



PHYSICAL THERAPY
BOARD OF CALIFORNIA

September 21–22, 2022
BOARD MEETING

San Diego Mesa College
7250 Mesa College Drive, Room MC211A
San Diego, CA 92111

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

September 21, 2022 9 a.m.

September 22, 2022 9 a.m.

San Diego Mesa College
7250 Mesa College Drive, Room MC211A
San Diego, CA 92111

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

Unless otherwise indicated, all agenda items
will be held in OPEN SESSION. THE PUBLIC IS
ENCOURAGED TO ATTEND.

BOARD MEMBERS

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

Tonia McMillian, *Vice President*

Dayle C. Armstrong, Ph.D., P.T., M.S., DPT, *Member*

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

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

Katarina V. Eleby, M.A., *Member*

Johnathon Ervin, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Assistant Executive Officer*

Erika Calderon, *Manager*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Legislation and Regulation Specialist*

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.



Agenda – Wednesday, September 21st

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. **Special Order of Business – 9:05 a.m.**
 - (A) Petition for Termination of Probation – Eric Ryan Jones, PT
After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3)
5. **Closed Session**
 - (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
 - (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer
 - (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding the following litigation: *Alan Kun-Sien Kyo v. Physical Therapy Board of California* (Superior Court of California, County of Sacramento, Case number 34-2021-80003743)
6. **Review and Approval of December 10, 2021, Meeting Minutes – Brooke Arneson**
7. **Review and Approval of March 24, 2022, Meeting Minutes – Brooke Arneson**
8. **Review and Approval of August 15, 2022, Meeting Minutes – Brooke Arneson**
9. **Update on Sunset Review Report Pursuant to BPC Section 2602 – Jason Kaiser**
10. **President's Report –Alicia Rabena-Amen**
 - (A) **2022 Adopted Meeting Calendar**
 - (B) **2023 Proposed Meeting Calendar**

11. Executive Officer's Report – Jason Kaiser

- (A) Administrative Services
 - i. Staffing
- (B) Applications
- (C) Licensing/Continuing Competency
- (D) Consumer Protection Services
- (E) Outreach
- (F) Strategic Plan

12. 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)

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

14. Legislation Report – Brooke Arneson

- (A) 2021/22 Legislative Session Summary
 - i. AB 225 (Gray) DCA: Boards: Veterans: Military Spouses: Licenses
 - ii. AB 646 (Low) DCA: Boards: Expunged Convictions
 - iii. AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications
 - iv. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - v. AB 1733 (Quirk) State Bodies: Open Meetings
 - vi. AB 2104 (Flora) Professions and Vocations
 - vii. AB 2600 (Dahle) State Agencies: Letters and Notices: Requirements
 - viii. SB 189 (Committee on Budget and Fiscal Review) State Government
 - ix. SB 250 (Pan) Health Care Coverage
 - x. SB 731 (Durazo and Bradford) Criminal Records: Relief
 - xi. SB 1031 (Ochoa Bogh) Healing Arts Boards: Inactive License Fees
 - xii. SB 1237 (Newman) Licenses: Military Service
 - xiii. SB 1365 (Jones) Licensing Boards: Procedures
 - xiv. SB 1438 (Roth) Physical Therapy Board of California
 - xv. SB 1495 (Committee on Business, Professions and Economic Development) Professions and Vocations

15. Rulemaking Report – Brooke Arneson

(A) 2022 Rulemaking Update for Pending or Proposed Regulations
(Title 16, California Code of Regulations (16 CCR)):

- i. 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
- ii. Proposed Amendments to 16 CCR sections 1398.26.5, – Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
- iii. Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees
- iv. Update Regarding the Development of Possible Amendments to the Board’s Continuing Competency Regulations

16. Consideration of Public Comments, Discussion, and Possible Adoption of Proposed Regulatory Text to Amend Title 16, California Code of Regulations, Sections 1399.18, 1399.50 and 1399.52- Retired License Status and Physical Therapist and Physical Therapist Assistant Fees – Brooke Arneson

17. 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).)

18. Recess

Agenda – Thursday, September 22nd

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

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

20. Roll Call and Establishment of Quorum

21. Reading of the Board’s Mission Statement

22. Overview of the Attorney General's Legal Process for Disciplinary Actions – John Gatschet, Deputy Attorney General

23. Physical Therapy Student Question and Answer Forum

24. Administrative Services Update

- (A) [Budget Report](#)
- (B) [Outreach Report](#)

25. [Application Services Update](#)

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

26. [Licensing Services Update](#)

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

27. [Continuing Competency Services Update](#)

- (A) Program Updates
- (B) Statistical Reports
 - I. [Discussion and Possible Board Action on Removal of Continuing Competency Approval Agency Recognition](#)
 - i. [ACIC Physical Therapy](#)
 - ii. [California Chiropractic Association](#)
 - iii. [California State University Sacramento](#)
 - iv. [Community Medical Centers](#)
 - v. [Del Norte Seminars](#)
 - vi. [Edlantis Seminars, Inc.](#)
 - vii. [Medical Sciences Foundation](#)
 - viii. [Net Education Design Inc.](#)
 - ix. [OnCourse Learning](#)
 - x. [Orange County Global Medical Center](#)
 - xi. [Progressus Therapy, LLC](#)
 - xii. [UE Seminars](#)
 - xiii. [Video Continuing Education, LLC](#)

28. [Consumer Protection Services Update](#)

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

29. Probation Monitoring Services Update

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

30. 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).)

31. Agenda Items for Future Meeting – December 8-9, 2022 Department of Consumer Affairs

32. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
- (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer
- (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding the following litigation: *Alan Kun-Sien Kyo v. Physical Therapy Board of California* (Superior Court of California, County of Sacramento, Case number 34-2021-80003743)

33. 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 in-person. 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 2600, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

ROLL CALL

**Wednesday,
September 21, 2022**

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

**Thursday,
September 22, 2022**

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



1

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

December 9-10, 2021 9:00 a.m.

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

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.

5

6

Thursday, December 9, 2021

7

8

1. Call to Order

9

10

The Physical Therapy Board of California (Board) meeting was called to order
by President Dr. Rabena-Amen at 9:31 a.m. and recessed at 5:25 p.m. on
December 9, 2021.

11

12

13

14

2. Roll Call and Establishment of Quorum

15

16

Armstrong - Absent

17

Dominguez- Present

18

Drummer - Present

19

Eleby - Absent

20

Ervin - Absent

21

McMillian - Present

22

Rabena-Amen - Present

23

24

All members were present with the exception of Dr. Armstrong, Ms. Eleby, and
Mr. Ervin, 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.

25

26

27

28

29

30

31

32 **3. Reading of the Board’s Mission Statement**

33
34 Dr. Drummer read the Board’s mission statement: To advance and protect the
35 interests of the people of California by the effective administration of the
36 Physical Therapy Practice Act.
37

38 **4. Public Comment on Items Not on the Agenda**

39 *Please note that the Board may not discuss or take action on any matter raised*
40 *during this public comment section that is not included on this agenda, except*
41 *to decide whether to place the matter on the agenda of a future meeting.*
42 *(Government Code sections 11125, 11125.7(a).)*
43

44 The Board requested public comment on items not on the agenda, and there
45 was no public comment.
46

47 **5. Review, Discussion and Possible Board Action on Sunset Review Report**
48 **Pursuant to BPC Section 2602 – Jason Kaiser**

49 PTBC staff presented the draft Sunset Review Report to the Board for review.
50 Mr. Kaiser thanked the Sunset Subcommittee for their feedback and hard work
51 on the Sunset Review Report. The Board provided edits throughout the Sunset
52 Review Report which were made during the meeting.
53

54 **6. Discussion and Possible Board Action Regarding Sunset Review**
55 **Subcommittee’s Recommendation on Issues to be Identified on the**
56 **Sunset Review Report Pursuant to Business and Professions Code**
57 **(BPC) Section – Jason Kaiser**
58

59 PTBC staff presented the issues to be addressed in the draft Sunset Review
60 Report to the Board for further review. The Board provided edits and feedback
61 throughout the Sunset Review Report Issues Section which were made during
62 the meeting.
63

64 **7. Closed Session**

- 65 (A) Pursuant to Government Code section 11126(c)(3), the Board will
66 convene to Deliberate on Disciplinary Actions and Decisions to be
67 Reached in Administrative Procedure Act Proceedings
68 (B) Pursuant to Government Code section 11126(a)(1), the Board will
69 convene to Consider the Evaluation of Performance of the Executive
70 Officer
71

The Board entered closed session at 4:55 p.m. and reconvened into open session to recess at 5:25 p.m. on December 9, 2021.

8. 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.

9. Recess

The Board recessed at 5:25 p.m. on December 9, 2021.

Friday, December 10, 2021

10. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:01 a.m. and recessed at 1:38 p.m. on December 10, 2021.

11. Roll Call and Establishment of Quorum

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

All members were present with the exception of Dr. Armstrong, Ms. Eleby, and Mr. Ervin, 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.

12. Reading of the Board's Mission Statement

Dr. Dominguez read the Board's mission statement: To advance and protect the

interests of the people of California by the effective administration of the Physical Therapy Practice Act.

13. 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.

14. Review, Discussion and Possible Board Action on Sunset Review Report Pursuant to BPC Section 2602 – Jason Kaiser

PTBC staff presented the draft Sunset Review Report to the Board for further review . The Board provided edits and feedback throughout the Sunset Review Report which were made during the meeting.

MOTION: Adopt the proposed 2021 Sunset Review Report as revised, delegate to the Board President the authority to review and proof the revised version and authorize the Executive Officer to make any non-substantive changes to the 2021 Sunset Review Report and submit the Report to the Legislature.

M/S: Rabena-Amen/Dominguez

VOTE: Armstrong - Absent
Dominguez- Aye
Drummer - Aye
Eleby - Absent
Ervin - Absent
McMillian - Aye
Rabena-Amen – Aye
4-0 Motion Carried

15. Discussion and Possible Board Action Regarding Sunset Review Subcommittee's Recommendation on Issues to be Identified on the Sunset Review Report Pursuant to Business and Professions Code (BPC) Section – Jason Kaiser

PTBC staff presented the issues to be addressed in the draft Sunset Review

Report to the Board for further review. The Board provided edits and feedback throughout the Sunset Review Report Issues Section which were made during the meeting.

16. President's Report –Alicia Rabena-Amen
(A) 2021 Adopted Meeting Calendar

Dr. Rabena-Amen presented the 2021 Adopted Meeting Calendar to the members. There were no further discussion or changes to the 2021 adopted meeting calendar.

(B) 2022 Proposed Meeting Calendar

Mr. Kaiser stated that he is hopeful that the March 23-24, 2022, Board meeting will be held in-person, however it depends on the pandemic and if PTBC is unable to meet in-person, the meeting would be held via WebEx, or in Sacramento in lieu of Southern California. Mr. Kaiser solicited the members for feedback on the proposed 2022 meeting dates. There were no changes to the proposed 2022 calendar. Mr. Kaiser added that the calendar can be amended throughout the year as well.

MOTION: Adopt the Proposed 2022 Meeting Calendar

M/S: Drummer/Dominguez

VOTE: Armstrong - Absent
Dominguez- Aye
Drummer - Aye
Eleby - Absent
Ervin - Absent
McMillian - Aye
Rabena-Amen – Aye
4-0 Motion Carried

17. Discussion and Possible Board Action on the 2022 Rulemaking Calendar
–Brooke Arneson

Ms. Arneson presented the proposed 2022 rulemaking calendar for Board consideration and stated that the Office of Administrative Law (OAL) uses these rulemaking calendars to anticipate upcoming projected rulemaking workload for the year.

