



PHYSICAL THERAPY
BOARD OF CALIFORNIA

December 10, 2020
BOARD MEETING

Department of Consumer Affairs
(WebEx)

PHYSICAL THERAPY BOARD OF CALIFORNIA

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

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

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

December 10, 2020 9 a.m.

Department of Consumer Affairs
(WebEx)

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

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

BOARD MEMBERS

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

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

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

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

Johnathon Ervin, *Member*

Tonia McMillian, *Member*

Vacant, *Physical Therapist Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Assistant Executive Officer*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Executive Analyst*

MISSION

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

VISION

The standard for consumer protection in physical therapy.



BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

December 10, 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, December 10, 2020, please log on to this website:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ecd40d1443988cb7a730fb5f17ae072de>

Meeting Event ID Number: 146 608 2168 and Password: PTBC12102020

As an alternative, members of the public who wish to observe the meeting on Thursday, December 10, 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, December 10th

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

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Reading of the Board's Mission Statement**
4. **Discussion and Possible Board Action on the 2021 Rulemaking Calendar** – Brooke Arneson
5. **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).)
6. **Agenda Items for Future Meeting –** March 24-25, 2021
Azusa Pacific University
901 E Alostia Avenue
Azusa, CA 91702
7. **Closed Session**
 - (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
 - (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer
 - (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.
8. **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.

HOW TO – Join – DCA WebEx Event



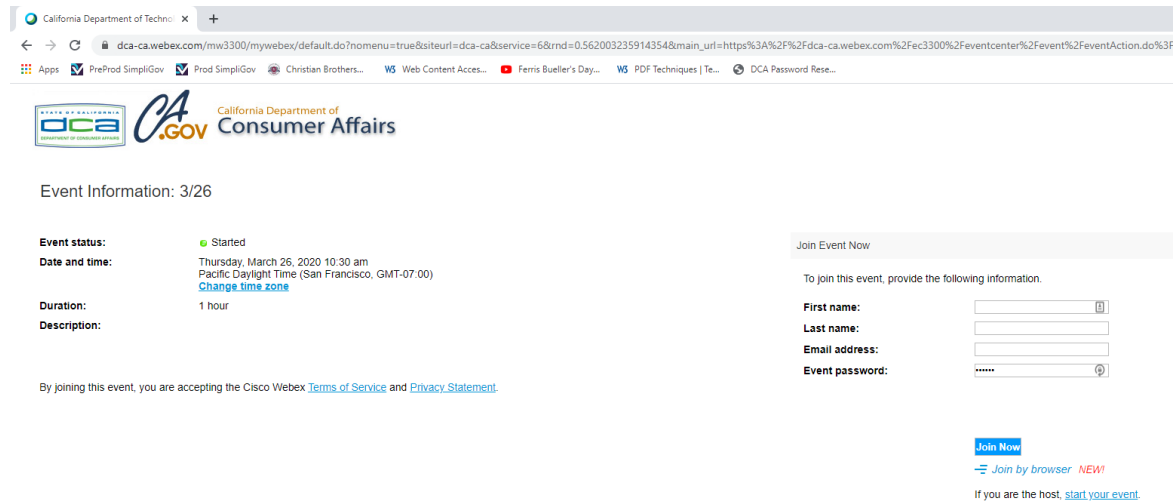
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

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.

