or its predecessors or successors, or by another certifying entity with comparable standards for certifying athletic trainers.
- 2) Provide that it is an unfair business practice, as defined, to violate the requirements of comment 1), above.
- 3) Allow a person who has worked as an athletic trainer in California for a period of 20 consecutive years prior to January 1, 2021, and who is not otherwise eligible, to use the title "athletic trainer," as provided.
- 4) States the act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of California Constitution Article IV and shall go into immediate effect.

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

**FROM THE
AUTHOR'S
OFFICE**

Author's statement and support. According to the author, "Athletic Trainers provide critical health services for a wide array of industries including both professional and student athletes. It is imperative schools, teams and organizations have correct information on who is applying to work with these groups of athletes and individuals. There have been reported instances AB 2410 Page 2 where individuals are being employed as Athletic Trainers without having the proper certification. AB 2410 seeks to alleviate this problem by giving title protection to individuals who have actually completed the necessary schooling and certification exams to be an Athletic Trainer. This information and legal protection will allow future employers to know that they are only hiring people who can skillfully and correctly administer the duties of an Athletic Trainer. It will protect our professional and student athletes."

SUPPORT:

California Orthopedic Association, California Physical Therapy Association, Occupational Therapy Association of California
The California Physical Therapy Association (CPTA) writes in support, "CPTA has had numerous concerns with other bills presented in the past on this subject, specifically those seeking a full-blown licensing scheme with an overly broad scope of practice, which we and others have consistently viewed as unnecessary and overly broad. The most often repeated argument in favor of a bill over the past 20 years is that anyone in California can call themselves an 'Athletic Trainer' or 'Certified Athletic Trainer' without having relevant or appropriate credentials. AB 2410 addresses this issue cleanly and directly, recognizing the national certification standard, which is appropriate, as it has long been considered the 'gold standard' for Athletic Trainers."

OPPOSITION:

None on file.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2549
Author: Salas (D)
Bill Date: Amended 5.18.20
Subject: DCA: Temporary Licenses
Sponsor: Author Sponsored.

DESCRIPTION OF CURRENT LEGISLATION:

Adds specified licensing boards to the list of boards that are required to issue temporary licenses to military spouses, requires boards under the requirement to promulgate regulations, as specified and makes other technical changes.

ANALYSIS:

1) Adds the following boards to the existing requirement to issue temporary licenses to specified military spouses:

- a) The Dental Board of California.
- b) The Dental Hygiene Board of California.
- c) The California State Board of Pharmacy.
- d) The State Board of Barbering and Cosmetology.
- e) The Board of Psychology.
- f) The California Board of Occupational Therapy.
- g) The Physical Therapy Board of California.
- h) The California Board of Accountancy.

2) Specifies that the revenues from fees for temporary licenses issued by the California Board of Accountancy shall be credited to the Accountancy Fund.

3) Clarifies that the boards required to issue temporary licenses shall issue the license within 30 days of receiving the required documentation.

4) Requires the boards required to issue temporary licenses to submit to the DCA for approval draft regulations necessary to administer the temporary license programs by **January 1, 2022**, and specifies that the regulations shall be adopted pursuant to the Administrative Procedure Act.

5) Exempts boards from the temporary license requirements if the board already has a similar process in place.

BPC Section 115.6 (AB 186, Chapter 640, Statutes of 2014) requires that other Boards within DCA issue a temporary license to an applicant if they meet the requirements in the bill.

PTBC was not included in BPC Section 115.6. This bill would add BPC Section 115.7 and would require Boards that were not subject to BPC Section 115.6 to issue temporary licenses to an applicant if they meet the specified requirements of the bill.

PTBC would be exempt from this bill as we already have a similar process of temporary licensure in place: Physical Therapist License Applicant (PTLA) and Physical Therapist Assistant License Applicant (PTALA)

FISCAL:

No fiscal impact to the Board as we are exempt from this bill with the 5.18.20 amendment.

PURPOSE:

According to the author, “We must do more for military spouses, who are six times more likely to be unemployed, find a job so that they can put food on the table. Transferring professional licenses that spouses have already earned should be a seamless process that allows spouses to quickly find well-paying jobs in their field. This program has already worked for 6 years, and by expanding it to include more common occupations of military spouses we can ensure our military families will thrive in California.”

BACKGROUND:

In California, many professions require a license to legally practice. The majority of professional licensing programs are administered by licensing boards, bureaus, and other entities within the DCA. The DCA licensing entities are established to protect the people of California through adequate regulation of businesses and professions that engage in activities that risk harm to the health, safety, and welfare of the public (BPC § 101.6). The licensing entities establish the minimum level of competency required to engage in the occupations they regulate. As a result, an applicant seeking a license to practice from a licensing authority must demonstrate the ability to provide safe and effective services to the public. However, to avoid creating unnecessary barriers to entering a profession, the requirements should not require more than the minimum amount of training, education, and experience necessary to practice safely. Temporary licenses. Temporary licenses are typically issued to applicants seeking licensure within a professional occupation who are able to immediately demonstrate meeting some of the qualifications required for licensure. This allows them to practice while the remainder of the qualifications are obtained or verified. For example, applicants who hold an active professional license in another state and have passed a national licensing examination may still have educational requirements to meet in order to become licensed in California. Currently, eight boards are required to issue temporary licenses. These include registered nurse licenses by the Board of Registered Nursing, vocational nurse and psychiatric technician licenses issued by the Board of Vocational Nursing and Psychiatric Technicians, Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Veterinarian license issued by the Veterinary Medical Board, all licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists, and all licenses issued by the Medical Board of California. This bill would additionally require, at the request of the bill’s supporters, temporary licenses be expanded to all licenses issued by the Dental Board, the Dental Hygiene Board, the State Board of Pharmacy, the Board of Accountancy, the Veterinary Medical Board, the State Board of Barbering and Cosmetology,

the Board of Psychology, the Board of Occupational Therapy, and the Physical Therapy Board.

SUPPORT:

American Legion, Department of California AMVETS, Department of California, California Defense Community Alliance California State Commanders Veterans Council Military Officers Association of America, California Council of Chapters Military Services in California San Diego Military Advisory Council (SDMAC) U.S. Department of Defense Vietnam Veterans of America, California State Council

The American Legion, Department of California, AMVETS, Department of California, California State Commanders Veterans Council, Military Officers Association of America, California Council of Chapters, and the Vietnam Veterans of America, California State Council, write in support, “Military families face many challenges as they navigate through deployments, relocations, and the costs associated with frequent, unexpected lifestyle changes. Just the financial burden of moving can be a huge setback for a military family. There may be a need for new child care services in short order, they must pay for the delivery of all their possessions, or they may have to rent vehicles. All of these costs add up quickly and could even occur multiple times in a single year. A 2019 report from the National Foundation for Credit Counseling found that almost 90 percent of service members and 84 percent of spouses or partners have worries about their personal finances. These worries are growing, with service members being more than twice as likely to not be able to pay all their bills on time compared to just 5 years ago.

A 2012 Department of Defense report found that jobs such as accountants, auditors, and dental assistants rank among the top occupations for military spouses, yet these licenses are not covered by the program that AB 186 created. [This bill] expands the amount of licenses that military spouses are likely to benefit from in order to increase the efficacy of this program and ease the burdens placed on military spouses and military families.”

The U.S Department of Defense writes in support, “Addressing licensure issues for the spouses of our military Service members has been a priority for the Department for several years. Military spouses are disproportionately affected by state-specific licensure requirements that can cause delays and gaps in employment, with over 34 percent of the working population requiring state licensure to practice in their professions and an annual cross-state relocation rate 10 times higher than their civilian counterparts. Consequently, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers. State policies that enhance existing licensure provisions for military spouses relieve one of the many stressors of frequent military moves by enabling spouses to more quickly transfer their licenses in order to obtain employment in a new state. These policies facilitate greater career sustainability for military spouses, improving their families’ financial security and overall resilience. The need for such policies in California is

underscored by the fact that California hosts over 62,000 active duty military spouses, the highest in the U.S. This number represents over 11 percent of military spouses, DoD-wide.”

OPPOSITION: None yet.

POSITION: Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 2704
Author: Ting (D)
Coauthors: Rodriguez (D)
Bill Date: Amended 5.14.20
Subject: Healing Arts: Licensees: Data Collection
Sponsor:

DESCRIPTION OF CURRENT LEGISLATION:

Existing law requires the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board of California, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to regulate and oversee the practice of healing arts within their respective jurisdictions and to, among other things, collect and report specific demographic data relating to their licensees, subject to a licensee's discretion to report their race or ethnicity, to the Office of Statewide Health Planning and Development. Existing law requires these boards to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license. Existing law also authorizes the Board of Registered Nursing to expend \$145,000 to implement these provisions.

This bill would repeal these provisions applicable only to the licensees of those boards and instead, would require all Boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information, and to post the information on the internet websites that they each maintain. The bill would also require each board, or the Department of Consumer Affairs on its behalf, beginning on July 1, 2021, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

ANALYSIS: This bill would add Section 502 to the BPC which would require the Board to collect workforce data from their licensees as specified for future workforce planning. This data may be collected at the time of **electronic application for a license** and license renewal or biennially from a scientifically selected random sample of licensees.

The workforce data collected by the board about its licensees shall include, at a minimum, information concerning the following:

- (A) City, county, and ZIP Code of practice.
- (B) Type of employer or classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.

- (C) Work hours.
- (D) Titles of positions held.
- (E) Time spent in direct patient care.
- (F) Clinical practice area.
- (G) Race or ethnicity (a licensee may provide this however is not required to report their race or ethnicity to the Board).
- (H) Gender or **gender identity**
- (I) Languages spoken.
- (J) Educational background.
- (K) Future work intentions.
- (L) Job satisfaction ratings.

The Board shall maintain the confidentiality of the information it receives from licensees under this section and shall only release information in an aggregate form that cannot be used to identify an individual.

The Board shall produce reports containing the workforce data it collects pursuant to this section, at a minimum, on a biennial basis. Aggregate information collected pursuant to this section shall be posted on the Board's website.

Each board, or the Department of Consumer Affairs on its behalf, shall, beginning on July 1, 2021, and annually thereafter, provide the data it collects to the Office of Statewide Health Planning and Development (OSHPD) in a manner directed by the office that allows for inclusion of the data into the annual report it produces pursuant to Section 128052 of the Health and Safety Code.

FISCAL: The Board does not collect this information from licensees. This bill would increase PTBC staff's workload to collect (through BreEZe), analyze, aggregate, maintain confidentiality and provide on the Board's websites licensee's workforce data reports and provide those reports to OSHPD annually.

SUPPORT: None yet.

OPPOSITION: None yet.

POSITION: Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: AB 3045
Author: Gray (D)
Bill Date: Introduced 2.21.20
Subject: DCA: Boards: Veterans: Military Spouses: Licenses
Sponsor: Author Sponsored

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require certain regulatory boards to grant licenses to an applicant who is either a veteran or the spouse or partner of an active duty member of the armed forces if the applicant holds a qualified license in another state.

ANALYSIS: This bill: 1) Requires regulatory boards within the Department of Consumer Affairs (DCA) that do not currently grant temporary licenses to active duty military spouses and partners to issue a license to an applicant who:

- a) Is an honorably discharged veteran of the Armed Forces of the United States.
- b) Is the spouse or domestic partner of an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.
- c) Holds a current, active and unrestricted license to practice, in another state, district, or territory of the United States, in the profession or vocation for which the applicant seeks a license from the board.
- d) Submits an application to the board that includes a signed affidavit that the applicant meets all of the requirements for the license and meets other requirements, including submitting fingerprints for a criminal background check.

BPC Section 115.6 (AB 186, Chapter 640, Statutes of 2014) requires that other Boards within DCA issue a temporary license to an applicant if they meet the requirements listed above.

