



PHYSICAL THERAPY
BOARD OF CALIFORNIA

June 24, 2021
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

June 24, 2021 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*
Dayle C. Armstrong, Ph.D., P.T., MS, DPT, *Member*
Jesus Dominguez, P.T., Ph.D., *Member*
Daniel Drummer, P.T., DPT, *Member*
Johnathon Ervin, *Member*
Tonia McMillian, *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.



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

Thursday, June 24, 2021

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 24, 2021, please log on to this website:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e0b0e9ca1c1524428641072f8fd39c592>

Meeting Event ID Number: 187 569 9812 and Password: PTB62421

As an alternative, members of the public who wish to observe the meeting on June 24, 2021 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 24th

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. **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).)
5. **Review and Approval of March 24, 2021, Meeting Minutes** – Brooke Arneson
6. **President’s Report** –Alicia Rabena-Amen
 - (A) **2021 Proposed Meeting Calendar**
 - (B) **2022 Proposed Meeting Calendar**
7. **Executive Officer’s Report** – Jason Kaiser
 - (A) Administrative Services
 - i. Staffing
 - (B) Applications
 - (C) Licensing/Continuing Competency
 - (D) Consumer Protection Services
 - (E) Outreach
 - (F) PTBC Relocation
8. **Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs** – Jason Kaiser
 - (A) DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension DCA Waiver DCA-20-27
 - b. Second Extension DCA Waiver DCA-20-53
 - c. Third Extension DCA Waiver DCA-20-69
 - d. Fourth Extension DCA Waiver DCA-20-89

- e. Fifth Extension DCA Waiver DCA-21-117
 - f. Sixth Extension DCA Waiver DCA-21-134
- (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension DCA Waiver DCA-20-57
- (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension DCA Waiver DCA-20-28
 - b. Second Extension DCA Waiver DCA-20-46
 - c. Third Extension DCA Waiver DCA-20-75
 - d. Fourth Extension DCA Waiver DCA-20-95
 - e. Fifth Extension DCA Waiver DCA-21-122
 - f. Sixth Extension DCA Waiver DCA-21-148
- (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension DCA Waiver DCA-20-66
 - b. Second Extension DCA Waiver DCA-20-78
 - c. Third Extension DCA Waiver DCA-21-107
 - d. Fourth Extension DCA Waiver DCA-21-131

9. 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)

10. Division of Investigation Updates and Processes – Stephanie Whitley, Supervising Investigator, Division of Investigation

11. Legislation Report – Brooke Arneson

- (A) 2021/22 Legislative Session Summary
 - i. AB 2 (Fong) Regulations: Legislative Review: Regulatory Reform
 - ii. AB 29 (Cooper) State Bodies: Meetings
 - iii. AB 54 (Kiley) COVID-19 Emergency Order Violation: License Revocation
 - iv. AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications
 - v. AB 107 (Salas) Licensure: Veterans and Military Spouses
 - vi. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses
 - vii. AB 305 (Maienschein) Veteran Services: Notice
 - viii. AB 339 (Lee & Christina Garcia) State and Local Government: Open Meetings
 - ix. AB 646 (Low) DCA: Boards: Expunged Convictions
 - x. AB 657 (Cooper) State Civil Service System: Personal Services Contracts: Professionals

- xi. AB 885 (Quirk) Bagley-Keene Open Meeting Act: Teleconferencing
- xii. AB 1026 (Smith) Business Licenses: Veterans
- xiii. AB 1236 (Ting) Healing Arts: Licensees: Data Collection
- xiv. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer
- xv. AB 1386 (Cunningham) License Fees: Military Partners and Spouses
- xvi. AB 1468 (Cunningham) Prior Authorization
- xvii. SB 102 (Melendez) COVID-19 Emergency Order Violation: License Revocation
- xviii. SB 250 (Pan) Health Care Coverage
- xix. SB 607 (Roth) Professions and Vocations
- xx. SB 731 (Durazo and Bradford) Criminal Records: Relief
- xxi. SB 772 (Ochoa Bogh) Professions and Vocations: Citations: Minor Violations

12. Rulemaking Report – Brooke Arneson

- (A) 2021 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):
 - i. Proposed Amendments to 16 CCR section 1399.15 – “Guidelines for Issuing Citations and Imposing Discipline,” 6th Edition
 - ii. Proposed Amendments to 16 CCR section 1398.26.1 -- Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
 - iii. Proposed Amendments to 16 CCR sections 1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26.5, 1398.27, 1398.28, 1398.47, 1399.10, 1399.12 -- Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
 - iv. Proposed Amendments to 16 CCR 1399.20-1399.22 -- (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations
 - v. Update Regarding the Development of a Possible Retired License Status Regulation and Fee
 - vi. Update Regarding the Development of Possible Amendments to the Board’s Continuing Competency Regulations

13. Administrative Services Quarterly Update

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

14. Application Services Quarterly Update

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

15. Licensing Services Quarterly Update

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

16. Continuing Competency Services Quarterly Update

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

17. Consumer Protection Services Quarterly Update

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

18. Probation Monitoring Services Quarterly Update

- (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 15-16, 2021
Department of Consumer Affairs
(WebEx)

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

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.

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>

The screenshot shows a web browser window with the address bar displaying the URL: dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started
Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

First name:
Last name:
Email address:
Event password:

[Join Now](#)
[Join by browser](#) **NEW!**
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.

HOW TO – Join – DCA WebEx Event

The screenshot shows a web browser window with the URL dca-ca.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=dca-ca&service=6&rnd=0.5620032359143548&main_url=https%3A%2F%2Fdca-ca.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3F. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started
Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

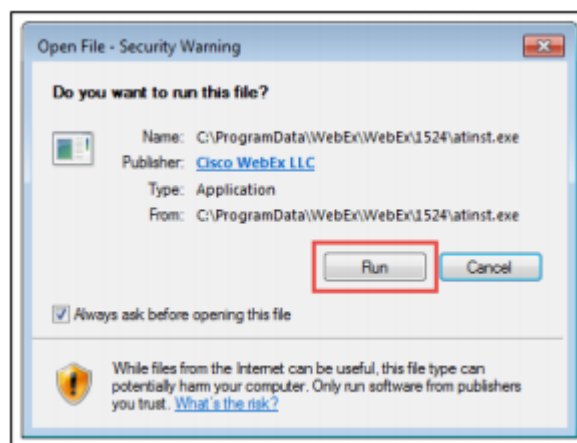
First name: Jason
Last name: Piccione
Email address: jason.piccione@dca.ca.gov
Event password: *****

[Join Now](#)
Join by browser **NEW!**
If you are the host, [start your 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...



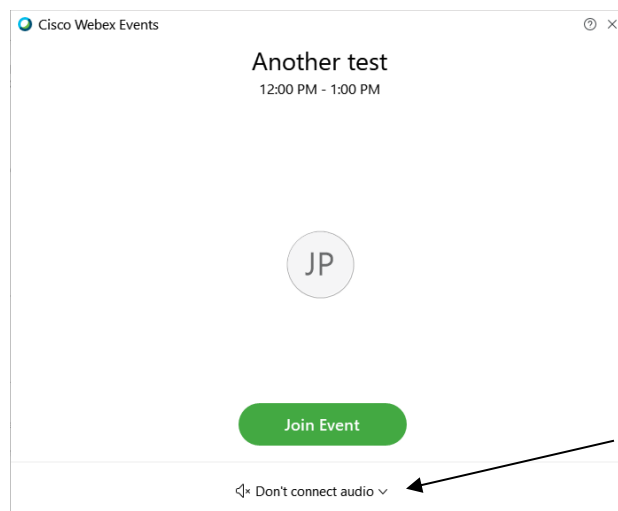
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

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



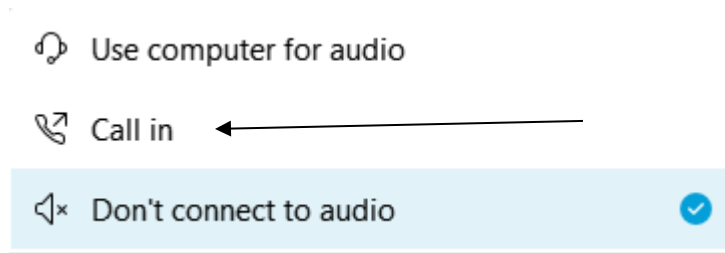
The temporary software will run, and the meeting window will open.

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

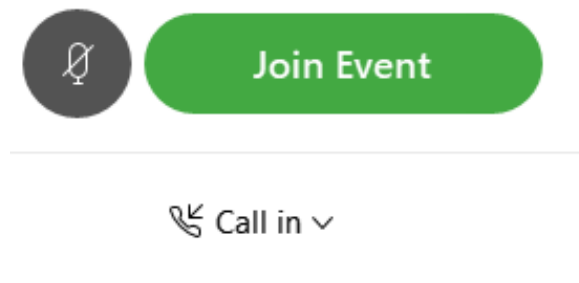


HOW TO – Join – DCA WebEx Event

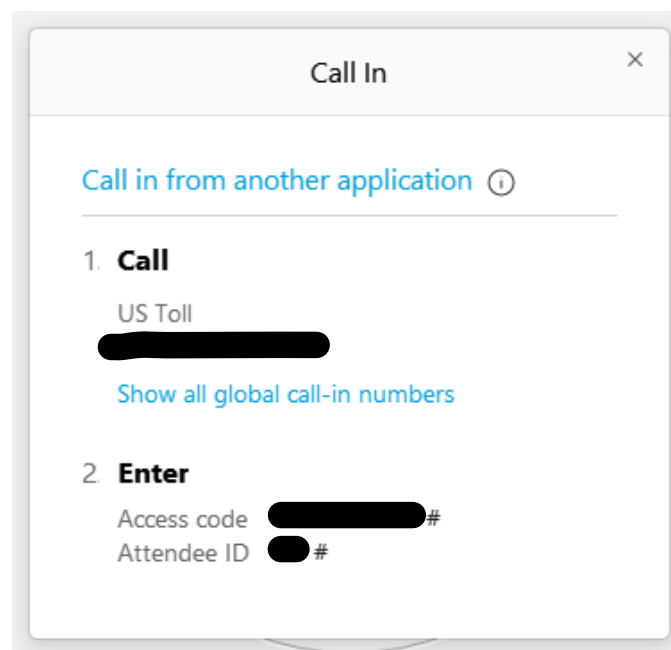
8. When the audio menu appears click 'Call in'.



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.

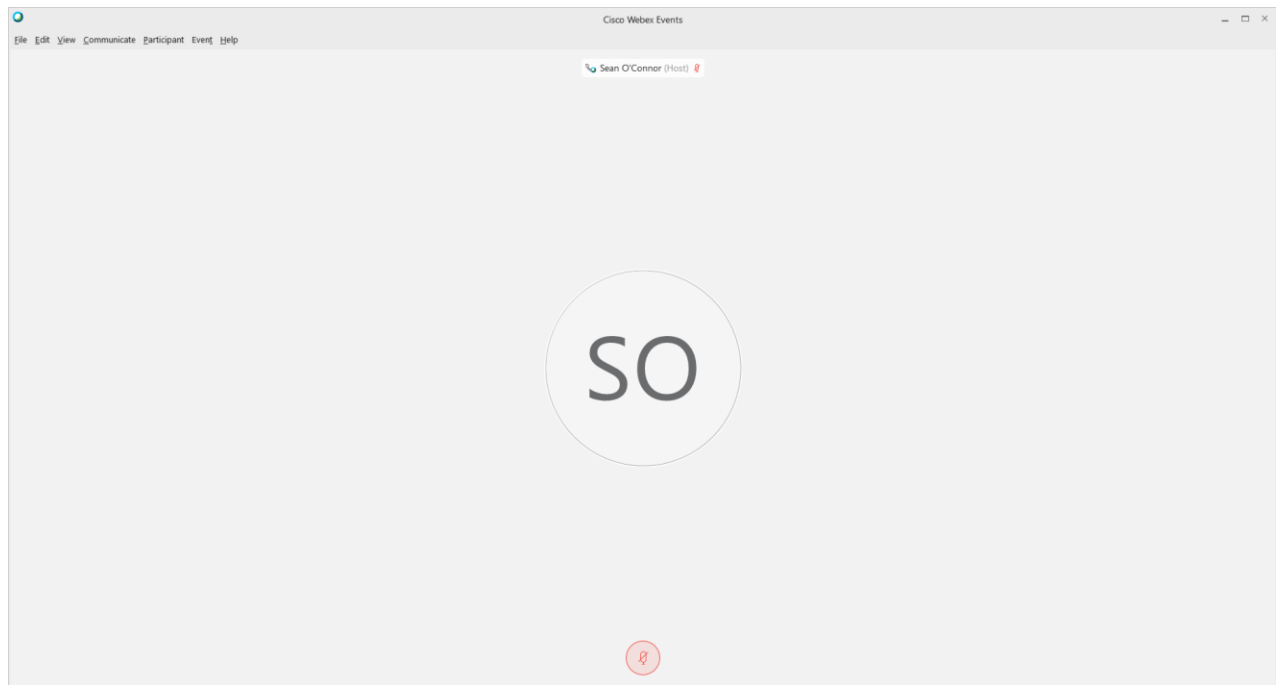


HOW TO – Join – DCA WebEx Event

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!

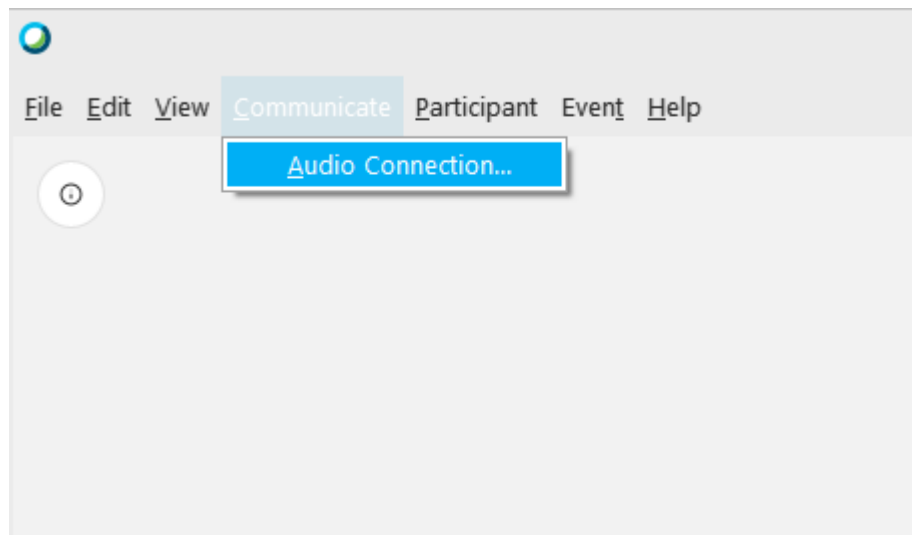


NOTE: Your audio line is muted and can only be unmuted by the event host.

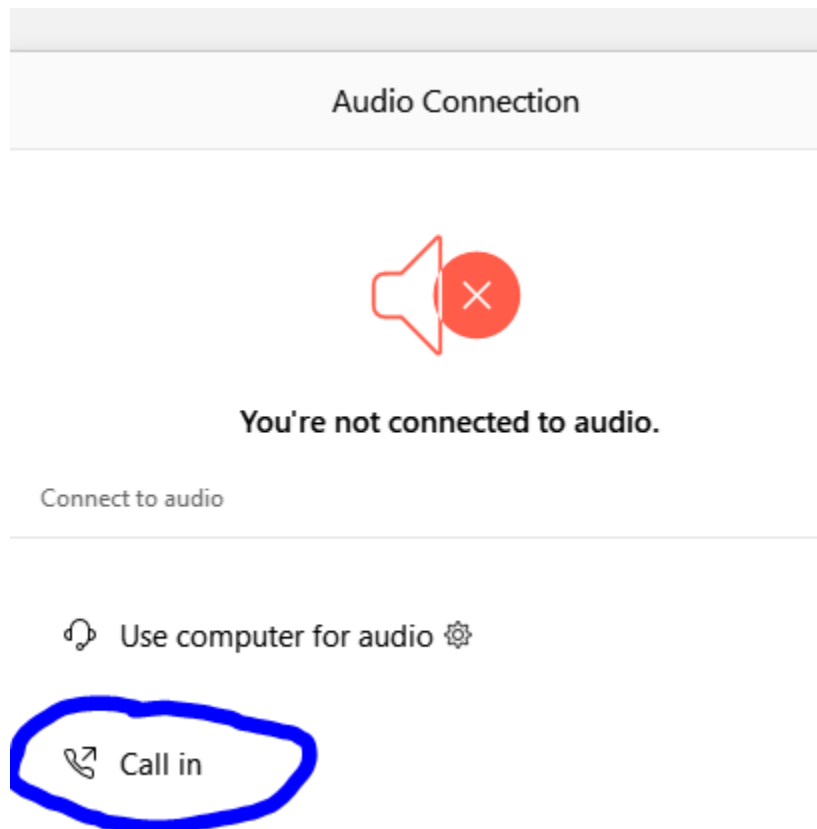
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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'

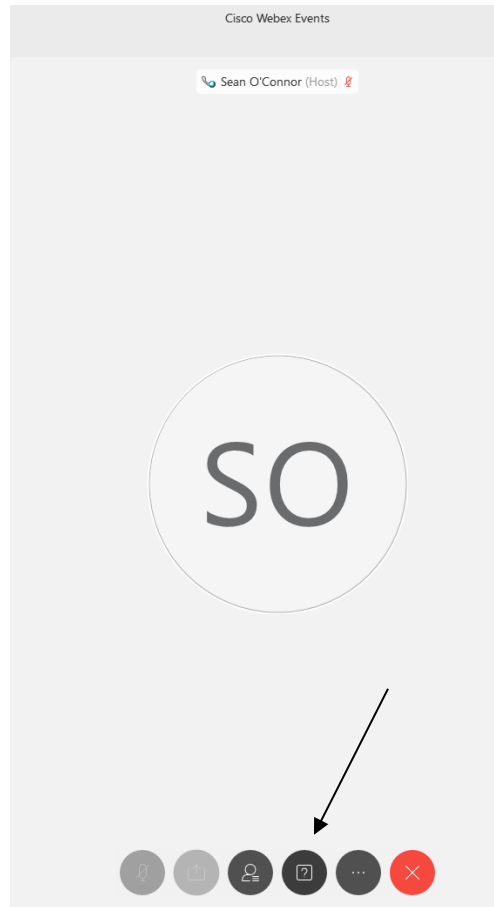


You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event

Participating During a Public Comment Period

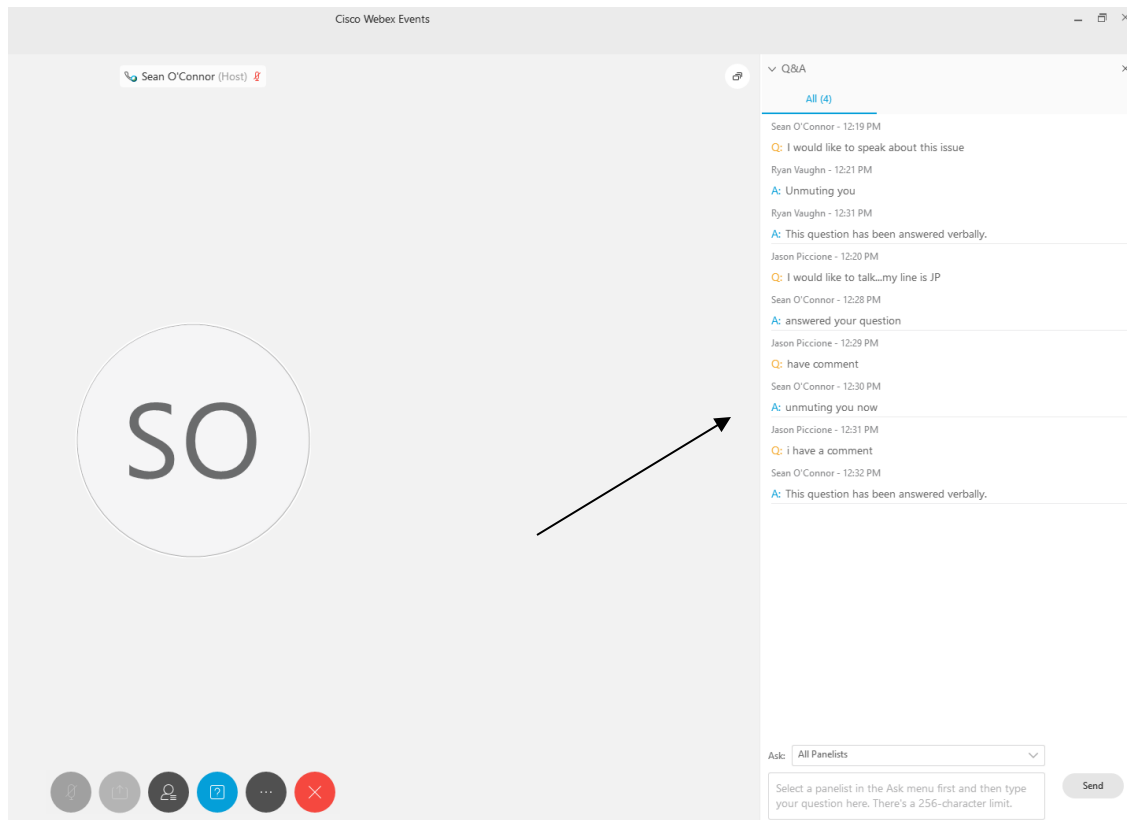
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

June 24, 2021

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



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Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

Physical Therapy Board of California

DRAFT Meeting Minutes

March 24, 2021 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

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1. Call to Order

10 The Physical Therapy Board of California (Board) meeting was called to order by
11 President Dr. Rabena-Amen at 9:00 a.m. and adjourned at 3:03 p.m. on March
12 24, 2021.

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2. Roll Call and Establishment of Quorum

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Armstrong - Present
Dominguez- Absent
Drummer - Present
Eleby - Present
Ervin - Present
McMillian - Present
Rabena-Amen - Present

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All members were present with the exception of Dr. Dominguez, and a quorum
was established. Also present at the meeting were: Michael Kanotz, PTBC Legal
Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Assistant Executive
Officer; Brooke Arneson, Board staff, and Trisha St. Clair, DCA SOLID Webcast
Moderator.

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3. Reading of the Board's Mission Statement

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.

4. 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.

5. Review and Approval of September 17, 2020, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft September 17, 2020, meeting minutes. Ms. Eleby requested that the word "who" on line 166 be edited to "whose." Ms. Eleby also asked that on line 183 capitalizing "H" in "Hats." Dr. Rabena-Amen requested that the training under Agenda Item 8 specify that it was a "prerecorded virtual training."

MOTION: Adopt the proposed September 17, 2020, Meeting Minutes as amended.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen – Aye
5-0 Motion Carried; 1 Abstention

6. Review and Approval of December 10, 2020, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft December 10, 2020, meeting minutes. Dr. Rabena-Amen asked that under Agenda Item 2 a sentence be added that Mr. Ervin was introduced.

MOTION: Adopt the proposed December 10, 2020, Meeting Minutes as amended.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen - Aye
5-0 Motion Carried; 1 Abstention

7. Review and Approval of February 24, 2021, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft February 24, 2021, meeting minutes.

MOTION: Adopt the proposed February 24, 2021, Meeting Minutes.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen - Aye
5-0 Motion Carried; 1 Abstention

8. President's Report

(A) 2021 Adopted Meeting Calendar

Mr. Kaiser stated that it may be necessary to add additional meeting dates towards the end of the year to accommodate the Sunset review process and that we would revisit this at the June 2021 meeting.

(B) 2022 Proposed Meeting Calendar

Mr. Kaiser stated that it may be necessary to add additional meeting dates in the beginning of 2022 to accommodate any changes that the Board would need to implement as a result of the Sunset Hearing.

Dr. Syms informed the Board that the CPTA Annual Conference for 2021 will be October 9-10 and it will be a virtual meeting.

9. Executive Officer's Report

(A) Administrative Services

Mr. Kaiser reported that the Administrative Services Unit has been very busy during the pandemic as it serves as a hub for PTBC responsibilities for Human Resources, Purchasing, Procurement, Facility, IT, Mail, Education, Outreach, Cashiering, Budgets, Legislation, Regulations, and Board Member Relations. Mr. Kaiser added that all of these services have seen an increase in workload since last March.

Mr. Kaiser stated that there has been a constant stream of recruitment for the PTBC as a result of the new BCP's and promotions. Due to the pandemic, the pool of candidates has been harder to reach, and conducting interviews via WebEx and other electronic formats has been difficult. Mr. Kaiser stated that currently the Administrative Services Unit is closing out the recruiting of three positions: an SSA in the Applications Unit tasked with out of state applications and military applications; an Office Technician to provide support to the Applications Unit; and an Office Technician to provide support to the Administrative Services Unit.

Mr. Kaiser updated the members that the Board's Assistant Executive Officer position has been filled by Ms. Elsa Ybarra and he extended his congratulations to her.

Mr. Kaiser also extended his congratulations to Ms. Julie Thao who has been promoted to SSA as Board Relations in the Administrative Services Unit.

Mr. Kaiser added that in the future PTBC will begin recruiting for a Staff Services Manager in the Enforcement Unit as the previous manager; Elsa Ybarra has been appointed as the Assistant Executive Officer of the PTBC and has been serving in both positions.

Mr. Kaiser reported that staff have transitioned to a 75% telework schedule and the Administrative Unit has assisted staff with the necessary equipment

and support for those working from home and this had been done while successfully relocating to the new suite.

(B) Board Member Appointments

Mr. Kaiser happily reported the appointment of two new members to the Board: Johnathon Ervin of Lancaster was appointed as a public member by the Speaker of the Assembly, Anthony Rendon; and Dale Armstrong was appointed as a professional member by the Governor.

Mr. Kaiser added that two members were reappointed to the Board: Dr. Alicia Rabena-Amen was been reappointed as a professional member by the Governor and Katarina Eleby was reappointed as a public member by the Governor. Mr. Kaiser stated that the PTBC now has a full Board.

(C) PTBC Relocation

Mr. Kaiser reported that PTBC is about 85% done with the relocation to the new suite, with the pandemic making the relocation difficult. Mr. Kaiser stated that there are still some IT issues to work through and the Board will be transitioning to a new phone system and a new printing network. He added that a new filing system was also purchased from the California Prison Industry Authority and the pandemic created delays; however, staff have been utilizing the old filing system and the new filing equipment is expected to be received in mid-May. Mr. Kaiser thanked staff for their ability to acclimate to this current climate and situation.