Mr. Kaiser added that many of the rulemaking packages have been on the Board's rulemaking calendars for the previous few years and that the two new rulemaking items that the Board would be pursuing this year is retired license status and continuing competency.

MOTION: Adopt the 2022 Rulemaking Calendar as required by Government Code Section 11017.6

M/S: McMillian/Drummer

VOTE: Armstrong - Absent
Dominguez- Aye
Drummer - Aye
Eleby - Absent
Ervin - Absent
McMillian - Aye
Rabena-Amen – Aye
4-0 Motion Carried

18. 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
- g. Seventh Extension DCA Waiver DCA-21-152
- h. Eighth Extension DCA Waiver DCA-21-175
- i. Ninth Extension DCA Waiver DCA-21-194

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

- a. First Extension DCA Waiver DCA-20-57
- b. Second Extension DCA Waiver DCA-21-165
- c. Third Extension DCA Waiver DCA-21-187
- d. Fourth Extension DCA Waiver DCA-21-200

(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
 - g. Seventh Extension DCA Waiver DCA-21-169
 - h. Eighth Extension DCA Waiver DCA-21-189
 - i. Ninth Extension DCA Waiver DCA-21-202
- (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
 - e. Fifth Extension DCA Waiver DCA-21-155
 - f. Sixth Extension DCA Waiver DCA-21-177
 - g. Seventh Extension DCA Waiver DCA-21-197

Ms. Arneson provided the members with an update on the three extensions of the waivers issued by the Director of DCA. Mr. Kaiser added that while most of the waivers have expired or will expire before the end of the year, the effects of the waivers on staff workload will be felt until mid-2022.

19. Consumer and Professional Associations and Intergovernmental Relations Reports

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

There was no representative on behalf of FSBPT.

Mr. Kaiser stated that he is encouraging all the members and PTBC staff to attend this year's FSBPT Regulatory training.

Dr. Dominguez added that FSBPT's LIF and Annual Meeting is currently scheduled to be held in-person. He stated that the LIF training is scheduled to be held July 23-24, 2022, in Alexandria, VA and the Annual Meeting and Delegate Assembly will be held in Orange County, CA.

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

Ms. Brianna Miller with Board and Bureau Relations provided the Board with an update on behalf of DCA. Ms. Miller reported on the COVID-19 safety measures and encouraged PTBC staff and members to coordinate both in-person meetings and teleconference meeting logistics with DCA to ensure that all safety protocols were being met.

279 Ms. Miller reported that 2021 is a mandatory sexual harassment training
280 year for members and all employees and this training can be accessed via
281 DCA's Learning Management System (LMS). In addition, Ms. Miller stated
282 that members can now register for the Board Member Orientation Training
283 in LMS as well and the 2022 training dates are listed.

284
285 Dr. Rabena-Amen stated that the December Board meeting is being held
286 in-person and PTBC was not able to offer a hybrid WebEx/In-Person
287 meeting because the Evergreen Hearing Room does not have the technical
288 capability to have WebEx, and asked Ms. Miller if DCA is addressing this
289 issue. Ms. Miller responded that DCA's Communications Team is looking
290 into the Evergreen Hearing Room option however currently, DCA HQ1 and
291 HQ2 are the only Hearing Rooms that have the option to have WebEx
292 currently. Dr. Rabena-Amen asked Ms. Miller to relay to DCA on behalf of
293 the Board, to have the WebEx option available at the DCA Evergreen
294 Hearing Room. Mr. Kaiser added that PTBC staff has been in constant
295 contact with DCA to discuss modernizing the Evergreen Hearing Room to
296 allow for the in-person/WebEx hybrid model for meetings. He stated that it
297 is beneficial for all of the Boards and Bureaus within DCA.

298
299 (C) California Physical Therapy Association (CPTA)
300

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

303
304 Ms. DeFoe thanked the Board for offering the WebEx option to attend Board
305 meetings remotely throughout the pandemic and would be in favor of hybrid
306 meetings going forward.

307
308 Ms. DeFoe reported that CPTA is planning on having the annual conference
309 in-person on September 24-25, 2022, in Anaheim, CA. She added that
310 there will be an in-person exhibit hall and invited the Board to participate.

311
312 Ms. DeFoe thanked Mr. Kaiser for participating in CPTA's Webinar
313 Wednesday in July which was developed during the pandemic to provide
314 education for California PT's and PTA's.

315
316 Ms. DeFoe reported that CPTA is celebrating 100 years of APTA this year
317 and this is also 50 years of CPTA, as CPTA was established in 1971 and
318 that there would be a float in the January 1st Rose Parade.

319
320 **20. Discussion and Possible Board Action for the Increase in the Exempt**
321 **Level of the Executive Officer – Alicia Rabena-Amen**
322

323 Dr. Rabena-Amen presented the Executive Officer (EO) Exempt Level
324 Allocation package to the members. She reiterated that this request is critical
325 due to the PTBC's EO not being in the correct classification. She referred the
326 members to the timeline in the meeting materials and stated that this is the 5th
327 request the Board has submitted.
328

329 Mr. Kaiser added that the last request the PTBC made was in September
330 2019, and in March of 2020 at the beginning of the pandemic, California
331 identified a potential financial crisis and PTBC received notification in response
332 to the September request, that the request was denied due to financial
333 concerns for California but asked the Board to consider resubmitting the
334 request once the financial crisis was alleviated. Mr. Kaiser added that the
335 financial crisis anticipated never happened and that currently, California is
336 sitting on a surplus. Mr. Kaiser stated that the Board is very familiar with this
337 package, and it is just a matter of updating the data and resubmitting based on
338 the recommendation that CALHR made in their denial.
339

340 Dr. Rabena-Amen thanked DCA, Business, Consumer Services and Housing
341 Agency for their support on this request and stated that she was in support of
342 resubmitting the package now. She asked if it was necessary to reconvene
343 the EO Exempt Level Subcommittee, or if the Board should just move forward
344 with resubmitting the package as included in the meeting materials.
345

346 Mr. Kaiser stated that the EO Exempt Level Subcommittee only has one
347 member, as the second member is no longer on the Board, and asked if the
348 President would like to appoint a second member to the Committee or would
349 the members like to start the process of resubmittal. Members unanimously
350 supported the idea of resubmitting the package with the updated data.

351 **MOTION:** As requested by CalHR, I move to request support of
352 DCA, Office of Human Resources to work with PTBC
353 staff and appropriate agencies in obtaining an exempt
354 level change that is appropriate to the PTBC's
355 Executive Officer position allocation and organization
356 structure.
357

358 **M/S:** Drummer/McMillian
359

360 **VOTE:** Armstrong - Absent

361 Dominguez- Aye
362 Drummer - Aye
363 Eleby - Absent
364 Ervin - Absent
365 McMillian - Aye
366 Rabena-Amen – Aye
367 4-0 Motion Carried
368

369 **21. Board Member Elections**
370 **(A) President**

371 **NOMINATION:** Dr. Rabena-Amen nominated Ms. McMillian as
372 Board President.

373 **NOMINEE:** Ms. McMillian
374

375 Ms. McMillian declined the nomination for Board President.
376

377 **NOMINATION:** Dr. Rabena-Amen nominated Dr. Drummer as
378 Board President.

379 **NOMINEE:** Dr. Drummer
380

381 Dr. Drummer declined the nomination for Board President.
382

383 **NOMINATION:** Dr. Rabena-Amen nominated Dr. Dominguez as
384 Board President.

385 **NOMINEE:** Dr. Dominguez
386

387 Dr. Dominguez declined the nomination for Board President.
388

389 **NOMINATION:** Dr. Dominguez nominated Dr. Rabena-Amen as
390 Board President.

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

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

393 **M/S:** Dominguez/McMillian
394

395 Dr. Rabena-Amen accepted the nomination.
396

397 **VOTE:** Armstrong - Absent
398 Dominguez- Aye
399 Drummer - Aye
400 Eleby - Absent
401 Ervin - Absent
402 McMillian - Aye

403 Rabena-Amen – Aye
404 4-0 Motion Carried
405

406 Dr. Alicia Rabena-Amen elected President for 2022.
407
408

(B) Vice-President

409 **NOMINATION:** Ms. McMillian nominated Dr. Drummer as Board
410 Vice-President.
411 **NOMINEE:** Dr. Drummer
412

413 Dr. Drummer declined the nomination for Board Vice-President.
414

415 **NOMINATION:** Ms. McMillian nominated Dr. Dominguez as
416 Board Vice-President.
417 **NOMINEE:** Dr. Dominguez
418

419 Dr. Dominguez declined the nomination for Board Vice-President.
420

421 **NOMINATION:** Dr. Rabena-Amen nominated Ms. McMillian as
422 Board Vice-President.
423 **NOMINEE:** Ms. McMillian
424 **MOTION:** To elect Ms. McMillian as Board President.
425 **M/S:** Rabena-Amen/Dominguez
426

427 Ms. McMillian accepted the nomination.
428

429 **VOTE:** Armstrong - Absent
430 Dominguez- Aye
431 Drummer - Aye
432 Eleby - Absent
433 Ervin - Absent
434 McMillian - Aye
435 Rabena-Amen – Aye
436 4-0 Motion Carried
437

438 Ms. McMillian elected Vice-President for 2022.
439

(C) FSBPT Delegate

441 **NOMINATION:** Dr. Drummer nominated Dr. Armstrong as
442 FSBPT Delegate.

443 **NOMINEE:** Dr. Armstrong
444
445 Mr. Kaiser spoke on behalf of Dr. Armstrong and declined the nomination
446 for FSBPT Delegate.
447
448 **NOMINATION:** Ms. McMillian nominated Ms. Eleby as FSBPT
449 Delegate.
450 **NOMINEE:** Ms. Eleby
451 **M/S:** McMillian/Drummer
452
453 Mr. Kaiser spoke on behalf of Ms. Eleby and accepted the nomination
454 for FSBPT Delegate.
455
456 **NOMINATION:** Dr. Drummer nominated Mr. Ervin as FSBPT
457 Delegate.
458 **NOMINEE:** Mr. Ervin
459 **M/S:** Drummer/Dominguez
460
461 Mr. Kaiser spoke on behalf of Mr. Ervin and accepted the nomination
462 for FSBPT Delegate.
463
464 Mr. Kanotz, PTBC's Legal Counsel, recommended the members vote for
465 their preferred candidate.
466
467 **VOTE:** Armstrong - Absent
468 Dominguez- Mr. Ervin
469 Drummer – Mr. Ervin
470 Eleby - Absent
471 Ervin - Absent
472 McMillian – Ms. Eleby
473 Rabena-Amen – Ms. Eleby
474
475 2 votes for Ms. Eleby and 2 votes for Mr. Ervin.
476 Mr. Kanotz recommended a revote.
477
478 Dr. Drummer added that Mr. Ervin is relatively
479 new to the Board, and it is custom for a newer
480 member to be the FSBPT Delegate because of
481 the experience it provides. He added that Ms.
482 Eleby would be an excellent mentor to Mr. Ervin.
483
484 Armstrong - Absent
485 Dominguez- Mr. Ervin

486 Drummer – Mr. Ervin
487 Eleby - Absent
488 Ervin - Absent
489 McMillian – Mr. Ervin
490 Rabena-Amen – Mr. Ervin
491 4-0 Motion Carried
492

493 Mr. Ervin elected FSBPT Delegate for 2022.
494
495

(D) FSBPT Alternate Delegate

496 **NOMINATION:** Dr. Drummer nominated Dr. Armstrong as
497 FSBPT Alternate Delegate.