PTBC was not included in BPC Section 115.6. This bill would add BPC Section 115.7 and would require Boards that were not subject to BPC Section 115.6 to issue temporary licenses to an applicant if they meet the following requirements:

- (1) The applicant shall supply evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.
- (2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the

profession or vocation for which the applicant seeks a license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

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

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

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

PTBC currently has a version of temporary licensure in place: Physical Therapist License Applicant (PTLA) and Physical Therapist Assistant License Applicant (PTALA) which does not qualify as a temporary licensure for the intent of this bill; therefore, the Board would be required to issue a new type of licensure- a temporary license to those that meet the requirements outlined above.

To implement temporary licensure, a change to the BreEZe system would be necessary for a new license type. Other Board's in DCA already grant temporary licenses for the reason listed above; so, the functionality already exists within BreEZe; however, implementing a new license type in BreEZe would require significant workload.

In addition, this bill would affect PTBC's business process because it would require an additional review in the application process for these applicants. Last fiscal year, the Board issued 21 military spouse licenses.

In addition, this bill states that the PTBC may adopt regulations necessary to administer the provisions of the bill. If implementing regulations were necessary to further define the requirements of this bill, the Board would require a .25-.5 (limited term) SSA/AGPA to promulgate regulations and rulemaking is currently taking 1.5-2 years to complete.

FISCAL:

According to the Assembly Committee on Appropriations, total costs of \$340,000 in FY 2020- 21, \$316,000 in FY 2021-22 and \$145,500 ongoing to four affected entities within DCA for workload required to implement

the new license process, and unknown IT costs of up to \$1 million to technologically implement the bill.

**FROM THE
AUTHOR'S
OFFICE:**

This bill is sponsored by the author. According to the author: "California routinely lags other states in our treatment and accommodation of veterans and their families despite being home to more veterans than any other state. The US Department of Labor ranks California's military spouse licensure recognition in the bottom third of states, while California has been found to be one of the least veteran-friendly states as measured by veterans' economic conditions (46th), veteran homelessness (48th), and affordable housing (50th). While California has passed several reforms to expedite licensure for veterans and military spouses, we have stopped short of creating true license portability. Thirty-seven other states have license recognition laws veteran-friendly than California and fifteen other states, including Oregon, Utah, and Michigan have laws requiring even greater license portability than AB 3045 proposes. AB 3045 requires most licensing boards under the Department of Consumer Affairs to honor the out-of-state professional license of a veteran or activity duty military spouse to create license portability for this vulnerable community."

SUPPORT:

San Diego Military Advisory Council (SDMAC)

OPPOSITION:

The Dental Board of California

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: SB 878
Author: Jones (R)
Bill Date: Introduced 1.22.20
Subject: DCA: Licensing: Applications: Wait Times
Sponsor: Author Sponsored

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require each Board within the Department that issues licenses to prominently display the current average timeframe for processing initial and renewal license applications on its internet website and specify the average timeframes for each license category

ANALYSIS:

Existing Law:

- 1) Establishes DCA comprised of 39 regulatory entities. (Business and Professions Code (BPC) § 101)
- 2) Requires boards that allow military experience and training to be considered in licensure requirements to post that information on their websites. (BPC § 114.5)
- 3) Various practice acts for DCA entities and laws governing these programs' work require specific information to be made available publicly on the entities' website such as licensee status, enforcement actions taken, meeting materials for board meetings, guidelines for licensee practice, and program contact information.

This bill requires each board, as defined, within the DCA that issues a license to do both of the following:

- 1) Prominently display the current timeframe for processing initial and renewal license application on its internet website.
- 2) With respect to that information, specify the average timeframe for each license category.

FISCAL:

The DCA reports:

- 1) An indeterminate and potentially significant fiscal impact to the Board of Professional Engineers, Land Surveyors, and Geologists (Board) if the Board is required to produce the specified timeframe information in excess of its current practices. The Board currently produces the information described in the bill on an annual basis, which requires significant manual work.
- 2) Minor fiscal impact to the remaining responding programs, as they already regularly monitor these statistics and display initial license processing times on their websites. Programs that do not regularly provide the information required in the bill would have to work with the DCA's Office of Information Services (OIS) to provide information for renewal license applications on their websites.

- 3) One-time cost of \$40,800 and \$14,400 ongoing cost for the OIS to incorporate renewal data into the BreZE and legacy systems. This impact is reported to be absorbable through the redirection of existing maintenance resources.

**FROM THE
AUTHOR'S
OFFICE:**

The Author is the Sponsor of this bill. According to the Author, "it is crucial for licensing entities within DCA to process license applications in a timely manner so individuals can practice their profession and businesses can open their doors without unnecessary delays. While some licensing entities provide applicants with average timeframes for processing their applications or allow applicants to check their application status, this information is not universally accessible for all license types."

SUPPORT:

American Speech-Language-Hearing Association, California Association for Health Services At Home, California Association of Licensed Investigators, California Chiropractic Association, California Dental Hygienists Association, California Physical Therapy Association, California Podiatric Medical Association, California Society for Respiratory Care, Occupational Therapy Association of California (OTAC), The California Naturopathic Doctors Association

The California Physical Therapy Association argues that delays in application processing has, at times, proven to be a challenge for physical therapy-related businesses and people seeking positions within the profession. This is especially true for new graduates or physical therapists and physical therapist assistants moving to California. Making hiring and start date decisions become more complicated when the predictability of timing for license approvals or renewals is uncertain.

OPPOSITION:

None on file.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: SB 1054
Author: Moorlach (R) **Coauthor:** Galgiani (New coauthor added on 4/9 amendment)
Bill Date: Amended 4.9.20
Subject: Physical Therapy Licensure Compact
Sponsor: Author sponsored.

DESCRIPTION OF CURRENT LEGISLATION:

SB 1054 would enter California into the Physical Therapist Compact (PT Compact), an interstate licensure agreement that provides licensing reciprocity for Physical Therapists (PTs) and Physical Therapist Assistants (PTAs). As a member of the PT Compact, PTs and PTAs in other compact states (currently there are 26) would be eligible to practice physical therapy in California, and California's PTs and PTAs would likewise be eligible to practice in those states.

ANALYSIS: This bill would add BPC 2655 (Article 5.5) to Chapter 5.7 Division 2 of the BPC.

This bill would enact the Physical Therapy Licensure Compact, under which each member state is required to grant a compact privilege, as defined, to a physical therapist holding a license in another member state if specified conditions are satisfied.

The bill would authorize a member state to change fee for granting a compact privilege.

The bill would require the Physical Therapy Board of California to select a delegate to be a member of the Physical Therapy Compact Commission (Commission), a joint public agency which would be authorized to promulgate uniform rules in accordance with specified rulemaking procedures to implement the compact.

The bill would authorize an executive board of the commission to act on behalf of the Commission, and would specify the executive board's duties, including recommending changes to fees.

The bill would authorize the commission to levy and collect an annual assessment from each state or impose fees on other parties to cover the costs of the operations and activities of the commission.

The bill would require the board to transmit specified data on licensees to a coordinated database and reporting system maintained by the commission.

The bill would specify that the provisions of the compact and the rules promulgated pursuant to the compact shall have the force and effect of state law. The bill would state that if any provision of the compact is contrary to

the United States Constitution, the California Constitution, or any state or federal statute or regulation, the provision is void and unenforceable.

Because a person licensed in another state practicing under a compact privilege would be subject to the provisions of the act, a violation of which is a misdemeanor, the bill would expand the scope of a crime and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

New Amendment 4/9/20 adds BPC 2655.4 which will require that any fees collected by the Board for purposes of granting a compact privilege (pursuant to BPC 2655.3) shall not exceed the cost of administering that privilege under the compact and shall be deposited in the Physical Therapy Fund pursuant to BPC 2682.

FISCAL:

The Physical Therapy Compact Commission maintains the license, and the licensee in the compact would annually pay \$45 to the Commission and a fee that the Board collects and can set (\$150-\$200) (these fees are sent to the Commission and then sent to the Board); therefore collecting an additional fee would be an increase in revenue to the Board; however the Board would have to monitor the license which would be an increase in staff workload (both CPS and Licensing Services). New Amendment 4/9/20 – the fees the Board collects cannot exceed the cost to the Board of administering the compact privilege license and these fees will be deposited into the Physical Therapy Fund.

In addition, the fees that the Physical Therapy Compact Commission charges to cover the costs of the operations and activities of the Commission are not set in statute and could increase in the future, which would require the Board to pay additional unknown fees to the Commission which would be a huge fiscal impact.

The PTBC uses BreEZe for license lookup and the compact licensees will not be included in this system; they are maintained on the Physical Therapy Compact Commission's website. PTBC would not be able to do a change control request to add the compact licenses to the BreEZe system therefore all compact licenses would have to be in a standalone system. This would create concerns on how to view the licenses on the Board's website; would an additional system be necessary, or could a modifier/sequence be added to BreEZe? The monitoring of compact licensee's (and working with the Commission) could be an increase in CPS, ALS staff's workload.

PTBC has concerns as well with the consistency of the Continuing Competency requirements which would be mandated by the home state for

a compact licensee; these CC requirements could greatly differ from California CC requirements.

A Board member would be required to be a compact delegate which could increase costs to the Board for travel if not reimbursed by the Commission.

Additional CPS workload costs for investigating compact licensee with possibly no cost recovery.

There is also a consumer protection concern (health and safety risk) as a compact licensee in another jurisdiction could be grandfathered into the compact with a license in good standing and prior disciplinary action may not be seen by a member state. It also removes the Board's ability to apply any discretion to a compact licensee as that licensee is maintained by their home state.

If this bill is chaptered and any regulations are required, PTBC's regulation analyst would need to promulgate regulations to further define the statute requirements which would be an increase in the regulation workload for the Board.

**FROM THE
AUTHOR:**

Medical care providers are constantly adapting to a rapidly changing and increasingly interconnected national healthcare system. California's current framework for physical therapist licensure is based on an antiquated model in which physical therapists go to school, become licensed, and practice in the same location throughout their entire career. This system has cut California off from the rest of the nation and become an impediment to delivering the highest quality of care to California patients.

Physical therapy is a highly mobile profession, with PTs and PTAs traveling to patients more than in almost any other medical profession. Joining the PT Compact would dramatically increase the mobility of California's Physical Therapy community and increase opportunities for California licensees.

SB 1054 would reduce costs for hospitals and interstate healthcare systems by easing the administrative and financial barriers associated with multi-state practice. Joining the PT Compact would broaden the pool of Physical Therapy professionals eligible to work in California and increase access to specialized Physical Therapy professionals licensed in other states.

SB 1054 would improve educational opportunities in the Physical Therapy field as virtual education and visiting instructors could be utilized as part of PT curriculum.

SB 1054 would also benefit military spouses and other transitory professionals that could practice physical therapy immediately rather than waiting months to gain a full California PT license.

SB 1054 would give California a seat at the table in determining the future of the PT Compact. The Federal Trade Commission and Department of Commerce have made it clear that licensing reciprocity is the way of the future. SB 1054 would allow California to shape how the compact operates moving forward.

SUPPORT:

AMN Healthcare, California Association of Health Facilities, California Association for Health Services at Home, California Hospital Association, California Telehealth Network (OCHIN), California Defense Community Alliance (San Diego Military Advisory Council, Monterey Bay Defense Alliance, Beale Military Liaison Council, China Lake Alliance, Regional Defense Partnership for the 21st Century), CORE Rehabilitation Staffing, California Physical Therapists Association, Department of Defense, KPG Healthcare, 242 Individuals

OPPOSITION:

None on file.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: SB 1168
Author: Morrell (R)
Bill Date: Amended 5.13.20
Subject: State Agencies: Licensing Services
Sponsor: Author Sponsored.

DESCRIPTION OF CURRENT LEGISLATION:

Existing law authorizes a state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would also require a state agency that issues any business license to establish a process to expedite licensing services, as defined, for a person or business that meets specified criteria, including that the person or business has been displaced by an emergency proclaimed or declared within 365 days of the request for licensing services.

Amendment 4.17.20 Added language stating “this bill would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display. The bill would require the deferral period to end 60 days following the end of the emergency.