Dr. Rabena-Amen congratulated Julie Thao on her promotion at the Board.

Dr. Rabena-Amen asked how the appointment of the Board's Assistant Executive Officer (AEO) has lessened the Executive Officers workload and asked when the search for the Enforcement Manager will take place. Mr. Kaiser responded that the Enforcement Manager recruitment will take approximately 3 months start to finish and it is anticipated that it will be filled by July 1st, 2021. Mr. Kaiser responded that Ms. Ybarra, the Board's newly appointed AEO, has made it possible for the PTBC to be in two places at the same time for any scheduling conflicts, and in enforcement, with case review and working as the complainant in the enforcement unit which frees the Executive Officer to address the more complex cases. Mr. Kaiser added that having an AEO also greatly assists with the teleworking schedule as there is always an executive decision maker available to staff at PTBC.

201 **10. Discussion Regarding Waivers Issued by the Director of the California**
202 **Department of Consumer Affairs**

203 (A) DCA Waiver DCA-20-01 Continuing Education

- 204 a. First Extension- DCA Waiver-20-27
- 205 b. Second Extension- DCA Waiver DCA-20-53
- 206 c. Third Extension- DCA Waiver DCA-20-69
- 207 d. Fourth Extension- DCA Waiver DCA-20-89
- 208 e. Fifth Extension- DCA Waiver DCA-21-117

209 (B) DCA Waiver DCA-20-02 Reinstatement of Licensure

210 (C) DCA Waiver DCA-20-09- Examination Requirement for Continued
211 Physical Therapy

- 212 a. First Extension- DCA Waiver-20-28
- 213 b. Second Extension- DCA Waiver DCA-20-46
- 214 c. Third Extension- DCA Waiver DCA-20-75
- 215 d. Fourth Extension- DCA Waiver DCA-20-95
- 216 e. Fifth Extension- DCA Waiver DCA-21-122

217 (D) DCA Waiver DCA-20-25- Extending Time to Satisfy Examination
218 Requirements

- 219 a. First Extension- DCA Waiver-20-66
- 220 b. Second Extension- DCA Waiver DCA-20-78
- 221 c. Third Extension- DCA Waiver DCA-21-107

222
223 Ms. Arneson reported on the waivers and the most recent extensions
224 applicable to physical therapist and physical therapist assistant licensees
225 that were granted during the state of emergency resulting from COVID-
226 19.

227
228 Mr. Kaiser added that the three most recent waiver extensions mentioned
229 are close to expiring and that there is constant conversation between
230 DCA Boards and the Director of DCA to address any further extensions
231 that might be necessary.
232

233 **11. Consumer and Professional Associations and Intergovernmental**
234 **Relations Reports**

235
236 **(A) Federation of State Boards of Physical Therapy (FSBPT)**
237

238 There was no representative on behalf of FSBPT. Mr. Kaiser stated that FSBPT
239 has been holding frequent WebEx trainings that FSBPT has been providing in

240 lieu of their Leadership Issues Forum, which is usually attended in person;
241 however, it has been held virtually due to the pandemic.

242
243 **(B) Department of Consumer Affairs (DCA) – Executive Office**
244

245 Ms. Carrie Holmes, Deputy Director for Board and Bureau Relations, provided
246 the Board with an update on behalf of DCA. Ms. Holmes reported that the
247 pandemic continues to impact every aspect of work for DCA and that DCA
248 offices remain open with preventative measures to safeguard the health and
249 safety of employees and visitors. Ms. Holmes added that DCA Boards and
250 Bureaus are maximizing telework to reduce risk for all employees and public
251 health measures such as social distancing, face coverings and frequent
252 handwashing are required for employees who cannot telework.

253
254 Ms. Holmes announced that on January 12, 2021, Governor Newsom appointed
255 Monica Vargas as Deputy Director of Communications at DCA. In addition, on
256 February 2, 2021, Governor Newsom appointed Sarah Murillo as Deputy
257 Director of Administrative Services at DCA.

258
259 Ms. Holmes reminded Board members that Form 700 filings are due by April 1,
260 2021. In addition, Ms. Holmes stated that 2021 is a mandatory sexual
261 harassment prevention training year which means all employees and Board
262 members are required to complete the online training.

263
264 Ms. Holmes stated that Director Kirchmeyer is launching two exciting new
265 initiatives for 2021. The first initiative is the Enlightened Licensing Project which
266 is a work group formed to utilize licensing subject matter experts within DCA in
267 order to help individual Boards and Bureaus streamline and make their licensing
268 processes more effective and efficient by utilizing best practices, information
269 technology, and cost-saving measures. The second initiative is an Executive
270 Officer Cabinet which is a group of Board and Bureau executives, including
271 PTBC's Executive Officer, Jason Kaiser. This cabinet will maintain regular
272 communication, provide feedback and information to DCA, and assist with
273 special projects that will impact all DCA Boards and Bureaus.

274
275 Ms. Holmes added that PTBC was recently featured in DCA's Did You Know
276 Newsletter as an example of going above and beyond to serve the public. DCA
277 received a thank you letter from a student who is struggling through the
278 pandemic and with the administrative help of PTBC staff he was able to resolve
279 his test scheduling challenges and ultimately was successful in obtaining
280 licensure.

Dr. Rabena-Amen thanked DCA for the Board Member Orientation Training and President Training provided by DCA she recently attended and found them both to be very informative and helpful.

(C) California Physical Therapy Association (CPTA)

Ms. Stacy DeFoe, Executive Director for the California Physical Therapy Association, presented on behalf of CPTA.

Ms. DeFoe reported that the CPTA office has remained open during the pandemic and is following state COVID guidelines. CPTA staff are working partially remotely with staggered schedules to reduce the number of staff in the office at the same time.

Ms. DeFoe stated that CPTA is utilizing virtual format for meetings, committee meetings, and education, and this year's Annual CPTA Conference on October 9-10th will be held virtually. Ms. DeFoe added that hopefully next year's Annual CPTA Conference, September 24-25th, 2022, in Anaheim will be a face-to-face conference.

Ms. DeFoe reported that CPTA held a virtual legislative week on March 8th and that Assembly Member Cunningham attended the event who is the author of a bill CPTA is sponsoring. In addition, CPTA held a Student Conclave virtually on March 20th and thanked PTBC for their participation.

Ms. DeFoe stated that CPTA is sponsoring AB 1468 which is designed to increase patient access to physical therapists by strengthening laws that govern decision making and transparency by health plans, insurers, and third-party administrators. Ms. DeFoe added that this bill addresses practices by health plans that are using automated systems based on algorithms, to make determinations. They do this early on and it requires several "red tape" steps which create delays for the patient. She added that this bill takes on that practice by saying that if health plans are going to use algorithms, they must be transparent and accessible, and that the utilization review needs to be done by a healthcare practitioner licensed in the state. The bill also will not allow plans to set up prior authorization hurdles during the initial 12 visits related to every new episode of care. Ms. DeFoe added that CPTA has a collation of support and asked the Board to look at AB 1468 and possibly support it as well.

12. DCA Budget Unit- Presentation of Services

Ms. Rene Milano, DCA Budget Manager, provided a WebEx presentation on the services the DCA Budget Office provides to the Board.

325
326 **13. Legislation Report – Brooke Arneson**
327 (A) 2019/20 Legislative Session Summary
328

329 Ms. Arneson presented the legislative report and provided the members with an
330 update on how the COVID-19 pandemic has impacted the legislative calendar.
331 Ms. Arneson referred the members to the legislative summary in the meeting
332 materials and discussed the current status and changes to each bill since the
333 last Board meeting as follows:
334

335 i. AB 29 (Cooper) State Bodies: Meetings
336

337 Ms. Arneson reported that AB 29 is in the Assembly Committee on
338 Governmental Organization.
339

340 Dr. Drummer asked what happened with the similar bill from last session
341 and Ms. Arneson responded that it died in the second house a few weeks
342 before the legislative deadline. Mr. Kaiser added that many bills were not
343 considered due to the pandemic and not being deemed urgent.
344

345 ii. AB 54 (Kiley) COVID-19 Emergency Order Violation: License Revocation
346

347 Ms. Arneson reported that AB 54 is in the Assembly Business and
348 Professions Committee and the Governmental Organization Committee.
349

350 iii. AB 107 (Salas) Licensure: Veterans and Military Spouses
351

352 Ms. Arneson reported that AB 107 is in the Assembly Business and
353 Professions Committee and is similar to another bill from last legislative
354 session and the Board has an exemption from this bill.
355

356 iv. AB 225 (Gray, Gallagher, and Patterson) DCA: Boards: Veterans: Military
357 Spouses: Licenses
358

359 Ms. Arneson reported that AB 225 is in the Assembly Business and
360 Professions Committee
361

362 v. AB 339 (Lee and Cristina Garcia) State and Local Government: Open
363 Meetings
364

365 Ms. Arneson reported that AB 339 is still pending referral.
366

vi. AB 646 (Low) DCA: Boards: Expunged Convictions

Ms. Arneson reported that AB 646 is in the Assembly Business and Professions Committee.

vii. AB 657 (Bonta) State Civil Service System: Personal Services Contracts: Professionals

Ms. Arneson reported that AB 657 is in the Assembly Committee on Public Employment and Retirement.

viii. SB 102 (Melendez) COVID-19 Emergency Order Violation: License Revocation

Ms. Arneson reported that SB 102 is in the Senate Business and Professions Committee.

ix. SB 772 (Ochoa Bogh) Professions and Vocations: Citations: Minor Violations

Ms. Arneson reported that SB 772 is in the Senate Business and Professions Committee.

Ms. DeFoe, Executive Director of CPTA asked how PTBC would be exempt from AB 107 (Salas) Licensure: Veterans and Military Spouses. Mr. Kaiser responded that for the predecessor to this bill during last legislative session, PTBC worked with the author's office and had a lengthy discussion with Veterans Affairs and CalVet and asked to be exempted from that bill because a temporary license issued for a military spouse would take longer than the Board's current PTLA status.

14. Rulemaking Report – Brooke Arneson

(A) 2019 Rulemaking Update

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

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

Ms. Arneson reported that the Disciplinary Guidelines are currently with DCA Legal for review and at the September 2020 meeting, the Board made some

409 slight modifications and staff are currently working with DCA Legal to make
410 some final revisions to the package and get it to DCA Exec for final review so
411 it can be sent to Agency for their review.

412
413 ii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as
414 a Physical Therapist or Physical Therapist Assistant/Coursework Tool

415
416 Ms. Arneson reported that this rulemaking package was submitted to DCA
417 Legal for their review September 2020.

418
419 iii. FSBPT's Performance Evaluation Tool for Foreign Educated Physical
420 Therapists Completing a Supervised Clinical Practice in the United States

421
422 Ms. Arneson reported that this rulemaking package was submitted to DCA
423 Legal for their review September 2020.

424
425 iv. Substantial Relationship Criteria; Rehabilitation Criteria for Denial and
426 Reinstatement of Licensure; Rehabilitation Criteria for Suspensions and
427 Revocations

428
429 Ms. Arneson reported that the Notice was published by the Office of
430 Administrative Law on June 26, 2020 and the 45-day public comment period
431 ended on August 21st. Ms. Arneson added that the Board will review a written
432 comment received under Agenda Item 14(B) today.

433
434 v. License Renewal Exemptions: Retired License Status

435
436 Ms. Arneson reported that staff will be presenting proposed language for
437 Board consideration under Agenda Item 14(C) today.

438
439 vi. Continuing Competency

440
441 Ms. Arneson reported that all other items on the rulemaking tracking form are
442 for potential rulemaking packages that will be presented to the Board for
443 consideration in the upcoming year.

444
445 **14. Rulemaking Report – *Brooke Arneson***

446 **(B) Discussion and Possible Board Action regarding the Substantial**
447 **Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement**
448 **of Licensure; and Rehabilitation Criteria for Suspensions and Revocations**
449 **Regulation**

Mr. Kaiser presented the public comment received on proposed amendments to 16 CCR sections 1399.20, 1399.21 and 1399.22 related to Substantial Relationship and Rehabilitation Criteria. Mr. Kaiser added that the public comment that the Board received stated that the proposed language in the regulatory package appear to be vaguer and less clear than the Board's current existing regulations before the passage of AB 2138. Mr. Kaiser stated that the Board understands the concerns raised from the public comment; however, the proposed language is a result of the legislation from AB 2138, and while our current language does have more clarity; the legislation that it is rooted from has changed.

Mr. Kaiser stated that the proposed language has been vetted with DCA Agency and the Office of Administrative Law. Mr. Kaiser added that any changes to the proposed language as raised by the received public comment, would have to occur at the legislative level.

Dr. Drummer asked where this regulatory package is at in the rulemaking process and Mr. Kaiser responded that the public comment period recently commenced, and it is entering the final phase of review where the Board is addressing comments received and having a public hearing if necessary. Dr. Drummer asked if this proposed language has already been through DCA Legal for review and Mr. Kaiser responded yes, and Agency has also been involved in the development and review of the proposed language.

Dr. Drummer asked Board legal counsel's opinion on the public comment received and Mr. Kanotz, Boards legal counsel, deferred to DCA's Regulatory Attorney, Clay Jackson. Mr. Jackson responded that Ms. Wong, since writing the public comment received, has passed the bar and now is an attorney and is also a licensed physical therapist. Mr. Jackson added that the Board is required to follow the statute and legislation from AB 2138, which the proposed regulatory language does, and the Board's proposed language is not in conflict with the statute. Mr Jackson stated that if there are legislative issues that concern Ms. Wong, she needs to bring those to the Board specifically or pursue them with the legislature.

MOTION: Move to direct the Executive Officer and staff to accept the comments on the Board's behalf, but reject the action(s) requested in the comments, provide the

response to the comments (as indicated in the meeting materials), and authorize the Executive Officer to take the necessary actions to finalize the text and other documents, including delegating to the Executive Officer the authority to make any technical, grammatical or non-substantive changes that may be required in completing the rulemaking file, and then taking all steps necessary to file the regulation package with the DCA Executive Office, the California Business, Consumer Services and Housing Agency and then with the Office of Administrative Law, to complete the rulemaking process.

M/S: Eleby/McMillian

VOTE: Armstrong- Aye
Dominguez- Absent
Drummer – Aye
Eleby – Aye
Ervin – Aye
McMillian – Aye
Rabena-Amen - Aye
6-0 Motion carried

(C) Discussion and Possible Board Action regarding License Renewal Exemption: Retired License Status Regulation

Mr. Kaiser presented proposed language establishing procedures for the holder of a current unrestricted license to apply for retired license status for Board consideration and discussion. Mr. Kaiser provided a brief history of the retired license regulation package and retired license issue.

Mr. Kaiser stated that the PTBC retired license rulemaking package is modeled after a couple other DCA Boards that have similar language and was approved by the Office of Administrative Law. Mr. Kaiser added that staff anticipate completing a fee study to determine the administrative fee by the June Board meeting.

Mr. Kaiser directed members to the highlighted areas in the proposed language which are form numbers that will be inserted at a later date. He stated that PTBC has a current application that is utilized for retired license status that is

530 simple and works very well and is not as complex as a renewal transaction. Mr.
531 Kaiser stated that there would be an ability for a licensee to come out of
532 retirement, and as long as they come out of retirement within five years (and not
533 allow their license to go into cancelled status), they could return to active status
534 just by paying the initial renewal fee and attest under penalty of perjury that they
535 had 30 hours of continuing education within the last two years and they would
536 return to active status.

537
538 Mr. Kanotz, Board legal counsel, added that he assisted staff with drafting the
539 proposed regulatory language. He clarified that at five years, the way BPC 464
540 authorizes this regulation, the retired license would not go into cancelled status.
541 He stated that the license would remain in retired license status unless or until
542 the retired licensee fulfilled the requirements that are listed in the regulation:
543 complete a different form that would restore the license to active status; pay the
544 biannual renewal fee; satisfy continuing competency requirements; and if
545 necessary, fulfill the fingerprinting requirements if they are not already on file
546 already with DOJ.

547
548 Dr. Rabena-Amen asked for clarification that the retired license would stay in
549 retired license status forever unless steps were taken to restore the retired
550 license to active status and whether what Mr. Kanotz said is correct: that the
551 retired license would not go into cancelled status after five years and would
552 remain in retired license status in perpetuity.

553
554 Mr. Kaiser stated that he respectfully disagreed with Board legal counsel and
555 asked counsel to review BPC 2647, which states that a person who fails to
556 renew his or her license within five years after its expiration may not renew it,
557 and it shall not be reissued, reinstated or restored thereafter; however, the
558 person may apply for a new license if he or she satisfies the requirements set
559 forth in article 3 commencing with BPC 2635.

560
561 Dr. Drummer asked how a delinquent status impacts a licensee's ability to go
562 into retired status and Mr. Kanotz replied that an individual who is currently in
563 delinquent status would not be able to enter retired license status until the
564 delinquent status was resolved and Mr. Kaiser agreed.

565
566 Mr. Kaiser and Mr. Kanotz agreed to discuss the issues identified above and
567 come back to the Board with a more definitive answer and not have the Board

take any action today. Mr. Kaiser added he was curious to see how this issue has worked out for other Boards that have been successful in passing regulatory language for retired license status.

15. Administrative Services Quarterly Update

(A) Budget Report

Mr. Kenneth Meiss, the Board's budget analyst presented the Budget Report and reported that the budget increased 9.4% from last fiscal year. He added that on 3/27/20 the DCA Budget Office initiated COVID-19 cost tracking which directs PTBC to track all costs weekly associated with COVID-19; including staff salaries for time spent on COVID-19 workload. Mr. Meiss reported that PTBC's budget is healthy and thanked DCA's budget office for their help and assistance.

Dr. Drummer asked why expenditures have grown so much this year and Mr. Meiss responded that it is mainly due the move to the new PTBC suite. Mr. Kaiser added that there was an increase in capital investment due to the new move and for staff being able to telework due to the pandemic which increased expenditures.

Dr. Rabena-Amen asked if the staff member on loan for COVID-19 contact tracing was still doing that and Mr. Kaiser responded yes, he is and will continue doing so until July 1, 2021.

(B) Outreach Report

Ms. Beauchamps reported that on the PTBC website there was a 10% decrease in traffic for quarter 1 and a 6% decrease in quarter 2 which is attributed to outreach efforts to go paperless and directing applicants and licensees to go directly to BreEZe.

Ms. Beauchamps stated that for Facebook statistics, for quarter 1 there were 27,350 people accessing the Board's Facebook page which was a 1% decrease in traffic and for quarter there were 12,320 people accessing the Facebook page which was a 55% decrease in traffic. Ms. Beauchamps stated that this decrease is attributed to the current pandemic and also historically, quarter 2 traffic always decreased because of holidays and social media usage during this time.

Ms. Beauchamps stated that PTBC has had a goal of reaching every PT and PTA program by the end of our strategic plan. She relayed that although we

610 have not been able to travel to the schools as originally planned due to the
611 pandemic, PTBC has provided 14 outreach presentations virtually since the
612 start of the pandemic. Ms. Beauchamps added that PTBC has been to 20
613 of the 32 PT and PTA programs.

614
615 Ms. Beauchamps added that PTBC attended CPTA's virtual Student
616 Conclave on March 20th and there are two new programs that PTBC will be
617 visiting.

618
619 Ms. Beauchamps stated that the Winter 2020 Progress Notes are out and
620 can be accessed on our website in the publications tab.

621
622 **16. Application Services Quarterly Update**

623 (A) Program Statistics

624 (B) Statistical Reports

625
626 Ms. Conley thanked her Application Services, Licensing Services and
627 Continuing Competency Services staff for all of their hard work over the past
628 year during the pandemic.

629
630 Ms. Conley reported that her staff continued to not only meet their mandate
631 as the first step in consumer protection by evaluating applicants'
632 qualifications for licensure during the pandemic, but also took the
633 opportunity to identify innovative ways in which to meet stakeholders needs.

634
635 Ms. Conly reported that the Application Services unit are finalizing the
636 recruitment process for two positions; a military endorsement analyst and
637 the second being an OT to support the applications program.

638
639 Ms. Conley stated that there has not been a decrease in initial licenses
640 issued and there has not been a huge impact with the pandemic. She
641 added that there were things to consider initially with the exam, however
642 FSBPT worked diligently to provide access to applicants.

643
644 Ms. Conly added that PTBC has implemented a lot of automation and is
645 currently working on updating the phone system so the phones can be
646 answered offsite, which will make the applications program accessible from
647 any location and provides additional flexibility for staff and increases
648 services for stakeholders.

649
650 **17. Licensing Services Quarterly Update**

651 (A) Program Statistics

652 (B) Statistical Reports

653
654 Ms. Conley reported that the Licensing Services Unit has been moving
655 towards reconciliation rather than processing and with all of the automation
656 processes available through BreEZe, licensees now can process their own
657 requests if they meet the requirements through the BreEZe system.
658

659 **18. Continuing Competency Services Quarterly Update**

660 (A) Program Statistics

661 (B) Statistical Reports
662

663 Ms. Conley reported that due to the pandemic, the Board has had to redirect
664 continuing competency resources to Application Services to help with the
665 operational need, therefore no licensee audit data is being reported at this
666 meeting.
667

668 **19. Consumer Protection Services Quarterly Update**

669 (A) Program Statistics

670 (B) Statistical Reports
671

672 Ms. Ybarra reported that enforcement staff continue to telework 3-4 days a
673 week and come into the office 1-2 days a week and thanked staff for their
674 hard work and commitment. Ms. Ybarra stated that healthier lifestyles have
675 been reported as a result of working from home as well as providing relief
676 to potential exposure to COVID-19.
677

678 Ms. Ybarra stated that the Attorney General's (AG) Office implemented a
679 new system to transmit cases for discipline called the FX File Exchange
680 which allows for cases to be transmitted electronically to the AG's office,
681 which they can receive the same day that it is transmitted and does not
682 require staff to make physical copies of the entire case transmitted.
683

684 (C) Processing Verification of Licensure
685

686 Mr. Vincent Azar walked the Board through the process of verification of
687 licensure.
688

689 **20. Probation Monitoring Services Quarterly Update**

690 (A) Program Updates

691 (B) Statistical Reports
692

693 Mr. Martin reported that over the first two quarters of the fiscal year more
694 licensees have completed probation than enter into probation which is true

for the entire calendar year of 2020 due to the pandemic since PTBC was not getting any new cases.

Mr. Martin reported that PTBC has moved its invoicing for probation monitoring and cost recovery to be exclusively in BreEZe and now probationers are able to see all future payments and their due dates for the entire period of probation. Mr. Martin added that this also allows probationers to budget accordingly and make payments for what is currently due or what will be due in the future and the new process seems to be working great.

Mr. Martin stated that he started utilizing Microsoft Teams to conduct face-to-face probation monitoring interviews with a small number of probationers and the test interviews were successful, and PTBC now has plans to continue expanding the use of Microsoft Teams to conduct probation monitoring interviews.

21. Board Member Elections
(A) President

NOMINATION:

Ms. Eleby nominated Dr. Rabena-Amen as Board President.

NOMINEE:

Dr. Rabena-Amen

MOTION:

To elect Dr. Rabena-Amen as Board President.

M/S:

Eleby/Drummer

Dr. Rabena-Amen accepted the nomination.

VOTE:

Armstrong- Aye

Dominguez- Absent

Drummer – Aye

Eleby – Aye

Ervin – Aye

McMillian – Aye

Rabena-Amen - Aye

6-0 Motion carried

Dr. Alicia Rabena-Amen elected President for 2021.

(B) Vice-President

736 **NOMINATION:** Ms. McMillian nominated Ms. Eleby as Board
737 Vice-President.
738 **NOMINEE:** Eleby
739 **MOTION:** To elect Ms. Eleby as Board Vice-President.
740 **M/S:** McMillian/Armstrong
741 Ms. Eleby accepted the nomination.
742
743 **VOTE:** Armstrong- Aye
744 Dominguez- Absent
745 Drummer – Aye
746 Eleby – Aye
747 Ervin – Aye
748 McMillian – Aye
749 Rabena-Amen - Aye
750 6-0 Motion carried
751
752 Ms. Eleby elected Vice-President for 2020.
753

754 **(C) FSBPT Delegate**
755

756 **NOMINATION:** Ms. McMillian nominated Mr. Ervin as Board
757 FSBPT Delegate.
758 **NOMINEE:** Ervin
759 **MOTION:** To elect Mr. Ervin as Board's FSBPT
760 Delegate.
761 **M/S:** Drummer/Eleby
762 Mr. Ervin accepted the nomination.
763
764 **NOMINATION:** Dr. Drummer nominated Ms. McMillian as Board
765 FSBPT Delegate.
766 **NOMINEES:** McMillian
767 **MOTION:** To elect Ms. McMillian as Board FSBPT
768 Delegate
769 **M/S:** Drummer
770 Ms. McMillian declined the nomination.
771
772 **VOTE:** Armstrong- Aye
773 Dominguez- Absent
774 Drummer – Aye
775 Eleby – Aye
776 Ervin – Abstain

777 McMillian – Aye
778 Rabena-Amen - Aye
779 5-0 Motion carried, 1 Abstention
780 Mr. Ervin elected FSBPT Delegate for 2021.
781

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

784 **NOMINATION:** Ms. McMillian nominated Dr. Armstrong as
785 Board FSBPT Alternate Delegate
786 **NOMINEE:** Dr. Armstrong
787 **MOTION:** To elect Dr. Armstrong as Board FSBPT
788 Alternate Delegate.
789 **M/S:** McMillian/Drummer
790 Dr. Armstrong accepted the nomination
791
792 **VOTE:** Armstrong- Aye
793 Dominguez- Absent
794 Drummer – Aye
795 Eleby – Aye
796 Ervin – Aye
797 McMillian – Aye
798 Rabena-Amen - Aye
799 6-0 Motion carried
800 Ms. McMillian elected FSBPT Alternate
801 Delegate for 2021.
802

803 **(E) FSBPT Back-up Alternate Delegate**
804

805 The Board determined to use the procedure of establishing back-up alternate
806 delegates in alphabetical order by last name of Board members.
807

808 Backup Alternate Delegates for 2021 are:

809 Dr. Dominguez
810 Dr. Drummer
811 Ms. Eleby
812 Dr. Rabena-Amen
813 Ms. McMillian
814

815 **M/S:** Rabena-Amen/Drummer
816

817 **VOTE:** Armstrong- Aye
818 Dominguez- Absent

819 Drummer – Aye
820 Eleby – Aye
821 Ervin – Aye
822 McMillian – Aye
823 Rabena-Amen - Aye
824 6-0 Motion carried
825

826 **22. Public Comment on Items Not on the Agenda**

827 *Please note that the Board may not discuss or take action on any matter raised*
828 *during this public comment section that is not included on this agenda, except*
829 *to decide whether to place the matter on the agenda of a future meeting.*
830 *[Government Code sections 11125, 11125.7(a).]*
831

832 There was no public comment.
833

834 **23. Agenda Items for Future Meeting –**
835

836 June 24-25, 2021
837 Department of Consumer Affairs
838 WebEx
839

840 Dr. Drummer asked that the legal and practice opinions the Board provided
841 last Fall regarding PT's managing line/drains and oxygen titration be
842 distributed to members. Mr. Kaiser responded that they would be included in
843 the June meeting materials.
844

845 Ms. Eleby asked that a Division of Investigation training be given to the
846 members. Mr. Kaiser responded that there is a presentation of services by the
847 AG scheduled for the June 2021 meeting and asked if members would prefer a
848 DOI training or AG training first and Ms. Eleby responded that she would prefer
849 an AG training be provided first and DOI second.
850

851 **24. Closed Session**

- 852 (A) Pursuant to Government Code section 11126(c)(3), the Board will
853 Convene to Deliberate on Disciplinary Actions and Decisions to be
854 Reached in Administrative Procedure Act Proceedings.
855 (B) Pursuant to Government Code section 11126(a)(1), the Board will
856 Convene to Consider the Evaluation of Performance of the Executive
857 Officer.
858

859 The Board entered closed session at 2:44 p.m. and reconvened into open
860 session to adjourn at 3:03 p.m. on March 24, 2021.