498 **NOMINEE:** Dr. Armstrong
499

500 Mr. Kaiser spoke on behalf of Dr. Armstrong and declined the nomination
501 for FSBPT Alternate Delegate.
502

503 **NOMINATION:** Ms. McMillian nominated Ms. Eleby as Board
504 Vice-President.

505 **NOMINEE:** Ms. Eleby

506 **MOTION:** To elect Ms. Eleby as FSBPT Alternate
507 Delegate.

508 **M/S:** McMillian/Drummer
509

510 Mr. Kaiser spoke on behalf of Ms. Eleby and accepted the nomination
511 for FSBPT Alternate Delegate.
512

513 **VOTE:** Armstrong - Absent
514 Dominguez- Aye
515 Drummer - Aye
516 Eleby - Absent
517 Ervin - Absent
518 McMillian - Aye
519 Rabena-Amen – Aye
520 4-0 Motion Carried
521

522 Ms. Eleby elected FSBPT Alternate Delegate for 2022.
523
524

(E) FSBPT Back-up Alternate Delegate

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

Backup Alternate Delegates for 2022 are:

Dr. Rabena-Amen

Ms. McMillian

Dr. Drummer

Dr. Dominguez

Dr. Armstrong

22. 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

The Board entered closed session at 11:46 a.m. and reconvened into open session to adjourn at 1:38 p.m. on December 10, 2021.

23. Public Comment on Items Not on the Agenda

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

24. Agenda Items for Future Meeting – March 23-24, 2022
TBD

Mr. Kaiser stated that PTBC staff would work with DCA's Regulatory Unit to have a presentation of their services at the next meeting as well as a presentation of services by the Attorney General.

25. Adjournment

The meeting adjourned at 1:38 p.m. on December 10, 2021.



1

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
Adopted Meeting Minutes**

March 24, 2022 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.
5

Thursday, March 24, 2022

8 **1. Call to Order**

10 The Physical Therapy Board of California (Board) meeting was called to order by
11 President Dr. Rabena-Amen at 9:03 a.m. and adjourned at 4:05 p.m. on March 24,
12 2022.
13

14 **2. Roll Call and Establishment of Quorum**

16 Armstrong - Present

17 Dominguez- Present

18 Drummer - Present

19 Eleby - Present

20 Ervin – Joined the meeting at 9:30 a.m.

21 McMillian - Present

22 Rabena-Amen - Present
23

24 All members were present with the exception of Mr. Ervin, who joined the meeting
25 later, and a quorum was established. Also present at the meeting were: Michael
26 Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra,
27 Assistant Executive Officer; Brooke Arneson, Board staff, and Trisha St. Clair,
28 DCA SOLID Webcast Moderator.
29
30
31

32 **3. Reading of the Board's Mission Statement**

33
34 Dr. Armstrong read the Board's mission statement: To advance and protect the
35 interests of the people of California by the effective administration of the
36 Physical Therapy Practice Act.
37

38 **4. Public Comment on Items Not on the Agenda**

39 *Please note that the Board may not discuss or take action on any matter raised*
40 *during this public comment section that is not included on this agenda, except*
41 *to decide whether to place the matter on the agenda of a future meeting.*
42 *(Government Code sections 11125, 11125.7(a).)*
43

44 The Board requested public comment on items not on the agenda, and there
45 was no public comment.
46

47 **5. Review and Approval of September 16, 2021, Meeting Minutes – Brooke**
48 *Arneson*

49 Ms. Arneson presented the draft September 16, 2021, meeting minutes.
50

51 Dr. Armstrong requested that on page 15, lines 102-105 there was a formatting
52 issue. Dr. Drummer requested that on page 30, for Agenda 12(C), that the
53 regulatory language that was adopted at the meeting, be included in the meeting
54 minutes.
55

56 **MOTION:** Adopt the proposed September 16, 2021, Meeting
57 Minutes as amended.
58

59 **M/S:** Armstrong/McMillian
60

61 **VOTE:** Armstrong - Aye
62 Dominguez- Aye
63 Drummer - Abstain
64 Eleby - Aye
65 Ervin – Absent- Attended Later in the Meeting
66 McMillian - Aye
67 Rabena-Amen – Aye
68 5-0, 1 Abstention, Motion Carried
69

70 **6. Review and Approval of October 15, 2021, Meeting Minutes – Brooke**
71 *Arneson*

Ms. Arneson presented the draft October 15, 2021, meeting minutes.

Ms. Eleby had an edit on page 45, line 244, it should read "PTBC is recommending." Dr. Rabena requested an edit on page 45, line 257 should read "nonparticipation."

MOTION: Adopt the proposed October 15, 2021, Meeting Minutes as amended.

M/S: Drummer/Eleby

VOTE: Armstrong - Aye
Dominguez- Aye
Drummer - Aye
Eleby - Aye
Ervin – Absent- Attended Later in the Meeting
McMillian - Aye
Rabena-Amen – Aye
6-0, Motion Carried

7. Review and Approval of November 4, 2021, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft November 4, 2021, meeting minutes.

MOTION: Adopt the proposed November 4, 2021, Meeting Minutes.

M/S: Armstrong/McMillian

VOTE: Armstrong - Aye
Dominguez- Aye
Drummer - Aye
Eleby - Aye
Ervin – Aye
McMillian - Aye
Rabena-Amen – Aye
7-0, Motion Carried

8. Update on Sunset Review Report Pursuant to (Business and Professions Code (BPC) Section 2602 – Jason Kaiser

Mr. Kaiser reported that PTBC had its Sunset Hearing on March 10, 2022, and by all accounts it was very successful. He added that the Board's sunrise bill is SB 1438, and its hearing is set for April 18, 2022. Mr. Kaiser stated that PTBC staff will have conversations with the Assembly and Senate Committee staff during the legislative session as the bill progresses.

9. President's Report –Alicia Rabena-Amen

(A) 2022 Adopted Meeting Calendar

Mr. Kaiser reported that there was an in-person regulatory training scheduled in May 20-22, 2022, in Alexandria, VA, however it was cancelled due to lack of participation.

Dr. Rabena-Amen solicited the members for their feedback on the 2022 meeting dates. There were no changes to the 2022 meeting calendar.

Mr. Kaiser stated that the June 2022 would be an in-person meeting, in Sacramento, CA.

Mr. Kaiser asked that the members try to attend the FSBPT Annual Meeting October 27-29, 2022, in Anaheim, CA.

(B) 2023 Proposed Meeting Calendar

Mr. Kaiser reported that the 2023 calendar is tentative at this point and solicited the members for their availability. He added that the dates can be moved around if necessary. There were no changes to the 2023 calendar.

10. Executive Officer's Report – Jason Kaiser

(A) Administrative Services

i. Staffing

Mr. Kaiser reported that PTBC has completed the recruitment for the Staff Services Manager I over the Consumer Protection Services Unit, and the new manager will be introduced at the June 2022 meeting. Mr. Kaiser added that PTBC finished recruitment for a limited-term Staff Services Analyst and the new team member will also be introduced at the June 2022 meeting.

Mr. Kaiser reported that the PTBC is currently recruiting for (1) Full Time Staff Services Analyst (SSA) to serve as the Board's probation monitor to provide relief to Mr. Martin and his workload.

Mr. Kaiser reported that for the past few years, the PTBC has been able to revert a portion of its budget back to its fund, even while contributing a large amount of money to the Architecture Revolving Fund to assist PTBC with the move to the new suite. He stated that this year, PTBC will come close to expending its full budget due to the increase in temporary help; increase in attorney general costs for enforcement services; and preparing and acclimating to the pandemic. He added that PTBC has been very diligent to make sure we don't expend or exceed our budget.

(B) Applications

Mr. Kaiser reported that physical therapy is an ever-growing profession, and with the recent additions of new Physical Therapist Assistant (PTA) programs, there are currently 21 PTA programs in California. Mr. Kaiser added that there are 6 additional PTA programs in development and 1 additional PT program in development and with this increase, PTBC may need to increase its applications services and licensing staff to shoulder the additional workload.

(C) Licensing/Continuing Competency

Mr. Kaiser referred members to Agenda Item 17 and 18 for a detailed Licensing/Continuing Competency report.

(D) Consumer Protection Services

Mr. Kaiser referred members to Agenda Item 19 for a detailed Consumer Protection Services report.

(E) Outreach

Mr. Kaiser referred members to Agenda Item 15(B) for a detailed Outreach report.

Dr. Rabena-Amen asked about the timeline of PTBC's website redesign and Mr. Kaiser responded that there was a bit of hiatus from the website development during the sunset process, however at the June meeting members would hopefully be able to see the new mock remote website that was created by the DCA Internet Team and Ms. Beauchamps.

190
191
192 (F) PTBC Relocation
193

194 There was no update provided for this agenda item.
195

196 **11. Discussion Regarding Waivers Issued by the Director of the California**
197 **Department of Consumer Affairs**

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

199 a. Ninth Extension DCA Waiver DCA-21-194

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

201 a. Fifth Extension DCA Waiver DCA-22-212

202 (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical
203 Therapy Treatment

204 a. Tenth Extension DCA Waiver DCA-22-213
205

206 Mr. Kaiser reported that there have been a number of extensions on the
207 waivers issued by the Director of DCA since their implementation. He
208 added that the waivers listed above are still in effect or coming close to
209 expiration.
210

211 Mr. Kaiser reported that the continuing competency waiver expired for
212 those licensees that were renewing in October of last year, however the
213 waiver has a six-month extension. He added that PTBC staff will
214 continue to assess the situation and address when it might be
215 appropriate to start auditing licensees again.
216

217 Mr. Kaiser stated that the Reinstatement of Licensure waiver expires in
218 March 2022 and the Examination Requirement expired on January 1,
219 2022. He added that all waivers that were previously reported on at the
220 prior meeting have all expired.
221

222 **12. Consumer and Professional Associations and Intergovernmental**
223 **Relations Reports**

224 (A) Federation of State Boards of Physical Therapy (FSBPT)
225

226 There was no representative on behalf of FSBPT.
227

228 Mr. Kaiser reported that FSSBPT may be providing a presentation at the
229 June 2022 Board meeting on existing eligibility requirements nationwide.
230 He added that this year is PTBC's opportunity to host for FSBPT's Delegate
231 Assembly in Anaheim, CA and encouraged the members to attend.
232

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

Ms. Marykate Cruz Jones with Board and Bureau Relations provided the Board with an update on behalf of DCA. Ms. Cruz Jones reported that as California moves towards the endemic, new state and public health guidance has relaxed mandatory face coverings and masks are encouraged in indoor settings and high-risk settings, such as health care facilities. She added that face coverings are mandatory regardless of vaccination status and to be aware of changing health guidance and as state representatives we are all expected to adhere to state and local orders while carrying out our duties.