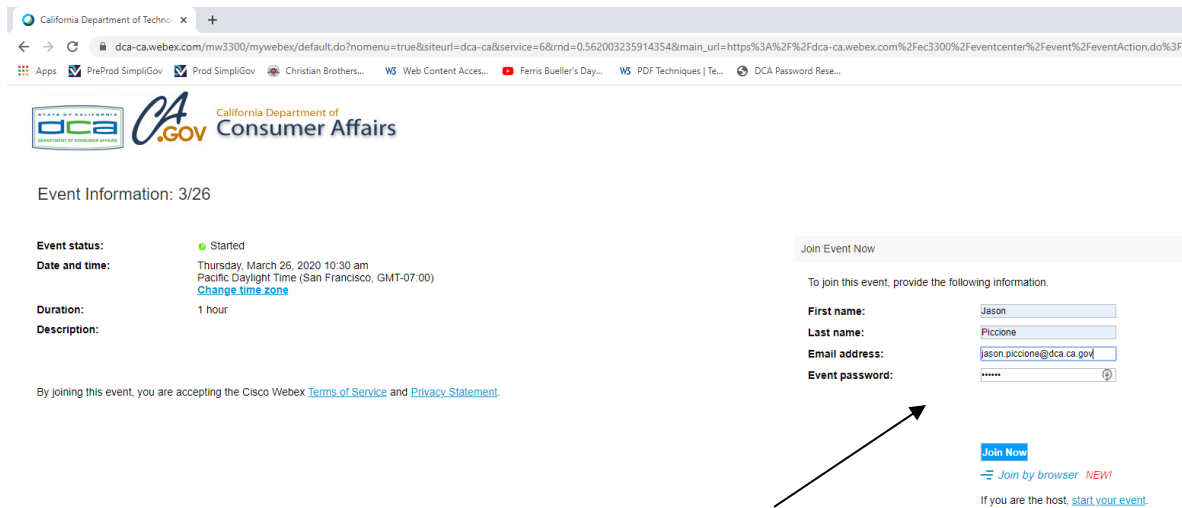
Example link:

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



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.

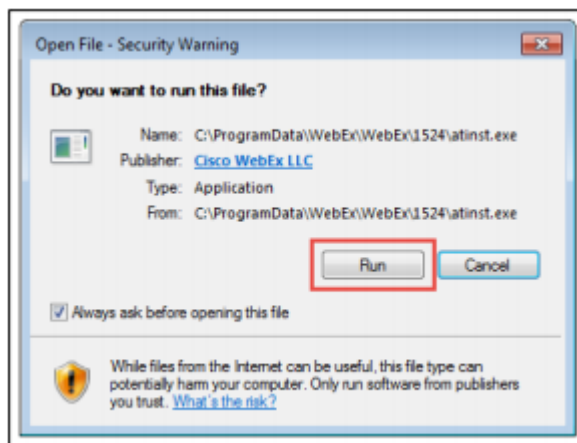
HOW TO – Join – DCA WebEx Event



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.

HOW TO – Join – DCA WebEx Event

Starting Webex...



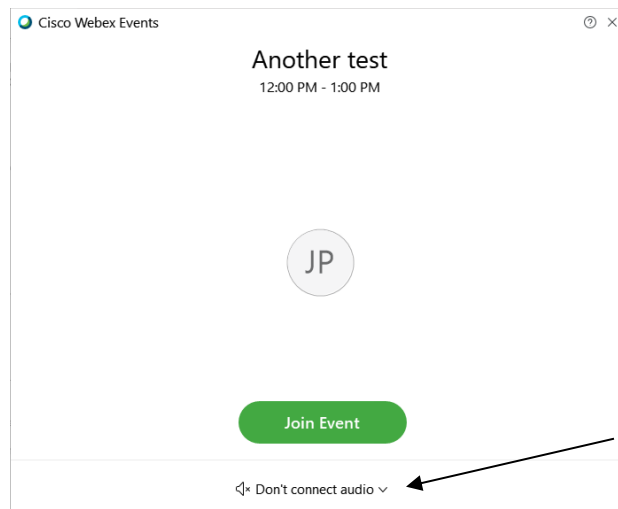
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

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



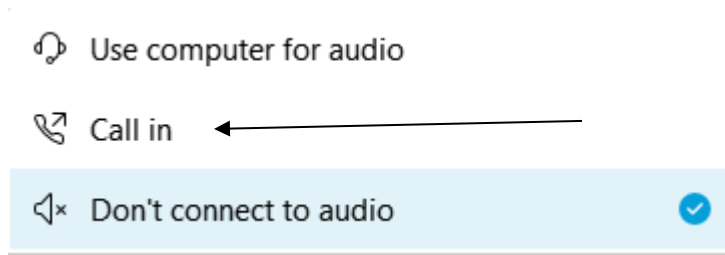
The temporary software will run, and the meeting window will open.