861

862 **25. Reconvene Open Session**

863

864 The Board reconvened from closed session into open session to adjourn at 3:03
865 p.m. on March 24, 2021.

866

867 **25. Adjournment**

868

869 The meeting adjourned at 3:03 p.m. on March 24, 2021.

870

871

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 WebEx	6	PTA NPTE
6	PTA NPTE	1-28	APTA Sections Meeting Virtual Event	31	César Chávez Day	20	CPTA Student Conclave Virtual Event
15	APTA Founders Day APTA Social Media					4	Easter
18	Martin Luther King Jr					28	PT NPTE
26	PT NPTE						
May		June		July		August	

6	Labor Day						6	PTA NPTE						11	Veteran's Day						9-10	PTBC Meeting WebEx					
10-14	APTA Centennial Gala Washington, DC						9-10	CPTA Annual Meeting TBD						25	Thanksgiving						25	Christmas					
15-16	PTBC Meeting WebEx						22-23	FSBPT Annual Meeting Virtual Event																			
							27	PT NPTE																			
							31	Halloween																			

Physical Therapy Board of California

Proposed 2022 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			1	2	3	4	5			1	2	3	4	5						1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31			24	25	26	27	28	29	30
30	31																										

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

May		June		July		August	
8	Mother's Day	TBD	FSBPT REG Training	4	Independence Day		
30	Memorial Day		TBD	6	PTA NPTE		
		19	Father's Day	TBD	FSBPT LIF		
		23-24	PTBC Meeting Sacramento, CA		Alexandria, VA		
				27&28	PT NPTE		

September		October		November		December	
5	Labor Day	6	PTA NPTE	TBD	FSBPT Annual Meeting	8-9	PTBC Meeting
TBD	APTA Centennial Gala	26	PT NPTE	TBD	TBD		Sacramento, CA
	TBD	31	Halloween	11	Veteran's Day	26	Christmas
14-15	PTBC Meeting TBD Bay Area, CA			24	Thanksgiving		
22-25	CPTA Annual Meeting Anaheim, CA						



Briefing Paper

Agenda Item 8(A)

Date: 6/8/21

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
 - a. First Extension - DCA Waiver DCA-20-27
 - b. Second Extension - DCA Waiver DCA-20-53
 - c. Third Extension - DCA Waiver DCA-20-69
 - d. Fourth Extension - DCA Waiver DCA-20-89
 - e. Fifth Extension - DCA Waiver DCA-21-117
 - f. Sixth Extension - DCA Waiver DCA-21-134
 2. DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension - DCA Waiver DCA-20-57
 3. DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension - DCA Waiver DCA-20-28
 - b. Second Extension - DCA Waiver DCA-20-46
 - c. Third Extension - DCA Waiver DCA-20-75
 - d. Fourth Extension - DCA Waiver DCA-20-95
 - e. Fifth Extension – DCA Waiver DCA-21-122
 - f. Sixth Extension – DCA Waiver DCA-21-148
 4. DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension - DCA Waiver DCA-20-66
 - b. Second Extension - DCA Waiver DCA-20-78
 - c. Third Extension - DCA Waiver DCA-21-107
 - d. Fourth Extension - DCA Waiver DCA-21-131

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 eight 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.

- a. **First Extension - DCA-20-27 Extending DCA Waiver DCA-20-01 (7/1/20)** – Extends DCA waiver DCA-20-01 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between July 1st and August 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - b. **Second Extension - DCA-20-53 Extending DCA Waiver DCA-20-01 (8/27/20)** – Supersedes DCA waiver DCA-20-27 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and October 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - c. **Third Extension - DCA-20-69 Extending DCA Waiver DCA-20-01 (10/22/20)** – Supersedes DCA waiver DCA-20-53 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and December 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - d. **Fourth Extension - DCA-20-89 Extending DCA Waiver DCA-20-01 (12/15/20)** – Supersedes DCA waiver DCA-20-69 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between January 1st and February 28th. Licensees must complete continuing competency requirements within six months of the date of the order.
 - e. **Fifth Extension - DCA-21-117 Extending DCA Waiver DCA-20-01 (2/26/21)** – Supersedes DCA waiver DCA-20-89 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 1st and March 31st. Licensees must complete continuing competency requirements within six months of the date of the order.
 - f. **Sixth Extension - DCA-21-134 Extending DCA Waiver DCA-20-01 (3/30/21)** – Supersedes DCA waiver DCA-20-117 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and May 31st. Licensees must complete continuing competency requirements within six months of the date of the order.
2. **DCA-20-02 Reinstatement of License (3/3/20)** – 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.
 - a. **First Extension - DCA-20-57 Extending DCA Waiver DCA-20-02 (9/1/20)** – Extends DCA waiver DCA-20-02 and 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.

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.
- a. **First Extension - DCA-20-28 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (7/1/20)** – Extends DCA Waiver DCA-20-09 and 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 an additional 60 days, on September 3, 2020, unless further extended.
 - b. **Second Extension - DCA-20-46 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (8/27/20)** – Extends DCA Waiver DCA-20-09 and 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 an additional 60 days, on November 2, 2020, unless further extended.
 - c. **Third Extension - DCA-20-75 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (10/22/20)** – Extends DCA Waiver DCA-20-09 and 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 on December 31, 2020, unless further extended.
 - d. **Fourth Extension - DCA-20-95 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (12/15/20)** – Extends DCA Waiver DCA-20-09 and 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 on February 28, 2021 unless further extended.
 - e. **Fifth Extension - DCA-21-122 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (2/26/21)** – Extends DCA Waiver DCA-20-09 and 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 on April 30, 2021 unless further extended.

- f. Sixth Extension - DCA-21-148 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (4/30/21)** – Extends DCA Waiver DCA-20-09 and 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 on June 30, 2021 unless further extended.
- 4. DCA-20-25 Extending Time to Satisfy Examination Requirements (6/23/20)** – Temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and July 1, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.

 - a. First Extension - DCA-20-66 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (9/30/20)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and November 30, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
 - b. Second Extension - DCA-20-78 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (11/25/20)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between December 1, 2020, and January 31, 2021, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
 - c. Third Extension - DCA-21-107 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (1/26/21)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between February 1, 2021, and April 2, 2021, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
 - d. Fourth Extension - DCA-21-131 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (1/26/21)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between April 3, 2021, and June 1, 2021, due to the applicant failing to take and

pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28

Action Requested: None.



Briefing Paper

Date: June 11, 2021

Agenda Item 11

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

To provide an update on the 2021/22 Legislative session.

Attachments:

1. [2021 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2021/22 Legislative Summary](#)

Background and Update:

The 2021 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.

A 2021/22 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.

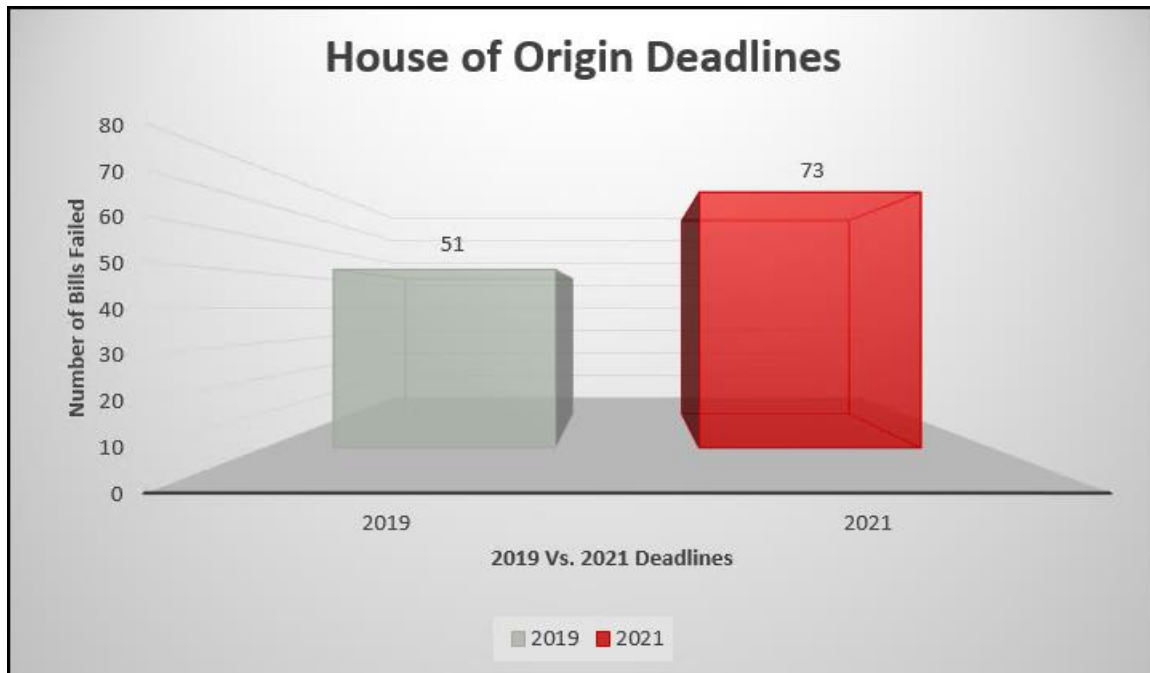
Upcoming Legislative Calendar Highlights:

June 4, 2021	Last Day for Bills to be Passed Out of the House of Origin
July 16, 2021	Summer Recess Begins
August 16, 2021	Legislature Reconvenes from Summer Recess
September 3, 2021	Last Day to Amend Bills on the Floor
September 10, 2021	Last Day for Each House to Pass Bills
October 10, 2021	Last Day for the Governor to Sign or Veto Bills Passed by the Legislature on or Before Sept. 10 th and in the Governor's Possession after Sept. 10 th .
January 1, 2022	Statutes take Effect
January 3, 2022	Legislature Reconvenes

House of Origin Deadline:

June 4th brought the Legislative Deadline requiring all bills be out of their first house. Any Bills remaining in their house of origin were marked 2-Year and may not be heard again until January of 2022.

Here's how this year's deadline compared with the corresponding deadline of 2019:



Last Friday, 73 Bills failed to pass out of their first house. 51 Bills failed this same deadline in 2019.

Friday, July 14th brings the next deadline requiring all Fiscal Bills be out of their 2nd house policy committees and moved on to Appropriations.

Action:

No action requested.

2021 TENTATIVE LEGISLATIVE CALENDAR

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

Revised 12-21-2020

DEADLINES

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

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

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

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

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

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 11](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 18](#) Martin Luther King, Jr. Day.
- [Jan. 22](#) Last day to submit **bill requests** to the Office of Legislative Counsel.

- [Feb. 15](#) Presidents’ Day
- [Feb. 19](#) Last day for bills to be **introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

- [Mar. 25](#) **Spring Recess** begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- [Mar. 31](#) Cesar Chavez Day.

- [Apr. 5](#) Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- [Apr. 30](#) Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- [May 7](#) Last day for **policy committees** to hear and report to the Floor **non-fiscal** bills introduced in their house (J.R. 61(a)(3)).
- [May 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

* Holiday schedule subject to final approval by Rules Committee

2021 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK
Revised 12-21-2020

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

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

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

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

June 1-4 **Floor Session Only.** No committee, other than Conference or Rules, may meet for any purpose (J.R. 61(a)(7)).

June 4 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

June 7 Committee meetings may resume (J.R. 61(a)(9)).

June 15 **Budget bill** must be passed by **midnight** (Art. IV, Sec. 12 (c)(3)).

July 2 Independence Day observed.

July 14 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

July 16 **Summer Recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

Aug. 16 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 27 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 30-Sept. 10 **Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 3 Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

Sept. 6 Labor Day.

Sept. 10 Last day for **each house to pass bills** (J.R. 61(a)(14)).
Interim Study Recess begins at end of this day's session (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2021

Oct. 10

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

2022

Jan. 1

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

Jan. 3

Legislature reconvenes (J.R. 51 (a)(4)).

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

(Board Policy)

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

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

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

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

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

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

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

AB 2 **Regulations: Legislative Review: Regulatory Reform** Author: Fong (R)
 Status: 2 Year Bill. Introduced in the Assembly 12/7/20. 5/21/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 5/19/21. May be Acted Upon Jan 2022.
 Position: No Position

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

Summary: This bill would require state agencies to identify and resolve any regulations that are duplicative, overlapping, inconsistent or out of date no later than January 1, 2023 and report those regulatory revisions to the Legislature and Governor.

AB 29 **State Bodies: Meetings** Author: Cooper (D)
 Status: 2 Year Bill. Introduced in the Assembly 12/7/20. 5/25/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 4/21/21. May be Acted upon Jan 2022.
 Position: No Position

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

Summary: This bill would require a state body's meeting notice to include all writings and materials. This bill would require the writings and materials to be posted to the state body's website 72 hours in advance of the meeting or provided to any person who requests the writings or materials in writing. This bill would prohibit a state body from discussing those writings or materials, or taking action on an item, until the state body has complied with these provisions.

AB 54 **COVID-19 Emergency Order Violation: License Revocation** Author: Kiley (R)
 Status: Amended in the Assembly 4/5/21. This Bill Failed Passage in the 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							

Summary: This bill would prohibit the Department of Consumer Affairs and Alcoholic Beverage Control from revoking a license for violating emergency health orders unless it could be shown that the violation resulted in the transmission of COVID-19.

AB 105 **The Upward Mobility Act of 2021: Boards and Commissions** Author: Holden (D)
Civil Service: Examinations: Classifications
 Status: Amended in the Assembly 4/21/21. 6/9/21 Referred to the Senate Labor, Public Employment and Retirement Committee.
 Position: No Position

2021/22 Legislative Summary

Agenda Item 11

Bill Analysis for AB 105

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

Summary: Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women. This bill would require that, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender. The bill would apply these requirements only as vacancies on state boards and commissions occur.

AB 107

Licensure: Veterans and Military Spouses

Author: Salas (D)

Status: Amended in the Assembly 4/20/21. 6/9/21 Referred to the Senate Business and Professions Committee and the Senate Military and Veterans Affairs Committee.

Position: No Position

Bill Analysis for AB 107

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 most boards and bureaus within the Department of Consumer Affairs (Department) to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses would be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial. This bill would exempt a board that has a process in place by which an out-of-state licensed applicant in good standing who 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 is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year; or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license. Regulations to implement this bill would be due to the Department by June 15, 2022, if required. The Department would also be required to submit an annual report to the Legislature on licensure of military members, veterans, and spouses.

AB 225

DCA: Boards: Veterans: Military Spouses: Licenses

Author: Gray (D)

Status: Amended in the Assembly 5/24/21. 6/9/21 Referred to the Senate Business and Professions Committee and the Senate Military and Veterans Affairs Committee.

Position: No Position.

Bill Analysis for AB 225

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

Summary: Current law requires specified boards within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant 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 and the applicant holds 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 temporary license from the board. This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 6 months of separation from active duty under other-than-dishonorable conditions, and an applicant who supplies evidence satisfactory to the board that the applicant is an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other-than-dishonorable conditions.

[AB 305](#)

Veteran Services: Notice

Author: Maienschein (D)

Status: Amended in the Assembly 5/24/21. 6/9/21 Referred to the Senate Governmental Organization Committee and the Senate Military and Veterans Affairs Committee.

Position: No Position

[Bill Analysis for AB 305](#)

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

Summary: Current law requires a board within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant 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 and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. This bill would require boards not subject to the temporary licensing provisions as specified to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies 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, as provided.

[AB 339](#)

State and Local Government: Open and Public Meetings

Author: Lee (D)

Status: Amended in the Assembly 5/4/21. 6/3/21 In Senate. Read First Time. To Senate Rules Committee for Assignment.

Position: No Position

[Bill Analysis for AB 339](#)

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 all open and public meetings for local agencies to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. This bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. This bill also requires all open and public meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as specified.

[AB 646](#)

DCA: Boards: Expunged Convictions

Author: Low (D)

Status: 2 Year Bill. Amended in the Assembly 4/14/21. 5/25/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 4/21/21. May be Acted Upon Jan 2022.

Position: No Position

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

Summary: This bill would require boards and bureaus (boards) under the Department of Consumer Affairs (Department) that post information on their website about a revoked license, when the revocation is 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. This bill would authorize a board to charge a fee to perform these activities, not to exceed the necessary cost of administering this bill.

[AB 657](#)

State Civil Service System: Personal Services Contracts Professionals

Author: Cooper (D)

Status: Amended in the Assembly 4/21/21. 6/9/21 Referred to Senate Labor, Public Employment and Retirement Committee and the Senate Governmental Organization Committee.

Position: No Position

[Bill Analysis for AB 657](#)

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

Summary: Current law authorizes the Governor to suspend, during a state of war emergency or a state of emergency, any regulatory statute or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency if the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. This bill would prohibit a state agency from entering into a contract with a professional, as defined, for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period. The bill, however, would authorize a state agency to renew, during a state of emergency, a personal services contract with a professional beyond these time period limitations if the state agency receives approval for the renewal from an unspecified entity, as provided.

[AB 885](#)

Bagley Keene Open Meeting Act: Teleconferencing

Author: Quirk (D)

Status: 2 Year Bill. Amended in the Assembly 3/4/21. 4/30/21 Failed Deadline Pursuant to Rule 61(a)(2). Last Location was the Assembly Governmental Organization Committee. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill would amend the teleconferencing statutes of the Bagley-Keene Act to require public meetings held via teleconference to be both audibly and visually observable to the public. Additionally, this bill would clarify that only one primary physical meeting location need be disclosed and held open for public participation and affirm all members of the state body participating in the meeting remotely would still count towards a quorum.

AB 1026**Business Licenses: Veterans**

Author: Smith (R)

Status: 2 Year Bill. Introduced in the Assembly 2/18/21. 5/25/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 5/5/21. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill would require boards and bureaus to reduce initial licensing fees for honorably-discharged veterans by 50 percent. Applicants would be required to submit satisfactory evidence they are an honorably-discharged veteran by providing a copy of a driver's license or identification card with the word "Veteran" printed on it.

AB 1236**Healing Arts: Licensees: Data Collection**

Author: Ting (D)

Status: 2 Year Bill. Amended in the Assembly 4/29/21. 6/4/21 Failed Deadline Pursuant to Rule 61(a)(8). Last Location was Inactive File on 6/1/21. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill would require health care regulatory boards under the jurisdiction of the Department of Consumer Affairs (DCA) to collect demographic information from its licensees and registrants, as specified. Requires such boards to post de-identified, aggregate information on the data collected on their websites, and to transmit the data to the Office of Statewide Health Planning and Development (OSHPD) beginning July 1, 2022.

AB 1273**Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer**

Author: Rodriguez (D)

Status: Amended in the Assembly 3/22/21. 6/8/21 From Committee. Do Pass and re-referred to Senate Health Committee (Ayes: 5. Noes 0). Re-referred to Senate Health Committee.

Position: No Position

[Bill Analysis for AB 1273](#)

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, among other provisions, add the Department of Consumer Affairs (Department) and the Department of Public Health to an Interagency Advisory Committee on Apprenticeship, to increase communication amongst California's professional licensing programs about potential "earn and learn" opportunities. This bill would further prohibit the Department and its programs from preventing applicants for licensure from earning credits or experience through an "earn and learn" program.

[AB 1386](#)

License Fees: Military Partners and Spouses

Author: Cunningham (R)

Status: 2 Year Bill. Amended in the Assembly 4/28/21. 5/25/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 5/5/21. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill prohibits a licensing board or bureau under the Department of Consumer Affairs (DCA) from charging an initial or original license fee to an applicant who holds a current similar license in another state and is the spouse of an active duty member of the Armed Forces of the United States stationed in California

[AB 1468](#)

Prior Authorization

Author: Cunningham (R)

Status: 2 Year Bill. Amended in the Assembly 4/29/21. 5/25/21 Failed Deadline Pursuant to Rule 61(a)(5). Last Location was Appropriations Suspense File on 5/12/21. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill would require a health care service plan or health insurer that implements an automated prior authorization system to use evidence-based clinical guidelines to program the system and to make the algorithms used for the system available for download on the plan's or insurer's provider internet website. The bill would require a plan or insurer that implements an automated prior authorization system to ensure that a licensed physician or a licensed health care professional makes the decision to deny or modify a request by examining the request specific to the enrollee or insured and does not simply ratify an automated response.

[SB 102](#)

COVID-19 Emergency Order: Violation: License Revocation

Author: Melendez (R)

Status: Amended in the Assembly 3/17/21. This bill failed passage in 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							

Summary: This bill would have prohibited the Department of Consumer Affairs or Alcoholic Beverage Control from revoking a license for failing to comply with emergency health orders unless it could be shown the violation resulted in transmission of COVID-19. Healing arts boards would have been exempt from the provisions of this bill.

SB 250

Health Care Coverage

Author: Pan (D)

Status: Amended in the Assembly 3/11/21. 6/2/21 in Assembly. Read First Time. Held at Desk.

Position: No Position

[Bill Analysis for SB 250](#)

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

Summary: This bill establishes a process for “deemed approved” status for individual health professionals’ prospective treatment utilization review required by health plans and health insurers; and, requires health plans and health insurers to reimburse a contracting individual health professional the full contracted rate, including the amount of in network patient cost-sharing for the services provided to an enrollee or insured in a contracting health facility. This bill requires health plans and insurers to bill and collect the cost-sharing from enrollees and insureds.

SB 607

Professions and Vocations

Author: Roth (D)

Status: Amended in the Assembly 5/20/21. In Assembly. Read First Time. Held at Desk.

Position: No Position

[Bill Analysis for SB 607](#)

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

Summary: SB 607 is a Senate Business, Professions and Economic Development Committee Omnibus bill, and makes several changes to the operations of a number of Boards and Bureaus under the DCA. Specifically, this bill:

- 1) Requires a Board within the DCA to waive all fees for an initial license, in addition to the expedited licensure process, for an applicant who 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 and holds a current license in another state or territory.
- 2) Clarifies the fee for an application for a pediatric minimal sedation permit issued by DBC, which cannot exceed \$1,000 for initial license and \$600 for the renewal.
- 3) Deletes the requirement that a RDAEF pass a clinical and practical examination, as specified.
- 4) Authorizes any foreign dental school whose program has approval prior to January 1, 2020, through any date between January 1, 2024 and December 31, 2026, to maintain approval through that date, but upon expiration of that date, requires compliance with accreditation requirements.
- 5) Adds clarifying language to implement the LATC’s authority for requiring fingerprints for conducting a criminal history record check and to undergo a state- and federal- level criminal offender record information search conducted through the Department of Justice.
- 6) Increases various licensing, application, renewal, and miscellaneous fees for licensees under the jurisdiction of the CSLB, as specified. Increases, beginning January 1, 2023, the amount required for a contractor’s bond for licensure from \$15,000 to \$25,000.
- 7) Clarifies requirements for security guard applicants for a firearm permit to complete a specified assessment.
- 8) Clarifies that a contractor can perform the inspection and bid on the repair work of an EEE.

[SB 731](#)

Criminal Records: Relief

Author: Durazo (D)

Status: Amended in the Assembly 6/2/21. Read Third Time. Passed (Ayes: 30. Noes: 7). Ordered to the Assembly. Read First Time. Held at Desk.

Position: No Position

[Bill Analysis for SB 731](#)

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 continue recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

[SB 772](#)

Professions and Vocations: Citations: Minor Violations

Author: Ochoa Bogh (R)

Status: 2 Year Bill. Introduced in the Senate 2/19/21. 4/30/21 Failed Deadline Pursuant to Rule 61(a)(2). Last Location was the Senate Business and Professions Committee on 3/3/21. May be Acted upon Jan 2022.

Position: No Position

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

Summary: This bill would prohibit the assessment of an administrative fine for minor violations if the licensee corrects the violation within 30 days. Minor violations are defined as those that did not pose a serious health or safety threat, were not willful, did not occur while on probation, and are not violations that the licensee has a history of committing.

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 105
AUTHOR: Holden (D)
BILL DATE: Amended 4/21/21
SUBJECT: The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications

SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require that, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender. The bill would apply these requirements only as vacancies on state boards and commissions occur.

ANALYSIS:

Establishes the Upward Mobility Act of 2021 relating to state boards and commissions, state civil service, examinations, and classifications involving the California Human Resources Department (CalHR), the State Personnel Board (SPB), and appointing authorities.

Major Provisions:

- 1) Establishes that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public.
- 2) Requires, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members or commissioners to have at least one volunteer board member or commissioner from an underrepresented community and defines "board member or commissioner from an underrepresented community" for these purposes.
- 3) Establishes that the requirement regarding appointments to state boards and commissions apply only as vacancies occur, and vacancy appointments made by the Governor or its designees, the chair of a board or commission or its designees, the Speaker of the Assembly, and the President pro Tempore of the Senate or Senate Rules Committee, or any combination thereof.
- 4) Removes the mandated authority from the SPB to conduct audits and investigations of personnel practices of the CalHR and appointing authority to ensure compliance with civil service policies, procedures and statutes, to instead, authorize the CalHR to conduct these activities.
- 5) Requires the CalHR to oversee compliance of rules prescribed by the SPB consistent with a merit-based civil service system to govern appointments, classification, examinations, probationary periods, disciplinary actions, and other matters related to the SPB's constitutional authority.
- 6) Requires the CalHR to investigate complaints filed by employees in a state department's equal opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and to report findings to the SPB for adjudication.