Ms. Cruz Jones reported that on January 5th, 2022, Governor Newsom signed an Executive Order that extends the Sunset date in Assembly Bill 361 allowing Boards and Committees to meet remotely through March 31st, 2022. She added that on January 31st Assemblymember Quirk introduced new legislation, AB 1733 which would permanently allow Boards and Committees to meet remotely while also providing virtual and physical options for members of the public to participate. Ms. Cruz Jones stated that if this bill is passed by the legislature and signed by the Governor, it would take place immediately. She added that we cannot be certain whether AB 1733 will be enacted or when, so Boards should prepare for the possibility of in-person meetings after March 31st. Ms. Cruz Jones reported that before attending any in-person meetings, members must verify their full vaccination with DCA's Office of Human Resources or participate in COVID-19 testing.

Ms. Cruz Jones reported that beginning on March 24, 2022, DCA Headquarters 1 Hearing Room will also be available for Board meetings, which was previously being used for COVID-19 testing; however, it has been reopened to support DCA's upcoming in-person Board meetings. She added that HQ1 and HQ2 Hearing Rooms support hybrid meetings and DCA will continue to explore how they can expand departmental resources to support any additional hybrid meeting locations in the future.

Ms. Cruz Jones provided an update on DCA's Enlightened Licensing Project and stated that this workgroup was formed in 2020 to utilize licensing subject matter experts within the DCA and the purpose is to help Boards and Bureaus streamline and make their licensing processes more effective and efficient by utilizing best practices, information technology, and cost saving measures.

Ms. Cruz Jones stated that DCA is pleased to announce that Tanya Cochran began serving as the department's first Compliance and Equity Officer effective March 2, 2022. She added that this position will oversee DCA's SOLID Training and Planning Solutions; the Organizational Improvement Office; the Equal Opportunity Equal Employment Office and the Internal Audit Office.

Ms. Cruz Jones reminded members that they have training and reporting requirements and that each year, members are required by law to file a Form 700 before April 2022 and asked that members file as soon as possible.

Ms. Cruz Jones stated that members that were newly appointed or recently reappointed, are required to attend the Board Member Orientation Training within a year of appointment date and this training can be accessed through DCA's Learning Management System (LMS) and live trainings will be held on June 15, 2022, and October 12, 2022.

(C) California Physical Therapy Association (CPTA)

Ms. Tameka Island, Executive of Professional Affairs for the California Physical Therapy Association, presented on behalf of CPTA.

Ms. Island reported that CPTA's 2022 Annual Conference is projected to be held in Anaheim, CA on September 24-25, 2022, and encouraged PTBC to attend and offered a complimentary booth.

Ms. Island congratulated the Board on completing a successful Sunset Hearing and CPTA looks forward to the introduction to the Sunset Review Bill and looking forward to supporting the bill by submitting a letter of support.

Dr. Rabena-Amen thanked CPTA for their positive comment submitted at the end of the Board's Sunset Hearing by Mr. Carl London.

13. Legislation Report

(A) 2021/22 Legislative Session Summary

Ms. Arneson presented the legislative report and referred the members to the legislative summary in the meeting materials and discussed the current status and changes to each bill since the last Board meeting as follows:

- 315
316
317
318
- i. AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications

319
320
321
322
323
324

Ms. Arneson reported that AB 105 was vetoed on October 8th and that there was another bill that was introduced this session: AB 1604, The Upward Mobility Act of 2022, which she would address later in the legislative report which seeks to address some of the concerns from the Governor's veto message from AB 105.

- 325
326
- ii. AB 107 (Salas) Licensure: Veterans and Military Spouses

327
328
329
330
331
332
333
334
335

Ms. Arneson reported that AB 107 was chaptered on October 8th, 2021, and would require most Boards and Bureau's within the DCA to issue temporary licenses to military spouses who meet specified criteria. She added that PTBC is exempt from the provisions of this bill in BPC Section 115.6 which states that this section shall not apply to a Board who has a process in place by which an out of state licensed applicant is able to receive expedited temporary authorization to practice.

- 336
337
338
- iii. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses

339
340
341
342
343
344
345
346

Ms. Arneson reported that AB 225 is a 2-year bill and has been referred to the Senate Committee on Business, Professions and Economic Development. She added that this bill would expand the provisions of the military spouse temporary licensure program to apply to military veterans who have been other-than-dishonorably discharged and active-duty military members with orders for separation in 90 days.

- 347
348
- iv. AB 305 (Maienschein) Veteran Services: Notice

349
350
351
352

Ms. Arneson reported that AB 305 was ordered to the Senate inactive file on September 1, 2021, at the request of Senator Eggman, which means the bill is essentially dead for this session.

- 353
354
355
- v. AB 339 (Lee & Christina Garcia) Local Government: Open and Public Meetings

356
357

Ms. Arneson reported that AB 339 was vetoed on October 7, 2021, and would have required until December 31, 2023, certain city

council or county board of supervisor's meetings to allow the public to attend and comment via telephone or internet. She added that the Governor's veto message references the passage of AB 361 which addresses the ability for open meetings and teleconferences.

vi. AB 657 (Cooper) State Civil Service System: Personal Services Contracts: Professionals

Ms. Arneson reported that AB 657 was a 2-year bill after reconsideration was granted in June 2021 and is currently in the Senate Governmental Organization Committee. She added that this bill prohibits state agencies from entering into a contract with a professional as defined for a period of more than 365 days in a 24-month period; however, the provisions of this bill do not apply to the DCA or a Board or Bureau within DCA.

vii. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer

Ms. Arneson reported that this bill was chaptered on October 4, 2021, and that this bill expands membership of the Interagency Advisory Committee on Apprenticeship to include the State Public Health Officer and the Director of Consumer Affairs. The bill also expands the use of the "earn and learn" training model by preventing these two government entities from prohibiting its use for personnel training or accreditation of programs and requiring them to use licensing or certification standards that authorize it.

viii. SB 250 (Pan) Health Care Coverage

Ms. Arneson reported that SB 250 is a 2-year bill and would authorize the Department of Managed Health Care and the Insurance Commissioner, as appropriate, to review a plans or insurer's clinical criteria, guidelines, and utilization management policies to ensure compliance with existing law. She added that if the criteria and guidelines are not in compliance with existing law, the bill would require the Director of the Department of Managed Health Care or the commissioner to issue a corrective action and send the matter to enforcement, if necessary. Ms. Arneson stated that the bill would additionally require each department, on or before July 1, 2022, to develop a methodology for a plan or insurer to report

the number of prospective utilization review requests it denied in the preceding 12 months, as specified.

Ms. DeFoe, Executive Director of CPTA, stated that this bill is very much in play during this legislative session and that CPTA had a support position on this bill and urged PTBC to consider a support position as well.

ix. SB 607 (Roth) Professions and Vocations

Ms. Arneson reported that SB 607 was chaptered on September 28, 2021, which was the Senate Business and Professions Committee's omnibus bill that made statutory updates, technical corrections, and non-controversial changes to statutes for Boards and Bureaus within DCA.

x. SB 731 (Durazo and Bradford) Criminal Records: Relief

Ms. Arneson reported that this bill is currently in the Senate and Assemblymember Ting is asking for reconsideration. She added that this bill would expand 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.

xi. AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

Ms. Arneson reported that AB 1604 was recently introduced and is a continuation of AB 105 that was vetoed. She added that this bill was referred to the Assembly Appropriations Committee. Ms. Arneson reported that this bill would establish that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, removing reference to ethnic minorities or women from this policy. She added that this bill also requires, on or after January 1, 2023, 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, as defined. Ms. Arneson stated that this bill further clarifies that new board or

commission members should be replaced, under these parameters,
as vacancies occur.

xii. AB 1662 (Gipson) Licensing Boards: Disqualification from
Licensure: Criminal Conviction

Ms. Arneson reported that AB 1662 has been referred to the
Assembly Business and Professions Committee. She added that
this bill would allow a prospective applicant that has been convicted
of a crime to submit a request to a Board for a preapplication
determination on whether they would be disqualified for licensure.
Ms. Arneson stated that the prospective applicant would not need to
pay a fee or submit any official documents.

Ms. Arneson reported that staff were recommending an oppose
position on this bill due to the significant fiscal and workload impact
the provisions of this bill would require.

Mr. Kaiser added that while this bill is still in its infancy, the idea it is
proposing is that an applicant, prior to entering an education
program, who has criminal history, would have an application
process with the Board where they could file their criminal records
and the Board would determine whether they would be able to
receive a license. He added that this bill is ambiguous and does not
speak to timeframes, what type of proof would have to be provided,
and would the Board be held to a certain commitment in that
determination. Mr. Kaiser added that this determination could come
seven years prior to application with certain education and
sometimes criminal history can fall off the record in seven years or
criminal history can change. Mr. Kaiser stated that this bill is
addressed toward other Boards and Bureaus within DCA.

MOTION: To have PTBC staff work with the Board President in
crafting a letter or opposition to AB 1662.

M/S: Rabena-Amen/Dominguez

VOTE: Armstrong - Aye
Dominguez- Aye
Drummer - Aye
Eleby - Aye
Ervin - Aye

McMillian - Aye
Rabena-Amen – Aye
7-0 Motion Carried

xiii. AB 1733 (Quirk) State Bodies: Open Meetings

Ms. Arneson reported that AB 1733 was double referred to the Assembly Governmental Organizational Committee and the Assembly Business and Professions Committee. She added that this urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements. These include all of the following: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

Ms. Arneson reported that staff were recommending a support position on this bill as it will allow PTBC to continue to utilize WebEx and other online platforms in addition to a physical meeting location.

Mr. Kaiser added that this bill is crucial in addressing the older provisions of the Bagley-Keene Meeting Act that impose certain requirements on boards in order to hold a teleconference. He added that PTBC staff are in support of this bill and believe that the addition of telephonic video conferencing means is not just a replacement for the antiquated teleconferencing rules, and is a valuable tool and an additional point of public and stakeholder access to any public meeting that PTBC may hold. Mr. Kaiser stated that this issue was also addressed in PTBC’s Sunset Report and sunrise bill, SB 1438. He added that this bill could potentially move quickly throughout the legislative session and PTBC staff are recommending a position of support early in the legislative session.

Members agreed that the provisions of this bill would increase public access and participation.

MOTION: Have PTBC staff work with the Board President to draft a letter or support for AB 1733.

524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565

M/S: Rabena-Amen/Armstrong

VOTE: Armstrong - Aye
Dominguez- Aye
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen – Aye
7-0 Motion Carried

xiv. AB 2104 (Flora) Professions and Vocations

Ms. Arneson reported that AB 2104 was referred to the Assembly Committee on Business and Professions. She added that this is currently a spot bill and in its current form, this bill would authorize DCA and each Board within DCA to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. She added that in addition, this bill would require the delinquency, penalty or late fee for any licensee within the DCA to be 50% of the renewal fee for that license, however, not exceed \$150.

xv. AB 2600 (Dahle) State Agencies: Letters and Notices: Requirements

Ms. Arneson reported that AB 2600 was recently referred to the Assembly Accountability and Administrative Review Committee. She added that this bill would require that every state agency when sending any communication to any recipient, shall state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as a notice requiring no action.

Ms. Arneson stated that staff are recommending an oppose position on this bill.

Mr. Kaiser added that staff already adhere to most of the provisions of this bill in its communication to applicants and licensees, however staff are opposed to the idea of branding all correspondence with an indication on whether the contents of the letter needed to be

566 addressed. Mr. Kaiser added that many Boards and Bureau's at
567 DCA are opposed to this bill.

568
569 Board members decided to wait until the June 2022 meeting once
570 the bill was further along in the legislative session to take a position
571 on this bill.