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

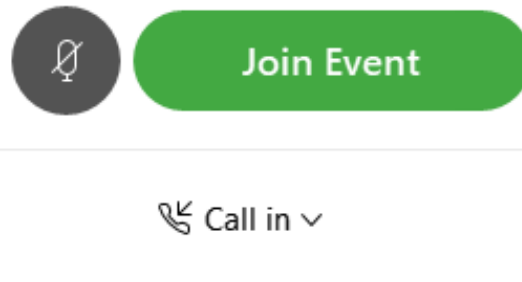


HOW TO – Join – DCA WebEx Event

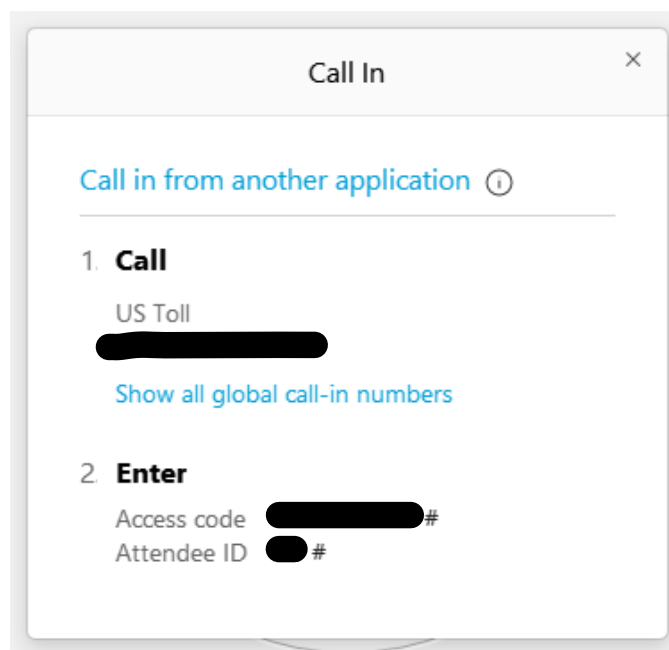
8. When the audio menu appears click 'Call in'.



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.

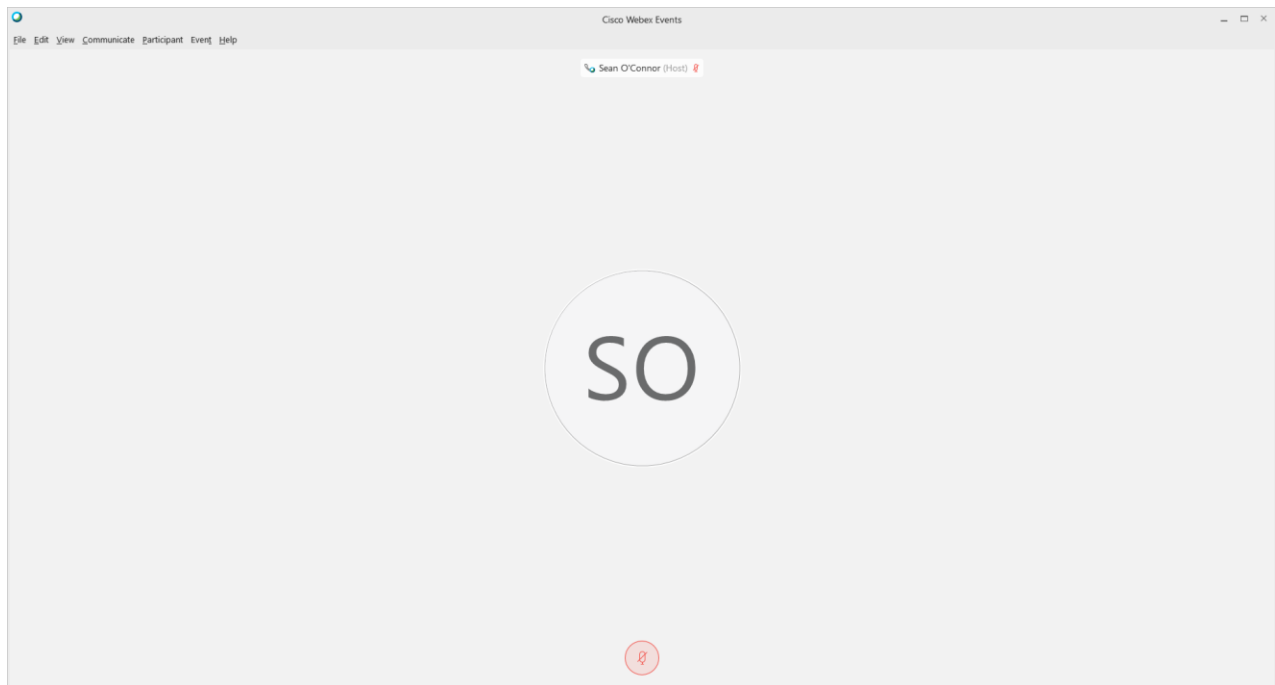


HOW TO – Join – DCA WebEx Event

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!