- 7) Requires the SPB to establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of examinations for the establishment of employment lists.
- 8) Amends existing law that requires the SPB to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position, to instead, require the SPB, in conjunction with the CalHR, to create standards for statements of qualifications used as examination criteria for the State in determining the desired attributes of employees for each class of position.
- 9) Modifies existing law relating to oral examinations and video or otherwise electronic recording of the examinations and all other examination materials.
- 10) Relating to upward mobility programs:
 - Requires the CalHR to, by July 1, 2022, develop upward mobility goals based on department workforce analysis and post the model goals on its internet website; that the model goals may include race, gender, LGBTQ as factors to the extent permissible under state and federal equal protection laws, and that on or before July 1, 2022, the CalHR provide a copy of the model upward mobility goals and corresponding report outlining the workforce analysis used to develop such goals to each member of the Legislature.
 - Modifies existing law relating to an appointing authority's inability to achieve the upward mobility goals.
- 11) Relating to adverse action against an employee, no later than April 1 of each year, each appointing power is required to provide the CalHR a report detailing certain information and that the CalHR, by June 1 of each year, include this data and information in its existing annual workforce analysis and census report and submit the report to the Legislature. However, data or information elements regarding race, ethnicity, gender identity or sexual orientation that are required for inclusion in the report are subject to the discretion of the employee, and an appointing power must not require the employee to disclose this information.
- 12) Amends existing law relating to the state's Personnel Classification Plan where the allocation of a position to a class must derive from and be determined by the ascertainment of the "duties and responsibilities of the position," to instead, must derive from and be determined by the ascertainment of the "type of work, level of difficulty and responsibility, and qualifications requirements."

In addition, all positions must currently be included in the same class if, among others, a) the positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used, and b) substantially the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the bill modifies these specific attributes, and instead, replaces them with the following attributes that are among others which are maintained: a) the positions share a similar objective, scope of job responsibility, and work conditions, and b) substantially the same core competencies are demanded of incumbents.

FISCAL:

According to the Assembly Appropriations Committee, this bill would result in the following:

1. One-time and ongoing General Fund costs, of an unknown but significant amount, to SPB and CalHR.
 - Costs to SPB to conduct additional reviews of examinations, appointments, equal employment opportunity (EEO), personal services contracts and mandated trainings. Costs to CalHR to redesign and coding of relevant information technology databases, evaluating each relevant classification, collaborating with departments and developing an upward mobility report. In addition, costs to CalHR to investigate complaints filed by employees in a state department's EEO and personnel offices and workload associated with other civil service employees, applicants and members of the public filing complaints to CalHR for investigation. Lastly, unknown losses to CalHR's operating budget resulting from this bill's repeal of a provision allowing an appointing power to contract with CalHR to construct examinations and charge for services rendered.
2. Ongoing costs to state agencies, of an unknown amount, to fulfill this bill's reporting requirements.

FROM THE AUTHOR'S OFFICE:

"Upward mobility is integral to achieving racial justice and we should be setting the example. The existing systems in place at our own state agencies fail to create inclusive workplace environments and hinder qualified individuals to move up within their department simply based on the color of their skin.

"In September 2020, California took a bold step to address racial inequity in the private sector when [the Governor] signed my bill, Assembly Bill 979 that requires diversity on corporate boards of corporations based in California – a policy that will help drive upward mobility for people of color. We already mandated the private sector to do their part. It's high time for the state to step up and do theirs."

Census of the State Workforce, 2018

The CalHR's "Annual Census of Employees in State Civil Service (2018)" report states in part that, "As California continues to become increasingly diverse, CalHR strives to make employment with the State of California match its diverse population."

In regard to state employment practices, the report also notes that, "To fully achieve the goal of Equal Employment Opportunity and non-discriminatory employment practices within civil service, CalHR provides statewide leadership, coordination, and technical guidance to state agencies." In addition, "While delegation of authority to agencies has occurred, oversight of the above stated goals and other critical functions are lacking."

To this report, the author states that, "In reviewing the annual census data provided by the CalHR from 2014–2018, a troubling pattern emerges; a glass ceiling limiting upward mobility for people of color has developed, which limits career advancement." The author further notes that, "Data for the 2014-2018 period shows the same pattern, which is that: 1) The majority of Non-White civil service personnel are paid a salary in the '\$40,000 and Below' range, and 2) as progression into the next salary range occurs, the percentage of Non-White civil servants moving into management positions decreased concurrently; however, the exact opposite takes place for White civil servants. Whites (2018) accounted for 36.9% of the '\$40,000 and Below' salary range; however, this demographic steadily climbed as a percentage of the civil service workforce as they moved towards upper management. The fact that this pattern has been consistent for a five-year period demonstrates that there is a system in place that hinders Non-White civil service personnel from moving into upper management positions."

SUPPORT:

Association of California State Employees with Disabilities

Coalition for a Just and Equitable California

National Assembly of American Slavery Descendants, Los Angeles

OPPOSITION:

Californians for Equal Rights

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 107
AUTHOR: Salas (D)
BILL DATE: Amended 4/20/21
SUBJECT: Licensure: Veterans and Military Spouses
SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill expands to all Department of Consumer Affairs (DCA) licensing boards the requirement that specified boards issue temporary licenses to the spouses of active-duty members of the United States (U.S.) Armed Forces, as specified, and requires the DCA, the Commission on Teacher Credentialing, the Department of Real Estate, and the Department of Public Health to compile information on military, veteran, and spouse licensure into an annual report for the Legislature.

ANALYSIS:

Major Provisions

1. Makes the following changes to the existing temporary license requirement:
 - a. Expands the requirement from seven specified boards and license types to all DCA boards and all license types.
 - b. Specifies that the revenues from fees for temporary licenses issued by the California Board of Accountancy must be credited to the Accountancy Fund and makes a conforming change.
 - c. Requires a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial.
 - d. Adds that temporary licenses expire upon issuance of a license by endorsement, in addition to the current expiration requirements of 12 months, upon issuance of an expedited license, or denial of the application.
 - e. 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 June 15, 2022.
 - f. Exempts boards from the temporary license requirements if the board already has a similar process in place. (This pertains to PTBC- therefore exempts us from the provisions of this bill)
 - g. Clarifies that the requirement applies only to the extent that it does not amend an initiative or violate constitutional requirements.
2. Requires the DCA, the Commission on Teacher Credentialing, the Department of Real Estate, and the State Department of Public Health to compile information on military, veteran, and spouse licensure into an annual report for the Legislature that includes all of the following:
 - a. The number of applications for a temporary license submitted by active duty service members, veterans, or military spouses per calendar year, pursuant to Business and Professions Code Section 115.6.
 - b. The number of applications for expedited licenses submitted by veterans and active duty spouses.
 - c. The number of licenses issued and denied per calendar year.
 - d. The number of licenses issued that were suspended or revoked per calendar year.
 - e. The number of applications for waived renewal fees received and granted per calendar year.

- f. The average length of time between application and issuance of licenses per board and occupation.

FISCAL:

According to the Assembly Appropriations Committee:

- 1) Estimated total costs of \$728,000 (various special funds) annually to DCA boards and bureaus required to issue a temporary license pursuant to this bill. DCA estimates it will cost affected boards between \$0 and \$294,000 each to meet these requirements.
- 2) Estimated one-time costs of \$5.1 million (special fund) for programming and configuration changes as well as testing for over 200 additional individual license types across multiple information technology (IT) platforms. DCA indicates contractor resources will be required and IT implementation is projected to take 18 months.
- 3) Minor costs to state agencies to compile information and report to the Legislature.

FROM THE AUTHOR'S OFFICE:

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."

This bill seeks to improve license portability for military spouses. It would increase the number of boards required to issue temporary licenses to military spouses, establish a similar licensing process for the boards not included under the temporary license provisions, and establish various website posting and reporting requirements.

In California, many professions require a license to legally practice. the DCA administers more than 3.4 million licenses in more than 280 license types, providing oversight and regulation over a variety of professions in California.

As a result, when the spouse or partner of an active duty member of the military travels with the member to California under military orders, they may be required to apply for a new license, even if they are licensed in a different state. However, the process of applying for a new license can be lengthy, expensive, and burdensome. Military spouses may under this process multiple times, despite having little choice in when or how often they move.

To assist with these burdens, existing law provides for several accommodations of both military family and veteran license applicants. DCA boards are required to ask about the military status of each of their applicants so that military experience may potentially be applied toward licensure training requirements. DCA boards are also required to expedite licensure for military veterans as well as the spouses and partners of active duty military to reduce license processing wait times.

Temporary Licenses. If licensed in another state, and depending on the license, military spouses and other applicants may be able to issue to utilize provisions that recognize out-of-state licenses, also known as reciprocity or licensure by endorsement. However, depending on the specific license requirements and the potential differences in requirements between states, applicants may still experience long wait times as their qualifications are reviewed.

To address this issue, some DCA boards may issue temporary licenses. In general, temporary licenses allow an applicant to practice for a limited period, allowing them to practice while the

remainder of the qualifications is obtained or verified. Because license requirements are intended to protect the public, applicants usually must be able to immediately demonstrate meeting some of the qualifications required for licensure and pass a background check.

SUPPORT:

California Board of Accountancy
San Diego Military Advisory Council
U.S. Department of Defense
California Association of Health Services at Home (CAHSAH)
City of Yuba City
California Defense Community Alliance
Military Services in California
Beale Military Liaison Council, Inc.
Travis Community Consortium
Yuba Co. Supervisor, Gary Bradford, 4th District
California Association of Health Services at Home
US Department of Defense

OPPOSITION:

Board for Professional Engineers, Land Surveyors, and Geologists
Dental Hygiene Board of California

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 225
AUTHOR: Gray (D)
BILL DATE: Amended 5/24/21
SUBJECT: DCA: Boards: Veterans: Military Spouses: Licenses
SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires certain boards and bureaus within the Department of Consumer Affairs (DCA) to issue temporary licenses to veterans and active duty members of the Armed Forces who meet specified criteria.

**This bill is similar to AB 3045 from last legislative session. **

ANALYSIS:

Major Provisions

- 1) Expands eligibility for temporary licenses currently issued by specified boards and bureaus under the DCA to spouses and partners of active duty members of the Armed Forces to also include the following:
 - a. Veterans of the Armed Forces of the United States within six months of separation from active duty under other-than-dishonorable conditions.
 - b. Active duty members of the Armed Forces of the United States with official orders for separation within 90 days under other-than-dishonorable conditions.
- 2) Strikes language providing that temporary licenses expire upon denial of an application for expedited licensure by a board and provide instead that they expire upon the earlier of 12 months after issuance or upon issuance of a standard license, a license by endorsement, or an expedited license.

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 Appropriations Committee, minor and absorbable costs to DCA Boards.

FROM THE AUTHOR'S OFFICE:

"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 225 proposes. AB 225 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."

According to the National Conference of State Legislatures (NCSL), there are approximately 18.5 million veterans and 478,963 active duty military spouses or partners living in the United States today. In recognition of the tremendous sacrifices made by both military service members and their families, policymakers have routinely pursued opportunities to help provide these individuals with economic opportunity. In recent years, this has included examination of the potential to remove barriers to entry into professions and vocations requiring licensure in California through the DCA.

The United States Department of Defense provides training to many members of the Armed Forces in numerous disciplines that are directly relevant to professions requiring licensure. The NCSL states that as of 2017, approximately 30,322 active-duty enlisted personnel were trained in construction; 68,365 were trained in health care; 129,209 were trained in electronic and electrical equipment repair; 161,571 were trained as engineers; and 160,690 were trained as mechanics. Despite this substantial education, training, and experience, many veterans report having difficulty finding employment upon honorable discharge.

Meanwhile, the Syracuse University Institute for Veterans and Military Families found that up to 35% of military spouses are employed in fields requiring licensure. Because each state possesses its own licensing regime for professional occupations, military family members are required to obtain a new license each time they move states, with one-third of military spouses reportedly moving four or more times while their partner is active duty. Because of the barriers encountered by military family members who seek to relocate their licensed work to a new state, it is understood that continuing to work in their field is often challenging if not impossible.

Currently, statute provides for several accommodations of both military family and veteran license applicants. Boards are required to inquire about the military status of each of their applicants so that military experience may potentially be applied toward licensure training requirements. Boards are also required to expedite licensure for military veterans as well as the spouses and partners of active duty military.

Statute also provides that temporary licenses be provided to military spouses and partners in a handful of occupations and professions. Specifically, the following licenses may be granted temporarily to military family members pending determination that the applicant qualifies for a permanent license:

- 1) Registered nurses licensed by the Board of Registered Nursing.
- 2) Vocational nurse licenses issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- 3) Psychiatric technician licenses issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- 4) Speech-language pathologist licenses issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- 5) Audiologist licenses issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- 6) Veterinarian licenses issued by the Veterinary Medical Board.
- 7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
- 8) All licenses issued by the Medical Board of California.
- 9) All licenses issued by the Podiatric Medical Board of California.

These temporary licenses are available to applicants who supply evidence satisfactory to the board that the applicant 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. The applicants are required to 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 temporary license from the board. Currently, these temporary licenses are valid for 12 months.

To qualify for temporary licensure, the military family member submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application also includes written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction. The applicant may not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license, and the applicant cannot have been disciplined by a licensing entity in another jurisdiction or have been the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

This bill would seek to expand opportunities to Armed Forces veterans beyond what is currently provided for in the law. The bill would only apply to licenses issued by boards that are already subject to existing temporary license provisions. The same standards and qualifications would be required of applicants; however, the privileges granted would be extended to individuals who are leaving or have recently left the military. The bill would grant temporary licenses to veterans of the Armed Forces within six months of separation from active

duty, active duty members of the Armed Forces of the United States with official orders for separation within 90 days, under other-than-dishonorable conditions

SUPPORT:

California Board of Accountancy
Solano County Board of Supervisors
City of Camarillo
San Diego Military Advisory Council
U.S. Department of Defense
County of Ventura
China Lake Alliance
California Defense Community Alliance
Beale Military Liaison Council, Inc.
South Bay Aerospace Alliance
Travis Community Consortium

OPPOSITION:

None.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 305
AUTHOR: Maienschein (D)
BILL DATE: Amended 5/24/21
SUBJECT: Veteran Services: Notice
SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires certain state agencies to include specific questions on their intake and application forms intended to determine if a person is a veteran of the United States Armed Forces or related to one, and requires the information be sent to the Department of Veterans Affairs (CalVet), provided the person has granted consent.

ANALYSIS:

Major Provisions

- 1) Repeals the current law requiring that every state agency that asks, either in written form or on its internet website, whether a person is a veteran use the following format: "Have you ever served in the United States military?"
- 2) Instead requires, at the next scheduled update of their forms, the California Community Colleges, Board of Governors of the California Community Colleges, Department of Aging, Department of Developmental Services, Housing Finance Agency, California State University, Department of Community Services and Development, Department of Fish and Wildlife, Department of Motor Vehicles, Department of Rehabilitation, Employment Development Department, Department of Health Care Services and Department of Social Services (CDSS), and requests that the University of California (UC), to include the following on any intake or application form:
 - a) An option for a person to indicate they are affiliated with the Armed Forces of the United States by asking both of the following:
 - i) "Have you ever served in the United States military?"
 - ii) "Are you the spouse, legal partner, parent, or child of a person who is serving in or who has served in the United States military?"
 - b) An option for a person who identifies as being military affiliated to give their consent to be contacted regarding eligibility for state or federal veterans' benefits.
- 3) Requires each intake or application form to also include a statement of potential eligibility to receive state and federal services, with contact information for CalVet.
- 4) Requires each agency named above to electronically transmit certain information to CalVet, if provided, for each person who has identified they or a family member has served in the armed forces and has consented to be contacted about benefits.

FISCAL:

According to the Assembly Appropriations Committee:

- 1) One-time automation costs, likely in the low- to mid-millions of dollars (General Fund) (GF)) statewide, for 12 state agencies to update forms and develop a methodology to

transmit data to CalVet. Many state agencies currently inquire about an applicant's veteran status and have informal communication arrangements with CalVet and local VA offices, but not in the explicit format required by this bill. Requiring an agency to perform these updates "at their next scheduled update of their intake or application forms," as specified in the bill, does not guarantee the cost of the update will be absorbable if the extent of the programming change is significant. For example, CDSS indicates programming costs, likely in the low millions of dollars, to update applications and intake forms for each of its many programs.

- 2) State-mandated costs to the state's 72 community college districts, of an unknown amount (GF), but likely substantial statewide, to comply with the requirements in the bill, including altering their application forms and transmitting information to CalVet. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.
- 3) Minor and absorbable costs to CalVet.

FROM THE AUTHOR'S OFFICE:

"Ensuring that our veteran population is provided with the information and resources they need to find the benefits that best suit them should be a priority in California. Closing the disconnect between service providers and service members is just one step we can take to ensure that our veterans are treated with the respect they deserve."

Existing law does not require a state agency to ask whether a person is a veteran, but requires every state agency that requests the information on a written form, or on its internet website, to only ask, "Have you ever served in the United States military?" Prior to 2014, although there was no specific language required in statute, agencies generally asked, "Are you a veteran?" At the time, some veterans believed they were not veterans because they had never served in combat or because they were women.

This bill requires a specified list of 12 state agencies likely to provide services to or come in contact with veterans to include questions on their applications and intake forms, in a new prescribed format, as to whether a person and the person's immediate family members served in the U.S. military and, if yes, whether the person will grant consent to the agency to send relevant information to CalVet. The bill does not require an applicant to answer the questions, preserving the right of a veteran to not disclose this status.

SUPPORT:

San Diego Military Advisory Council
U.S. Department of Defense
Military Services in California

OPPOSITION:

None.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 339
AUTHOR: Lee (D)
BILL DATE: Amended 5/4/21
SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

Requires certain city council or county board of supervisor's meetings to allow the public to attend and comment via telephone or internet.

ANALYSIS:

Requires, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option.

Requires all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency.

Requires all open and public meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as specified.

FISCAL:

According to the Assembly Appropriations Committee, estimated costs to cities and counties, likely in the low millions of dollars statewide, to comply with the bill's provisions. These costs include one-time information technology (IT) investments and ongoing costs for additional staff, licensing and IT support. Each of the 26 counties and 15 cities covered by this bill is likely to incur costs in the low hundreds of thousands to comply.

However, these costs are not reimbursable by the state pursuant to Proposition 42, passed by the voters in 2014, which requires all local governments to comply with the Brown Act, but also eliminated reimbursement to local agencies for the costs of complying.

BACKGROUND:

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act also generally requires members of the public to have an opportunity to comment on agenda items, and generally prohibits deliberation or action on items not listed on the agenda.

The Brown Act allows local agencies to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding must comply with all requirements of the Brown Act and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding. Teleconferencing may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body.

If a legislative body of a local agency elects to use teleconferencing, it must post agendas at all teleconference locations and protect the statutory and constitutional rights of the parties or the

public appearing before the legislative body of a local agency. Each teleconference location must be identified in the notice and agenda of the meeting or proceeding, and each teleconference location must be accessible to the public.

During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, with exceptions. The agenda must provide an opportunity for members of the public at each teleconference location to address the legislative body directly pursuant to the Brown Act's provisions governing public comment.

In March of 2020, the Governor issued Executive Order N-29-20, which stated that, "Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived."

"All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures."

Proposition 42, passed by voters in 2014, requires all local governments to comply with the Public Records Act and the Brown Act and with any subsequent changes to those Acts. Proposition 42 also eliminated reimbursement to local agencies for costs of complying with the Public Records Act and the Brown Act.

FROM THE AUTHOR'S OFFICE:

Public meetings were able to quickly adapt to changing dynamics during the pandemic. While on one hand, meetings have expanded access to people who wouldn't ordinarily be able to participate such as working families, COVID-19 has also exacerbated existing barriers that prevent people from participating in one of our democracy's greatest features – public discourse. AB 339 would protect the public's access to government, both during and following the COVID-19 pandemic.

SUPPORT:

California Common Cause
California Teachers Association
Center on Race, Poverty & the Environment
Clean Water Action
Planning and Conservation League
Public Advocates, Inc.
Western Center on Law and Poverty
Ella Baker Center for Human Rights
Californians for Justice
Drug Policy Alliance
League of Women Voters of California
National Association of Social Workers, California Chapter (NASW-CA)
Silicon Valley Community Foundation
California League of Conservation Voters

California Association of Nonprofits
Bet Tzedek Legal Services
Alliance for Children's Rights
United Food and Commercial Workers Union, Western States Council
Housing California
Disability Rights Legal Center
Central Valley Air Quality Coalition
Time for Change Foundation
Californians for Pesticide Reform
Dolores Heurta Foundation
Mental Health Advocacy Services, Inc.
Alliance of Californians for Community Empowerment
ACT for Women and Girls
PolicyLink
Congregations Organized for Prophetic Engagement (COPE)
California Institute For Rural Studies
California Safe Schools
Pesticide Action Network
Asian Law Alliance
Courage Campaign
Disability Rights Education and Defense Fund
Jakara Movement
Greenbelt Alliance
Housing Leadership Council of San Mateo County
Fresno Metro Black Chamber of Commerce
Nuestra Casa
Pomona Economic Opportunity Center
Child Care Law Center
Fresno Barrios Unidos
California Environmental Justice Alliance
First Amendment Coalition
Inland Congregations United for Change
American Civil Liberties Union of California
Unite Here HERE Local 11
California Domestic Worker Coalition
Central California Environmental Justice Network
Mid-City Community Advocacy Network
Orange County Equality Coalition
Women For Orange County
Leadership Counsel for Justice & Accountability
Root & Rebound
Dignity and Power Now
Fairmead Community & Friends
Central California Asthma Collaborative
Cultiva La Salud
San Francisco Senior and Disability Action
Mi Familia Vota
California Work & Family Coalition
Climate Action Campaign
Voices for Progress
Friends of CalTrain
Senior & Disability Action
Interfaith Movement for Human Integrity
Asian Americans Advancing Justice - California

Hmong Innovating Politics
 ACCE Action
 Pueblo Unido CDC
 TODEC Legal Center
 Nuestra Casa de East Palo Alto
 ClimatePlan
 Faith in the Valley
 Abundant Housing LA
 YIMBY Action
 Coalition for Humane Immigrant Rights (CHIRLA)
 NextGen California
 California News Publishers Association
 Fresno Building Healthy Communities
 Indivisible CA StateStrong
 California YIMBY
 Business for Good San Diego
 White People 4 Black Lives
 Gente Organizada
 People For Housing - Orange County
 Life Eldercare
 Seamless Bay Area
 California Children's Trust
 Jewish Family & Community Services East Bay
 Alianza Coachella Valley
 The California Children's Trust
 Los Angeles Sunshine Coalition
 Courage California
 Justice LA
 CEJA Action
 LGBTQ Center Orange County
 Inland Equity Partnership
 YALLA Indivisible
 Generation Up
 Nourish California
 La Defensa
 People's Collective for Environmental Justice
 ACLU California Action
 Hammond Climate Solutions
 Council Member Zach Hilton, City of Gilroy
 Californians Aware: The Center for Public Forum Rights
 Arts for Healing and Justice Network
 Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School
 #youtoomovement
 Citizens for Choice Nevada County
 Councilmember Katie Valenzuela, City of Sacramento
 Culver City for More Homes
 Housing Is a Human Right - Orange County
 Indivisible District 46
 NAACP Riverside
 Nami Greater Los Angeles County
 Nolympics LA
 Office of Los Angeles County Supervisor Hilda L. Solis
 Orange County Emergency Response Coalition
 Orange County LGBT Center

People's Budget Orange County
People's Homeless Task Force Orange County
Riverside NAACP
San Bernardino County Board of Education, Area B
San Diego Schools
South County Homeless Task Force
TODEC Inland Empire

OPPOSITION:

Association of California School Administrators
California School Boards Association
League of California Cities
California Special Districts Association
California State Association of Counties
Community College League of California
Santa Barbara County Board of Supervisors
Association of California HealthCare Districts
California Municipal Utilities Association
Solano County Board of Supervisors
City of Chino Hills
California Association of Public Authorities for In-Home Supportive Services
Huntington Beach
Orange County Local Agency Formation Commission
California Acupuncture Board
Orange County Sanitation District
California In-Home Supportive Services Consumer Alliance
California Downtown Association
Rural County Representatives of California (RCRC)
Los Altos, Town of
Urban Counties of California
Big Bear Area Regional Wastewater Agency
Dental Hygiene Board of California
Public Risk Innovation, Solutions, and Management
California Travel Association (CALTIA)

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 657
AUTHOR: Cooper (D)
BILL DATE: Amended 4/21/21
SUBJECT: State Civil Service System: Personal Services Contracts:
Professionals

SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

Establishes certain prohibitions and reporting requirements relating to a state agency contracting with a professional, as defined, among other provisions.

ANALYSIS:

Major Provisions:

- 1) Prohibits, notwithstanding existing law relating to standards for personal services contracting by state agencies, a professional from being under contract with a state agency for a time period that exceeds 365 consecutive days to the state agency, or 365 nonconsecutive days in a 24-month period.
- 2) Authorizes, during a state of emergency declared by the Governor pursuant to existing law, a state agency to renew a personal services contract with a professional even if the renewal will exceed the aforementioned time period limitations, if it receives approval for renewal from an as yet to be identified source. However, the request to renew must include certain specified information.
- 3) Requires a state agency to seek authorization each time it renews a contract. However, a renewed personal services contract must not be between a professional and any state agency for a period that exceeds either of the following: a) 365 consecutive days to the state agency, or b) 365 nonconsecutive days in a 24-month period.
- 4) Provides that the as yet to be identified source must not approve a renewal of a personal services contract with a professional, unless the renewal is necessary for the state agency to address the state of emergency.
- 5) Expressly establishes that provisions relating to contracting pursuant to the Governor's declaration of a state of emergency must not be construed to limit the Governor's authority to suspend statutes, as provided under existing law.
- 6) Requires each state agency that has a contract with a professional to assign a unique identification number to each of those professionals for purposes of determining compliance.
- 7) Requires each state agency that has a contract with a professional to prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented, and the report to include certain specified information.
- 8) Provides that if a state agency uses a personal services contract for an employee position in which the agency has a budgetary allocation, the agency must provide the applicable employee organization that represents employees who provide the same or similar services with certain specified information.
- 9) Exempts a board or bureau of the Department of Consumer Affairs, as described.
- 10) Defines "professional" for these purposes.

FISCAL:

According to the Assembly Appropriations Committee, this bill would result in the following:

- 1) Ongoing costs, of an unknown but potentially significant amount, to state agencies utilizing certain contractors to assign contractors identification numbers, prepare a monthly report on its contractors and provide certain employee organizations information pertaining to hiring.