572
573 xvi. AB 2636 (Berman) Refugees, Asylees, and Special Immigrant Visa
574 Holders: Professional Licensing: Initial Licensure Process

575
576 Ms. Arneson reported that AB 2636 was pending referral to
577 Committee. She stated that this is also a spot bill at this time and in
578 its current form, this bill would make non-substantive changes to
579 provisions requiring the Boards within DCA to expedite and
580 authorize Boards to assist the initial licensure process for an
581 applicant who supplies satisfactory evidence to the Board that they
582 are a refugee, have been granted asylum, or have a special
583 immigrant visa as specified.

584
585 xvii. SB 1031 (Ochoa Bogh) Healing Arts Boards: Inactive License Fees

586
587 Ms. Arneson reported that SB 1031 was set for hearing in the
588 Senate Committee on Business, Professions and Economic
589 Development on April 18th. She added that this bill would require
590 the renewal fee for an inactive license to be 1/2 of the amount of the
591 fee for a renewal of an active license unless the Board establishes
592 a lower fee.

593
594 xviii. SB 1237 (Newman) Licenses: Military Service

595
596 Ms. Arneson reported that SB 1237 was referred to the Senate
597 Business and Professions Committee and Military and Veterans
598 Affairs Committee. She added that this bill would require Boards
599 and Bureau's within DCA to waive license renewal fees for active-
600 duty members stationed outside of California. She stated that PTBC
601 already adheres to the provisions of the bill.

602
603 xix. SB 1365 (Jones) Licensing Boards: Procedures

604
605 Ms. Arneson reported that SB 1365 was set for hearing in the
606 Senate Business, Professions, and Economic Development
607 Committee on April 4th. She added that this bill would require all

608 Boards to post a list of criteria used to evaluate applicants with
609 criminal convictions on their websites and that DCA would be
610 required to develop a process for each Board to use in verifying
611 applicant information and performing background checks of
612 applicants, as well as develop a procedure for an informal appeals
613 process.

614
615 xx. SB 1438 (Roth) Physical Therapy Board of California Meetings:
616 Remote Access

617
618 Ms. Arneson reported that SB 1438 was set for hearing in the
619 Senate Committee on Business, Professions and Economic
620 Development on April 18, 2022. She added that this is the Board's
621 Sunset bill and additionally would require the Board to provide
622 remote access to participants at all meetings.

623
624 Ms. Arneson reported that staff are recommending a support
625 position on this bill since it will be addressing the issues we have
626 identified in our Sunset Report as well as extend the PTBC.

627
628 Mr. Kaiser added that this bill is a placeholder currently, since it is
629 early in the legislative session, however SB 1438 will continue to be
630 amended during the legislative session.

631 **MOTION:** Have PTBC staff work with the Board President to
632 draft a letter or support for AB 1733.

633
634 **M/S:** Rabena-Amen/McMillian

635
636 **VOTE:** Armstrong - Aye
637 Dominguez- Aye
638 Drummer - Absent
639 Eleby - Aye
640 Ervin - Aye
641 McMillian - Aye
642 Rabena-Amen – Aye
643 7-0 Motion Carried

644
645 Mr. DeFoe, Executive Director of CPTA, made a public comment on
646 the legislative report. She stated that SB 250 is still in play and will
647 be heard in June and is currently undergoing some amendments to
648 simplify it. She added that CPTA sees this bill as an access to care

649 issue and CPTA does have a support position on this bill and asked
650 for PTBC to consider a support position on this bill as well.

651
652 Ms. DeFoe added that there was another bill that CPTA is watching,
653 AB 646 which would require professional licensing boards under the
654 jurisdiction of DCA, to updated or remove information about an
655 individual's revoked license within 90 days of receiving an
656 expungement order as well as other provisions. She encouraged
657 PTBC to add it to their legislative watch list.

658
659 Mr. Kaiser responded that PTBC would add this bill to it's watch list
660 and bring it back for Board consideration at the June Board Meeting.

661
662 **14. Rulemaking Report**

663 (A) 2022 Rulemaking Update for Pending or Proposed Regulations (Title 16,
664 California Code of Regulations (16 CCR)):

665
666 Ms. Arneson reported that there were currently 6 rulemaking packages on
667 the Board's Rulemaking Calendar which is submitted to the Office of
668 Administrative Law each year to determine regulation workload.

- 669
670 i. Status of Adopted Amendment to 16 CCR section 1399.15 –
671 “Guidelines for Issuing Citations and Imposing Discipline,” 6th
672 Edition, Effective April 1, 2022

673
674 Ms. Arneson reported that the Disciplinary Guidelines were approved
675 on January 28, 2021, and filed with the Secretary of State, and will
676 be effective April 1st, 2022.

- 677
678 ii. Proposed Amendments to 16 CCR section 1398.26.1 – Satisfactory
679 Documentary Evidence of Equivalent Degree for Licensure as a
680 Physical Therapist or Physical Therapist Assistant/Coursework Tool

- 681
682 iii. Proposed Amendments to 16 CCR sections 1398.26.5, – Clinical
683 Service Requirements for Foreign Educated Applicants Completing
684 a Supervised Clinical Practice in the United States

685
686 Ms. Arneson reported that both the Coursework Tool and
687 Performance Evaluation Tool regulations were submitted to DCA

Legal for initial review in the meeting materials it states March 18, 2022; however, that date should read April 18, 2022.

- iv. Status of Adopted 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, Effective November 30, 2021

Ms. Arneson reported that the Substantial Relation Criteria/AB 2138 regulation package became effective upon filing with the Secretary of State on November 11, 2021.

- v. Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees

Ms. Arneson reported that PTBC staff have been working with DCA Legal on the Retired License regulation and the initial rulemaking package was submitted to DCA Legal for review on March 14th and once approved by DCA it will go to Agency for their review.

- vi. Section 100 – Amendment of Supervision of Physical Therapist Assistant License Applicants 1399.12 and Repeal of Article 14: Sponsored Free Health Care Events – Requirements for Exemption 1399.99.1 – 1399.99.4

Ms. Arneson reported that in addition to the rulemaking packages, staff submitted two additional Section 100 changes which are changes to the California Code of Regulations without regulatory effect.

Ms. Arneson stated that the first Section 100 change would amend Section 1399.12 Supervision of Physical Therapist Assistant License Applicants to reflect the repeal and amendment of underlying statutory authority.

Ms. Arneson reported that the second Section 100 change would delete CCR's 1399.99.1; 1399.99.2; 1399.99.3 and 1399.99.4; Sponsored Free Health Care Events.

Ms. Arneson stated that these Section 100 changes were submitted to OAL on March 2nd and OAL has 30 business days to review and approve or deny and if they are approved they will become effective on the date of approval.

vii. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

Ms. Arneson reported that PTBC staff are in the research phase and anticipate bringing proposed language to the Board at a future meeting date.

15. Administrative Services Quarterly Update
(A) Budget Report

Mr. Kenneth Meiss, PTBC's Budget Analyst presented the Budget Report and reported that for current year (2021-22), according to the Governor's Budget, PTBC is authorized \$6,591,000 which includes personnel services, operating expenses, and equipment, and 27.4 positions to support program requirements. Mr. Meiss added that the operating expenses budget for current year (2021-22) has increased 12.7% over last fiscal year's budget allotment of \$5,750,000.

Mr. Meiss stated that per DCA's Budget Office, PTBC is projected to have less than an 8-month fund reserve by the end of this fiscal year; and even though the fund is considered healthy, PTBC strives to keep a double-digit month reserve due to unanticipated expenditures and economic uncertainties.

Dr. Drummer inquired about the individual who was assigned to contract tracing for COVID-19. Mr. Meiss responded that an Analyst has been exclusively working on the contact tracing program from 6/30/20 through 6/30/21 and that PTBC will be reimbursed \$94,000 for contract tracer

reimbursement and this reimbursement will occur after year-end and will be deposited into the PTBC's fund.

(B) Outreach Report

Ms. Beauchamps, PTBC's Communication and Education Analyst reported that for Quarter 1, PTBC's website had a 3% decrease in traffic and for Quarter 2, it had a 4% decrease in traffic.

Ms. Beauchamps stated that for Facebook traffic, Quarter 1 there was a 34% decrease in traffic, and in Quarter 2 there was a 12% decrease in traffic. She added that the reason for the decrease in traffic is attributed to the change in the use of social media platforms and that people are utilizing other platforms such as Instagram and Tik Tok instead of Facebook. Ms. Beauchamps stated that PTBC will be creating a TikTok channel to provide outreach to stakeholders.

Ms. Beauchamps reported that during Quarter 1, PTBC provided 10 outreach events virtually, due to the COVID-19 pandemic. She added that PTBC provided virtual presentations to 9 PT and PTA programs and provided a webinar on continuing competency for CPTA members.

Ms. Beauchamps reported that during Quarter 2, PTBC provided 6 virtual outreach events to PT and PTA programs and helped facilitate a webinar with FSBPT on Reaching Stakeholders Through the Power of Communication. She added that PTBC looks forward to providing more outreach workshops for PT and PTA programs.

Ms. Beauchamps stated that the Spring 2022 Progress Notes are currently with DCA's Publications and Design and Editing team and are being worked on and are scheduled to be published in April 2022.

16. Application Services Quarterly Update

(A) Program Updates

(B) Statistical Reports

Ms. Conley, Manager of the Application, Licensing and Continuing Competency Services Unit, reported that Application Services is preparing for its busy season with a high volume of physical therapy program graduations coming up. She added that even though application volume is increasing; with the new online application implemented in August 2021, outreach efforts, streamlined efficiencies and increased resources, staff does not anticipate a

803 significant backlog. Ms. Conley stated that Applications would be getting a new
804 analyst, which will be extremely helpful to address this increasing workload and
805 we are starting to see the impact of the work we have been doing.

806
807 Ms. Conley reported that Application Services' Lead Analyst, Eura Trent, is no
808 longer with the PTBC and that PTBC is currently in the process of recruiting to
809 fill the now vacant Lead Analyst position.

810
811 **17. Licensing Services Quarterly Update**

812 (A) Program Updates

813 (B) Statistical Reports
814

815 Ms. Conley reported that the licensee population continues to grow and license
816 maintenance requests continue to increase, but it is not at a rate beyond what
817 existing resources are able to support.

818
819 **18. Continuing Competency Services Quarterly Update**

820 (A) Program Updates

821 (B) Statistical Reports
822

823 Ms. Conley reported that previously there was a pause on continuing
824 competency activities due to redirection of staff to support the Applications
825 Services program. She added that now that the Application Services program
826 has adequate resources, it has allowed Continuing Competency staff to return
827 to the Continuing Competency program.

828
829 Ms. Conley stated that a DCA COVID-19 waiver remains in place allowing
830 licensees to complete continuing competency requirements through March 31,
831 2022.

832
833 Ms. Conley reported that the Continuing Competency program has initiated
834 recognized approval agency (agency) outreach in preparation to audit these
835 agencies. She added that staff are contacting each agency to introduce
836 themselves, obtain updated contact information, review regulations, and notify
837 them that the PTBC is planning to begin agency audits in the near future. Ms.
838 Conley stated that this campaign has already proven to be of benefit to both
839 the agencies as well as the PTBC as information for both parties is being
840 updated and clarified. She added that staff will begin licensee audits upon
841 expiration of the DCA COVID-19 waiver.