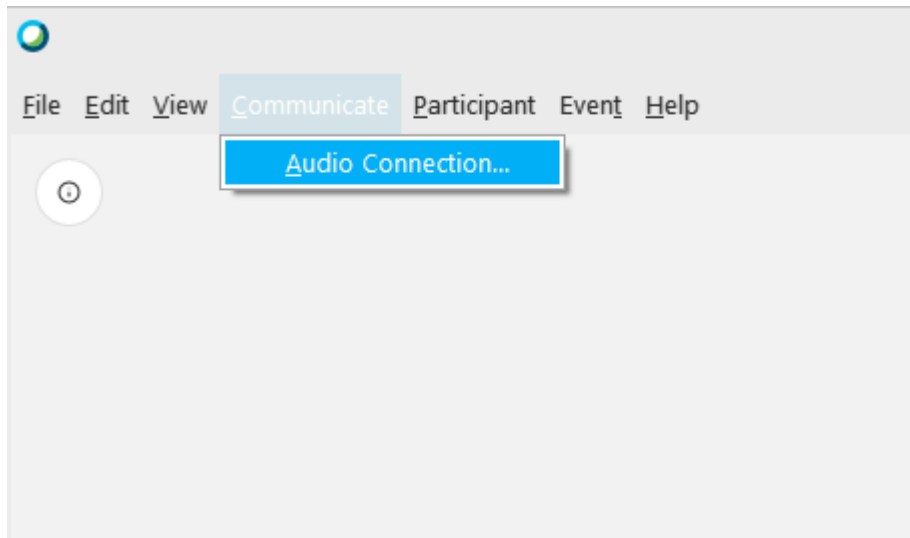


NOTE: Your audio line is muted and can only be unmuted by the event host.

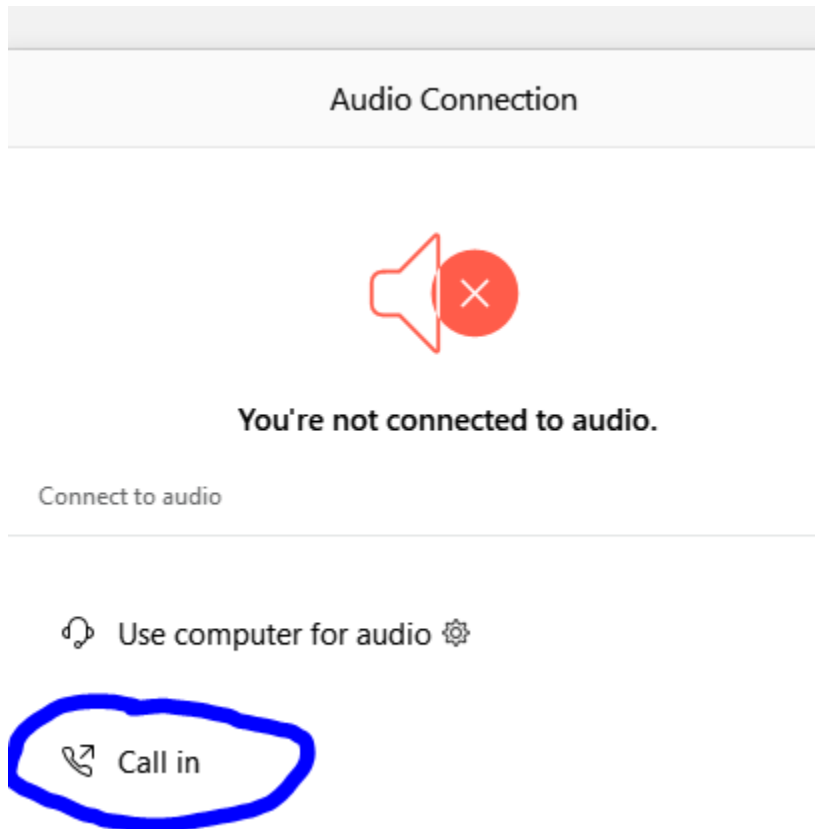
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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