According to the California Department of State Hospitals, it would require about \$1.3 million

ongoing General Fund and 9.5 positions. The California Department of Corrections and Rehabilitation also will likely incur costs.

2) Potential cost savings to state agencies to the extent hiring a state employee is less expensive than hiring a contractor.

FROM THE AUTHOR'S OFFICE:

"All Californians should have access to quality and consistent care. We need to prioritize hiring full-time state employed professionals who can fill important vacancies across state departments thereby providing patients a consistent care experience. "[Existing law] does not limit the time a contractor can do the job of a state-employed civil service professional. This has created a situation where abuse of the system has resulted in [a] contractor's terms have been extended several times, which can result in the displacement of permanent civil service professionals."

The author further states that, "Assembly Bill 657 will help ensure individuals seeking health care receive continuity of care...", and "...stop the abuse by certain state departments who overutilize expensive contract professionals instead of employing professionals in state service who are subject to civil service protections."

SUPPORT:

American Federation of State, County and Municipal Employees
Union of American Physicians and Dentists

OPPOSITION:

Dental Hygiene Board of California

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1273
AUTHOR: Rodriguez (D)
BILL DATE: Amended 3/22/21
SUBJECT: Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer

SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill adds the Director of Consumer Affairs and State Public Health Officer as ex-officio members of the Interagency Advisory Committee on Apprenticeship (IACA) and requires the Department of Consumer Affairs (DCA) and Department of Public Health (DPH) to use licensing or certification standards that authorize “earn and learn” job training opportunities. This bill also prohibits DCA and DPH from prohibiting “earn and learn” programs.

ANALYSIS:

- 1) Makes the State Public Health Officer and the Director of Consumer Affairs ex officio members of the Interagency Advisory Committee on Apprenticeship.
- 2) Prohibits the Department of Consumer Affairs and its various boards from prohibiting or approving an accrediting program that prohibits “earn and learn” programs for training in a profession licensed or certified by the board.
- 3) Prohibits the State Department of Public Health, in the licensing and certification of health facilities, from prohibiting “earn and learn” programs for training of personnel.
- 4) Requires boards of the Department of Consumer Affairs and the State Department of Public Health to use licensing or certification standards that authorize the use of earn and learn training.
- 5) Makes related findings and declarations specifying the importance of removing barriers to ensure California’s diverse workforce have equal access to educational opportunities that result in family sustaining careers in all industry and public health sectors.

FISCAL:

- 1) Expanding IACA’s membership will not measurably increase workload for the Division of Apprenticeship Standards (DAS), which organizes and administers quarterly meetings for the IACA.
- 2) No anticipated cost pressures to add the DCA director or State Public Health Officer to the IACA. Most DCA boards and bureaus currently have a pathway for “earn and learn” opportunities, and any DPH workload from this bill would be minor and absorbable.

BACKGROUND:

Health Professions and “Earn and Learn” Training Programs

According to the U.S. Department of Labor’s Bureau of Labor Statistics, employment in healthcare occupations is projected to grow 15 percent from 2019 to 2029, much faster than the average for all occupations, adding about 2.4 million new jobs. This projected growth is mainly due to an aging population, leading to greater demand for healthcare services. The median annual wage for healthcare practitioners and technical occupations (such as registered nurses, physicians and surgeons, and dental hygienists) was \$69,870 in May 2020, which was higher than the median \$41,950 annual wage for all occupations.

In 2016, AB 2105 (Rodriguez, Chapter 410) directed the Department of Consumers Affairs to engage in a stakeholder process to update policies and remove barriers to facilitate the development of earn and learn training programs in allied health professions and include identified barriers in a report. The stakeholder process concluded by January 1, 2020 and the DCA issued a summary report identifying a number of findings and recommendations. The report, *Barriers and Recommendations to Facilitating Earn and Learn Training Programs in Allied Health Professions*, was released in July 2020. Among other things, the report found the following key findings and recommendations:

- 1) *Prohibitions on payment for trainings by program accrediting entities.*
- 2) Lack of demographic and workforce data.
- 3) Registered apprenticeship requirements are not aligned with allied health training programs.
- 4) Lack of knowledge about registered apprenticeship for the California health care industry.
- 5) *Lack of coordinated effort among relevant state agencies.*
- 6) Lack of available data on the economic benefit of earn and learn job training programs in health care in California.

FROM THE AUTHOR'S OFFICE:

This bill addresses two of the findings and recommendations noted above from the Department of Consumer Affairs working group on allied health professions. The bill would add the State Public Health Officer and the Director of Consumer Affairs as ex officio members of the Interagency Advisory Committee on Apprenticeship in order to help address the need for better coordination among relevant state agencies. The bill would also address the prohibition on payment for trainings by prohibiting the DCA as well as the State Department of Public Health from prohibiting or approving an accrediting program that prohibits “earn and learn” programs for training in a profession licensed or certified by the board or for personnel training purposes.

According to the author, “Requiring students to obtain clinical training without compensation prevents many students from entering the allied health care workforce. Encouraging earn and learn opportunities for more diverse populations will lead to better cultural competency and a more diverse allied healthcare field.”

According to the author, expanded earn and learn opportunities would help connect workers with employers, especially during a time when health care workers are desperately needed in allied health occupations.

IACA

AB 235 (O'Donnell), Chapter 704, Statutes of 2018, created the IACA to focus on the approach and oversight of apprenticeship programs in non-building trades and non-firefighting industries. The IACA holds quarterly meetings to provide advice and guidance to the DAS regarding programs, standards and agreements in newly emerging areas of apprenticeship. The IACA currently has 14 members, with six members appointed by the Secretary of Labor and Workforce Development and eight ex-officio members.

Current law allows IACA to develop any subcommittee it chooses. Existing subcommittees include: (a) Information Technology; (b) Healthcare; (c) Advanced Manufacturing; (d) Civil Service; (e) Pre-Apprenticeship; (f) Equal Employment Opportunity; and, (g) People with Disabilities.

Earn and Learn Programs

Earn and learn programs combine applied learning in a paid workplace setting or bring together classroom instruction with on-the-job training. AB 2105 (Rodriguez), Chapter 410, Statutes of 2016, directed DCA to engage in a stakeholder process to update policies and remove barriers to facilitate the development of earn and learn training programs in allied health professions. The report found there is an existing lack of coordinated effort among relevant state

agencies and recommended establishing formal communication through IACA. Earn and learn opportunities can help train a quality workforce, support recruitment and retention and improve the quality of patient care.

SUPPORT:

Service Employees International Union, California State Council
Jewish Vocational Services

OPPOSITION:

None yet.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 250
AUTHOR: Pan (D)
BILL DATE: Amended 3/11/21
SUBJECT: Health Care Coverage
SPONSOR:

DESCRIPTION OF CURRENT LEGISLATION:

This bill establishes a process for “deemed approved” status for individual health professionals’ prospective treatment utilization review required by health plans and health insurers; and, requires health plans and health insurers to reimburse a contracting individual health professional the full contracted rate, including the amount of in network patient cost-sharing for the services provided to an enrollee or insured in a contracting health facility. This bill requires health plans and insurers to bill and collect the cost-sharing from enrollees and insureds.

ANALYSIS:

Existing law establishes the Department of Managed Health Care (DMHC) to regulate health plans under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) and the California Department of Insurance (CDI) to regulate health insurance. [HSC §1340, et seq., INS §106, et seq.]

This bill:

- 1) Permits DMHC and CDI to review a health plan’s or health insurer’s clinical criteria, guidelines, and utilization management policies, as specified, to ensure compliance with the law, and upon a finding that the criteria and guidelines are not in compliance, requires DMHC and CDI to issue a corrective action and, if necessary, send the matter to enforcement.
- 2) Requires, on or before July 1, 2022, DMHC and CDI to develop a methodology for a health plan and its delegated entities, or health insurers, to calculate the average number of denied prospective utilization review requests for each specialty in each geographic region in the preceding 12 months.
- 3) Requires, on or before January 1, 2023, and annually thereafter, a health plan or health insurer and its delegated entities to report specified info to DMHC or CDI related to denied prospective utilization review requests.
- 4) Requires, on and after January 1, 2023, a health plan and its delegated entities, or a health insurer to examine an individual health professional’s record of prospective utilization review requests during the preceding 12 months and calculate both of the following:
 - a) The number of denied prospective utilization review requests the individual health professional did not appeal; and,
 - b) The number of denied prospective utilization review requests the individual health professional appealed with a medical peer review that the physician lost.
- 5) Requires, if the calculations made pursuant to 4) above are less than two standard deviations above the average number of denied prospective utilization review requests for the individual health professional’s specialty or subspecialty and geographic region, the

health plan or health insurer to grant the individual health professional “deemed approved” status for two years. Requires deemed approved status to exempt the individual health professional from the plan’s or insurer’s prospective utilization review process for all products the plan or insurer maintains.

- 6) Permits, after the initial two years of an individual health professional’s deemed approved status, and every two years thereafter, the health plan or insurer to request an audit of 10% of an individual health professional’s records, but not to exceed 20 records for all product types combined in a given year. Requires the review to be held at a time and in a manner that is convenient for the individual health professional.
- 7) Requires, if the audited records would have been less than two standard deviations above the average number of denied prospective utilization review requests for the individual health professional’s specialty or subspecialty and geographic region if prospective utilization review had been conducted, the individual health professional to retain deemed approved status, and if those records would have more than two standard deviations above those averages if prospective utilization review had been conducted, the individual health professional to lose deemed approved status.
- 8) Permits an individual health professional who loses deemed approved status as a result of the audit, to appeal the loss through a medical peer review by a peer of the same or a similar specialty.
- 9) Permits DMHC and CDI to review and override denials of deemed approved status after an appeal through medical peer review.
- 10) Prohibits services provided pursuant to this bill from being rescinded or modified after the individual health professional renders health care service in good faith.
- 11) Prohibits a health plan or health insurer from seeking reimbursement for treatment that it would have denied if prospective utilization review had been required.
- 12) Requires, if a health plan delegates the responsibility for prospective utilization review to a contracted entity, including, but not limited to, a medical group or independent practice association, the entity to which that responsibility is delegated to comply with the requirements of this bill.
- 13) Requires a health plan or health insurer for contracts and policies issued, amended, or renewed on or after January 1, 2022, to reimburse a contracting individual health professional the in-network cost-sharing amount and the full contracted rate for services provided by the contracting individual health professional to an enrollee or insured at a contracting health facility.
- 14) Prohibits a contracting individual health professional from billing or collecting from an enrollee cost-sharing amounts for services provided by the contracting individual health professional at a contracting health facility.
- 15) Requires the plan or insurer to bill and collect from the enrollee or insured the cost-sharing amounts for services provided by a contracting individual health professional at a contracting health facility.
- 16) Permits the plan or insurer to advance to collections only cost-sharing that the enrollee or insured has failed to pay, and, prohibits the plan, its contracting entity, or insurer from

reporting adverse information to credit reporting agencies, or commence civil action, for a minimum of 150 calendar days after initial billing.

- 17) Prohibits a health plan or insurer from canceling, rescinding, or failing to renew a contract for failure of an enrollees, subscriber, or insureds to pay cost-sharing amounts.
- 18) Defines contracting individual health professional as a physician and surgeon or other professional who is licensed by the state to deliver or furnish health care services and who is contracted with the enrollee's or insured's health care services product. This does not include a dentist. States that application of this definition is not precluded by affiliation with a group. Defines contracting health facility as having the same meaning as existing law.

FISCAL:

According to the Senate Appropriations Committee, CDI notes that this bill will increase costs for the department for the following items to implement the provisions of the bill-- (\$292,000 in FY 2021-22; \$291,000 in FY 2022-23, and thereafter \$48,000 annually thereafter):

- The department will review utilization manage policies and procedures, and if they are not in compliance, will issue a corrective action and, if necessary, send the matter to enforcement
- Requires the department to develop a methodology for a health insurer to calculate the average number of denied prospective utilization review requests. This will require the development of complex regulations.
- Requires insurers to submit reports annually to the department data on its average number of denied prospective utilization review requests, and its policies and procedures for collecting such data. The department will have to review these reports.
- The department will review and override denials of deemed approved status. This requires the development of complex regulations.
- Requires the department to contract with a third-party vendor, in a similar manner to how Independent Medical Review is currently handled.

DMHC is still analyzing its proposed role in reviewing the required annual health plan filings, in addition to the appeals process outlined in this bill, and notes that the potential costs associated with this bill are indeterminate at this time, but likely significant.

FROM THE AUTHOR'S OFFICE:

Author's statement. According to the author, the COVID-19 pandemic has highlighted the impact traditional health insurance administrative procedures have on delaying access to needed care. State and federal policymakers recognized this and put on hold prior authorizations or any other utilization management requirements for a variety of pandemic related health care items and services. In addition, the pandemic has left physician practices struggling to remain open in many communities that were experiencing disparities in access to health care services before the pandemic. It is critical that California act now to give providers the tools that are required in order to efficiently and effectively operate a practice, increase care coordination, improve access to care and reduce costs. This bill will create a simpler billing process for patients while also improving health care outcomes, streamlining the care physicians provide and freeing up physician resources to dedicate more time to delivering care.

Prior authorization. According to a July 2020 paper published in *Circulation: Cardiovascular Quality and Outcomes*, most payers use some type of utilization management to manage healthcare costs, such as prior authorization, which requires clinicians to obtain advance payment coverage approval from a health plan or insurer before providing a medical device, medication, procedure, service, or supply to a patient. Prior authorization requirements can be

challenging for patients creating a barrier to care, health care providers who must spend time and resources to get approvals; and payers because of the intensive effort to design and administer increasingly complex prior authorization systems. One approach to streamlining prior authorization is an audit-based system where prospective prior authorization is waived for clinicians deemed high-performing. This gold carding recognizes clinicians who regularly have prior authorizations approved and lifts requirements for them for a time period. Blue Cross and Blue Shield of Nebraska have allowed clinicians who reached gold card status to use a special fax sheet for automatic approval since 2018. Under this program, a clinician must have a low denial rate of ($\leq 6\%$) for 9 to 12 months and is awarded gold card status for 12 months. Similarly, Vermont's gold carding system for radiology procedures required a denial rate of $\leq 3\%$ on at least 100 imaging requests in 18 months, and Alabama required a $\leq 5\%$ denial rate in the same time period. Some challenges with audit-based systems, include potentially exacerbating existing inequities in care. For example, larger integrated health systems often have more time and resources to successfully obtain prior authorization approvals and appeals, especially compared with smaller practices. In contrast, some Medicaid and lower-cost managed care plans may have lower prior authorization approval rates than more expensive plans. Therefore, it is possible for audit-based systems to worsen inequities, as patients served by larger health systems would have increased access to drugs and services compared with lower resource settings. There can also be challenges identifying high-performing clinicians with available data.

Cost-sharing collection. Some health plans have begun offering health plan portals through which patients can pay health provider cost sharing. Announced in 2013, United Healthcare introduced a secure, online electronic bill-payment service that enables consumers to pay their medical bills and manage their health care claims and related expenses all from one location. The online service is available to more than 21 million United Healthcare plan participants nationwide and enables consumers to pay medical bills electronically adding convenience for consumers while helping health care providers get paid faster and easier. Anthem Blue Cross announced as of July 1, 2018, many Anthem Blue Cross members with commercial health plans can pay their healthcare providers while accessing their claim information on the member portal. Registered providers will conveniently receive payments by direct deposit into their bank account without ever mailing a patient bill or making a phone call.

SUPPORT:

California Medical Association
Arthritis Foundation
California Orthopedic Association
American Academy of Pediatrics, California District
California Rheumatology Alliance
Children's Cardiology of the Bay Area, Inc.

OPPOSITION:

Association of California Life and Health Insurance Companies
California Association of Health Plans
John Muir Health
Desert Oasis Healthcare
MedPOINT Management
Torrance Memorial Medical Center
America's Health Insurance Plans
High Desert Medical Group
America's Physician Groups
Bakersfield Family Medical Center
Canopy Health
Coastal Communities Physician Network
Sharp Rees-Stealy Community Medical Group

Health Care LA IPA

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 607
AUTHOR: Roth (D)
BILL DATE: Amended 5/20/21
SUBJECT: Professions and Vocations
SPONSOR: Author Sponsored

DESCRIPTION OF CURRENT LEGISLATION:

This bill would make technical and substantive changes to the operations of a number of boards and bureaus within the jurisdiction of DCA. This bill would require a Board within DCA to waive all fees (applicant and initial licensing fees) for an initial license, in addition to the expedited licensure process, for an applicant who 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 and holds a current license in another state or territory. This bill makes other technical and clarifying changes.

ANALYSIS:

Specifically, this bill:

- 1) Requires a Board within the DCA to waive all fees for an initial license, in addition to the expedited licensure process, for an applicant who 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 and holds a current license in another state or territory.

This bill would amend BPC Section 115.5 of the BPC and require that all boards within the DCA to expedite the licensure process and waive all fees charged by the Board associated with the application and initial license for an applicant who meets both of the following requirements:

- 1) Supplies evidence satisfactory to the board that the applicant 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) Holds a current license 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.

In addition; a board may adopt regulations necessary to administer this section.

**Last fiscal year, PTBC issued 17 military licenses

- 2) Clarifies the fee for an application for a pediatric minimal sedation permit issued by DBC, which cannot exceed \$1,000 for initial license and \$600 for the renewal.
- 3) Deletes the requirement that a RDAEF pass a clinical and practical examination, as specified.
- 4) Authorizes any foreign dental school whose program has approval prior to January 1, 2020, through any date between January 1, 2024 and December 31, 2026, to maintain approval

through that date, but upon expiration of that date, requires compliance with accreditation requirements.

- 5) Adds clarifying language to implement the LATC's authority for requiring fingerprints for conducting a criminal history record check and to undergo a state- and federal- level criminal offender record information search conducted through the Department of Justice.
- 6) Increases various licensing, application, renewal, and miscellaneous fees for licensees under the jurisdiction of the CSLB, as specified. Increases, beginning January 1, 2023, the amount required for a contractor's bond for licensure from \$15,000 to \$25,000.
- 7) Clarifies requirements for security guard applicants for a firearms permit to complete a specified assessment.
- 8) Clarifies that a contractor can perform the inspection and bid on the repair work of an EEE.

FISCAL:

According to the Senate Appropriations Committee, unknown fiscal impacts to the affected boards and bureaus to implement the various administrative and enforcement changes proposed in this bill.

FROM THE AUTHOR'S OFFICE:

Background:

California Architects Board (CAB) and the Landscape Architects Technical Committee (LATC). SB 608 (Glazer, Chapter 376, Statutes of 2019), the sunset bill for the CAB and LATC, granted the programs authorization to require fingerprints of new applicants for licensure, beginning January 1, 2021. While SB 608 included necessary implementation language for the CAB to have this authority for architects, due to a technical oversight, similar language was not added to the to LATC's statute in order for the same authority to be extended to landscape architect applicants. This bill adds the appropriate statutory authority for the CAB to begin obtaining the fingerprints required for LATC applicants.

Exterior Elevated Element Inspections and SB 721 (Hill, Chapter 445, Statutes of 2018). SB 721 sought increase safety and oversight of multi-family dwellings by requiring existing EEEs to be inspected at least every six years by certain licensed persons in order to determine that the EEEs and their associated waterproofing elements are in generally safe conditions, adequate working order, and free from any hazardous conditions. SB 721 required any identified repairs to be made within a designated timeframe and set penalties for building owners who do not complete the required repairs. That bill was specific as to who could provide the inspections, and specifically prohibited a licensed contractor hired as the inspector from completing any repair work. Given that CSLB can take enforcement in the event of a problematic inspection or subsequent shoddy repairs resulting from an inspection, in order to ensure that these important inspections are occurring immediately, this bill will remove the requirement that two separate contractors are hired for these purposes.

Dental Board of California

After the statutory structure for anesthesia licenses was most recently modified in SB 501 (Glazer, Chapter 929, Statutes of 2018), DBC identified a gap in the law authorizing them to fully implement the new requirements. SB 501 created a new Pediatric Minimal Sedation Permit and stated that the application and renewal fee for the new Pediatric Minimal Sedation Permit shall not exceed the maximum fees for dentistry licensing and renewals. However, BPC Section 1724 was not updated to provide DBC the necessary authority to require an applicant to pay fees

associated with the permit and permit renewal. This bill corrects the oversight created by SB 501 by adding a maximum fee for initial issuance and renewal of a Pediatric Minimal Sedation Permit. Additionally, DBC is required to administer clinical and practical examinations for candidates for licensure as a RDAEF. DBC has worked with DCA's Office of Professional Examination Services over the past number of years and has determined that, due to ethical and practical considerations, dental licensure examinations are moving away from patient-based assessments. This trend has been accelerated by the pandemic. In May 2020, DBC staff received notification that UCLA and UCSF would not be able to host the DBC's RDAEF clinical and practical examinations due to the Governor's stay at home order and concerns surrounding COVID-19. At its August 2020, meeting, the Board acknowledged: (1) the challenges with the administration of the RDAEF clinical and practical examinations; (2) the fact that RDAEFs are already a supervised profession, requiring supervising dentists to determine when a RDAEF is ready to practice and perform the duties of their licensure; (3) the fact that DBC has not received consumer complaints relating to RDAEFs performing these tested procedures; and (4) the fact that DBC previously eliminated the Registered Dental Assistant (RDA) practical examination for some of the same reasons. DBC proposed to repeal the clinical and practical examination requirements for RDAEF licensure; this bill implements those recommendations. Prior to 2020, the DBC was responsible for the approval of certain foreign dental schools. As a result of AB 1519 (Low, Chapter 865, Statutes of 2019), foreign dental schools must now complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association or a comparable accrediting body approved by the DBC. Some schools were still approved prior to the implementation of AB 1519; this bill clarifies approval and accreditation timeframes.

Contractor's Bond

The CSLB issues licenses to five types of business entities: sole owner, partnership, corporation, joint venture, and a limited liability company. In addition to verifying experience requirements, the CSLB also consults the Secretary of State to verify ownership of a contractor company when applicable. Applicants are required to take and pass both a trade and a Law and Business examination. Applicants must also comply with additional licensing requirements including proof of workers compensation, unless exempted, and a surety bond. Prior to 2016, BPC Section 7067.5 required that all initial applicants and renewal applicants provide evidence of financial solvency by demonstrating that the operating capital exceeded \$2,500. In 2016, SB 467 (Hill, Chapter 656, Statutes of 2016) eliminated that requirement as a condition to obtain a CSLB license and instead increased the contractor bond amount from \$12,500 to \$15,000 (BPC §7071.6). Since the enactment of SB 467, in lieu of the \$2,500 capital requirement, contractors are required to demonstrate financial solvency to CSLB by obtaining and maintaining a \$15,000 surety bond through an admitted surety insurer. In the instance of a contractor using an alternative to bonds, the contractor is required to place the entire \$15,000 on deposit with the CSLB and maintain it through the life of the license period. An outcome of issues raised during the CSLB's 2018 sunset review, required the CSLB to conduct a study of the contractor's bond sufficiency. SB 610 (Glazer, Chapter 378, Statutes of 2019), which was the sunset bill for the CSLB specifically required the CSLB to conduct a study to obtain information to evaluate whether the current \$15,000 amount of the contractor bond is sufficient, or whether an increase may be necessary, and report its findings and recommendations to the appropriate policy committees of the Legislature by January 1, 2021. Ultimately, the study concluded that an increase might be necessary. This bill increases the current bond amount by \$10,000.

CSLB Licensing Fees

The CSLB notes that expenditures have slowly outgrown revenue over the past several years, and the CSLB now projects a future deficit and insufficient reserve funds. In March 2020, the CSLB requested an outside consultant to conduct a fee study to determine if CSLB fee levels were appropriate for the recovery of costs to meet mandated functions for the next five years. The consultant recommended CSLB maintain some fees, increase some fees, and proposed

adding two new fees. The consultant recommended raising the statutory cap for all fees by approximately 25 percent. This bill increases the statutory minimum and maximum ranges for a number of fees as recommended by the fee study consultant.

Bureau of Security and Investigative Services

During the 2015-16 sunset review oversight of the Bureau, SB 1196 (Hill, Chapter 800, Statutes of 2016) and SB 547 (Hill, Chapter 429, Statutes of 2017) established the requirement, which went into effect July 1, 2018, for an applicant of a BSIS firearms permit who is a BSIS security guard registrant to complete an examination designed to demonstrate that they are capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearms while on duty, effective as a condition for the issuance of a permit. This bill streamlines the assessment process and creates a pathway for applicants to complete the assessment and be issued a permit.

Assistance for Military Applicants and Licensees

Due to the potential hardships of licensing on military applicants, veterans, and their families, the Legislature has passed, and the DCA boards have implemented, several policies to ease the burdens on military applicants, spouses, and licensees. For instance, BPC Section 114 exempts licensees from penalties for reinstating a retired license if called to active duty. BPC Section 114.3 requires boards under the DCA to waive renewal fees, continuing education requirements, and other requirements for military licensees as long as specified requirements are met. In addition, BPC Section 115.4 requires boards under the DCA to expedite the initial licensure process for applicants who are honorably discharged veterans. Although the license application may be expedited, hardships associated with a transition to California remain and as such, this bill waives initial licensing fees for military spouses who are currently subject to the expedited application processing.

SUPPORT:

Dental Board of California
Foundation for Allied Dental Education
SureTec Insurance
Tokio Marine HCC

OPPOSITION:

None yet.

POSITION:

Recommendation: Watch

PHYSICAL THERAPY BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 731
AUTHOR: Durazo (D) and Bradford (D)
BILL DATE: Amended 5/20/21
SUBJECT: Criminal Records: Relief
SPONSOR: Californians for Safety and Justice, Homeboy industries –Anti-Recidivism Coalition, Legal Services for Prisoners with Children and the Los Angeles Regional Re-entry Project.

DESCRIPTION OF CURRENT LEGISLATION:

This bill permits additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.