842
843 **19. Consumer Protection Services Quarterly Update**

844 (A) Program Updates

845 (B) Statistical Reports
846

847 Ms. Carole Phelps, a PTBC analyst in the Consumer Protection Services (CPS)
848 Program reported that within the last year, PTBC has adopted new process that
849 allow PTBC to submit cases electronically and securely to both the Division of
850 Investigation (DOI) and the Attorney General's Office (AG).
851

852 Ms. Phelps stated that staff no longer have to prepare hard copies of
853 documents to physically mail to DOI and the AG. She added that electronic
854 submittals are quick, easy, and secure and staff are able to receive
855 confirmation of receipt very quickly which has greatly sped up the process for
856 staff. Ms. Phelps reported that DOI electronically provides their final report to
857 PTBC, including all evidence attachments that they obtain, which not only
858 speeds up the process for receiving and saving case documents, but it also
859 significantly cuts down on the volume of paper files PTBC has to store.
860

861 Ms. Phelps reported that PTBC has also started using a secure cloud-based
862 file sharing system to upload password protected documents for review by
863 PTBC's Expert Consultants, as well as to securely receive electronic copies of
864 patient records from treatment providers.
865

866 Ms. Phelps reported that for Performance Measure (PM) 1, the number of
867 consumer complaints and arrest/conviction reports received, have increased
868 slightly compared to Quarter 1 and Quarter 2 of last fiscal year and she added
869 that these numbers fluctuate regularly.
870

871 Ms. Phelps reported that for PM3, Investigation Cycle Time and PM 4, AG Case
872 Cycle Time, case aging was higher for both investigation-only cases and for
873 cases transmitted to the AG. She added that these numbers fluctuate from
874 year to year and one or two complicated cases can increase these numbers
875 substantially. Ms. Phelps stated CPS staff have and continue to thoroughly
876 investigate each case received, while doing whatever staff can to bring each
877 case to each conclusion as quickly as possible.
878

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

(A) Program Updates

(B) Statistical Reports

Mr. Monny Martin, PTBC's Probation Monitor reported that for Quarter 1, there were 61 licensees on probation for various causes, and besides the 50 licensees on probation and in the State of California, there were an additional 11 probationers tolling (out of state) and not receiving credit toward the completion of probation.

Mr. Martin reported that there were six licensees placed on probation in Quarter 1, and 1 licensee completed probation. He added that of the 50 licensees that were not tolling, 14 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling about 28% of all licensees on probation that weren't tolling.

Mr. Martin reported that for the second quarter, there was no change in the number of licensees on probation and that there were still 50 licensees on probation in the State of California, and 11 tolling out of state. He added that 7 more licensees were placed on probation in Quarter 2 and 4 more licensees completed probation. He added that there was also one Stipulation for Surrender of Probation due to a relapse and that participant being removed from the Board's Drug and Alcohol Recovery Monitoring Program and one Voluntary Surrender. Mr. Martin reported that 1 licensee entered into the Board's Drug and Alcohol Recovery Monitoring Program and 1 licensee completed the program.

Mr. Martin reported that the Probation Monitoring Unit continues to operate utilizing Microsoft TEAMS but plans to start conducting face-to-face interviews in the near future. He added that all probationers have adjusted to having probation monitoring interviews via video conference and things have continued to operate smoothly. Mr. Martin stated that there have not been any disruptions to biological fluid testing, and participants in the Board's Recovery Monitoring Program continue to participate in 12-Step programs and Health Support Groups via video conference.

Mr. Martin stated that the new fiscal year has brought an increase of licensees being put on probation and entering into the Board's Drug and Alcohol Recovery Monitoring Program. He added that it appears that the number of

918 licensees being placed on probation is now starting to increase again as the
919 state emerges from the COVID-19 pandemic.

920

921 **21. DCA Regulatory Unit Presentation of Services**

922

923 Ms. Heather Hoganson, DCA Regulatory Attorney, provided a presentation of
924 Services of the DCA Regulatory Unit.

925

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

927

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

931

There was no public comment.

932

933 **23. Agenda Items for Future Meeting – June 23-24, 2022**

934

Department of Consumer Affairs

935

936 Mr. Kaiser stated that FSBPT may provide a presentation at the June meeting
937 on their eligibility requirements for the National Physical Therapy Examination.

938

939 Mr. Kaiser added that there may be a presentation of services from the Division
940 of Investigation and the Attorney General's Office at the June or September
941 2022 meeting.

942

943 **24. Closed Session**

944

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

947

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

950

The Board entered closed session at 3:07 p.m. and reconvened into open
951 session to adjourn at 4:05 p.m. on March 24, 2022.

952

953 **25. Adjournment**

954

The meeting adjourned at 4:05 p.m. on March 24, 2022.

955



1

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Tonia McMillian

Members

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

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A

Johnathon Ervin

Physical Therapy Board of California

Draft Adopted Meeting Minutes

August 15, 2022 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Erika Calderon, Manager

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Specialist

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.

5

6

7

8

9

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 10:12 a.m. on August
12 15, 2022.

13

14

2. Roll Call and Establishment of Quorum

15

16

17

18

19

20

21

22

23

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

24

25

26

27

28

29

30

31

All members were present, 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; Erika Calderon, Manager; Brooke Arneson, Regulation Specialist, David Bouilly, DCA SOLID WebEx Moderator; and Julie Thao, WebEx Co-Moderator.

32
33 **3. Reading of the Board's Mission Statement**
34

35 Dr. Drummer read the Board's mission statement: To advance and protect the
36 interests of the people of California by the effective administration of the
37 Physical Therapy Practice Act.
38

39 **4. Public Comment on Items Not on the Agenda**

40 *Please note that the Board may not discuss or take action on any matter raised*
41 *during this public comment section that is not included on this agenda, except*
42 *to decide whether to place the matter on the agenda of a future meeting.*
43 *(Government Code sections 11125, 11125.7(a).)*
44

45 The Board requested public comment on items not on the agenda, and there
46 was no public comment.
47

48 **5. Closed Session**

49 (A) Pursuant to Government Code section 11126(c)(3), the Board will
50 convene to Deliberate on Disciplinary Actions and Decisions to be
51 Reached in Administrative Procedure Act Proceedings
52

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

56 The Board entered closed session at 9:19 a.m. and adjourned at 10:12
57 a.m. on Monday, August 15, 2022.

58 **6. Adjournment**
59

60 The meeting adjourned at 10:12 a.m. on August 15, 2022.

Physical Therapy Board of California Adopted 2022 Meeting Calendar

[illegible][illegible][illegible]

| January | | February | | March | | April | |
|---------|-----------------------|----------|-----------------------|-------|--|-------|----------|
| 1 | New Year's Day | 21 | President's Day | 24 | PTBC Meeting | 6 | PTA NPTE |
| 5 | PTA NPTE | 2 5 | APTA Sections Meeting | | WebEx | 17 | Easter |
| | Martin Luther King Jr | | San Antonio, Texas | | | 27 | PT NPTE |
| 26 | PT NPTE | | | 20 | CPTA Student Conclave Virtual Meeting | | |
| | | | | 31 | César Chávez Day | | |

| May | | June | | July | | August | |
|-------|--------------------------------|-------|--------------------------------|-------|-----------------------------|--------|--|
| 8 | Mother's Day | 19 | Father's Day | 4 | Independence Day | | |
| 20 22 | FSBPT BM Reg Alexandria, VA | 23 24 | PTBC Meeting Sacramento, CA | 6 | PTA NPTE | | |
| 30 | Memorial Day | | | 23 24 | FSBPT LIF Alexandria, VA | | |
| | | | | 27&28 | PT NPTE | | |

| September | | October | | November | | December | |
|-----------|------------------------------------|---------|---|----------|---------------|----------|--------------------------------|
| 5 | Labor Day | 27 29 | FSBPT Annual Meeting Orange County, CA | 11 | Veteran's Day | 8 9 | PTBC Meeting Sacramento, CA |
| 14 15 | PTBC Meeting San Diego, CA | 6 | PTA NPTE | 24 | Thanksgiving | 26 | Christmas |
| 24 25 | CPTA Annual Meeting Anaheim, CA | 26 | PT NPTE | | | | |
| | | 31 | Halloween | | | | |

Physical Therapy Board of California Proposed 2023 Meeting Calendar

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

[illegible]

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

| January | | February | | March | | April | |
|---------|-----------------------|---------------|-----------------------|-------------------|------------------|-------|-----------------------|
| 2 | New Year's Day | 20 | President's Day | 23-24 | PTBC Meeting | 4-5 | PTA NPTE |
| 4-5 | PTA NPTE | 22-25 | APTA Sections Meeting | TBD, Bay Area, CA | | TBD | CPTA Student Conclave |
| 16 | Martin Luther King Jr | San Diego, CA | | | | TBD | TBD |
| 25-26 | PT NPTE | | | 31 | César Chávez Day | 9 | Easter |
| | | | | | | 26-27 | PT NPTE |

| | | | |
|----|--------------|----|------------------|
| 14 | Mother's Day | 4 | Independence Day |
| 29 | Memorial Day | 18 | Father's Day |

| | | | | | |
|---|-----------|----|----|---------------|--------------------------------|
| | | | | | |
| 4 | Labor Day | | 10 | Veteran's Day | 7-8 |
| | | | 23 | Thanksgiving | PTBC Meeting Sacramento, CA |
| | | | | | 25 |
| | | | | | Christmas |
| | | 31 | | | |



Briefing Paper

Date: August 10, 2022

Agenda Item 14

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

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

Attachments:

1. [2022 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2021/22 Legislative Summary](#)

Background and Update:

The 2022 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:

| | |
|---------------------------|---|
| July 1, 2022 | Summer Recess Begins |
| August 1, 2022 | Legislature Reconvenes from Summer Recess |
| August 25, 2022 | Last Day to Amend Bills on the Floor |
| August 31, 2022 | Last Day for Each House to Pass Bills |
| September 30, 2022 | 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, 2023 | Statutes take Effect |

Action:

No action requested.

| 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 | | | | |

DEADLINES

- [Jan. 1](#)

Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 3](#)

Legislature **reconvenes** (J.R. 51(a)(4)).
- [Jan. 10](#)

Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 14](#)

Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- [Jan. 17](#)

Martin Luther King, Jr. Day.
- [Jan. 21](#)

Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- [Jan. 21](#)

Last day to submit **bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#)

Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 18](#)

Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Feb. 21](#)

Presidents’ Day.
- [Apr. 1](#)

Cesar Chavez Day observed
- [Apr. 7](#)

Spring Recess begins upon adjournment of this day’s session (J.R. 51(b)(1)).
- [Apr. 18](#)

Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 29](#)

Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- [May 6](#)

Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 13](#)

Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- [May 20](#)

Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- [May 23-27](#)

Floor Session only. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- [May 27](#)

Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- [May 30](#)

Memorial Day.
- [May 31](#)

Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

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

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

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

- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).
- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day’s session if Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day.
- Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).
- Aug. 25** Last day to **amend** bills on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).
Final Recess begins at end of this day’s session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2022**
Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 8** General Election.
- Nov. 30** Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).
- Dec. 5** 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).
- 2023**
Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

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

(Board Policy)

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

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

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

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

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

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

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

2021/22 Legislative Summary

Agenda Item 14

[AB 225](#)

DCA: Boards: Veterans: Military Spouses: Licenses

Author: Gray (D)

Status: Dead. 7/5/2022 Failed Deadline. Last Location was the Senate Appropriations Committee.

Position: No Position.

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

Summary:

This bill would have expanded the provisions of the military spouse temporary licensure program to apply to military veterans who have been other-than-dishonorably discharged, and active-duty military members with orders for separation in 90 days.