HOW TO – Join – DCA WebEx Event



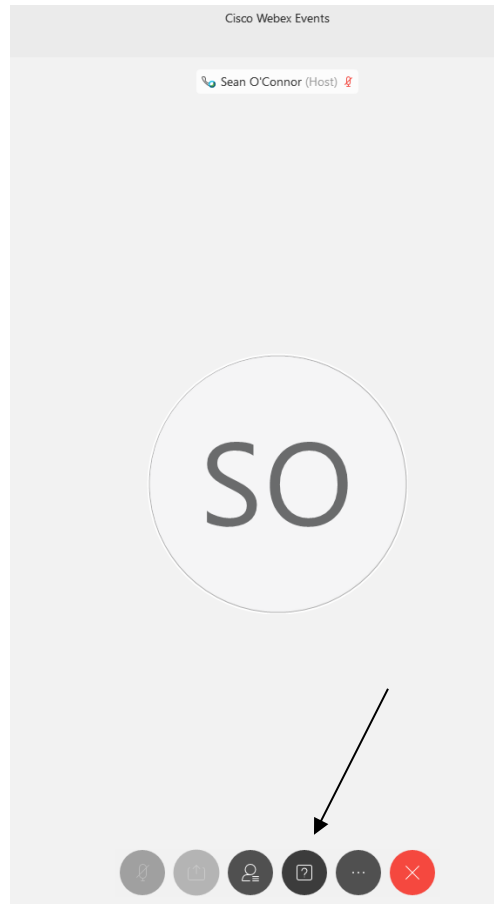
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



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

Participating During a Public Comment Period

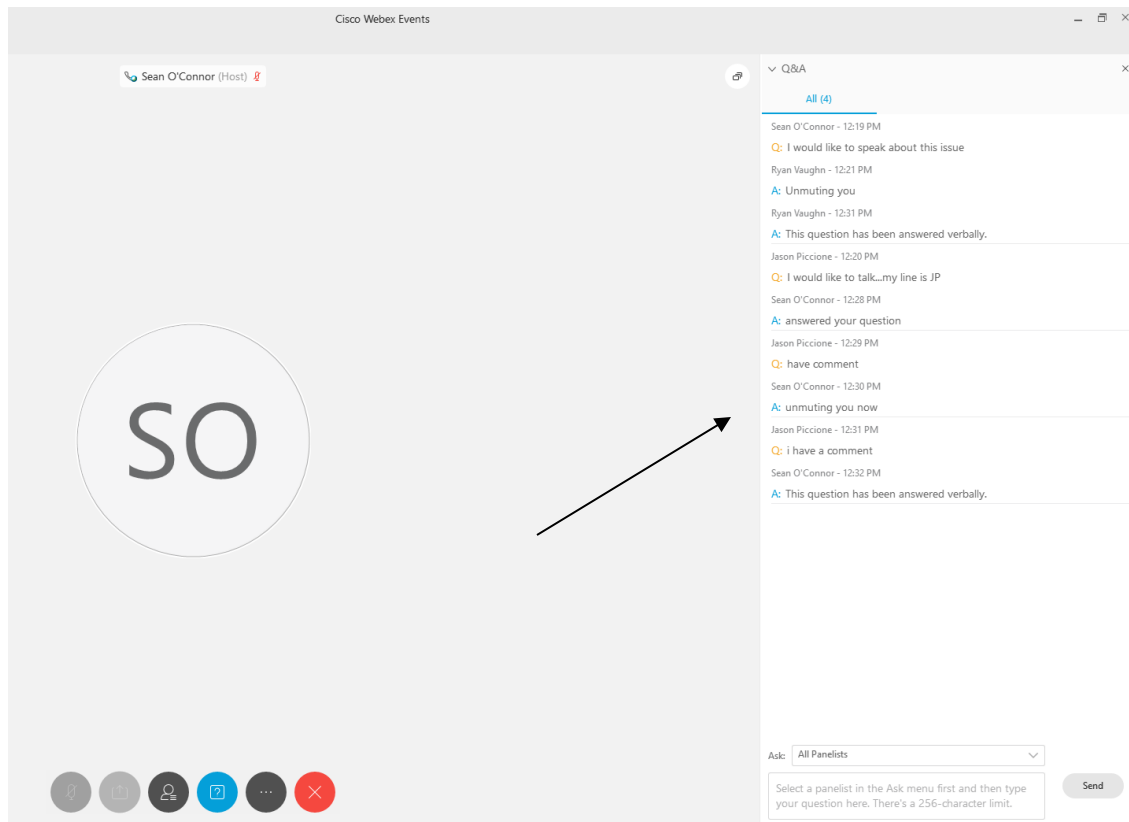
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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.