ANALYSIS:

Existing law:

- 1) Provides that on a monthly basis the Department of Justice (DOJ) shall review the records in the statewide criminal databases and shall identify persons with records of arrest that are eligible for arrest record relief, with no requirement that the person file a motion seeking relief. A person is eligible for relief if the arrest occurred on or after January 1, 2021 and meets any of the following conditions:
 - a) The arrest was for a misdemeanor and the charge dismissed.
 - b) The arrest was for a misdemeanor and no criminal proceedings have been initiated one year from the date of the arrest.
 - c) If the arrest was for a jail felony, punishable by 8 or more years and no proceedings have been initiated 3 years after the date of the arrest, and no conviction occurred, or the arrestee was acquitted of the charges.
 - d) If the person successfully completed a specified diversion program.
- 2) Subjects the relief granted to the following conditions:
 - a) It does not relieve a person of an obligation to disclose an arrest in an application for employment as a peace officer.
 - b) It does not limit the ability of a criminal justice agency to access the arrest information.
 - c) It does not limit the ability of a district attorney to prosecute for the offense if it is within the statute of limitations.
 - d) It does not impact a person's authorization to own or possess a firearm
 - e) It does not impact any prohibition on holding public office.
 - f) It does not impact licensing for foster homes and similar facilities.
 - g) It does not limit other motions for relief. (Penal Code Section 851.93)
- 3) Provides that if a person is sentenced to a jail felony, the court, in its discretion, in the interest of judgement may allow a person to withdraw their guilty plea and enter a plea of not guilty and the court shall set aside the verdict and dismiss the accusations or information against the defendant when specified conditions are met. The relief shall be not be granted unless the prosecuting attorney has been given 15 days' notice of the petition for relief. (Penal Code Section 1203.41)
- 4) Provides that commencing July 1, 2022, and subject to a Budget appropriation, on a monthly basis, the DOJ shall review records in the statewide criminal justice databases and shall identify person with convictions that meet specified criterial and are eligible for automatic conviction relief. A person is eligible for relief if they meet all of the following conditions:
 - a) The person is not required to register as a Sex Offender.
 - b) The person does not have an active record for local, state, or federal supervision in the Supervised Release file.

- c) Based on the information available, it does not appear the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.
 - d) There is no indication that the conviction resulted in a sentence of incarceration in state prison.
 - e) The conviction occurred on or after January 1, 2021 and the defendant either was sentenced to probation and appears to have completed their term of probation without revocation or, the defendant was convicted of an infraction or misdemeanor, was not granted probation, and at least one calendar year has passed since the date of judgement. (Penal Code Section 1203.425(a)(1))
- 5) Provides that automatic conviction record relief is subject to the following conditions:
- a) It does not relieve a person of the obligation to disclose a conviction when applying to be a peace officer.
 - b) It does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire for public office or for contracting with the California State Lottery Commission
 - c) It does not affect a person's authorization to own, possess, etc. a firearm.
 - d) It does not affect a prohibition from holding public office that would otherwise apply as a result of the conviction.
 - e) It does not affect the authority to receive, or take action based on, criminal history information including the authority to receive certified court records.
 - f) It does not make eligible a person otherwise ineligible to provide in-home supportive services.
 - g) It may still act as a prior for future arrests and convictions. (Penal Code Section 1203.425(a)(3))

This bill:

- 1) Makes, also, an arrest for a felony and there is no indication that the criminal proceeding has been initiated at least 3 years after the arrest eligible for relief and amends existing law to provide that if the arrest was for a jail or prison felony with a sentence of 8 or more years shall be eligible for relief when no criminal proceedings have happened 6 years after the arrest.
- 2) Makes Penal Code Section 1203.41 apply to all felonies not just jail felonies and provides that if the defendant was on mandatory supervision, the parole officer shall notify the prosecuting attorney when a petition is filed.
- 3) Deletes the prohibition on granting relief if the person was incarcerated in the state prison.
- 4) Provides, in addition, that relief granted does not release the defendant from the terms and conditions of any unexpired criminal protective orders.
- 5) Adds an additional criteria for relief providing for relief if the conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based on the disposition date and the sentence specified in DOJ's records, appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction during which the person was not convicted of a new felony. This does not apply to a serious or violent felony as defined in the Penal Code or an offense for which a person must register as a sex offender.

FISCAL:

According to the Senate Appropriation Committee, unknown, potentially-major costs to the Department of Justice (DOJ) to expand the current automatic record relief system. To establish the current system, the department indicated initial annual costs in the low millions of dollars for the first few years and ongoing annual costs of \$1.9 million after implementation was complete. It is unclear if the expansion proposed by this measure could be, in whole or in part, incorporated into the implementation of the current system, but it may not be likely given that DOJ is required to have the current system operational by July 1, 2022. (General Fund)

FROM THE AUTHOR'S OFFICE:

According to the Author:

Nationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record.¹ The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the 'deepest end' of the justice system.

Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to the widespread usage of background checks in today's society, the availability of these records activate thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread lack of civic participation. These collateral consequences disproportionately affect Black and Latino communities and have become one of the leading drivers of multi-generational poverty.

SUPPORT:

California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Immigrant Policy Center
California Labor Federation
California Public Defenders Association
Friends Committee on Legislation of California
Legal Services for Prisoners with Children (LSPC)
Drug Policy Alliance
National Association of Social Workers, California Chapter (NASW-CA)
Homeboy Industries
Time for Change Foundation
Community Works
Californians United for a Responsible Budget
San Francisco Public Defender
Fresno Barrios Unidos
A New Way of Life Reentry Project
Rubicon Programs
Los Angeles Regional Reentry Partnership
Starting Over, Inc.
Shields for Families
Communities United for Restorative Youth Justice
Pillars of the Community
Alliance of Californians for Community Empowerment
Asian Americans Advancing Justice – California
Think Dignity
Law Enforcement Action Partnership
Initiate Justice
Legal Aid at Work
Inland Empire Fair Chance Coalition

Bend the Arc: Jewish Action
UnCommon Law
California Religious Action Center of Reform Judaism
Re:Store Justice
Showing Up for Racial Justice (SURJ) Bay Area
Tides Advocacy
We the People - San Diego
Asian Solidarity Collective
Social & Environmental Justice Committee of the Universalist Unitarian Church of Riverside
Ella Baker Center for Human Right
Code for America
American Civil Liberties Union/northern California/Southern California/San Diego and Imperial Counties
Courage California
Dream Corps
Underground Scholars Initiative Berkeley
Team Justice
Inland Equity Partnership
Showing Up for Racial Justice North County
Showing Up for Racial Justice (SURJ) San Diego
Arts for Healing and Justice Network
Cat Clark Consulting Services LLC
Forward Impact DbA Represent Justice
Family Reunification, Equity and Empowerment Project
Family Reunification, Equity & Empowerment
Last Prisoner Project
Phenomenal Angels of The Community
The Reverence Project
Transition Clinic Network

OPPOSITION:

Peace Officers Research Association of California
California Association of Licensed Investigators

POSITION:

Recommendation: Watch



Briefing Paper

Date: June 10, 2021

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. 2021 Rulemaking Update
2. Rulemaking Processing Timelines

Background:

At the December 2020 meeting, the Board adopted the 2021 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 2021 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.

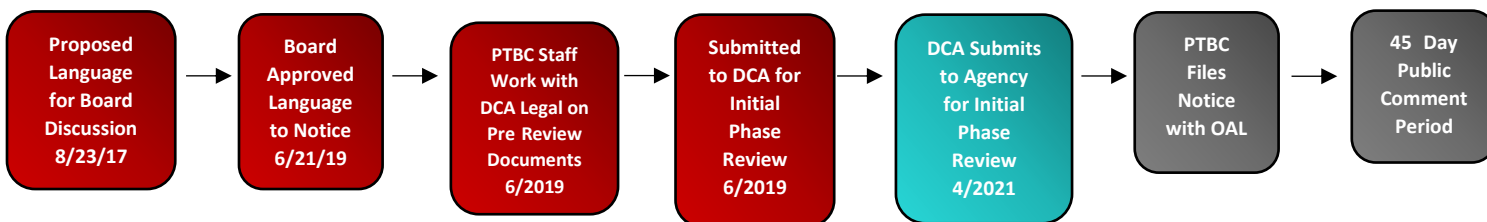
Action:

No action is requested on presentation of the rulemaking report.

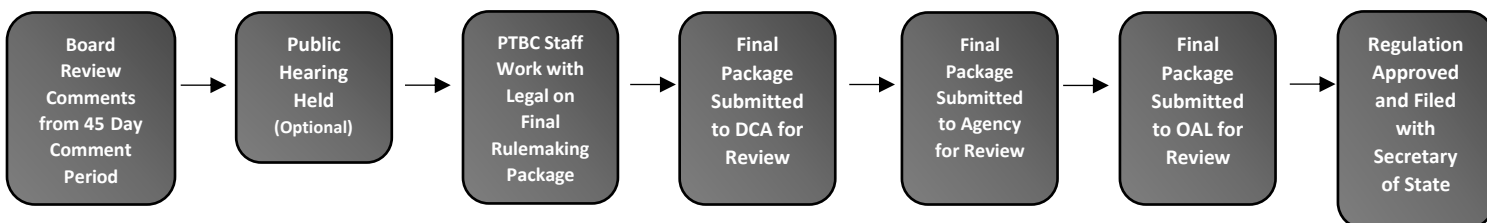
2021 Rulemaking Update

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

Initial Phase:



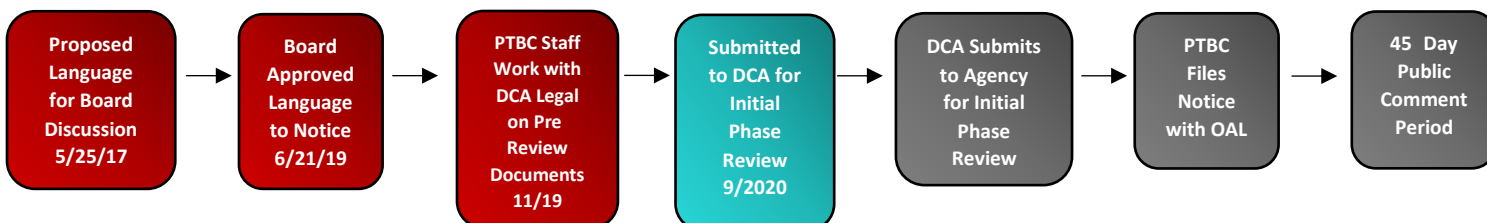
Final Phase:



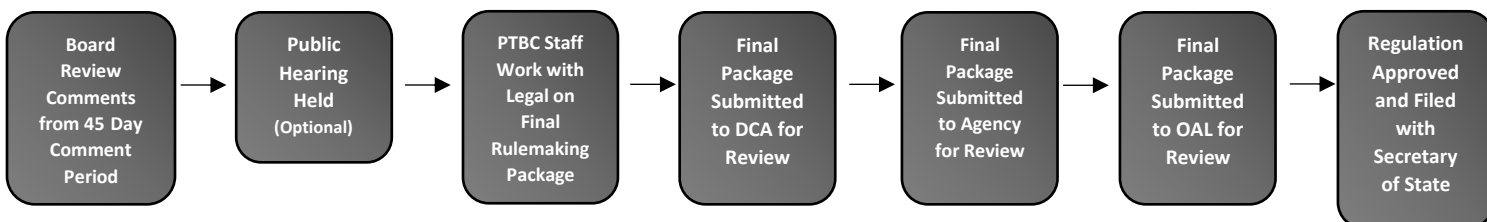
Notes: This regulation proposes to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6th Edition Disciplinary Guidelines (Revised June 2019) replacing the 5th Edition Disciplinary Guidelines (Revised December 2013). Proposed regulatory language was presented at 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. In June 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review and in April 2021 the initial rulemaking package was forwarded to Agency for review. The package was returned with suggested edits from Agency in May 2021 and Board staff addressed the recommendations from Agency and resubmitted to Agency June 10, 2021.

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

Initial Phase:



Final Phase:

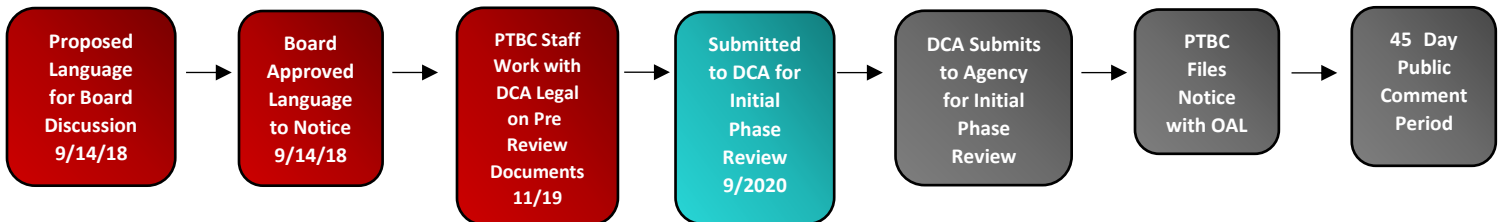


Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). PTBC staff 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 September 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. In late April 2021, the initial rulemaking package was returned with suggested edits and Board staff are currently working on the package to return to DCA Legal for review soon.

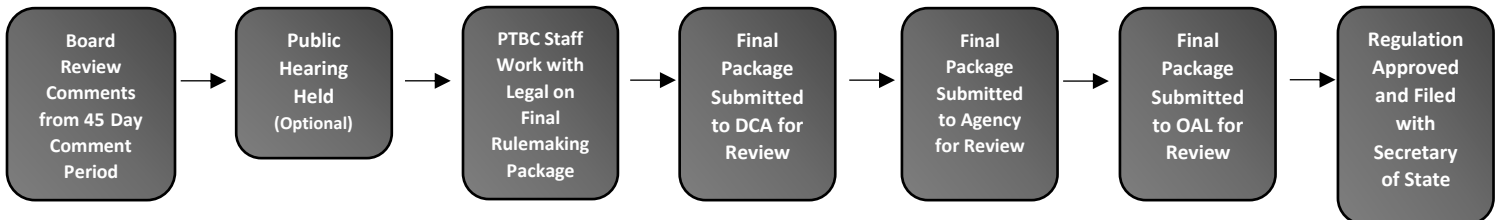
2021 Rulemaking Update

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

Initial Phase:



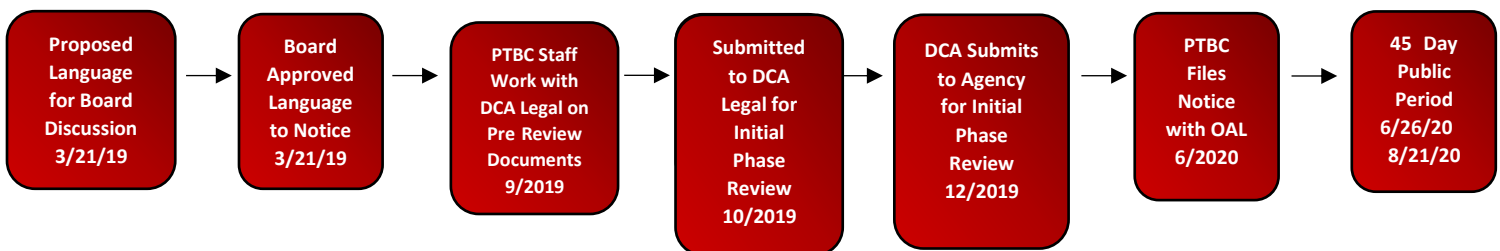
Final Phase:



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 September 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review. Upon further review, DCA Legal and OAL determined that the PET and CPI would need to be incorporated by reference and since this is a non-substantive change the language will be modified to reflect this which is within the Executive Officer's delegation.

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

Initial Phase:



Final Phase:

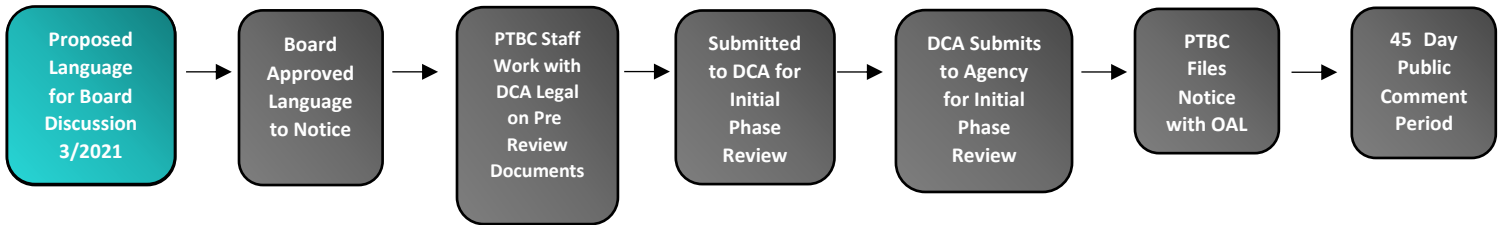


Notes: This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 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. 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 was published by OAL on June 26, 2020 and the 45- day public comment ended on August 21, 2020. The final rulemaking package was submitted to DCA Legal in May 2021 and it was submitted to Agency for their review in June 2021.

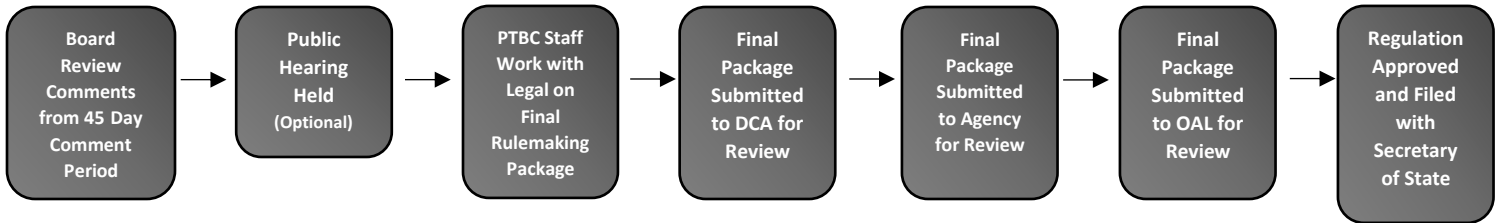
2021 Rulemaking Update

License Renewal Exemptions: Retired License Status

Initial Phase:



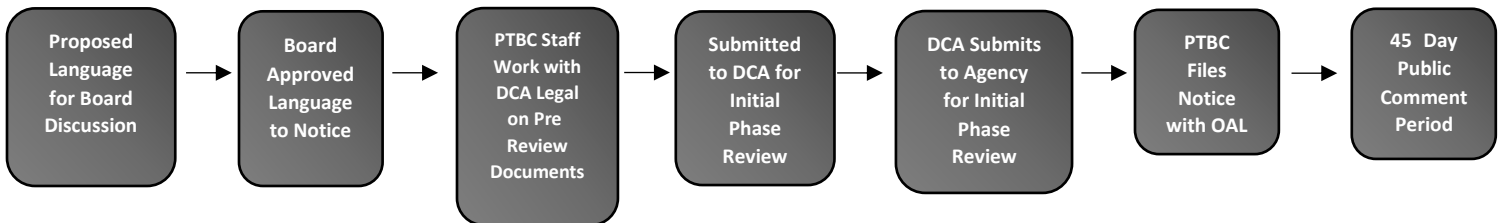
Final Phase:



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 2021 Rulemaking Calendar that was adopted at the Board meeting on December 10, 2020. At the March 2021 Board meeting proposed language was presented for Board consideration and staff will be working with DCA Legal to address concerns addressed with the language and once finalized will present proposed language at a future meeting date for Board consideration.

Continuing Competency

Initial Phase:



Final Phase:



Notes: This regulation proposes to amend CCR 1399.90 – 1399.99, Article 14, Division 13.2 of Title 16. This proposed regulation was placed on the 2021 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2020. 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



Briefing Paper

Agenda Item 13(A)

Date: May 28, 2021

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 Q3, CY2020-21.

Attachments: [1. Expenditure Report](#)
[2. Expenditure Measures](#)
[3. Revenue Report](#)
[4. Revenue Measures](#)

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).

CY2020-21, according to the Governor's Budget, the PTBC is authorized \$6,120,000 which includes personnel services, operating expenses and equipment, and 26 positions to support program requirements. The Operating Expenses and Equipment (OE&E) budget is \$6,120,000 (CY 2020-21), a 9.4% increase from \$5,543,000 over last fiscal year (2019-20).

On 3/27/20, the DCA Budget Office initiated COVID19 cost tracking. This initiative directs the Board to track all costs associated with COVID19, including staff work hours spent on COVID19 (*see analysis).

On 5/22/20, in the ongoing efforts to mitigate the spread of COVID-19, Governor Gavin Newsom launched California Connected (californiaconnected.ca.gov), the state's comprehensive Contact Tracing Program and public awareness campaign. As part of California Connected, public health workers from communities across the state would connect with individuals who test positive for COVID-19 and work with them, and people they have been in close contact with, to ensure they have access to confidential testing, as well as medical care and other services to help prevent the spread of the virus.

On 6/29/20, the PTBC was required to allocate one full-time position (applications analyst) to the Contact Tracing Program.

Analysis:

Expenditures: PTBC expended a total of \$1,012,834 in Q3 (CY20/21), a \$130,960 or 13% decrease over last fiscal year's Q3 expenditures of \$1,143,794 (FY19/20). Year-to-date expenditures increased by \$309,776 or 9% over last fiscal year (FY19/20).

*Of these expenditures, the PTBC spent \$69,528 (combined salaries) in personnel services and no equipment/supply cost in Q3 and \$158,710 as of March 31, 2021 (year-to-date), which includes \$2,111 equipment/supplies cost.

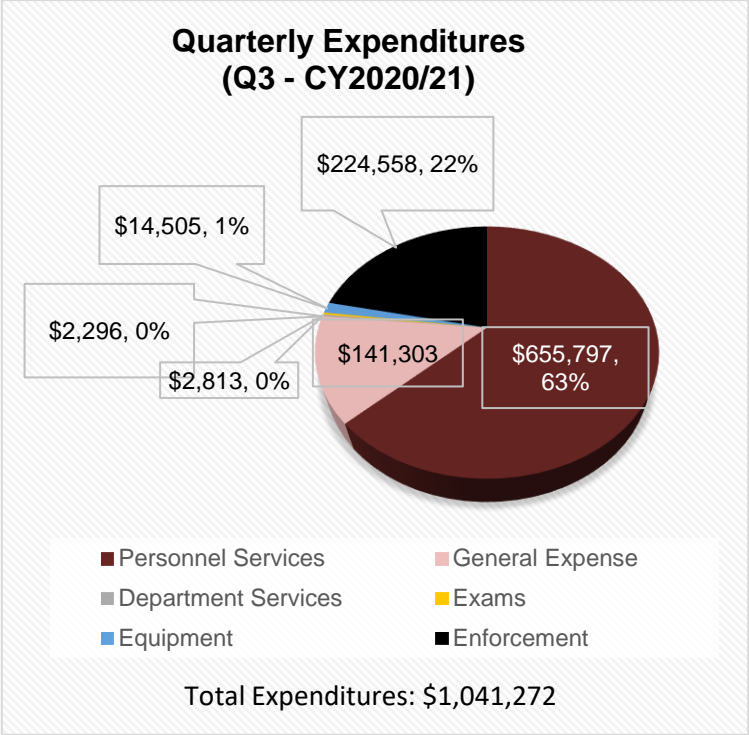
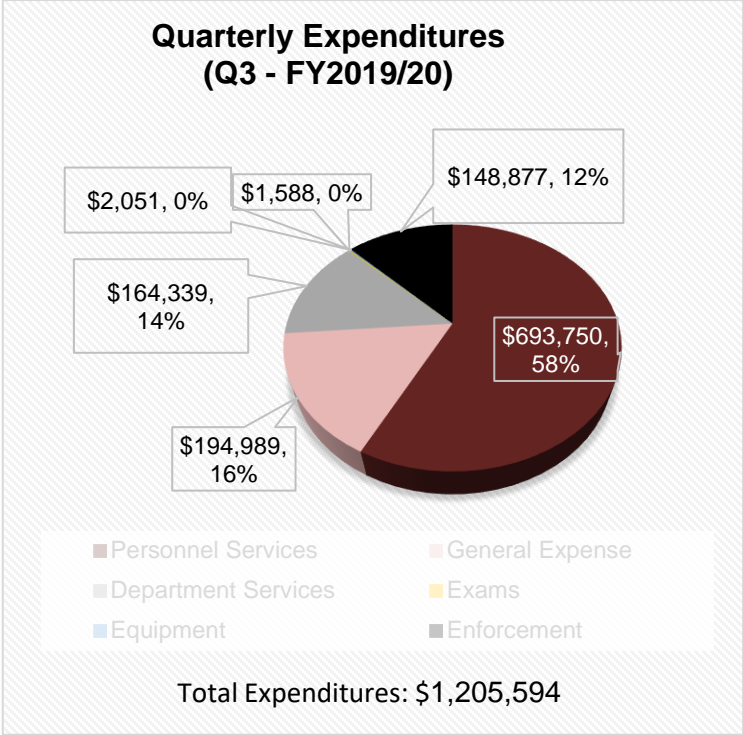
Revenues: PTBC collected \$1,596,397 in revenues during Q3 this fiscal year (CY20/21), a \$7,972 or 0.5% increase over last fiscal year's Q3 revenues of \$1,588,425 (FY19/20). However, overall year-to-date revenues decreased by 5,739 or 0.1% over last fiscal year.

Fund: Based on the data collected by the DCA, Budget Office. the PTBC is projected a 10 month fund reserve by the end of this CY2020/21. However, as previously reported, while the PTBC's fund is considered "healthy", the PTBC's fund reserves will reduce to 7 months in BY2022/23 and continue to decrease over the next 5 years to 3 months by BY2024/25. This analysis is based on current revenue and expenditure trends and may change year to year with changes in future revenues and expenditures trends.

Action Requested: No action requested.