Recent Amendment 5.12.20: Removed language regarding the deferral period granted shall end 60 days following the end of the emergency.

ANALYSIS: This bill would require the Board to establish a process to expedite licensing services (replacing a physical copy of a license that is required to be displayed or carried, applying for or renewing a license and applying for a waiver or reduction of licensing fees) for a person or business that has been displaced by an emergency as defined in the bill proclaimed or declared within 365 days of the request for licensing services.

In addition, this bill would require the Board to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application, that the agency shall grant, for a deferral of any fees required by the agency to obtain a license, renew, renew or activate a license, or replace a physical license for display.

FISCAL:

The provisions of this bill would create a revenue loss to the Board for reduced or waived renewal fees in the case of a declared emergency **or case of a declared emergency caused by a virus.**

There could potentially be additional costs to the Board for information technology resources if an online application process for a fee waiver/reduction was required through BreZE or another online database system.

In addition, this bill may increase licensing staff's workload to process applications for a fee waiver expeditiously and separately from the standard renewal process for licensees. **New amendments would assume that the Board would be able to use discretion (hence proposed language that the Board "may" grant) when applying a deferral of any fees required by the Board to obtain a license, renew or activate a license, or replace a physical license for display.**

BACKGROUND:

Purpose of the bill: According to the author's office, "in recent years, California has seen several of the most damaging and costly natural disasters in history. Among these were the Tubbs Fire, the Southern California mud and debris flows, and the Camp Fire. These disasters have decimated local economies and businesses, affecting an estimated 381,784 businesses identified by FEMA across nine counties." The author's office further argues that, "disasters can cause those affected to become severely economically disadvantaged. In the aftermath, expenses pile up as victims must replace important documents and possessions, including licensing documents. These documents are integral in getting businesses up and running and helping employees go back to work and on the path to economic recovery. SB 1168 would be an important step in giving these individuals a leg up in getting back on their feet as quickly as possible after an emergency." Declared emergencies. Federally declared emergencies and those emergencies that are referenced in California Government Code Section 8558 - state of war emergency, state of emergency, and local emergency. State of war emergency exists immediately, with or without a proclamation by the Governor, whenever the state or nation is attacked by an enemy of the United States. A state of emergency is the duly proclaimed existence of disaster or extreme peril to the safety and property within the state. A local emergency is similar to a state of emergency but limited to the territorial limits of a county, city and county, or city. Unlike a state of emergency, a local emergency may be called by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

Currently when an emergency is declared, it can include a number of remedies to help the affected area recover from the disaster. For example, in 2018, former Governor Brown declared a state of emergency in Colusa County due to the effects of the Mendocino Complex Fire. As part of that proclamation, the Governor suspended a number of fees related to the replacement of driver's identification cards, vehicle registration certificates,

and certifications of title, by any individual who lost such records because of the disaster. These types of suspensions are quite common when declaring a state of emergency.

SUPPORT: California Professional Association of Specialty Contractors

OPPOSITION: None yet.

POSITION: Recommendation: Watch



Physical Therapy Board of California

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

DEPARTMENT OF CONSUMER AFFAIRS • PHYSICAL THERAPY BOARD OF CALIFORNIA

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Briefing Paper

Date: May 27, 2020

Agenda Item 12(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. [2020 Rulemaking Update](#)
2. [Rulemaking Processing Timelines](#)

Background:

At the December 2019 meeting, the Board adopted the 2020 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 2020 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.

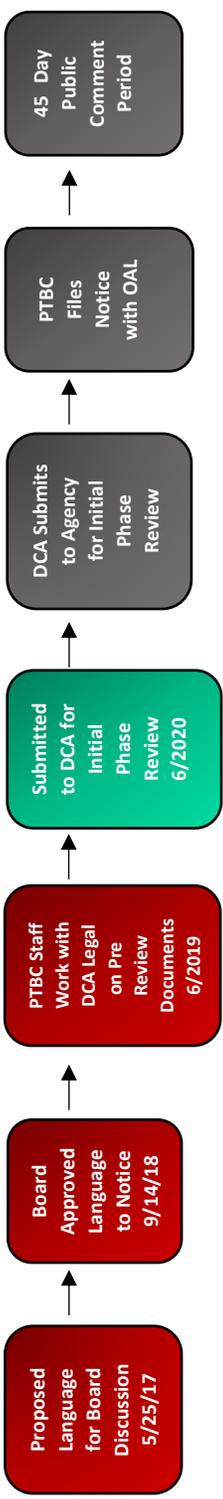
Action:

No action is requested on presentation of the rulemaking report.

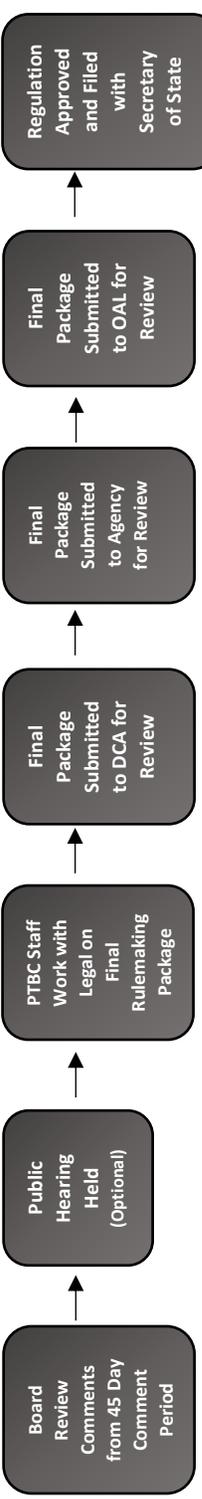
2020 Rulemaking Update

Examination Passing Standard/ Setting Examination Score

Initial Phase:



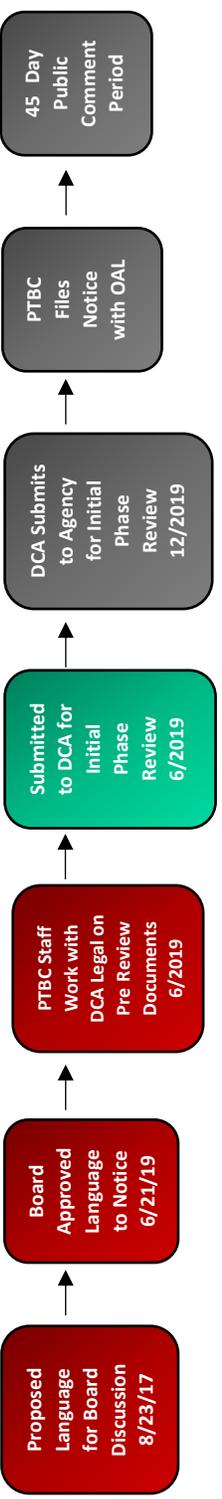
Final Phase:



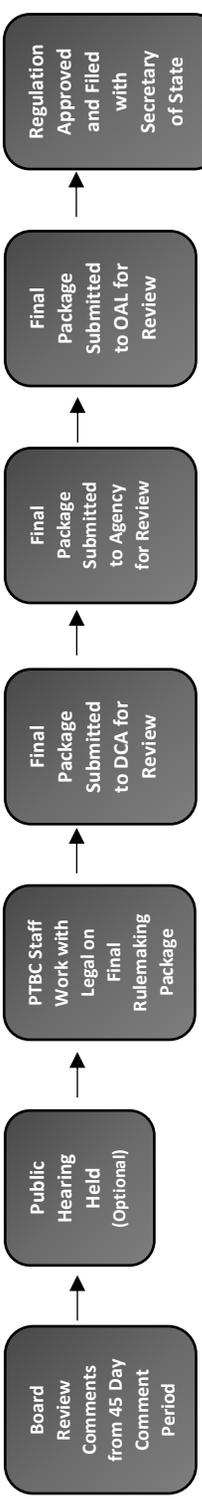
Notes: This regulation proposes to amend CCR 1398.28, Article 2, Division 13.2 of Title 16 to establish a passing score for the National Physical Therapy Examinations. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. While finalizing the initial rulemaking package, DCA legal proposed revisions to the approved and 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 pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Legal provided Board staff with their suggested edits mid-February and staff submitted the rulemaking file for initial phase review June 2020.

Guidelines for Issuing Citations and Imposing Discipline, 6th Edition (Disciplinary Guidelines)

Initial Phase:



Final Phase:

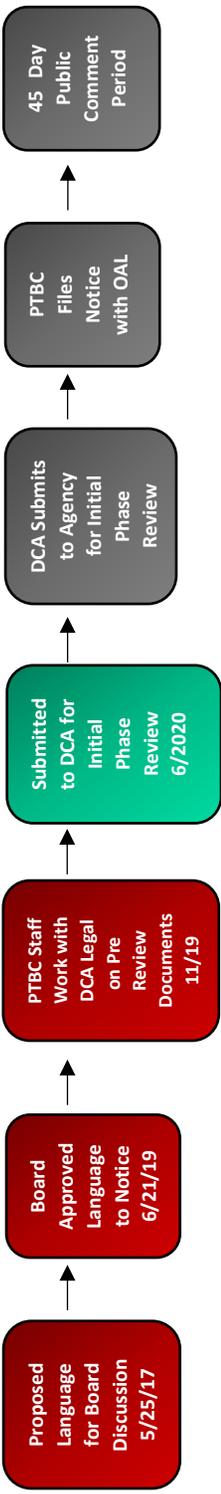


Notes: This regulation proposes to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6th Edition Disciplinary Guidelines (Revised June 2019) replacing the 5th Edition Disciplinary Guidelines (Revised December 2013). Proposed regulatory language was presented at 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 (Chapter 995, Statutes of 2018) it was determined that the Disciplinary Guidelines need 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.

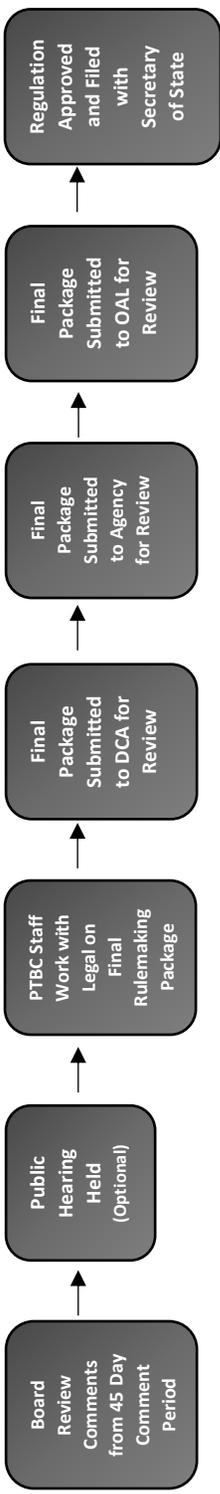
2020 Rulemaking Update

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

Initial Phase:



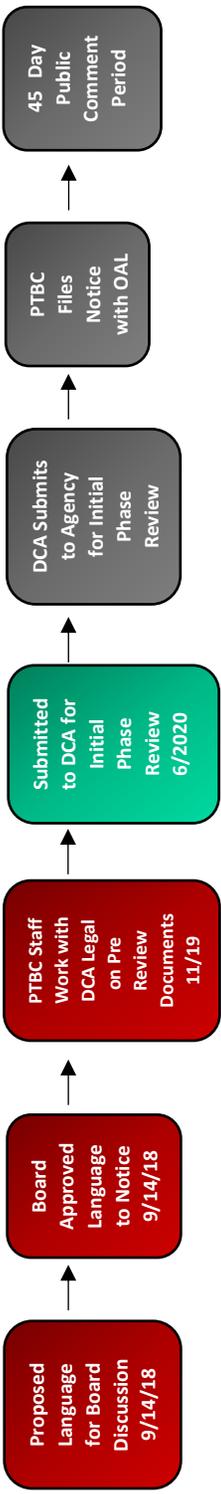
Final Phase:



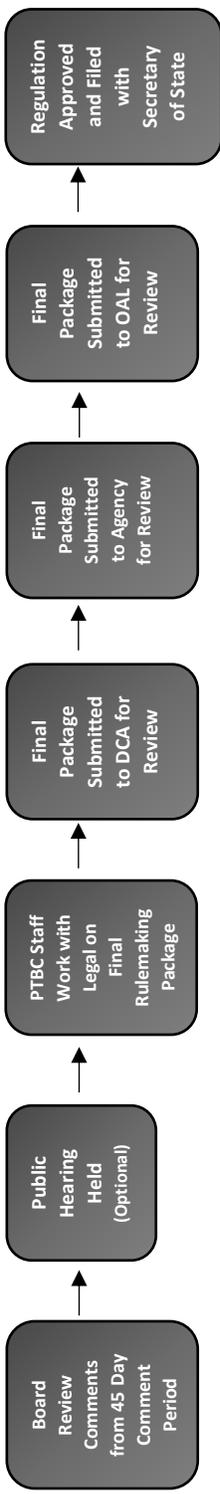
Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). 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 November 2019, PTBC forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. In June 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Initial Phase:



Final Phase:



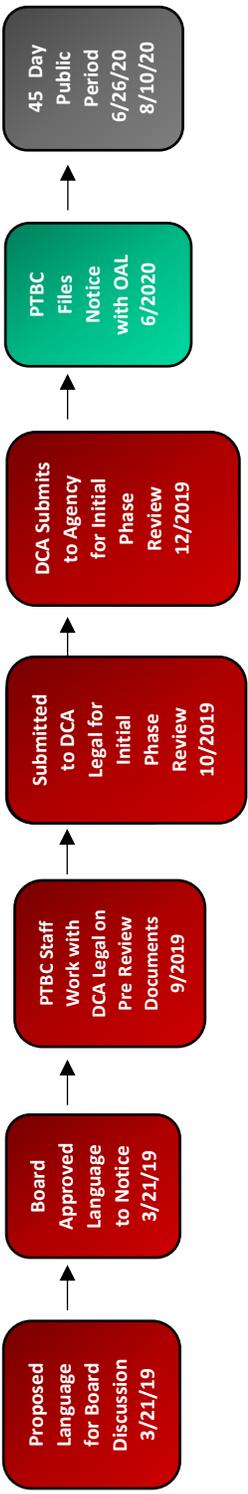
Notes: This regulation proposes to amend CCR 1398.26.5, Article 2, Division 13.2 of Title 16. This proposed regulation will allow supervising physical therapists the option to utilize FSBPT's Supervised Clinical Practice Performance Evaluation Tool (PET) for evaluating a physical therapist license applicant in addition to APTA's Clinical Performance Instrument. 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 November 2019, PTBC staff worked with DCA Legal on the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) in June 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review.

Green: Current Status Burgundy: Completed Gray: Remaining Steps in the Regulation Process

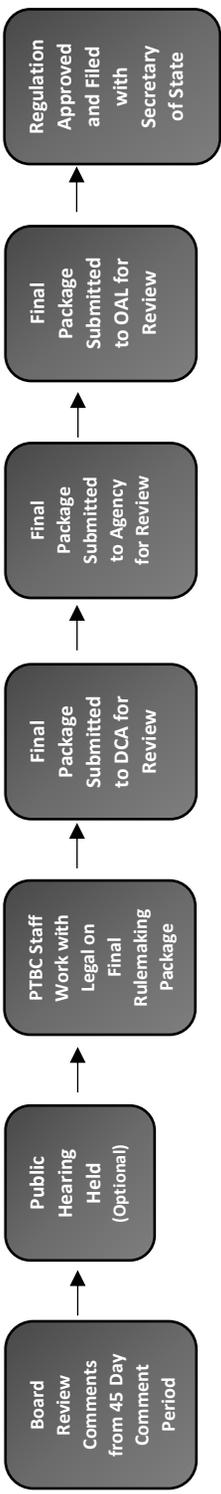
2020 Rulemaking Update

Substantial Relationship Criteria, Rehabilitation Criteria for Denial and Reinstatement of Licensure and Rehabilitation Criteria for Suspension and Revocations (AB 2138)

Initial Phase:



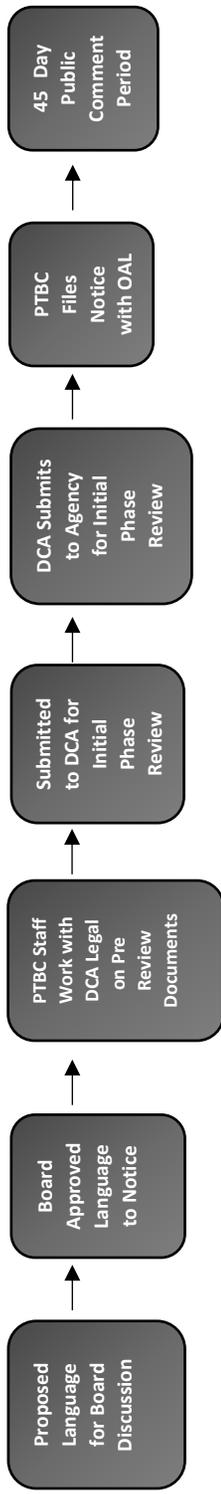
Final Phase:



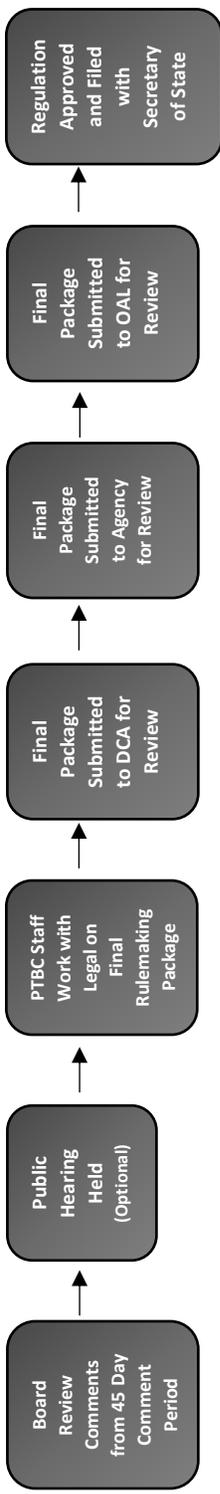
Notes: This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 493, 2660 and 2660.5 with respect to the substantial relationship of a crime and rehabilitation criteria. 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. In October 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. On December 26, 2019 the initial rulemaking package was submitted to Agency for review and February 2020 Agency provided the Board with non-substantive edits to the Fiscal Impact Statement, Initial Statement of Reasons and Notice. PTBC staff worked with DCA Legal on addressing these edits and submitted the package back to Agency for review and it was approved on April 16, 2020. The initial rulemaking file will be published by OAL on June 26, 2020 and the 45-day public comment period begins and ends on August 10, 2020.

License Renewal Exemptions: Retired License Status

Initial Phase:



Final Phase:



Notes: This regulation proposes to add CCR 1399.57, to Article 10, Division 13.2 of Title 16. BPC Section 2648.7 was repealed effective July 1, 2019 which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC Section 464 (AB 2859). This proposed regulation was placed on the 2020 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2019. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

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:

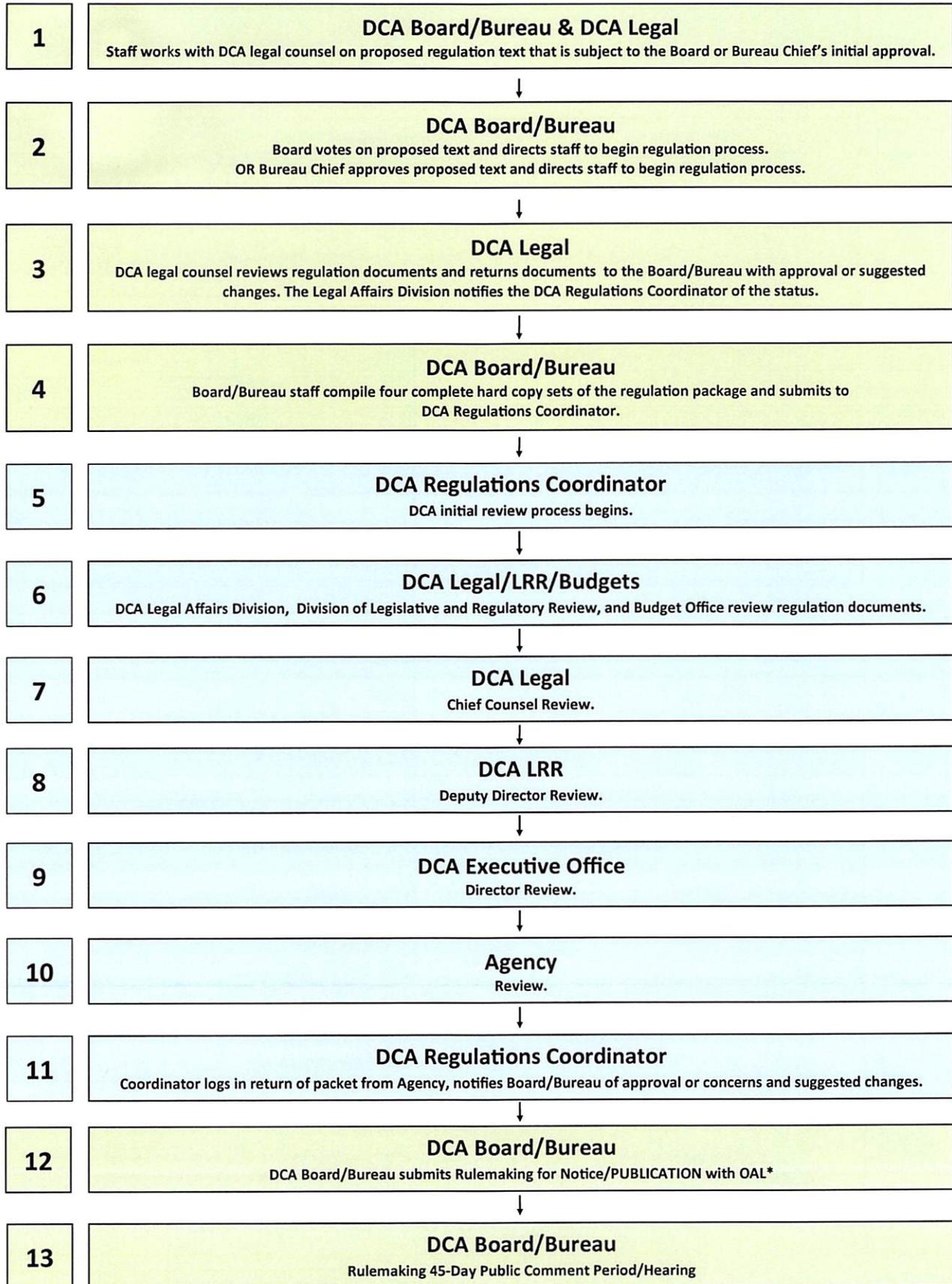
Date Filed with the Secretary of State

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

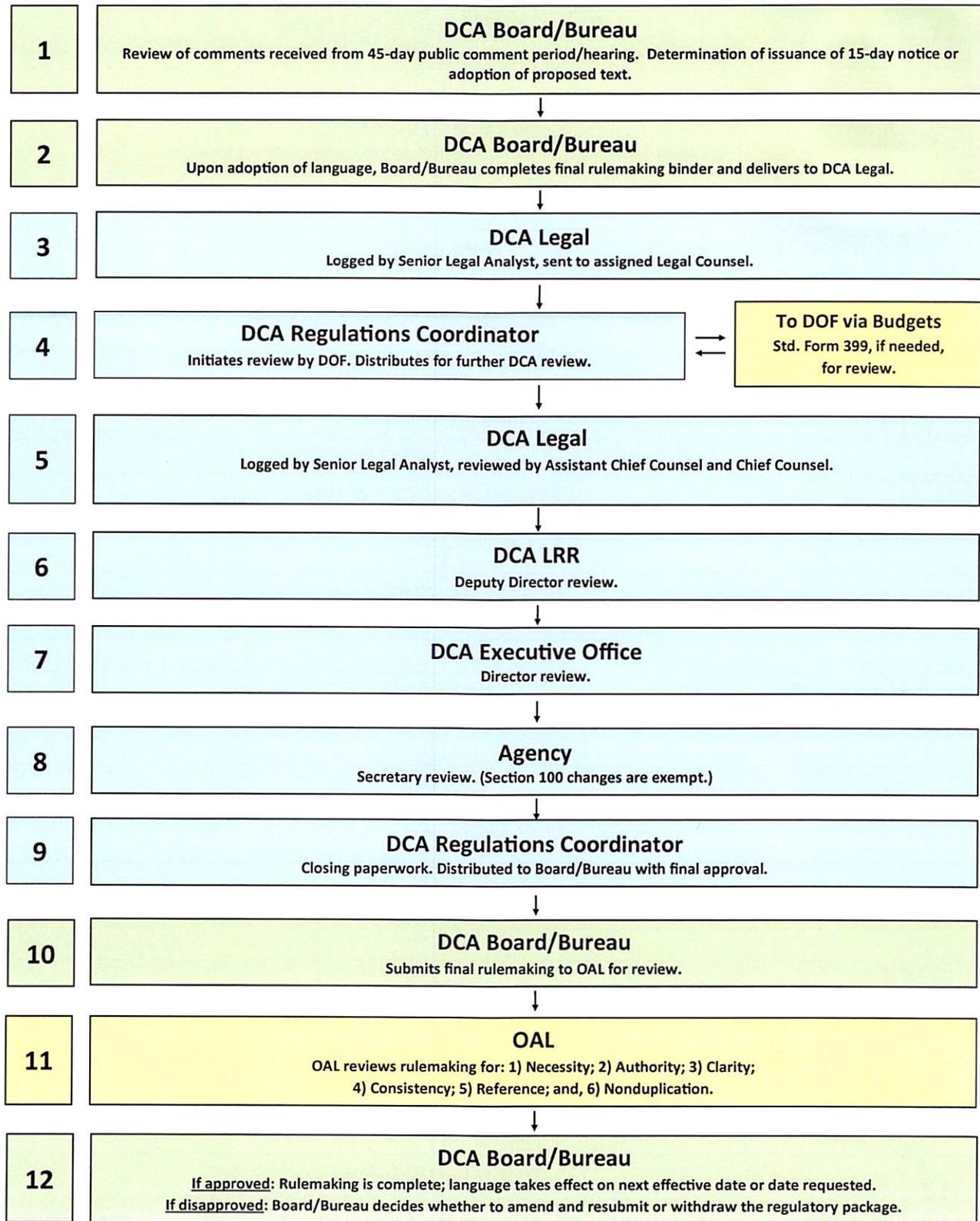


Legend
 DCA – Department of Consumer Affairs
 LRR – Division of Legislative Regulatory Review
 OAL – Office of Administrative Law

* If any changes to language last approved by the Board are made, a new Notice of Proposed Rulemaking by the Board may be necessary.

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINAL PHASE



Legend

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



Physical Therapy Board of California

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

DEPARTMENT OF CONSUMER AFFAIRS • PHYSICAL THERAPY BOARD OF CALIFORNIA

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Briefing Paper

Agenda Item 13(A)

Date: June 4, 2020
Prepared for: PTBC Members
Prepared by: Kenneth Meiss, Budget Liaison
Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Q2 and Q3, CY 2019-20.

Attachments: None

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).

CY 2019-20, according to the Governor's Budget, the PTBC is authorized \$5,543,000 which includes personnel services, operating expenses and equipment, and 25.1 positions to support program requirements.

The Personnel Services Budget is \$2,620,000 a 18.6% increase from \$2,132,000 last fiscal year (2018-19). This budget increased effective January 2020 when adjustments were made for benefits and salaries.

The Operating Expenses and Equipment (OE&E) budget is \$3,022,000, a 13% increase from \$2,682,000 over last fiscal year (2018-19).

On 3/27/20, the DCA Budget Office initiated COVID-19 cost tracking. This initiative directs the PTBC to track all costs associated with COVID19, including staff work hours spent on COVID19. There was no fiscal impact during Q2. However, during Q3 the PTBC had spent approximately \$509 for hand sanitizer and face masks to safeguard PTBC staff and 94.5 hours working on COVID-19 related issues.

Lastly, the DCA Budget Office and Office of Information Security (OIS) have completed development and testing of expenditure reports and testing the revenue reports. The PTBC has received several new reports and is working with the DCA's Budget Office on reconciling financial figures in Fi\$cal.

Analysis:

Q2: The PTBC expended \$1,229,144, a 6% increase from \$1,153,085 that was spent during this same period (Q2) last fiscal year (2018-19).

The PTBC collected \$1,555,120, in revenues during Q2 this fiscal year (2019-20) and \$1,479,089 last fiscal Q2 (2018-19), a 76,031 or 5% increase over the last fiscal year.

Q3: The PTBC expended \$1,205,594, a 6% increase from \$1,133,056 expenditure over Q3 last fiscal year (FY2018-19).

The PTBC collected \$1,588,425 in revenues during Q3 this fiscal year (FY2019-20) and \$1,501,181 last fiscal year. This is an increase of \$87,244 or 5% over last FY 2018-19.

Action Requested: No action requested.



Briefing Paper

Agenda Item 13(B)

Date: June 26, 2020
Prepared for: PTBC Members
Prepared by: April Beauchamps
Subject: Outreach Report

Purpose:

To provide PTBC's Outreach activities and statistics for (Q2) and (Q3), CY 2019/20.

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

Background:

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

Quarter (Q2) PTBC provided laws and regs and application process training presentations for students at Samuel Merritt University on 10/2/19, California State University, Sacramento on 10/4, 10/11, and 10/18, Loma Linda and Azusa Pacific on 10/21, California State University, Long Beach on 10/22 and Casa Loma on 11/6. The PTBC also attended an event for Intercollegiate Academic Clinical Coordinators Council (IACCC) at Western University in Pomona on 11/7.

Quarter (Q3) PTBC provided laws and regs and application process training presentations for students at University of San Francisco on 1/17, California State University, Fresno on 2/19, Chapman University on 2/27, University of Southern California on 2/27, and California State University, Northridge on 2/28.

To date, the PTBC has visited 12 out of 16 PT programs and 6 out of 16 PTA programs in California.

Analysis:

Website - PTBC had 145,731 web-hits through its home page tabs, resulting in an 18% decrease over last fiscal year (Q2). The "Applicants" section had the most significant decrease of 48% compared to prior fiscal year (Q2). This is due to outreach efforts directing applicants to BreEZe.

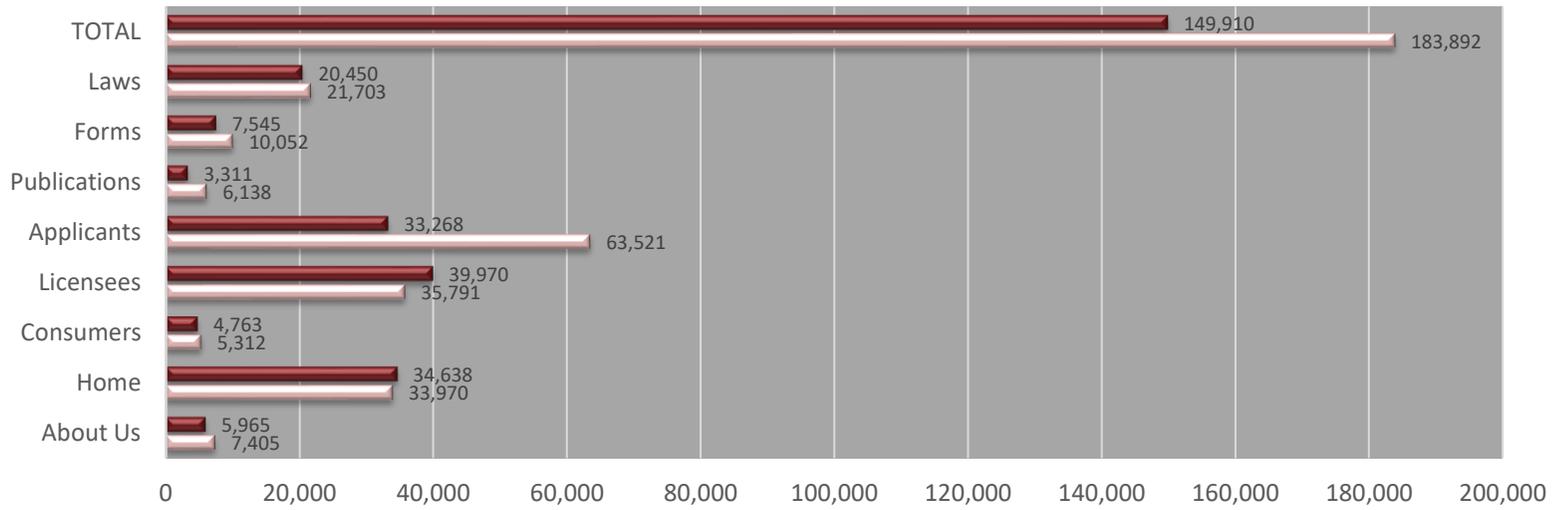
PTBC had 162,518 web-hits through its home page tabs, resulting in a 24% decrease over last fiscal year (Q3). The "Applicants" section had the most significant decrease of 52% compared to prior fiscal year (Q3). This is again due to outreach efforts directing applicants to apply on BreEZe.

Facebook¹ - PTBC had 27,622 people access (traffic) our page and we received 47 "likes". In comparison to last fiscal year (Q2), the traffic decreased 19%. It appears the decrease in traffic is due to social media usage during the holiday months.

PTBC had 22,054 people access (traffic) our page and we received 55 "likes". In comparison to last fiscal year (Q3), the traffic decreased 32%.

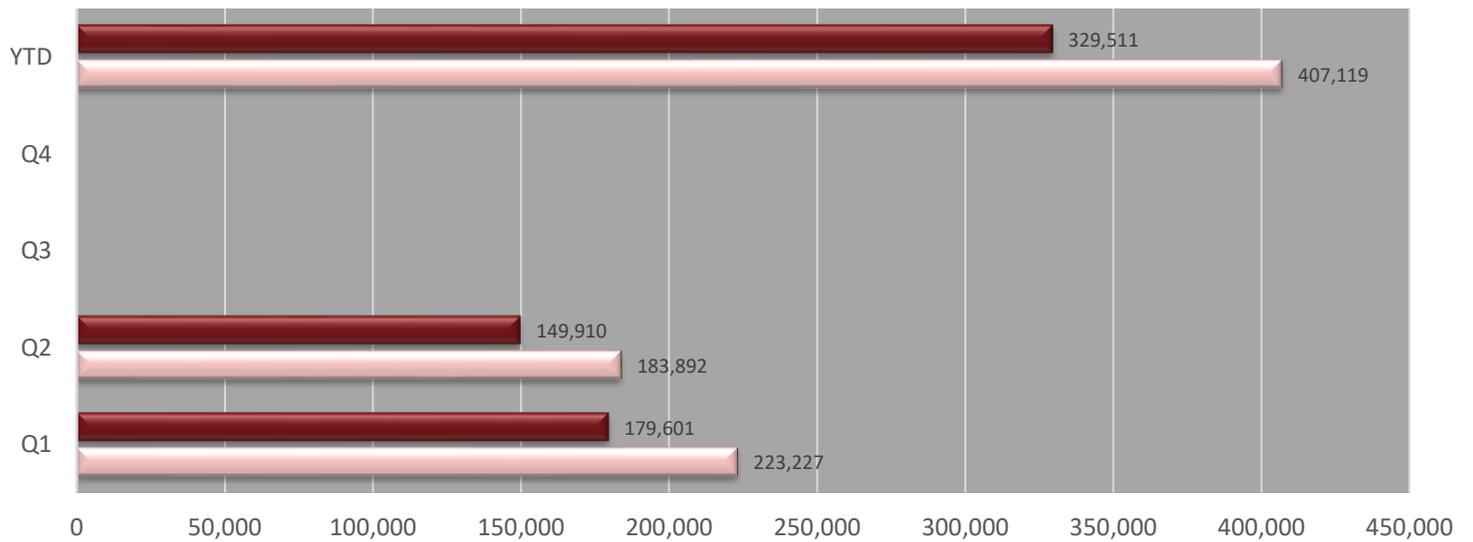
¹ **Facebook Insights Definitions:** **Likes**-Number of people who have liked the page. **Reached**-The number of people who have had any content from your page enter their screen. **Engaged Users**-Number of people who engaged with your page. **Consumers**-Number of people who click on any of your content. **Talked About**-Number of people talking about your page.