HOW TO – Join – DCA WebEx Event



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,
December 10, 2020**

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



Briefing Paper

Date: November 18, 2020

Agenda Item 4

Prepared for: PTBC Members

Prepared by: Becky Marco

Subject: 2021 Rulemaking Calendar

Purpose:

To introduce the proposed 2021 Rulemaking Calendar.

Attachments: 1. [Proposed 2021 Rulemaking Calendar](#)

Background:

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

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2021 Rulemaking Calendar.

Action Requested:

To adopt the 2021 Rulemaking Calendar as required by Government Code (GC) § 11017.6.

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2021 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2020

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

**PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2021 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2020

Subject: Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool		CCR Title & Sections Affected: Title 16 Division 13.2 Article 2 Section 1398.26.1		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2653	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 4/2021	Public Hearing: TBD	Adoption by your agency: 6/2020	To OAL for review: 12/2021

Subject: Clinical Service Requirements for Foreign Educated Applicants		CCR Title & Sections Affected: Title 16 Division 13.2 Article 2 Section 1398.26.5		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2653	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 4/2021	Public Hearing: TBD	Adoption by your agency: 6/2020	To OAL for review: 12/2021

**PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2021 RULEMAKING CALENDAR**

Subject: Disciplinary Guidelines		CCR Title & Sections Affected: Title 16 Division 13.2 Article 8 Section 1399.15		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2660			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:					
		Notice Published: 2/2021	Public Hearing: TBD	Adoption by your agency: 9/2020	To OAL for review: 6/2021		

Subject: Substantial Relationship Criteria		CCR Title & Sections Affected: Title 16 Division 13.2 Article 8 Section 1399.20		Statute(s) Being Implemented: Business and Professions Code (BPC) section 481, 493			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:					
		Notice Published: 6/2020	Public Hearing: NONE	Adoption by your agency: 3/2019	To OAL for review: 5/2021		

Subject: Rehabilitation Criteria for Denial and Reinstatement of Licensure		CCR Title & Sections Affected: Title 16 Division 13.2 Article 8 Section 1399.21		Statute(s) Being Implemented: Business and Professions Code (BPC) section 482			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:					
		Notice Published: 6/2020	Public Hearing: NONE	Adoption by your agency: 3/2019	To OAL for review: 5/2021		

**PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2021 RULEMAKING CALENDAR**

Subject: Rehabilitation Criteria for Suspensions and Revocations		CCR Title & Sections Affected: Title 16 Division 13.2 Article 8 Section 1399.22		Statute(s) Being Implemented: Business and Professions Code (BPC) section 482	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:			
		Notice Published: 6/2020	Public Hearing: NONE	Adoption by your agency: 3/2019	To OAL for review: 5/2021

Subject: License Renewal Exemptions: Retired License Status		CCR Title & Sections Affected: (Added) Title 16 Division 13.2 Article 10 Section 1399.57		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2648.7	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:			
		Notice Published: 9/2021	Public Hearing: TBD	Adoption by your agency: 06/2021	To OAL for review: 02/2022

Subject: Continuing Competency		CCR Title & Sections Affected: Title 16 Division 13.2 Article 13 Section(s) 1399.90-1399.99		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2649	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:			
		Notice Published: 9/2021	Public Hearing: NONE	Adoption by your agency: 6/2021	To OAL for review: 2/2022

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2021 RULEMAKING CALENDAR

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

Review and/or Update of Application and Licensing Regulations

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

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

TBD section number – processing time for applicants completing application process

Status: Postponed to a future date

TBD section number – establishing exam scores

Status: Withdrawn for lack of necessity.

Unprofessional Conduct

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

Status: Withdrawn for lack of necessity.