Expenditure Statistics Report										
Budget Line Items	PY (2019 2020)		CY (2020 21)							
	Q3		Authorized	Q1		Q2		Q3		% Budget Spent
	Jan	Mar		Jul	Sep	Oct	Dec	Jan	Mar	
		YTD (As of 03/31/20)	Budget						YTD (As of 03/31/21)	Balance
PERSONNEL SERVICES										
Civil Services Permanent	364,250	1,030,601	1,476,000	351,239		367,212		374,775	1,093,226	74% 382,774
Statutory Exempt	26,253	78,759	77,000	24,674		24,933		24,933	74,540	97% 2,460
Temp help	28,496	102,696	0	5,393		9,261		8,126	22,780	- (22,780)
Board Members	10,800	33,800	12,000	6,300		12,100		12,900	31,300	261% (19,300)
Overtime	0	0	0	0		0		536	536	0% (536)
Staff Benefits	263,951	744,591	976,000	242,897		243,463		234,527	720,887	74% 255,113
TOTAL PERS SVS	693,750	1,990,447	2,541,000	630,503		656,969		655,797	1,943,269	76% 597,731
OPERATING EXPENSES & EQUIPMENT										
GENERAL EXPENSE TOTAL	194,989	1,359,142	602,000	39,658		74,103		141,303	255,064	42% 366,970
Fingerprints	9,679	24,000	99,000	2,352		10,763		6,255	19,370	20% 79,630
General Expense	7,059	12,819	23,000	4,780		-1,595		26,388	29,573	129% (6,573)
Printing	7,380	19,812	15,000	4,163		5,169		5,041	14,373	96% 627
Communications	2,919	6,535	15,000	960		1,981		2,934	5,875	39% 9,125
Postage	0	0	8,000	23		0		4,248	4,271	53% 3,729
Insurance	0	55	0	0		0		9,084	9,084	- (9,084)
Travel in State	4,004	14,710	10,000	0		91		92	183	2% 9,817
Training	0	0	13,000	0		0		0	0	0% 13,000
Facilities Operations	29,304	86,247	254,000	25,952		28,144		41,995	96,091	38% 157,909
C&P SRVS Internal	0	96	12,000	0		0		152	152	1% 11,848
C&P SRVS External	20,811	56,538	153,000	1,428		29,550		25,080	56,058	37% 96,942
Other Items of Expense	113,833	1,138,330	0	0		0		20,034	20,034	- (20,034)
DEPARTMENT SERVICES TOTAL	164,339	10,292	1,006,000	484,421		243,166		2,296	729,883	73% 27,100
Consumer Client (ProRata)	154,817	0	939,000	484,000		242,000		0	726,000	77% 213,000
Interagency Services	0	0	37,000	0		0		0	0	0% 37,000
Departmental Services - Other	558	862	0			229		754	983	
Consolidated Data Center	8,862	8,863	14,000	0		912		933	1,845	13% 12,155
Information Technology	102	567	16,000	421		25		609	1,055	7% 14,945
EXAMS TOTAL	1,588	4,067	0	562		977		2,813	4,352	- 0
Exam Admin External	1,588	4,067	0	562		977		2,813	4,352	- (4,352)
EQUIPMENT TOTAL	2,051	2,961	33,000	275		2,322		14,505	17,102	52%
Minor Equipment	2,051	2,961	15,000	275		2,322		5,975	8,572	57% 6,428
Major Equipment	0	0	18,000	0		0		8,530	8,530	47% 9,470
ENFORCEMENT TOTAL	148,877	375,487	1,667,000	455,218		400,104		224,558	1,079,880	65% 587,120
Attorney General	96,576	312,485	794,000	78,505		185,425		180,366	444,296	56% 349,704
Office of Admin Hearings	2,050	17,250	110,000	0		11,948		28,642	40,590	37% 69,410
Evidence/Witness Fees (SME)	22,141	43,689	100,000	975		12,188		14,301	27,464	27% 72,536
Court Reporters	988	2,063	0	738		3,043		1,249	5,030	- (5,030)
DOI Investigation (ProRata)	27,122	0	663,000	375,000		187,500		0	562,500	85% 100,500
TOTAL OE & E	511,844	1,751,949	3,308,000	980,134		720,672		385,475	2,086,281	63% 1,221,719
TOTALS, PERS SVS/OE&E	1,205,594	3,742,396	5,849,000	1,610,637		1,377,641		1,041,272	4,029,550	69% 1,819,450
*Fingerprint Reimbursements	-10,927	-30,870	-97,000	(9,212)		(6,762)		(8,508)	(24,482)	- (72,518)
*Other Scheduled Reimbursements	0	0	-2,000	0		0		0	0	- (2,000)
UnScheduled Reimbursements	-50,873	-99,825		(44,807)		(18,854)		(19,930)	-83,591	- 0
TOTAL REIMBURSEMENTS	-61,800	-130,695	-99,000	(54,019)		(25,616)		(28,438)	(108,073)	
TOTALS, PERS SVS/OE&E (-REIM)	1,143,794	3,611,701	5,750,000	1,556,618		1,352,025		1,012,834	3,921,477	68% 1,828,523

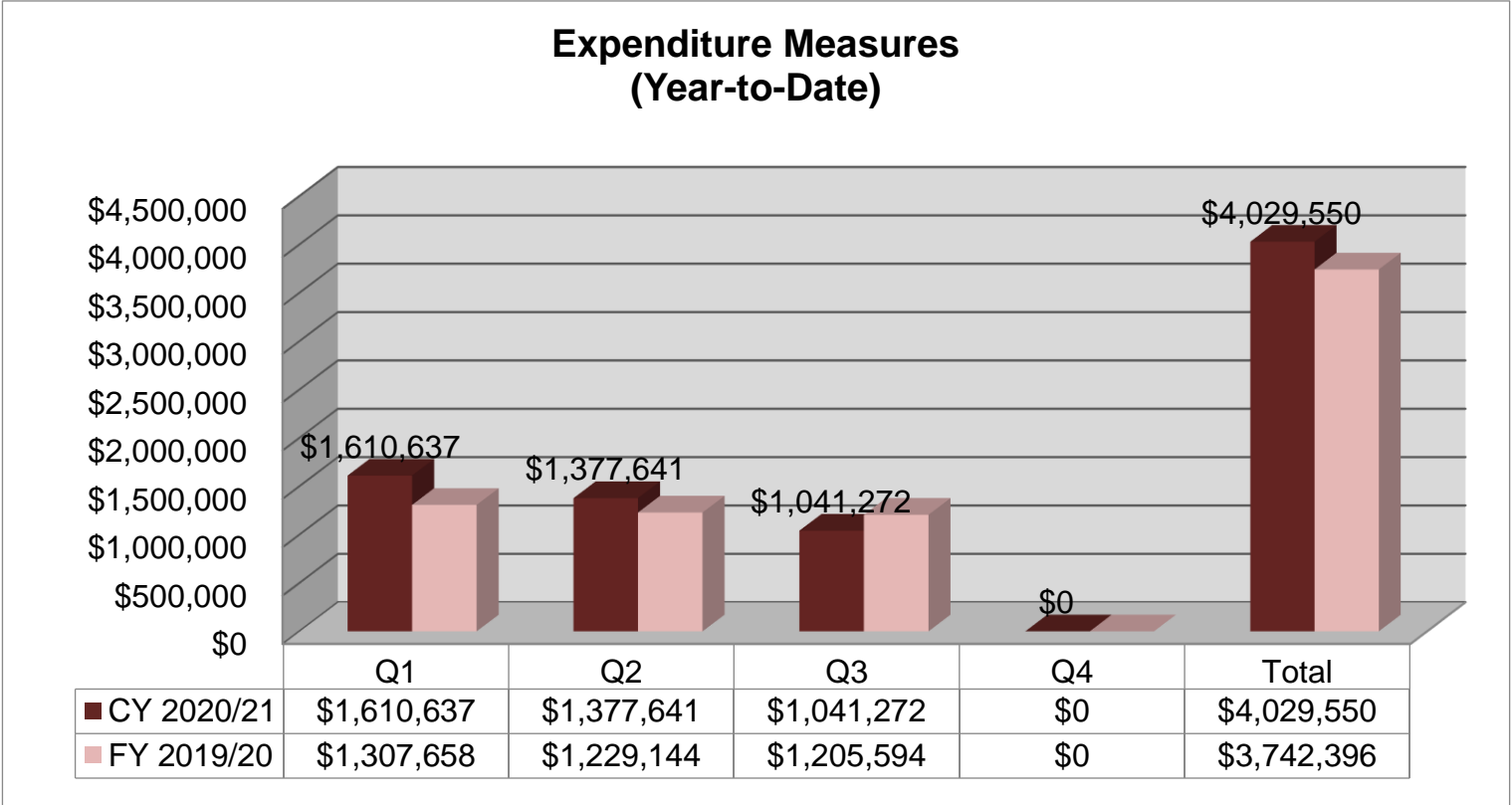
*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards current year (CY) expenditures. Revenues over 99k are transferred/ deposited directly to fund (year-end).



Note: Chart does not include scheduled reimbursements.

1. CY (Q3) Personnel Services expenditures was 63% of Q3 total expenditures.

2. CY (Q3) expenditures decreased by 14% over last fiscal year (FY19/20).



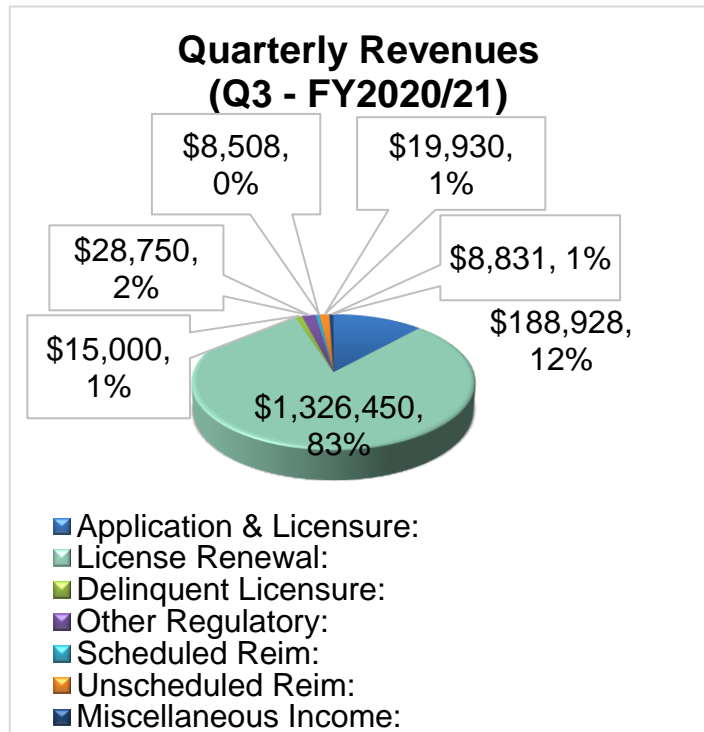
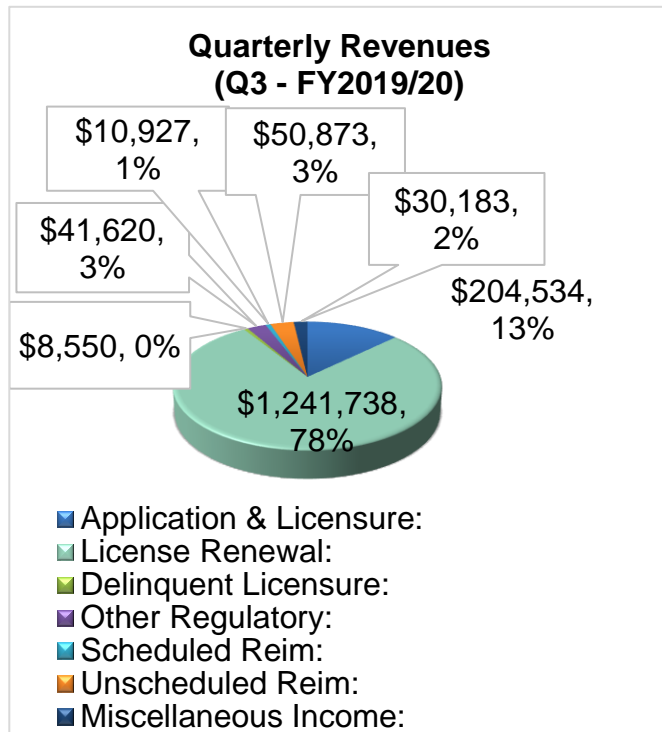
Note: Chart does not include scheduled reimbursements.

1. CY, Year to date expenditures increased by \$287,154 (7%) over last fiscal year (FY19/20).

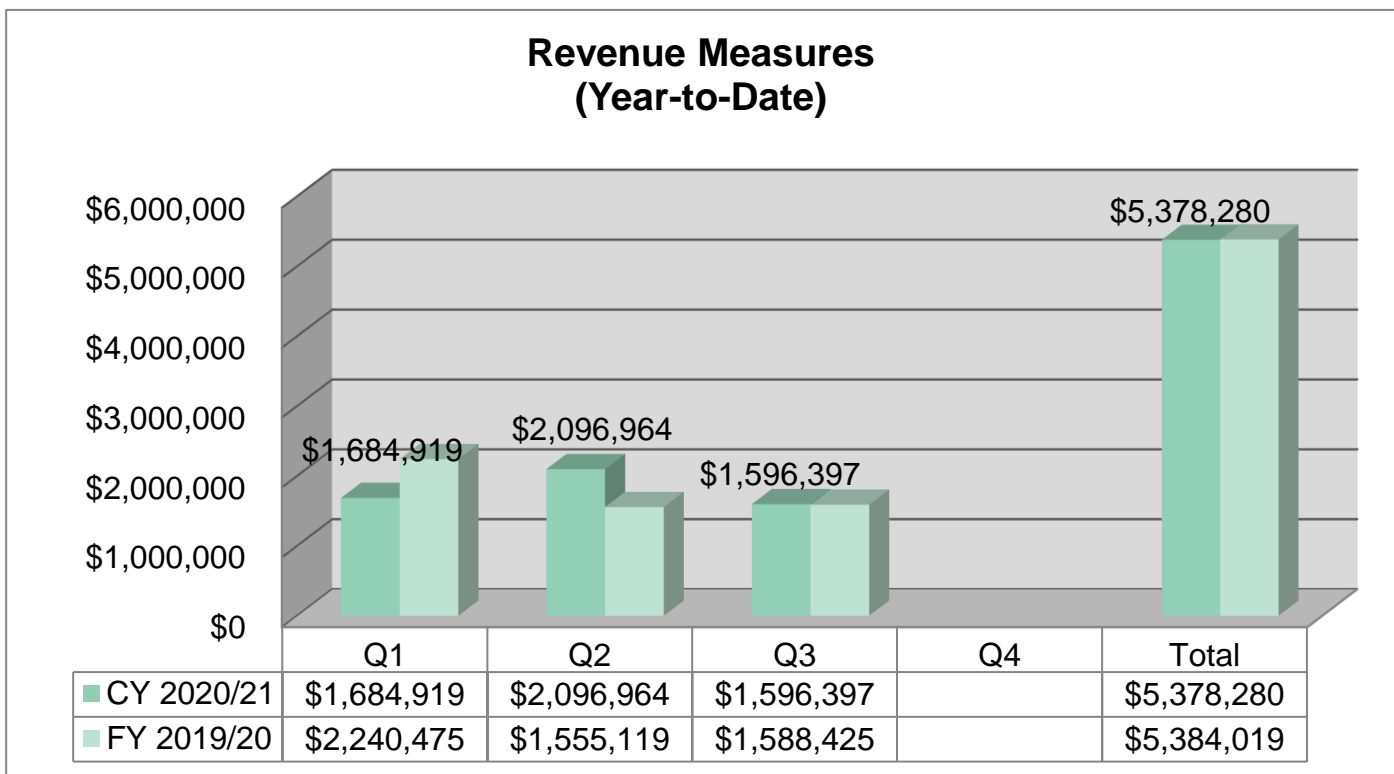
Revenue Statistics Report						
Budget Line Items	FY 2019-20		CY 2020-21			
	Q-3	YTD (As of 3/31/20)	Q1 Jul Sep	Q2 Oct - Dec	Q3 Jan Mar	YTD (As of 3/31/21) (PRELIMINARY)
Cite and Fine (Citations)	16,500	32,550	6,650	1,600	3,050	11,300
Endorsement (License Verification)	21,420	60,540	19,740	18,900	22,800	61,440
Duplicate License / Certificate	3,700	10,200	1,800	2,050	2,900	6,750
TOTALS	41,620	103,290	28,190	22,550	28,750	79,490
INITIAL APPLICATION & LICENSE						
PTA Application & Initial License Fee	20,700	114,300	47,100	48,600	36,600	132,300
PT Application Fee	97,849	348,199	141,399	91,999	82,500	315,898
PT Initial License Fee	54,150	187,500	74,599	49,650	46,500	170,749
FPTA Application & Initial License Fee	2,100	13,300	2,400	3,300	5,149	10,849
FPT Application Fee	23,749	54,049	10,549	10,800	14,700	36,049
ENMG Exam Fee	0	0	0	0	0	0
ENMG Application Fee	0	0	0	0	0	0
KEMG Exam Fee	0	0	0	0	0	0
KEMG Application Fee	0	0	0	0	0	0
Refunded Reimbursements	-49	-115	0	-736	49	-687
Overt/Short Fees	0	0	0	0	0	0
Suspended Revenue	5,375	15,635	5,401	1,010	3,370	9,781
Prior Year Revenue Adjustment	660	-11,486	-1,347	-2,462	60	-3,749
TOTALS	204,534	721,382	280,101	202,161	188,928	671,190
LICENSE RENEWAL						
PTA Renewal Fee	268,088	916,649	288,600	385,050	272,100	945,750
PT Renewal Fee	973,200	3,425,550	1,020,100	1,439,450	1,053,950	3,513,500
ENMG	200	550	0	250	150	400
KEMG	250	650	100	100	250	450
Automated Revenue Refund Claim	0	0	100	0	0	100
Overt/Short Fees	0	0	0	0	0	0
TOTALS	1,241,738	4,343,399	1,308,900	1,824,850	1,326,450	4,460,200
DELINQUENT LICENSE RENEWAL						
PTA Delinquent Fee	1,800	5,050	2,100	1,950	3,000	7,050
PT Delinquent Fee	6,750	18,800	9,600	6,550	11,975	28,125
EN Delinquent Fee	0	0	0	0	0	0
EK Delinquent Fee	0	0	0	50	25	75
TOTALS	8,550	23,850	11,700	8,550	15,000	35,250
MISCELLANEOUS						
Surplus Money Investments	29,105	59,301	0	11,144	8,806	19,950
Unclaimed/Cancelled Warrants	1,078	1,577	1,959	2,043	0	4,002
Miscellaneous Income	0	150	50	0	0	50
Dishonored Check Fees	0	375	0	50	25	75
TOTALS	30,183	61,403	2,009	13,237	8,831	24,077
SCHEDULED REIMBURSEMENTS						
Fingerprint Reports	10,927	30,870	9,212	6,762	8,508	24,482
External/Private/Grant	0	0	0	0	0	0
TOTALS	10,927	30,870	9,212	6,762	8,508	24,482
UNSCHEDULED REIMBURSEMENTS						
Cost Recovery - Investigative	47,723	90,300	40,782	14,329	15,005	70,116
Cost Recovery - Probation Monitoring	3,150	9,525	4,025	4,525	4,925	13,475
TOTALS	50,873	99,825	44,807	18,854	19,930	83,591
TOTAL REVENUES	1,588,425	5,384,019	1,684,919	2,096,964	1,596,397	5,378,280

Physical Therapy Board of California
Budget Report - Revenue Measures
CY2020/21 | Q3

ATTACHMENT 4



1. License renewals was the highest contributing revenue at 83%, followed by application and licensure revenues at 12%.
2. CY License renewals was 5% higher over last fiscal year (FY19/20) Q3 revenues.



1. CY revenues had a very slight decrease year-to-date over last fiscal year FY19/20. Agenda Book Page 106



Briefing Paper

Agenda Item 13(B)

Date: May 6, 2021
Prepared for: PTBC Members
Prepared by: April Beauchamps, Outreach Liaison
Subject: Outreach Report

Purpose: To provide PTBC's Outreach activities and statistics for Q3 CY2020/21.

Attachments: [1. Website Statistics \(Q3\)](#)
[2. Facebook Statistics \(Q3\)](#)

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).

During Quarter (Q3) PTBC did have seven outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to University of the Pacific on 2/3/21, University of San Francisco on 2/12/21, Fresno State University on 2/18/21, California State University, Northridge on 2/19/21, Concorde North Hollywood on 2/23/21, University of Southern California on 3/15/21, and Chapman University on 3/18/21.

Analysis:

Website

PTBC had 38,853 web-hits through its home page tabs, resulting in an 3% decrease over last fiscal year (Q3). The "Laws" section had the most significant decrease of 30% compared to prior fiscal year (Q3).

Facebook¹

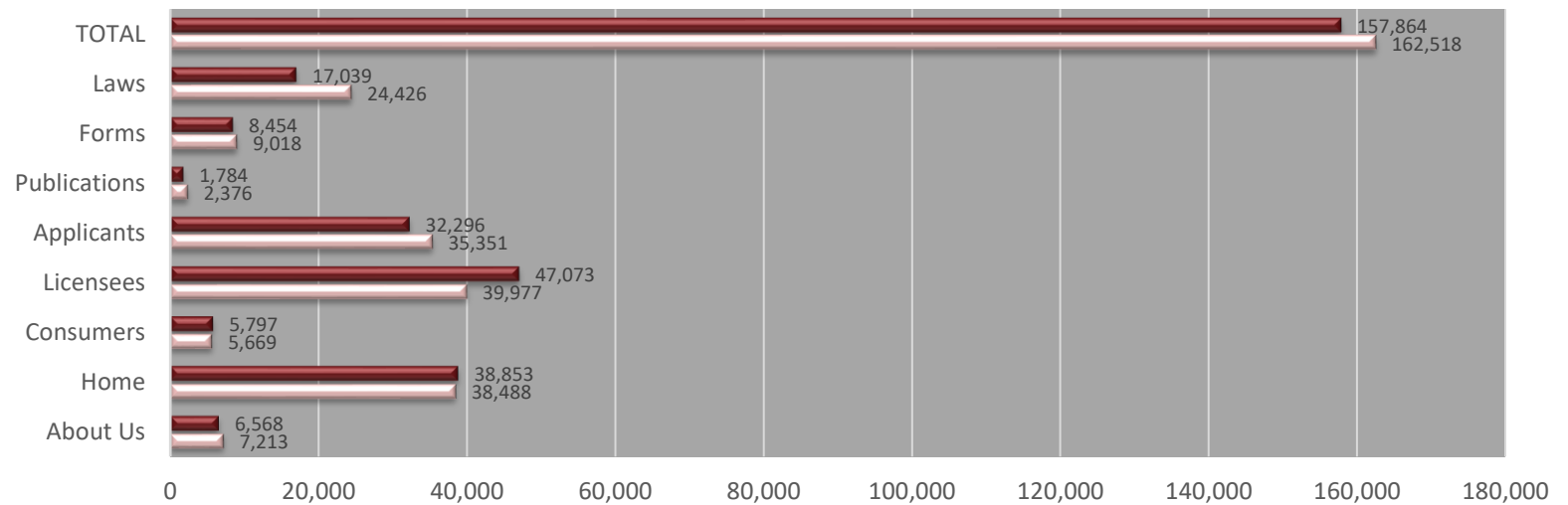
PTBC had 15,439 people access (traffic) our FB page and we received 68 "likes". In comparison to last fiscal year (Q3), there was a 30% decrease in traffic.

Action:

No action is requested.

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 (Quarter - Q3)

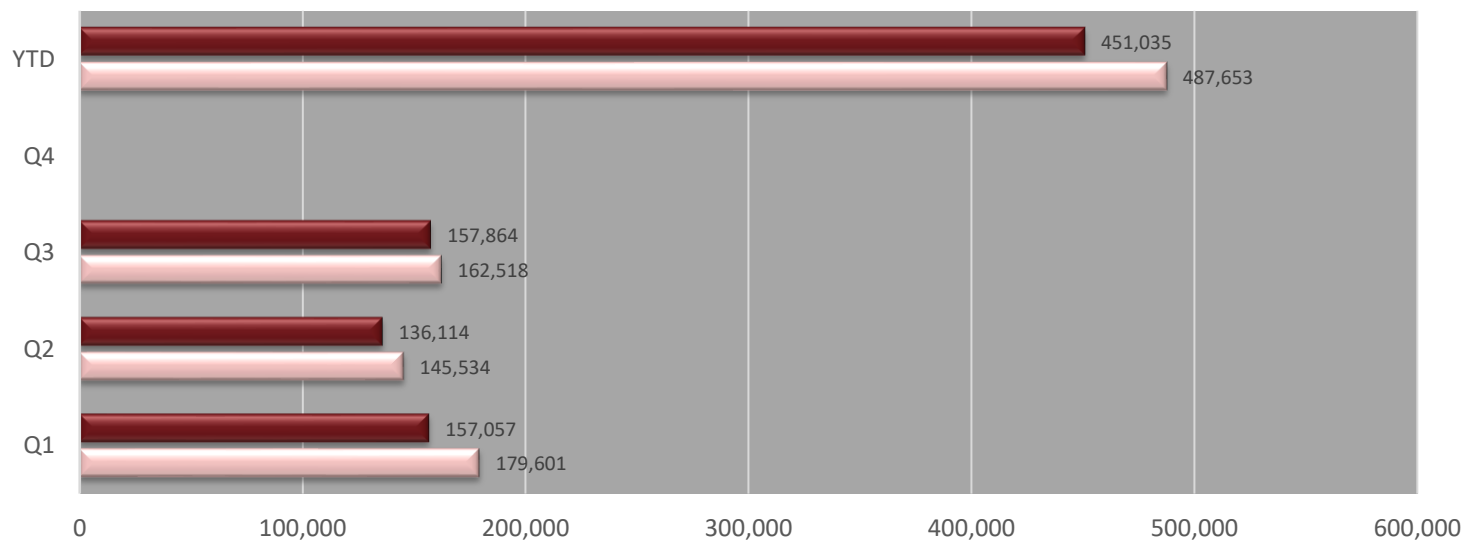


	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
■ CY 2020/21	6,568	38,853	5,797	47,073	32,296	1,784	8,454	17,039	157,864
■ FY 2019/20	7,213	38,488	5,669	39,977	35,351	2,376	9,018	24,426	162,518

This chart reflects 2.94% decrease in traffic over last fiscal year (2019/20) Q3.

This chart also shows the Licensee tab was accessed the most and the Publications tab had the least amount of access this Q3.