**Website Activity
(Quarterly)**



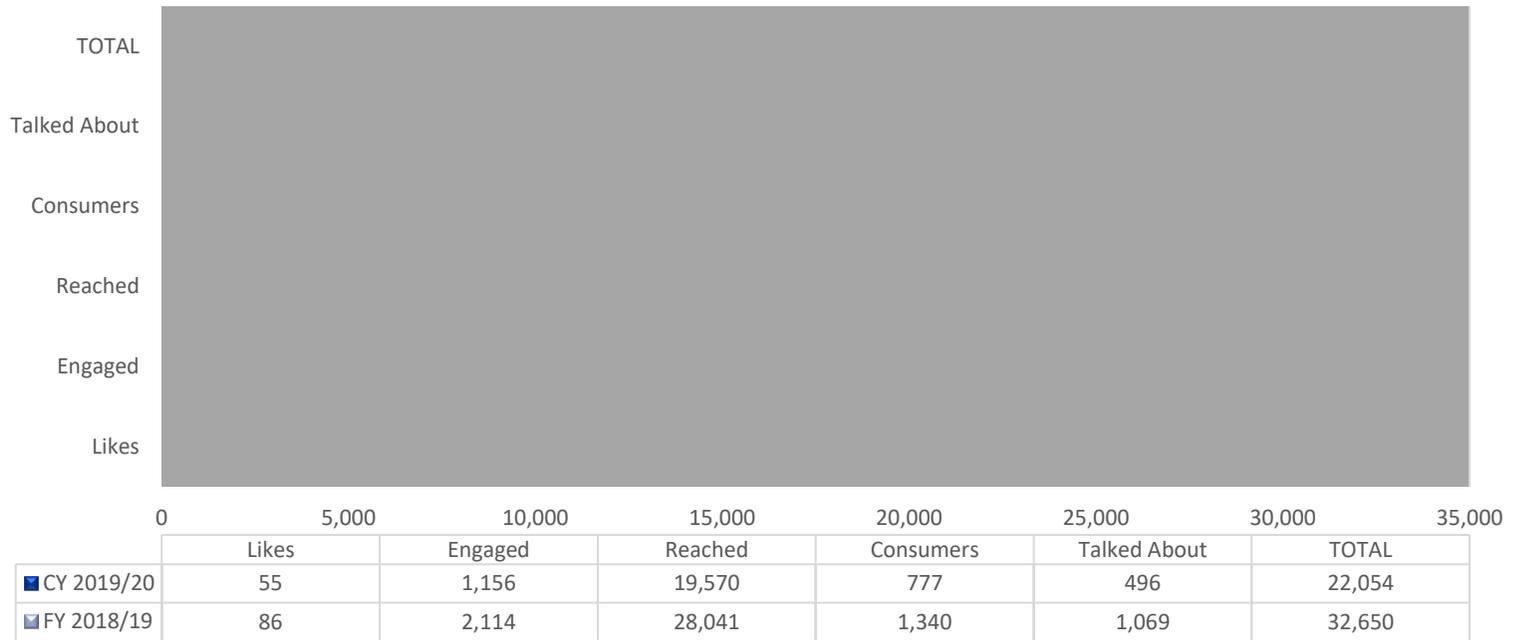
	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
■ CY 2019/20	5,965	34,638	4,763	39,970	33,268	3,311	7,545	20,450	149,910
■ FY 2018/19	7,405	33,970	5,312	35,791	63,521	6,138	10,052	21,703	183,892

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

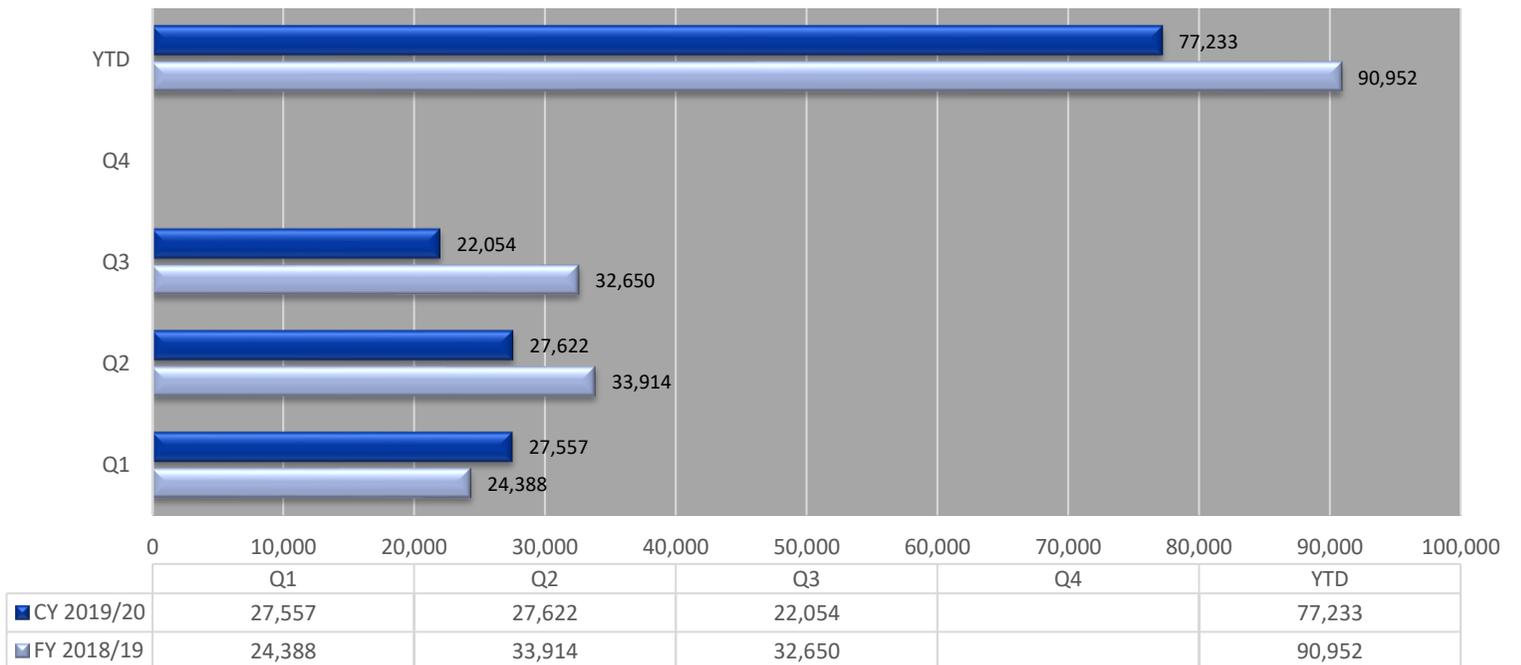


	Q1	Q2	Q3	Q4	YTD
■ CY 2019/20	179,601	149,910			329,511
■ FY 2018/19	223,227	183,892			407,119

**Facebook Activity
(Quarterly)**



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





Briefing Paper

Date: May 27, 2020

Agenda Item 13(C)

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Board Member Appointments

Purpose:

To provide an overview of Board Member appointments and terms.

Attachments: [1. PTBC Board Member Terms Chart](#)

Background and Update:

The Physical Therapy Board of California consists of seven members, four physical therapists and three public members.

Business and Professions Code (BPC) Section 2604 requires that members of the Board shall be appointed for a term of four years, expiring on the first day of June of every year and the Governor shall appoint one of the public members and four physical therapist members of the Board and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member. BPC Section 2604 also requires that no member may serve as a member of the Board for more than two consecutive terms and vacancies shall be filled by appointment for the unexpired term.

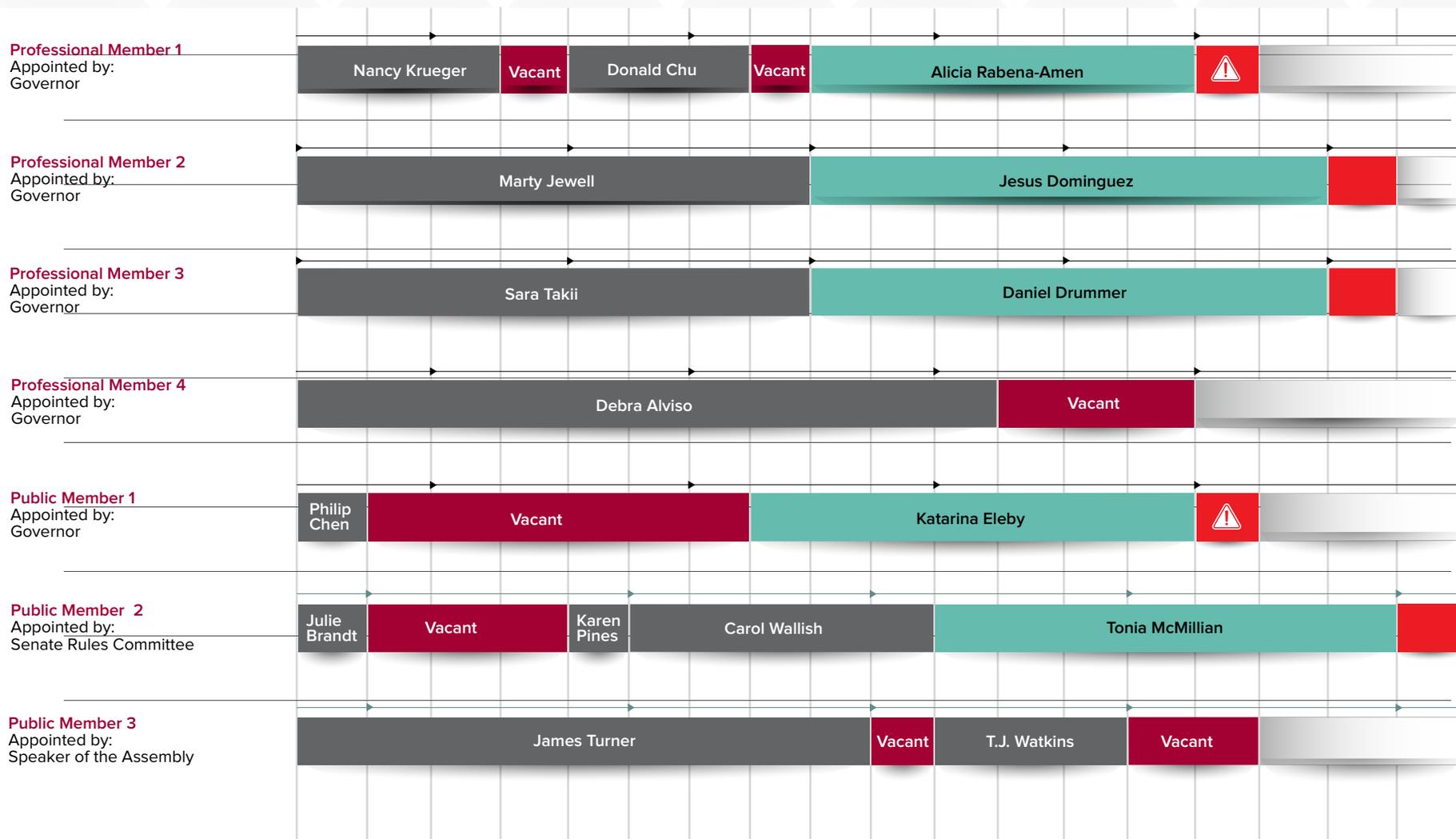
Attached is a term chart for PTBC Board members that includes vacancies and potential grace periods that may be served. Additionally, this chart shows that establishing quorum for the Board is a concern, as the Board currently has two vacancies; one Public Member appointed by the Speaker of the Assembly and one Professional Member appointed by the Governor.