[AB 646](#)

DCA: Boards: Expunged Convictions

Author: Low (D)

Status: Dead. 8/12/22 Failed Deadline. Last Location was the Senate Appropriations Suspense File.

Position: No Position.

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

Summary:

This bill would have required boards and bureaus (boards) under the Department of Consumer Affairs that post information on their online license search system 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 have required a board to charge a fee of \$25 to perform these activities unless the board has no costs to perform these activities.

[AB 1604](#)

The Upward Mobility Act of 2022: Boards and Commissions; Civil Service: Examinations: Classifications

Author: Holden (D)

Status: Enrolled and Presented to the Governor on 8/31/2022.

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, except as specified, require 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, as defined, on or after January 1, 2023. This bill would further clarify that new board or commission members should be replaced, under these parameters, as vacancies occur. This bill would also require all state agencies who collect demographic information to use separate collection categories and tabulations for specified black and African American groups.

2021/22 Legislative Summary

Agenda Item 14

[AB 1662](#)

Licensing Boards: Disqualification from Licensure: Criminal Conviction

Author: Gipson (D)

Status: Dead. 8/12/22 Failed Deadline. Last Location was the Senate Appropriations Suspense File.

Position: Oppose

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

Summary:

This bill would have allowed a prospective applicant that has been convicted of a crime to submit a request to a board for a preapplication determination on whether they would be disqualified for licensure. Boards may have charged a fee of up to \$50 for this process.

[AB 1733](#)

State Bodies: Open Meetings

Author: Quirk (D)

Status: Introduced in the Assembly 1/31/2022. The Hearing in the Assembly Committee on Governmental Organization was postponed. 8/31/22 Failed Deadline.

Position: Support.

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

Summary:

This urgency bill would have specified that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

[AB 2104](#)

Professions and Vocations

Author: Flora (R)

Status: Dead. 4/29/22 Failed Deadline. Last Location was the Assembly Business and Professions Committee.

Position: No Position

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

Summary:

Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150. This bill would have authorized the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also have required the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

2021/22 Legislative Summary

Agenda Item 14

AB 2600

State Agencies: Letters and Notices: Requirements

Author: Dahle (R)

Status: Dead. 4/29/22 Failed Deadline. Last Location was the Assembly Accountability and Administrative Review Committee.

Position: No Position

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

Summary:

This bill would have required that every state agency, when sending any communication to any recipient, state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as notice requiring no action.

SB 189

State Government

Author: Committee on Budget and Fiscal Review

Status: Chaptered. 6/30/22 Approved by the Governor. Chaptered by Secretary of State. Chapter 48, Statutes of 2022.

Position: No Position.

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

Summary:

This bill makes necessary statutory changes to implement the general government provisions of the Budget Act of 2022. Specifically, this bill specifies that proceedings at a hearing may be recorded electronically if a stenographic reporter is unavailable and upon finding of good cause by an Administrative Law Judge. This bill repeals the requirement for state agencies to deliver six hard copies of regulations to the Office of Administrative Law at the time of transmittal for filing a regulation or order of repeal. In addition, this bill authorizes state entities to hold public meetings, subject to specified notice and accessibility requirements, through teleconferencing and making public meetings accessible telephonically or otherwise electronically to the public, as specified. The bill also sunsets these provisions on July 1, 2023.

SB 250

Health Care Coverage

Author: Pan (D)

Status: Dead. 8/12/22 Failed Deadline. Last Location was the Assembly Appropriations Committee.

Position: No Position.

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

Summary:

Current law generally authorizes a health care service plan or health insurer to use prior authorization and other utilization review or utilization management functions, under which a licensed physician or a licensed health care professional who is competent to evaluate specific clinical issues may approve, modify, delay, or deny requests for health care services based on medical necessity. Current law requires a health care service plan or health insurer, including those plans or insurers that delegate utilization review or utilization management functions to medical groups, independent practice associations, or to other contracting providers, to comply with specified requirements and limitations on their utilization review or utilization management functions. Current law requires the criteria or guidelines used to determine whether or not to authorize, modify, or deny health care services to be developed with involvement from actively practicing health care providers. This bill would have specified that the health care providers involved with developing

2021/22 Legislative Summary

Agenda Item 14

the above-described criteria or guidelines include a representative sample of physicians and surgeons that compose a plans or insurer's prior authorization requests. The bill would have granted a physician and surgeon the right to have an appeal of a prior authorization decision conducted by a physician and surgeon of the same or similar specialty and would have prohibited a plan or insurer from requiring an appeal of an adverse prior authorization request result to be filed before filing an independent medical review.

SB 731 **Criminal Records: Relief**

Author: Durazo (D)

Status: Enrolled and Presented to the Governor on 8/26/2022.

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 expands felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual had completed their sentence and has not been convicted of a new felony offense for four years.

SB 1031 **Healing Arts Boards: Inactive License Fees**

Author: Ochoa-Bogh (R)

Status: Dead. 5/20/22 Failed Deadline. Last Location was Senate Appropriations File.

Position: No Position.

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

Summary:

This bill would have required the renewal fee for an inactive license to be one-half of the amount of the fee for a renewal of an active license unless the board established a lower fee.

SB 1237 **Licenses: Military Service**

Author: Newman (D)

Status: Enrolled and Presented to the Governor on 8/23/2022.

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 the boards within DCA to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.

2021/22 Legislative Summary

Agenda Item 14

SB 1365

Licensing Boards: Procedures

Author: Jones (R)

Status: Dead. 5/20/22 Failed Deadline. Last Location was Senate Appropriations File.

Position: No Position.

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

Summary:

This bill would have required all boards to post a list of criteria used to evaluate applicants with criminal convictions on their websites. DCA would have had to develop a process for each board to use in verifying applicant information and performing background checks of applicants, as well as develop a procedure to provide for an informal appeals process.

SB 1438

Physical Therapy Board of California Meetings: Remote Access

Author: Roth (D)

Status: Enrolled and Presented to the Governor on 9/9/2022.

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 extend the operations of the Physical Therapy Board of California (Board) until January 1, 2027 and grant the Board the authority to continue to oversee and regulate physical therapy practice in California. This bill would also extend the Board's authority to appoint an Executive Officer until January 1, 2027. In addition, this bill would authorize physicians and surgeons to conduct an in-person or telehealth patient examination and evaluation of the patient's condition in connection with their approval of the physical therapist's plan of care.

SB 1495

Professions and Vocations:

Author: Senate B&P Committee

Status: Enrolled and Presented to the Governor on 9/9/2022.

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 is the omnibus bill for the Senate Committee on Business, Professions and Economic Development. It would update the name of the Office of Statewide Health Planning and Development to the Department of Healthcare Access and Information and remove gendered terms throughout the Business and Professions Code. It would also revise continuing education certification for dental hygienists and verification of eligibility for geologists in training.



Briefing Paper

Date: August 11, 2022

Agenda Item 15(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. [2022 Rulemaking Update](#)
2. [Rulemaking Processing Timelines](#)
3. [Overview of the Regulatory Process](#)

Background:

At the December 2021 meeting, the Board adopted the 2022 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 2022 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.

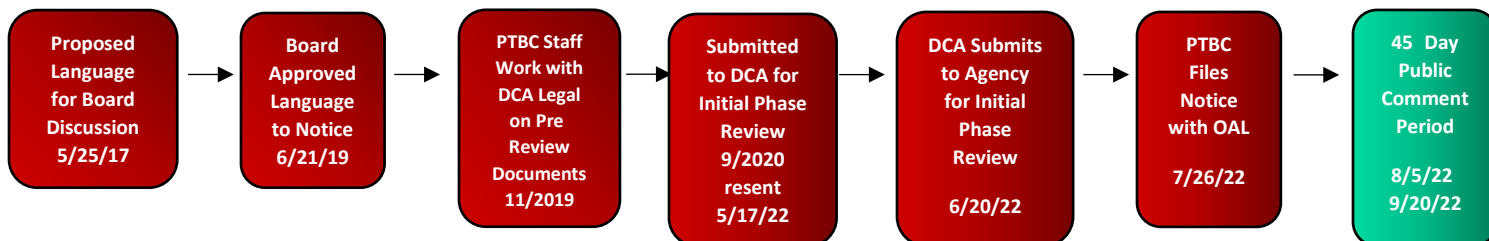
Action:

No action is requested on presentation of the rulemaking report.

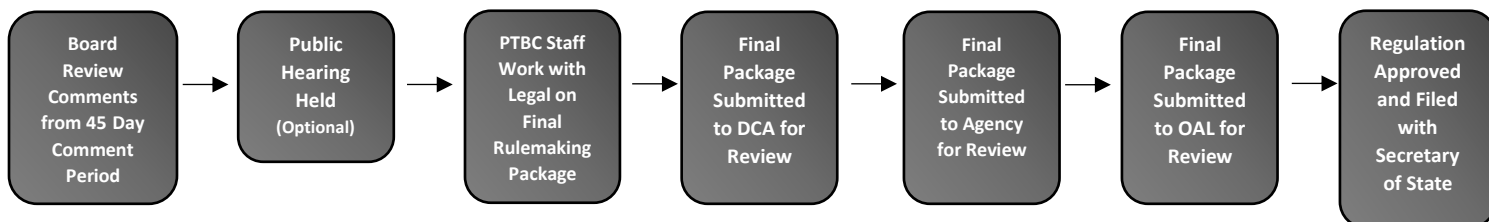
2022 Rulemaking Update

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

Initial Phase:



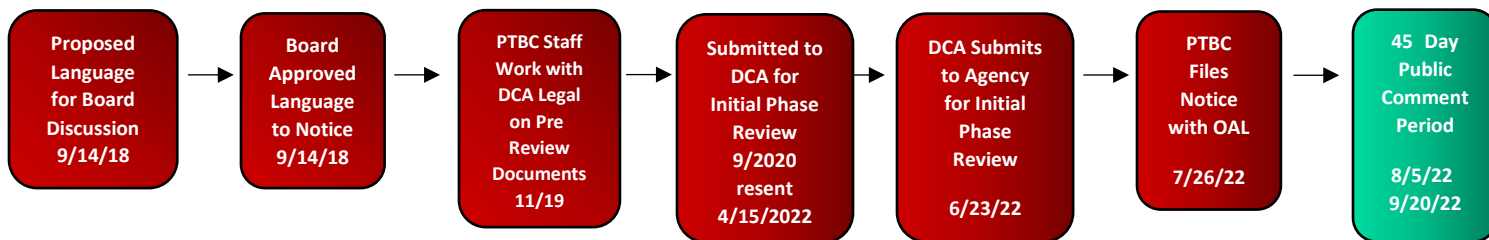
Final Phase:



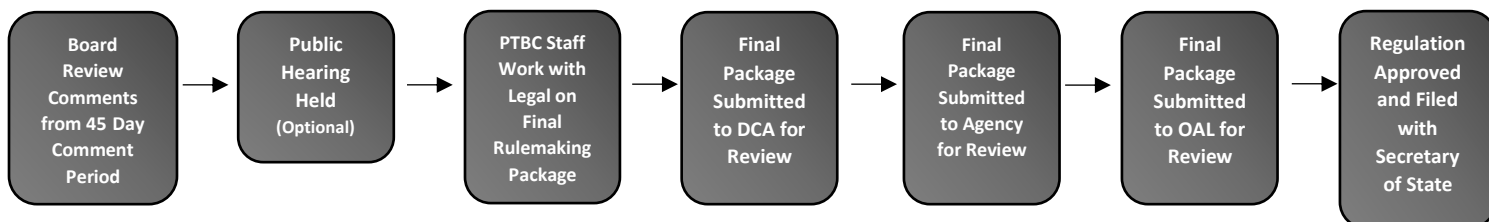
Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). 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 September 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. On June 20, 2022, the initial rulemaking package was sent to Agency and was approved on July 25, 2022. The initial rulemaking package was filed with OAL and published on August 5, 2022, and the 45-day comment period will end on September 20, 2022.