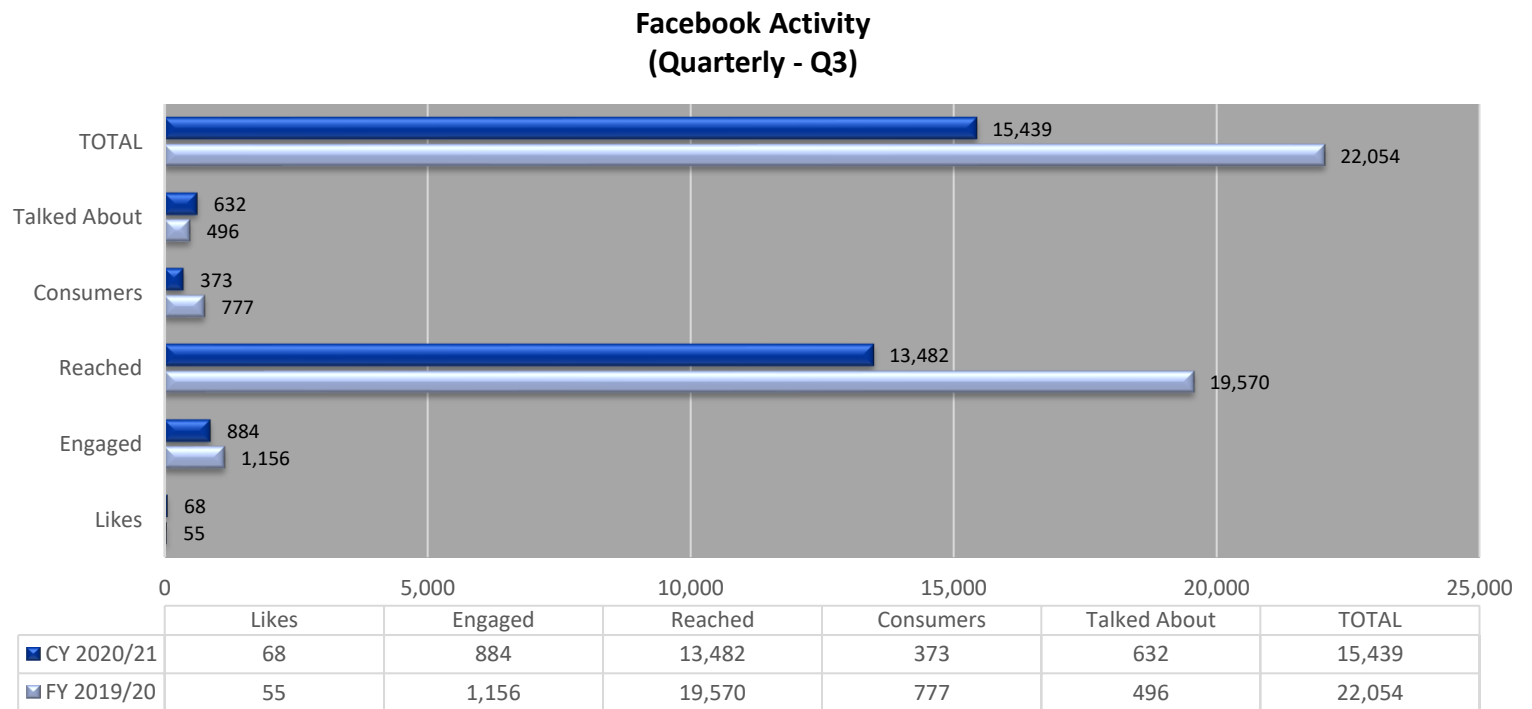
Website Activity (Year-to-date)



	Q1	Q2	Q3	Q4	YTD
■ CY 2020/21	157,057	136,114	157,864		451,035
■ FY 2019/20	179,601	145,534	162,518		487,653

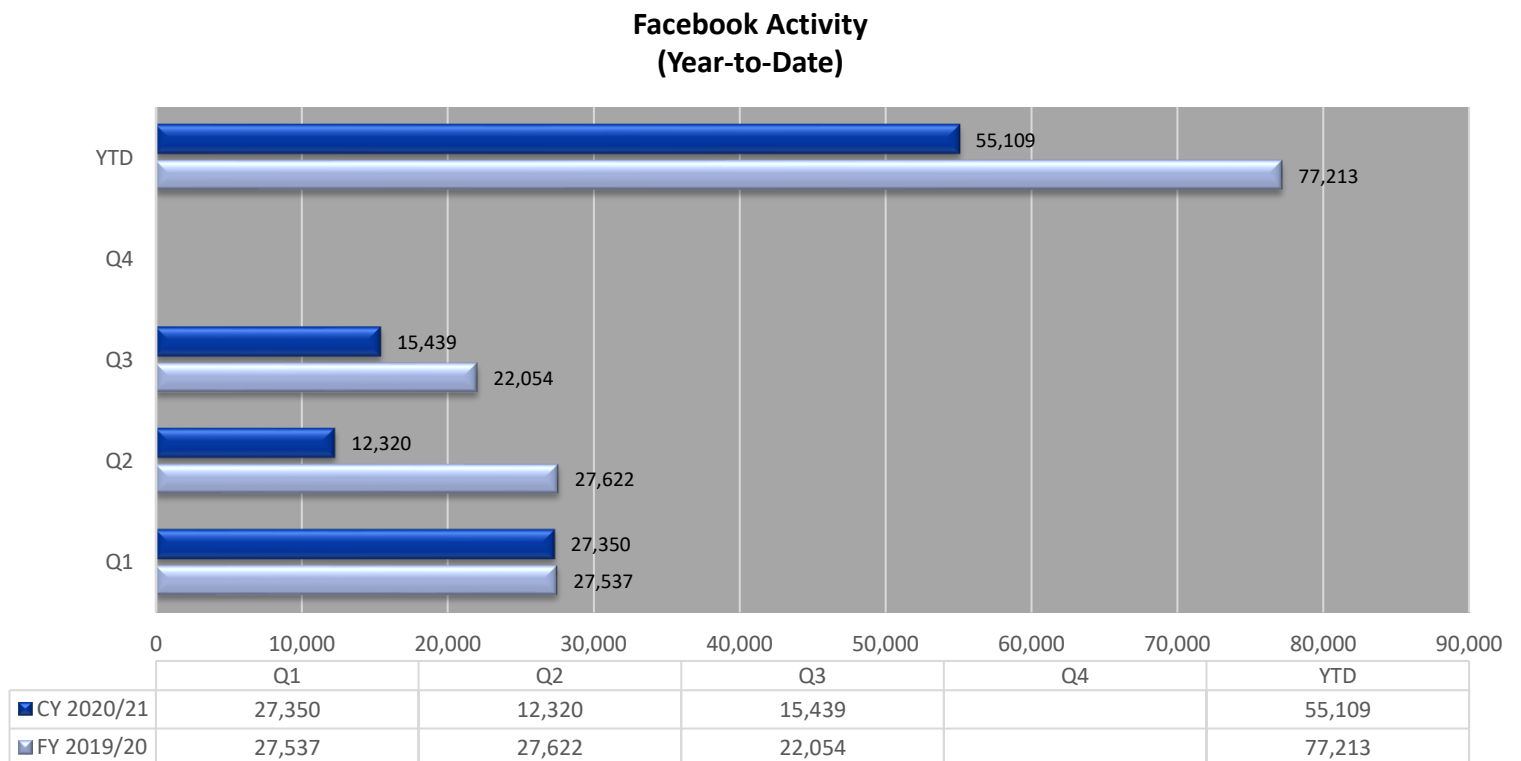
This chart reflects a 8.11% decrease over last fiscal year, year-to-date.

This chart also reflects that the website was accessed more in Q3 than Q2 and Q1 this fiscal year.



This chart reflects a 30% decrease in Facebook traffic this quarter Q3 compared to Q3 last fiscal year.

This chart also reflects an increase in Facebook Likes and Talked About this Q3 compared to last Q3.



This chart reflects a 29% decrease in traffic YTD.

This chart also reflects Q1 as having the most traffic YTD.



Briefing Paper

Agenda Item # 14(A)

Date: 05/20/2021

Prepared for: PTBC Members

Prepared by: Eura Trent

Subject: Application Services Report

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

Attachments: [Application Services Statistics](#)
[Examination Statistics](#)

Data Format: The report includes year-to-date and quarter 3 (January-March) data comparisons between the current fiscal year and the previous fiscal year for both quarter 1 (July-September) and quarter 2 (October-December). The percentages included with the program statistics actual numbers represent a portion of the total number.

The Applications Services program continuously monitors processes for effectiveness even during the pandemic. Program staff continues to telework from home and rotate working in the office on specific days of the week. Considering this adjustment, our program is able to efficiently evaluate applicants' qualifications for licensure.

Recently, the program welcomes a new team member, Mr. Paul Row. Mr. Row will be processing Military and Endorsement applications for licensure. Mr. Row comes to the PTBC having previously served at the Board of Registered Nursing.

Data Analysis: The program continues to maintain 95% of applications for initial licensure are submitted online. Overall, the program statistics reflect a decrease in applications received from year to date and quarter to quarter at this time. This decline can be attributed to factors related to the pandemic. One example of this which has been expressed from both PT and PTA education programs is the challenges they are faced with when trying to place students at clinical sites to meet program requirements. This may have had an influence on when applications are being submitted to the PTBC.

Lastly, the total number of licenses issued remains consistent between fiscal years.

Action Requested: None.

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1177	1132 (96%)	500 (42%)	127 (11%)	30 (2%)
PTA	480	443 (92%)	79 (16%)	40 (8%)	24 (5%)
Total	1657	1575 (95%)	579 (35%)	167 (10%)	54 (3%)
Last FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1334	1258 (94%)	625 (46%)	184 (14%)	31 (2%)
PTA	428	379 (88%)	147 (34%)	47 (11%)	19 (4%)
Total	1762	1637 (93%)	772 (44%)	231 (13%)	50 (3%)
Current FY 2020/21 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	330	315 (95%)	167 (51%)	54 (16%)	15 (4%)
PTA	140	124 (89%)	25 (18%)	18 (13%)	7 (5%)
Total	470	439 (93%)	192 (41%)	72 (15%)	22 (5%)
Last FY 2019/20 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	406	378 (93%)	233 (57%)	79 (19%)	17 (4%)
PTA	78	71 (91%)	35 (45%)	10 (13%)	7 (9%)
Total	484	449 (93%)	268 (55%)	89 (18%)	24 (5%)

Licenses Issued

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1551	N/A	537 (35%)	100 (6%)	30 (2%)
PTA	502	N/A	59 (12%)	27 (5%)	29 (6%)
Total	2053	N/A	596 (29%)	127 (6%)	59 (3%)
Last FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1544	N/A	602 (39%)	112 (7%)	32 (2%)
PTA	592	N/A	130 (22%)	20(3%)	28 (5%)
Total	2136	N/A	732 (34%)	132 (6%)	60 (3%)
Current FY 2020/21 Quarter 3					
	Total	Online	OOS	Foreign	Military
PT	368	N/A	135 (37%)	40 (11%)	11 (3%)
PTA	151	N/A	15 (10%)	4 (5%)	7 (5%)
Total	519	N/A	150 (29%)	44 (8%)	18 (3%)
Last 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%)

Application Services Report Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	416	276	199		891	458	279	149		886	↓ -1%
Fail	45	49	28		122	57	54	31		142	↑ 16%
Total	461	325	227			515	333	180		1,028	↑ 1%
Pass Rate	90%	85%	88%		88%	89%	84%	83%		86%	↓ -2%

Non Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	18	10	13		41	10	10	9		29	↓ -29%
Fail	32	24	20		76	25	21	16		62	↓ -18%
Total	50	34	33		117	35	31	25		91	↓ -22%
Pass Rate	36%	29%	39%		35%	29%	32%	36%		32%	↑ 3%

Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	231	107	114		452	202	117	126		445	↓ -2%
Fail	37	35	41		113	43	54	64		161	↑ 42%
Total	268	142	155		565	245	171	190		606	↑ 7%
Pass Rate	86%	75%	74%		80%	82%	68%	66%		73%	↓ -7%

Non Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	8	1	6		15	7	8	4		19	↑ 27%
Fail	7	10	6		23	11	9	8		28	↑ 22%
Total	15	11	12		38	18	17	12		47	↑ 9%
Pass Rate	53%	9%	50%		39%	39%	47%	33%		40%	↑ 1%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	754	519	391		1,664	772	426	330		1,528	↓ -8%
Fail	209	139	122		470	208	126	95		429	↓ -9%
Total	963	658	513		2,134	980	552	425		1,957	↓ -8%
Pass Rate	78%	79%	76%		78%	79%	77%	77%		78%	↓ -1%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	50	42	51		143	48	37	28		113	🔽 -21%
Fail	29	28	30		87	30	16	14		60	🔽 -31%
Total	79	70	81		230	78	53	42		173	🔽 -25%
Pass Rate	63%	60%	63%		62%	62%	70%	67%		65%	🔼 3%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	4,795	1,790	1,490		8,075	4,508	1,847	1,268		7,623	📉-6%
Fail	715	461	304		1,480	571	472	284		1,327	📉-10%
Total	5,510	2,251	1,794		9,555	5,079	2,319	1,552		8,950	📉-6%
Pass Rate	87%	80%	83%		85%	89%	80%	82%		85%	🔄0%

Non Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	208	206	241		655	184	115	104		403	📉-38%
Fail	615	585	377		1,577	344	335	201		880	📉-44%
Total	823	791	618		2,232	528	450	305		1,283	📉-43%
Pass Rate	25%	26%	39%		29%	35%	26%	34%		31%	📈2%

Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	3,146	1,313	961		5,420	2,773	1,418	1,137		5,328	🔽-2%
Fail	745	649	391		1,785	626	629	510		1,765	🔽-1%
Total	3,891	1,962	1,352		7,205	3,399	2,047	1,647		7,093	🔽-2%
Pass Rate	81%	67%	71%		75%	82%	69%	69%		75%	🔼0%

Non Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	85	65	59		209	71	49	33		153	🔻-27%
Fail	74	88	45		207	43	47	42		132	🔻-36%
Total	159	153	104		416	114	96	75		285	🔻-31%
Pass Rate	53%	42%	57%		50%	62%	51%	44%		54%	🔻-9%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	2,176	1,411	1,190		4,777	1,947	1,190	877		4,014	↓ -16%
Fail	410	344	297		1,051	437	343	249		1,029	↓ -2%
Total	2,586	1,755	1,487		5,828	2,384	1,533	1,126		5,043	↓ -13%
Pass Rate	84%	80%	80%		82%	82%	78%	78%		80%	↓ -3%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	97	79	94		270	80	71	56		207	↓ -23%
Fail	41	42	40		123	42	25	28		95	↓ -23%
Total	138	121	134		393	122	96	84		302	↓ -23%
Pass Rate	70%	65%	70%		69%	66%	74%	67%		69%	↓ 0%



Briefing Paper

Agenda Item #15(A)

Date: 05/20/2021

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: [License Maintenance Statistics](#)

Data Format:

The report includes year-to-date and quarter data comparisons between the current fiscal year and the previous fiscal years. The percentages included with the program statistics actual numbers represent a portion of the total number.

Program Update:

Transactions processed in quarter 3 of this fiscal year (January-March) had minimal change in statistical data compared to the quarter 3 of the previous fiscal year.

The License Maintenance program continues to focus on utilizing reports for reconciliation and addressing licensee questions by resolving matters not addressed through automated processes.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts*

Fiscal Year 2020/21 Q3				
	Current	Inactive	Delinquent	Retired
PT	27,792	1,160	4,470	405
PTA	7,761	299	1,318	124
Total	35,553	1,459	5,788	529
Fiscal Year 2019/20 Q3				
	Current	Inactive	Delinquent	Retired
PT	27,016	1,199	4,072	350
PTA	7,556	307	1,188	106
Total	34,572	1,506	5,260	456

*As of April 1st 2021

Renewals Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	9,998	8,758	88%
PTA	2,742	2,423	88%
Total	12,740	11,181	88%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	9,933	8,092	81%
PTA	2,761	2,237	81%
Total	12,694	10,329	81%
Fiscal Year 2020/21 Q3			
	Total	Online	
PT	3,470	3,049	87%
PTA	901	782	87%
Total	4,371	3,831	88%
Fiscal Year 2019/20 Q3			
	Total	Online	
PT	3,222	2,689	83%
PTA	786	658	84%
Total	4,008	3,347	84%

Name Changes Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	185	171	92%
PTA	53	48	91%
Total	238	219	92%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	303	273	90%
PTA	69	58	84%
Total	372	331	89%
Fiscal Year 2020/21 Q3			
	Total	Online	
PT	64	60	94%
PTA	23	20	87%
Total	87	80	92%
Fiscal Year 2019/20 Q3			
	Total	Online	
PT	111	95	86%
PTA	20	17	85%
Total	131	112	96%

**Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2020/21 Q3**

Agenda Item #15(B)

Address Changes Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	2,778	2,742	99%
PTA	699	659	94%
Total	3,477	3,401	98%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	2,710	2,506	92%
PTA	740	682	92%
Total	3,450	3,188	92%
Fiscal Year 2020/21 Q3			
	Total	Online	
PT	838	808	96%
PTA	212	201	95%
Total	1,050	1,009	96%
Fiscal Year 2019/20 Q3			
	Total	Online	
PT	830	764	92%
PTA	232	215	93%
Total	1,062	979	92%

Duplicate Requests Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	116	104	90%
PTA	3	3	100%
Total	119	107	90%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	142	71	50%
PTA	47	28	60%
Total	189	99	52%
Fiscal Year 2020/21 Q3			
	Total	Online	
PT	56	55	98%
PTA	0	0	100%
Total	56	55	98%
Fiscal Year 2019/20 Q3			
	Total	Online	
PT	53	26	49%
PTA	17	14	82%
Total	70	40	57%



Briefing Paper

Agenda Item #16

Date: 05/20/2021

Prepared for: PTBC Members

Prepared by: Eura Trent

Subject: Continuing Competency Services Report

Purpose:

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

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.

Program Update:

Continuing Competency program resources have been redirected to Application Services due to operational need prompted by COVID-19; therefore, no licensee audit data is being reported at this meeting.

Action Requested:

None.



Briefing Paper

Agenda Item 17

Date: 06/07/2021

Prepared for: PTBC Members

Prepared by: Beatriz Reynoso

Subject: Consumer Protection Services Program (CPS)

Purpose: Update on Consumer Protection Services Program - FY 2020/2021 Q3

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

Program Update:

Enforcement staff continue to telework 3 - 4 days a week and in office 1 - 2 days a week. The telework schedule may change beginning in July adding a 3rd day in the office. Investigations continue with staff prioritizing aging/older cases.

Attachments:

[Attachment 1: CPS Statics Report](#)

PM1 & PM2: Complaint Intake: For Q3, there were 63 complaints received, and 32 conviction/arrest cases received. With all 3 quarters combined, this is down 51% compared to this same time last fiscal year. Unfortunately, we don't know for certain why it has gone down compared to last year; however, it may be due to the pandemic and business closures. Consumers may have not been receiving physical therapy services due to closures and arrest may have also gone down due to business closures. Target continues to be met for Q3 in intake, with the average of 5 days.

PM3: Investigations: Investigation cycle times were 212 days which is above the target of 90 days and 22% higher than last year. The increase is attributed to the closure of the 2+ years categories.

PM4: Discipline: The average number of days to complete administrative action decreased by 9% in comparison to last years' YTD. This is due to an increase in the case closures within the 91 days to 1-year timeframe.

[Attachment 2: Disciplinary Summary](#)

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: None.

Consumer Protection Services Statistics Report

Complaint Intake

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	238	70	47	63		117	↓ -51%
PM1: Convictions/Arrest Received	169	31	44	32		75	↓ -56%
PM1: Total Received	407	101	91	95		192	↓ -53%

Intake

Target: 9 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	3	4	4	5		4	↑ 44%

Investigations

Target: 90 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	163	200	185	212		199	↑ 22%
PM3a: Intake Only	2	3	3	4		3	↑ 67%
PM3b: Investigation Only	154	187	169	204		187	↑ 21%
PM3c: Post Investigation Only	3	5	5	6		5	↑ 78%

Investigations Aging

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	53%	49	52	35		48%	↓ -5%
91 - 180 Days	20%	14	11	25		17%	↓ -3%
181 Days - 1 Year (364)	17%	12	19	11		15%	↓ -2%
1 to 2 Years (365-730)	6%	6	19	14		14%	↑ 8%
2 to 3 Years (731- 1092)	3%	8	3	5		6%	↑ 3%
Over 3 Years (1093 +)	1%	1	0	2		1%	↑ 0%

Citations

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	40	8	4	6		18	↓ -55%
Average Days to Close	418	261	227	448		312.0	↓ -25%

Transmittals to Attorney General (AG)

Target: 540 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	846	557	1056	794		802	↓ -5%
PM4a: Intake Only	4	3	2	1		2	↓ -50%
PM4b: Investigation Only	435	281	670	421		457	↑ 5%
PM4c: Pre-AG Transmittal	1	1	2	1		1	↑ 33%
PM4d: Post-AG Transmittal	429	235	384	374		331	↓ -23%

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	47	12	10	14		36	↓ -23%
AG Cases Pending	54	60	58	60		60	↑ 11%
SOIs Filed	1	0	0	1		1	→ 0%
Accusations Filed	12	9	4	9		22	↑ 83%

AG Transmittals							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	45	6	9	7		22	↓ -51%
Total Average Days to Complete	846	557	1056	694		769.0	↓ -9%

Total Orders Aging/Final Decision							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0	0		0%	→ 0%
91 - 180 Days	0%	0	0	1		5%	↑ 5%
181 Days - 1 Year (364)	9%	1	2	0		14%	↑ 5%
1 to 2 Years (365-730)	40%	1	3	2		27%	↓ -13%
2 to 3 Years (731- 1092)	24%	1	0	1		9%	↓ -15%
Over 3 Years (1093 +)	27%	3	4	3		45%	↑ 18%

Other Legal Actions							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	1	0	0	1		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 withdrawals, dismissals, etc.)

PM4a: AG Transmittal - Intake Only - Of the cases included in PM4, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM4b: AT Transmittal - Investigation Only - Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed.

PM4c: AG Transmittal - Pre AG Transmittal - Of the cases in PM4, the average number of days from the date the investigation was completed to the date the case was transmitted to the AG.

PM4d: AG Transmittal - Post AG Transmittal - Of the cases in PM4, the average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date. (AG days only)

**Disciplinary Summary
Fiscal Year 2020-21 / Quarter 3**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of January 2021 through March 2021. 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 by telephone, fax, or mail. Please address your request to:

Physical Therapy Board of California
2005 Evergreen Street, Suite 2600
Sacramento, CA 95815
(916) 561-8200/ FAX (916) 263-2560

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January 2021

LANGE, RACHEL PT 293605

Violations: Use of alcohol in a dangerous manner; conviction of a crime substantially related to the practice of a physical therapist (DUI); and general unprofessional conduct. Stipulated Settlement and Disciplinary Order Effective 1/13/21, 5 years' Probation.

SAGHEBRAI, MAHZAD SHIRAZI PTA 8651

Order Restricting Defendant's Practice as a Physical Therapy Assistant Effective 1/14/21, Defendant shall cease and desist from the practice as a physical therapist assistant as a condition of bail or own recognizance release, during the pendency of this criminal action until it's final conclusion and sentence.

February 2021

O NEILL, MARIA MEJIA PT 8430

Violations: Excessive use of alcohol; habitual intemperance; violation of a provision or provisions of the Physical Therapy Practice Act; and violation of a provision or provisions of the Medical Practice Act. Stipulated Settlement and Disciplinary Order Effective 2/08/21, 4 years' Probation.

ARZADON, JOSEPH JULIAN PTA 47895

Violations: Conviction of a substantially related crime (vandalism and altering an imitation firearm); and unprofessional conduct. Default Decision and Order Effective 2/18/21, 3 years' Probation.

MC GONAGLE, ELIZABETH ANN PT 38022

Violations: Conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist (PC 17(b)); violation of a provision or provisions of the Physical Therapy Practice Act; and general unprofessional conduct. Stipulated Settlement and Disciplinary Order Effective 2/18/21, 5 years' Probation.

March 2021

KOLLMORGEN, SAVINA EMILOVA PT 27057

Violations: Fraudulent or dishonest acts and inaccurate billing; gross negligence; repeated negligent acts; failure to maintain adequate and accurate records and misrepresenting documentation; aiding and abetting

unlicensed practice; misuse of professional titles; supervising license applicants who are working under applicant status; failure to provide Adequate supervision; failure to wear name badges and to display physical therapy licenses; failure to post form NTC 12-01, August 2, 2012; and general unprofessional conduct. Stipulated Settlement and Disciplinary Order Effective 3/31/21, 4 years' Probation.

KATZ, MARIA PT 22668

Violations: Fraudulent or dishonest act; false representations; alteration of medical records; and inadequate records. Stipulated Settlement and Disciplinary Order Effective 3/31/21, 4 years' Probation.

Letter of Reprimand Issued 12/16/20.

Initial Probationary Licenses (IPL) Issued

GARCIA CAMEY, JOSE MIGUEL PTA 51152

Violations: Conviction substantially related to the practice of physical therapy [multiple DUIs]. Stipulation for a probationary license Effective 3/29/21, 3 years' Probation.

Glossary of Terms

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

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

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

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

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

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

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

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

Stipulated Decision: Negotiated settlements waiving court appeals.



Briefing Paper

Agenda Item 18(A)

Date: May 28, 2021

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q3 - FY 2020-2021

Attachments: [1. Statistical Report](#)

Background:

This is a report on the Board's Probation Monitoring Program for the third quarter of FY 2020-2021. Please refer to attachment A-1 which contains the probation statistics for the third quarter of FY 2020-2021.

Analysis:

In the third quarter, there were 60 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 46 licensees on probation and in the state of California, there were an additional 14 probationers tolling/(out of state) and not receiving credit toward the completion of probation. There was seven (7) licensee placed on probation in the quarter, and one (1) licensee that completed probation in the quarter. There were not any surrenders in the quarter. One licensee entered into the Board's Substance Abuse Rehabilitation Program and one licensee completed the Program.

I continued to expand the Board's experiment of conducting Probation Monitoring Interviews via Microsoft TEAMS in the third quarter. For the most part, the interviews have gone very well and there have only been a few licensees who couldn't figure out how to participate using the TEAMS App, so those licensees were interviewed via phone. It looks like it will be a viable tool in the future and the interviews seem to be a little more lively and keep the licensees engaged more than traditional phone interviews.

Action Requested: No Action Required.

Physical Therapy Board of California
 Probation Report- Q3
 Fiscal Year 2020/2021

Probation Statistics Report

Probation						
	Fiscal Year 2020/2021				Year → Year Change	
	Q2	Q3	Q4	YTD		
Entered Probationer	1	7	0	10	↑	11%
Completed Probation	3	1	0	10	↑	67%
Probation Terminated (Revocat	0	0	0	0	↓	-100%
Non-Compliant w/Probation	0	1	0	1	↓	-50%
Tolling (Out of State)	18	14	0	14	↓	-22%
Surrenders (Voluntary)	0	0	0	1	↑	100%
Total Probationers	82	60	0	60	↓	-34%

Maximus						
	Fiscal Year 2020/2021				Year → Year Change	
	Q2	Q3	Q4	YTD		
Entered Maximus	1	1	0	2	↓	-50%
Completed Maximus	2	0	0	2	↓	-33%
Total Maximus Participants	11	10	0	10	↓	-33%
Determined To Be Clinically Ina	0	1	0	1	↓	-75%
Terminated - Public Risk	0	1	0	1	⇒	0%
Terminated - Failure to Receive	0	0	0	0	↑	100%
Withdrawn (Expense) - Post-De	0	0	0	0	⇒	0%
Withdrawn (Left State) - Post-D	0	0	0	0	⇒	0%
Withdrawn - Pre-Decision	0	0	0	0	↓	-100%