Action:

No action requested.

PTBC BOARD MEMBER TERMS

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------



Previous incumbent
 Current incumbent
 Vacant
 Grace period
 TBD

Four-year term even year appointments
 Four-year term odd year appointments





Briefing Paper

Agenda Item 14

Date: June 9, 2020
Prepared for: PTBC Members
Prepared by: Eura Trent
Subject: Application Services Program Report

Purpose:

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

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

Data Format:

The report includes current fiscal year year-to-date data, current fiscal year Quarter 3 data and Quarter 3 data from last fiscal year. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

The Application Services program continues to promote utilization of BreEZe to apply for licensure. With more applications received online, the leveraging of existing system functionality and the extraordinary efforts of staff, the program has been able to support its workload with little impact from COVID-19. However, moving into the program's busy application season coupled with additional applications received from applicants who can now complete requirements as they regain access to services that were previously unavailable – exam administrations, fingerprinting, clinical sites – it no longer has this capacity. Moreover, the program is slated to temporarily lose an analyst to the state's COVID-19 contact tracing effort. To ensure continued function of the program, resources will be temporarily redirected from other programs.

The data shows a significant decrease in physical therapist assistant applications received from FY 2018/19 Q3 to FY 2019/20 Q3; this is due to delayed application submission resulting from impacts of COVID-19.

Action Requested:

None.

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1334	1258 (94%)	625 (46%)	184 (14%)	27 (2%)
PTA	428	379 (88%)	147 (34%)	47 (11%)	20 (5%)
Total	1762	1637 (93%)	772 (44%)	231 (13%)	47 (3%)
Current FY 2019/20 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	406	378 (93%)	233 (57%)	79 (19%)	13 (3%)
PTA	78	71 (91%)	35 (45%)	10 (13%)	6 (8%)
Total	484	449 (93%)	268 (55%)	89 (18%)	22 (5%)
Last FY 2018/19 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	410	365 (89%)	233 (57%)	69 (17%)	8 (2%)
PTA	151	137 (91%)	58 (38%)	15 (10%)	7 (5%)
Total	561	502 (89%)	291 (52%)	84 (15%)	15 (3%)

Licenses Issued

Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1544	N/A	602 (39%)	112 (7%)	30 (2%)
PTA	592	N/A	130 (22%)	20(3%)	27 (5%)
Total	2136	N/A	732 (34%)	132 (6%)	57 (3%)
Current FY 2019/20 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	422	N/A	207 (49%)	49 (12%)	10 (2%)
PTA	157	N/A	34 (22%)	8 (5%)	5 (3%)
Total	579	N/A	241 (42%)	57 (10%)	15 (3%)
Last FY 2018/19 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	375	N/A	181 (48%)	28 (7%)	4 (1%)
PTA	207	N/A	45 (22%)	11 (5%)	5 (2%)
Total	582	N/A	226 (39%)	39 (7%)	9 (2%)

Application Services Report Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	390	271	184			416	276	199		891	↑
Fail	47	47	30			45	49	28		122	↓ -2%
Total	437	318	214			461	325	227		1,013	↑ 5%
Pass Rate	89%	85%	86%			90%	85%	88%		88%	↑ 1%

	Fiscal Year 2018/19					Fiscal Year 2019/20					
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	7	5	11			18	10	13			↑
Fail	25	16	16			32	24	20			↑
Total	32	21	27			50	34	33			↑
Pass Rate	22%	24%	41%			34%	29%	39%			↑

	Fiscal Year 2018/19					Fiscal Year 2019/20					
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	124	64	148			231	107	114			↑
Fail	45	33	27			37	35	41			↑
Total	169	97	175			268	142	155			↑
Pass Rate	73%	66%	85%			86%	75%	74%			↑

	Fiscal Year 2018/19					Fiscal Year 2019/20					
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	7	7	6			8	1	6			↓
Fail	9	4	5			7	10	6			↑
Total	16	11	11			15	11	12			→
Pass Rate	44%	64%	55%			53%	10%	50%			↓

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	700	520	441		1,661	754	519	391		1,664	↑
Fail	242	195	159		596	209	139	122		470	↓ -21%
Total	942	715	600		2,257	963	658	513		2,134	↓ -5%
Pass Rate	74%	73%	74%		74%	78%	79%	76%		78%	↑ 5%

Pass	61	48	46		50	42	51		↓
Fail	40	36	32		29	28	30		↓
Total	101	84	78		79	70	81		↓
Pass Rate	60%	57%	60%		63%	60%	63%		↑

National PT and PTA Examination - National Statistics

Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	4,823	1,647	1,440		7,910	4,795	1,790	1,490		8,075	↑2%
Fail	556	502	305		1,363	715	461	304		1,480	↑9%
Total	5,379	2,149	1,745		9,273	5,510	2,251	1,794		9,555	↑3%
Pass Rate	90%	77%	83%		85%	87%	80%	83%		85%	⇒0%

Non Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	155	134	160		449	208	206	241		655	↑46%
Fail	550	410	349		1,309	615	585	377		1,577	↑20%
Total	705	544	509		1,758	823	791	618		2,232	↑27%
Pass Rate	22%	25%	31%		26%	25%	26%	39%		29%	↑12%

Accredited PTA Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	3,155	1,433	980		5,568	3,146	1,313	961		5,420	↓-3%
Fail	758	622	424		1,804	745	649	391		1,785	↓-1%
Total	3,913	2,055	1,404		7,372	3,891	1,962	1,352		7,205	↓-2%
Pass Rate	81%	70%	70%		76%	81%	67%	71%		75%	↓-1%

Non Accredited PTA Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	87	76	65		228	85	65	59		209	↓-8%
Fail	88	63	58		209	74	88	45		207	↓-1%
Total	175	139	123		437	159	153	104		416	↓-5%
Pass Rate	50%	55%	53%		52%	53%	42%	57%		50%	↓-4%

Jurisprudence Examination - National Statistics

Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	2,036	1,353	1,135			2,176	1,411	1,190		4,777	↑6%
Fail	416	384	354			410	344	297		1,051	↓-9%
Total	2,452	1,737	1,489			2,586	1,755	1,487		5,828	↑3%
Pass Rate	83%	77%	76%			84%	80%	80%		82%	↑2%

Non Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	101	79	72		252	97	79	94		270	↑7%
Fail	60	49	44		153	41	42	40		123	↓-20%
Total	161	128	116		405	138	121	134		393	↓-3%
Pass Rate	63%	62%	62%		62%	70%	65%	70%		69%	↑11%



Briefing Paper

Agenda Item 15

Date: 06/09/2020

Prepared for: PTBC Members

Prepared by: Eura Trent

Subject: License Maintenance Services Report

Purpose:

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

Attachments: [1. License Maintenance Statistics](#)

Data Format:

In this report, displayed first is the year-to-date total for the current fiscal year followed by the year-to-date total for the previous fiscal year. The next data set is the current quarter of the current fiscal year followed by the corresponding quarter for the previous fiscal year. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

The License Maintenance Services program continues to promote utilization of BreEZe for all license maintenance requests. Online requests and the outstanding efforts of staff have enabled the program to function with little impact from COVID-19.

At the December 2019 meeting, the Board voted in favor of eliminating the pocket license for paperless licensing and online only license verification with an effective date of July 2020. The implementation of paperless licensing and online only license verification is slated for the middle of July 2020. The duplicate license request will also be retired.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts*

*Fiscal Year 2019/20				
	Current	Inactive	Delinquent	Retired
PT	27,016	1,199	4,072	350
PTA	7,556	307		106
Total	34,572	1,506	5,260	456
Fiscal Year 2018/19				
	Current	Inactive	Delinquent	Retired
PT	26,105	1,221		291
PTA	7,107	317		80
Total	33,212	1,538		371

*As of 05/01/2020

Renewals Processed

Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	9,785	8,309	85%
PTA	2,695	2,325	86%
Total	12,480	10,634	85%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	9,385	7,771	83%
PTA	2,447	2,056	84%
Total	11,832	9,827	83%
Current FY 2019/20 Q3			
	Total	Online	
PT	3,201	2,704	84%
PTA	894	765	86%
Total	4,095	3,469	85%
Prior FY 2018/19 Q3			
	Total	Online	
PT	3,225	2,690	83%
PTA	786	658	84%
Total	4,011	3,348	83%

Name Changes Processed

Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	285	256	90%
PTA	67	56	84%
Total	352	312	89%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	267	69	26%
PTA	73	15	21%
Total	340	84	25%
Current FY 2019/20 Q3			
	Total	Online	
PT	114	96	84%
PTA	18	15	83%
Total	132	111	84%
Prior FY 2018/19 Q3			
	Total	Online	
PT	87	20	23%
PTA	24	8	33%
Total	111	28	25%

Address Changes Processed			
Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	2,657	2,477	93%
PTA	747	686	92%
Total	3,404	3,163	93%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	2,643	961	36%
PTA	675	224	33%
Total	3,318	1,185	36%
Current FY 2019/20 Q3			
	Total	Online	
PT	829	764	92%
PTA	230	213	93%
Total	1,059	977	92%
Prior FY 2018/19 Q3			
	Total	Online	
PT	796	309	39%
PTA	192	55	29%
Total	988	364	37%

Duplicate Requests Processed			
Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	141	70	50%
PTA	47	28	60%
Total	188	98	52%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	161	60	37%
PTA	39	11	28%
Total	200	71	36%
Current FY 2019/20 Q3			
	Total	Online	
PT	52	25	52%
PTA	17	14	82%
Total	69	39	57%
Prior FY 2018/19 Q3			
	Total	Online	
PT	59	23	39%
PTA	13	4	31%
Total	72	27	38%



Briefing Paper

Agenda Item 16(A)

Date: June 9, 2020
Prepared for: PTBC Members
Prepared by: Alyasha Crutcher and Veronica Gutierrez
Subject: Continuing Competency Services Report

Purpose:

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

Attachments: [1. Continuing Competency Audit Statistics](#)

Background:

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

Update:

A total of **116** physical therapists and **33** physical therapist assistants were selected for audit for FY 2019/20 Q2 (Oct-Dec). Staff continues to complete audits for both physical therapists and physical therapist assistants for this quarter, so data available thus far has been included, but the pass rate will be reported at the next meeting. Staff has done an exceptional job navigating the impacts of COVID-19 as they assist licensees undergoing audit as well as many licensees contacting the PTBC for information about license options during the state of emergency.

Action Requested:

None.

Continuing Competency Audit Statistics

Physical Therapist

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	99	108				121	102			pending	
Fail	7	8				7	2			pending	
Pending	0	0				0	12			pending	
Total	106	116				128	116			pending	
Pass Rate	93%	93%				95%	pending			pending	

Physical Therapist Assistant

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	40	22			62	28	25			pending	
Fail	0	5			5	6	3			pending	
Pending	0	0			0	0	5			pending	
Total	40	27			67	34	33			pending	
Pass Rate	100%	81%			93%	82%	pending			pending	

Approval Agencies and Courses

Approval Agencies	125
Courses	14,382



Briefing Paper

Agenda Item 17(A)

Date: June 1, 2020
Prepared for: PTBC Members
Prepared by: Cristy Livramento, Analyst
Subject: Consumer Protection Services Program (CPS)

Purpose:

Update on Consumer Protection Services Program - FY 2019/20, Q2 (October-December 2019) and Q3 (January-March 2020)

Attachments: [1. CPS Statistics Report](#)
[2. Disciplinary Summary](#)

Program Update

During these unprecedented times, enforcement staff are currently working in the office 1-2 days, thus, teleworking 3-4 days. The telework schedule has not had a significant impact on internal processes; however, investigations have been impacted. To name a few of the processes that have been impacted; response times for obtaining information/documents have been delayed; restrictions placed on conducting face to face interviews (DOI); temporary closure of facilities not allowing for on-site investigations (DOI and experts); and closure of OAH/postponement of hearings (only essential matters being heard). These limitations and delays will ultimately impact case aging.

Enforcement staff reported some of the pros and cons of teleworking:

Pros:

- Better focus and concentration on reading documents
- More efficient use of time
- Less distractions (phones)
- Better organized in managing tasks
- Saving money (not eating out, gas, etc.)
- No commute

Cons:

- Limited equipment (dual-screens, scanners, etc.)
- Restrictions on bringing work home
- Limited contact with other analysts

- Legal work can only be done in-office
- In-office mail pick up has been reduced from twice daily to one pick-up (A.M.)
- Use of personal devices (phones and computers)

Attachment A: Consumer Protection Services Report

As of FY 19/20, Quarter 2, there was a decrease in the total number of complaints received, as compared to Quarter 1. The decrease in complaints was in both complaints and conviction cases. Investigation aging days decreased in cases that were closed in less than 90 days. However, investigation aging days increased in all other areas.

As of FY 19/20, Quarter 3, we received one less complaint than in Quarter 2. However, there was an increase of 20 complaint cases, and a decrease of 21 conviction cases. Investigation aging days decreased in cases that were closed on less than 90 days. However, investigation aging days increased in all other areas.

PM3 Investigations: There have been minor 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.

The Average Days to Close for Citations jumped significantly, compared to the same quarter last year. However, there were 14 citations issued in both Quarter 2 and Quarter 3, bring this fiscal year's citations total to 40. Compared to last fiscal year, 39 total citations were issued. Staff is continuing to focus on completing investigations in cases that are aging/older.

PM4 Discipline: In Quarter 2, eight cases were transmitted to the AG's office, and in Quarter 3, 17 cases were transmitted, bringing this fiscal year's total cases transmitted to the AG's office to 47. Although this is a decrease from for both Quarters, this is an increase compared to last fiscal year, as only 46 total cases were transmitted last fiscal year. Overall, there was an increase in the average days to complete the enforcement process for discipline, due to an increase in the number of aged cases being closed.

Attachment B: 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 2018/19	Fiscal Year 2019/20					
	YTD					YTD	
PM1: Complaints Received	242	86	66	86		238	↓
PM1: Convictions/Arrest Received	169	84	53	32		169	→
PM1: Total Received	411	170	119	118		407	↓

	FY 2018/19	Fiscal Year 2019/20					
	YTD					YTD	
PM2: Intake/Avg. Days		2	4	3			↑

	FY 2018/19	Fiscal Year 2019/20					
						YTD	
		Q2	Q3	Q4			
PM3: Cycle Time-Investigation		128	139	222		163	↑
PM3a: Intake Only		2	2	3		2	↑
PM3b: Investigation Only		116	135	210		154	↑
PM3c: Post Investigation Only		2	2	5		3	→

	FY 2018/19	Fiscal Year 2019/20					
		Q1	Q2	Q3	Q4	YTD	
Up to 90 Days		89	69	51		53%	↓
91 - 180 Days		22	33	24		20%	↑
181 Days - 1 Year (364)		11	27	31		17%	↑
1 to 2 Years (365-730)		5	3	15		6%	↑
2 to 3 Years (731- 1092)		5	2	5		3%	↑
Over 3 Years (1093 +)		1	2	1		1%	↑

	FY 2018/19	Fiscal Year 2019/20					
		Q1	Q2	Q3	Q4	YTD	
Final Citations	39	12	14	14		40	↑
Average Days to Close	186	410	474	369		417.7	↑

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change	
		Q1	Q2	Q3	Q4	YTD		
PM4: AG Cases		631	1013	894		846	↑	63%
PM4a: Intake Only		3	5	4		4	↑	100%
PM4b: Investigation Only		308	674	322		435	↑	114%
PM4c: Pre-AG Transmittal		1	2	1		1	↓	-78%
PM4d: Post-AG Transmittal		380	336	570		429	↑	37%

AG Cases Initiated		22	8	17		↑
AG Cases Pending		41	31	54		↑
SOIs Filed		1	0	0		↓
Accusations Filed		5	2	5		↓

AG Transmittals							
	FY 2018/19						
	YTD						
Total Closed After Transmission	38	15	16	14		45	↑
Total Average Days to Complete	519	631	1013	894		846.0	↑

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0	0			⇒ 0%
91 - 180 Days	0%	0	0	0			⇒ 0%
181 Days - 1 Year (364)	39%	1	3	0			↓ -30%
1 to 2 Years (365-730)	47%	11	1	6			↓ -7%
2 to 3 Years (731- 1092)	8%	2	6	3			↑ 16%
Over 3 Years (1093 +)	5%	1	6	5			↑ 22%
		16		14			

Other Legal Actions							
	FY 2018/19	Fiscal Year 2019/20				Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	1	1	0	0		1	⇒ 0%

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 withdraws, 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)

**Disciplinary Summary
Fiscal Year 2019-20/Quarter 2 & 3**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of October 2019 through March 2020. Except for situations where the licensee has obtained a court ordered stay, Decisions become operative on the Effective Date. 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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October 2019

PENNY, DONALD MARTIN PTA 49029

Violation of B & P Codes: 2239, 2605, 2660(a), 2660(e), and 2661. Violation of CCR:1399.20, 1399.24(b), and 1399.24(c). Stipulated Surrender of License effective 10/21/19, License Surrendered.

November 2019

SHAPOW, MORRIS PT 6166

Violation of B & P Codes: 2262, 2620.7, 2630.4(b), 2660(g), 2660(h), 2660(i), and 2660(s). Violation of CCR: 1398.13, 1398.15, and 1399. Stipulated Settlement and Disciplinary Order Effective 11/11/19, 4 years' Probation.

QUINTERO, ADRIANA PT 35616

Violation of B & P Codes: 2234(b), 2234(c), 2660(a), 2660(g), 2660(h), 2660(i), and 2660(n). Violation of California Corporations Code 1398.13, and 1398.44. Stipulated Settlement and Disciplinary Order Effective 11/12/19, 5 years' Probation.

JONES, RYAN ERIC PT 34317

Violation of B & P Codes: 490, 493, 2239, 2660(a), 2660(e), 2660(j), and 2660(w). Violation of CCR: 1399.20, and 1399.20(a). Stipulated Settlement and Disciplinary Order Effective 11/12/19, 5 years' Probation.

DESIERTO, JACQUELINE PTA 8741

Violation of B & P Codes: 490(c), 2239(a), 2644(b), 2660, 2660(a), 2660(e), 2660(j), 2661. Violation of CCR: 1399.20(a), 1399.20(c), 1399.24(d)(2), 1399.24(d)(3). Voluntary Surrender of License Effective 11/15/19, License Surrendered.

REYES, MICHAEL S. PTA 6179

Violation of B & P Codes: 495, 2620.7, 2660, 2660(g), 2660(r), and 2660(s), and 2660.3. Violation of CCR: 1398.13. Public Letter of Reprimand Effective 09/05/19, Reprimand Issued.

December 2019

SWISHER, DONNA JEAN PT 14508

Violation of B & P Codes: 822, 2239, 2605, 2620.7, 2660(a), 2660(f), 2660(g), 2660(h). Violation of CCR: 1398.13. Stipulated Surrender of License and Order Effective 12/05/19, License Surrendered.

FITZPATRICK, KATIE JEAN PT 33412

Violation of B & P Codes: 2620.7, 2660, 2660(g), 2660(h), 123110, and 123110(b)(1). Violation of CCR: 1398.13. Stipulated Settlement and Disciplinary Order Effective 11/12/19, 3 years' Probation.

January 2020

NOVOTNY, IAN ANTHONY PT 28753

Violation of B & P Codes: 2620.7, 2622, 2660(a), 2660(g), 2660(h) and 2660(i). Violation of CCR: 1398.13 and 1399. Public Letter of Reprimand Effective 01/02/20, Reprimand Issued.

SHUT, VLADISLAV PT 32430

Violation of B & P Codes: 2620.7, 2660(a), and 2660(g). Violation of CCR: 1398.13 and 1399. Public Letter of Reprimand Effective 01/02/20, Reprimand Issued.

TSUDA, AARON SEIICHI PTA 8827

Stipulated Surrender of License and Order Effective 01/17/20, License Surrendered.

PATRICK, RHETT SHANNAN PT 24157

Violation of B & P Codes: 680(a), 2262, 2620.7, 2622, 2630.4(b), 2660(a), 2660(g), 2660(i), 2660(j), 2660(n), 2660(r), and 2660(s). Violation of CCR: 1389.44, 1398.11, 1398.13(a)(1-7), 1398.13(c), 1398.13(d), 1398.15, 1399, 1399.20(a), and 1399.24(c). Stipulated Settlement and Disciplinary Order Effective 01/29/20, 5 years' Probation.

February 2020

DIMACALI, CELSO JR COSME PTA 9356

Violation of B & P Codes: 2239, 2660(e), and 2661. Violation of CCR: 1390.20. Stipulated Settlement and Disciplinary Order Effective 02/14/20, 5 years' Probation.

MADHAVAN, NAVEEN PTA 8403

Violation of B & P Codes: 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20(a), 1399.20(c), and 1399.23(a)(1). Stipulated Surrender of License and Order Effective 02/26/2020, License Surrendered.

ADDISON, PAUL ROBERT JR. PT 34602

Violation of B & P Codes: 2620.7, 2660, 2660(g), 2660(j), and 2660(r). Violation of CCR: 1398.13. Public Letter of Reprimand Effective 02/27/2020, Reprimand Issued.

March 2020

(NONE)

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 18(A)

Date: May 6, 2020
Prepared for: PTBC Members
Prepared by: Monny Martin, PTBC Probation Monitor
Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q2/Q3 - FY 2019-2020

Attachments: [1. Statistical Report](#)

Background:

This is a report on the Board's Probation Monitoring Program for the second and third quarters of FY 2019-2020. Please refer to attachment A-1 which contains the probation statistics for FY 2019-2020.

Analysis:

For the second quarter, there were 93 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 75 licensees on probation and in the state of California, there were an additional 18 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were 4 licensees placed on probation in the second quarter, and 4 licensees that completed probation in the quarter.

Of the 75 licensees that were not tolling, 16 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 21% of all licensees on probation that weren't tolling.

For the third quarter there were 91 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 were an additional 18 probationers tolling (out of state) and not receiving credit toward the completion of probation. There was one license placed on probation the quarter, and 2 licensees that completed probation in the quarter.

Of the 73 licensees that were not tolling, 15 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 20.5% of all licensees on probation that weren't tolling.

Action Requested: No Action Required.

Probation Statistics Report

Probation							
	FY 2018/19	Q1	Q2	Q3	Q4	YTD	Year → Year Change
	YTD						
Entered Probationer		4	4	1	0		
Completed Probation	9	0	4	2	0	6	↓ -33%
Probation Terminated	1	0	0	1	0	1	→ 0%
Non-Compliant w/Probation		1	0	1	0		→ 0%
Tolling (Out of State)		18	18	18	0	54	
Surrenders	3	0	0	0	0	0	
Total Probationers	89	93	93	91	0	89	→ 0%

Maximus							
	FY 2018/19	Q1	Q2	Q3	Q4	YTD	Year → Year Change
	YTD						
Entered Maximus	5	3	0	1	0		↓ -20%
Completed Maximus	2	1	0	2	0	3	↑ 50%
Total Maximus Participants	19	18	16	15	0	15	↓ -21%
Determined To Be Clinically Inappropriate		2	1	1	0		↑ 300%
Terminated - Public Risk		1	0	0	0		↓ -50%
Withdrawn (Expense) - Post-Dec		0	0	0	0		↓ -100%
Withdrawn (Left State) - Post-Dec		0	0	0	0		↓ -100%
Withdrawn - Pre-Dec		0	1	0	0		→ 0%