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. In September 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review and 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. On June 23, 2022, the initial rulemaking package was sent to Agency and was approved on July 25, 2022. The initial rulemaking package was filed with OAL and published on August 5, 2022, and the 45-day comment period will end on September 20, 2022.

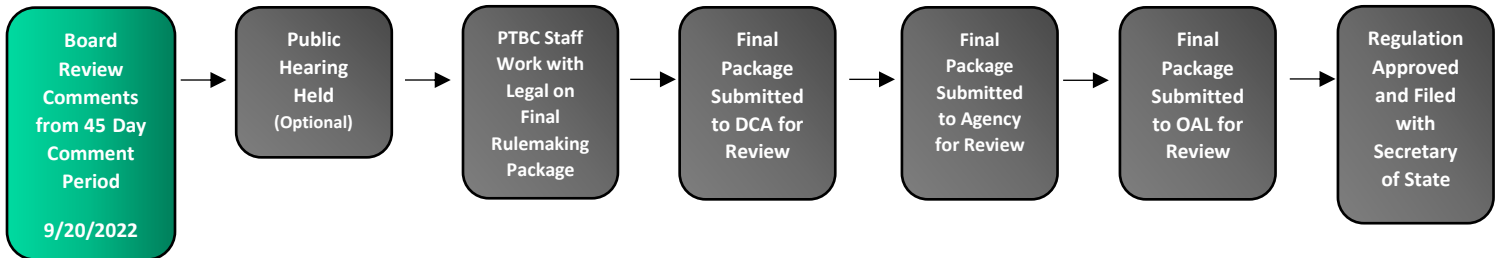
2022 Rulemaking Update

License Renewal Exemptions: Retired License Status

Initial Phase:



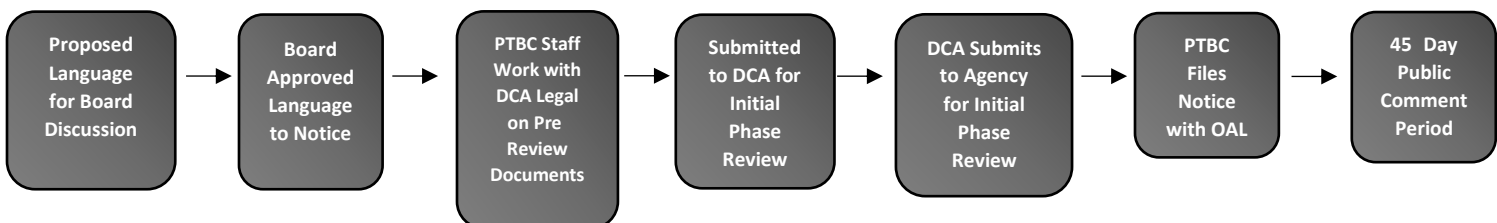
Final Phase:



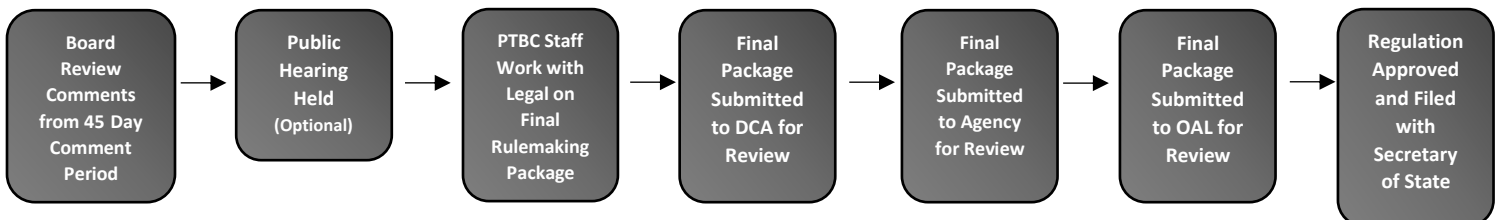
Notes: This regulation proposes to add CCR 1399.57, to Article 10, Division 13.2 of Title 16. BPC Section 2648.7 was repealed effective July 1, 2019 which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC Section 464 (AB 2859). This 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 worked with DCA Legal to address concerns addressed with the language. Board approved language for Notice on September 16, 2021. The initial rulemaking package went to Agency for their review on May 9, 2022 and was approved on June 6, 2022. The initial rulemaking package was filed with OAL and published on June 17, 2022, and the 45-day comment period ended on August 2, 2022. PTBC staff will be presenting the public comments received for this rulemaking package under Agenda Item 16.

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, 2021. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

Processing Times

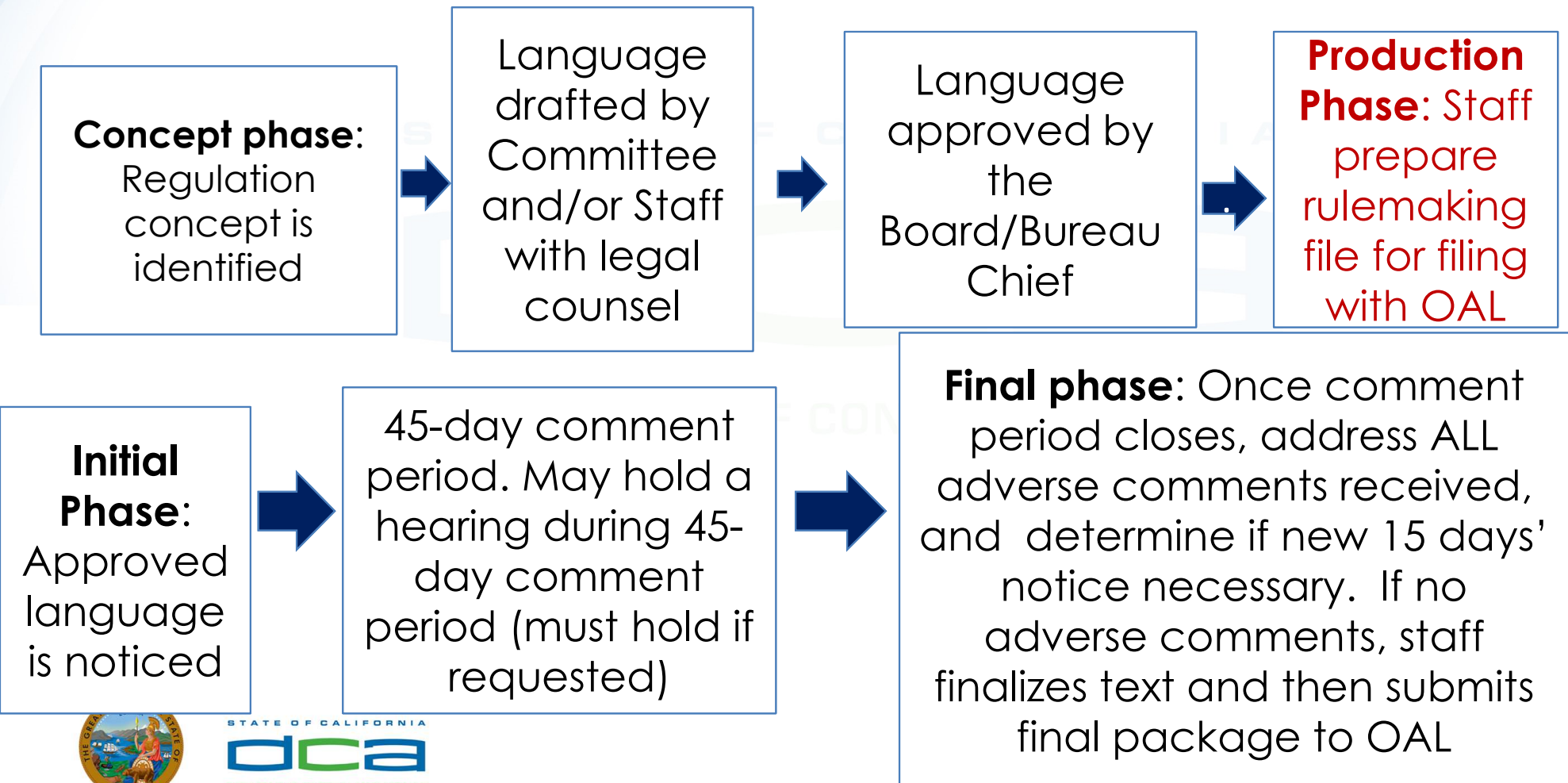
- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department 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 |

General Overview of Regulatory Process





Briefing Paper

Date: August 18, 2022

Agenda Item 16

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Consideration of Public Comments for Retired License Status and Physical Therapist and Physical Therapist Assistant Fees

Attachments: [1. Retired License Status Comments Received During Public Comment Period](#)

Background and Update:

In 2013, Senate Bill (SB) 198 (Lieu, Ch. 389, Stats. 2013) was chaptered into law, adding BPC section 2648.7 to the Physical Therapy Practice Act. The amendment to the Act exempted a licensee from paying the renewal fee and from meeting the requirements set forth in BPC section 2649 (continuing competency) if the licensee applied to the Board for retired license status. However, SB 198 failed to adequately include a provision for application or reactivation, or a fee for administrative costs.

At the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees since the Board was mandated to do so even though there was no means to support the program in terms of funding or specified requirements for exemption. In 2015, the Board was pursuing clarifying regulations to establish retired license status requirements when Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016,) was introduced and signed into law. AB 2859 authorized a board to establish regulations for a retired license system; however, the statute excluded a board that had other statutory authority to establish a retired license status. Because BPC section 2648.7 exempted a licensee from payment of renewal fees but did not specifically authorize the Board to establish a retired license, it was unclear whether the Board would be exempt from the provisions of AB 2859. Accordingly, during its 2016 Sunset Review, the legislature addressed this issue by repealing BPC section 2648.7, which enabled the Board to rely on the new retired license status statute, BPC section 464.

After a fee study of the costs involved was conducted, at the Board's September 17, 2021, meeting, the Board discussed and approved the proposed addition of 16 CCR 1399.18 and the amendment of 16 CCR 1399.50 and 1399.52 to implement BPC section 464. A review of other board charges for retired license status applications is not inconsistent with the amount set by this Board.

Board staff prepared this rulemaking and, after review by the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency, submitted it to the Office of Administrative Law (OAL) on June 7, 2022. It was noticed for public comment from June 17 to August 5, 2022. No public hearing was requested nor held.

A number of comments were received, which are provided for the Board's consideration. According to the Administrative Procedure Act's requirements for enacting regulations, the Board must consider each comment and prepare a Final Statement of Reasons, wherein comments are summarized and responded to. The Board received two categories of comments – the first being dissatisfaction with paying a \$100 fee for retired status, and the second expressing confusion if current licensees in retired status would need to pay to remain retired.

Staff has prepared potential responses to the two categories of comment for the Board's review, consideration, and approval.

Board's Potential Response to Fee comment:

For those commenters that have expressed dissatisfaction at a \$100 fee for a retired license:

“At the September 2021 Board meeting, the Board approved the \$100 fee based upon the time spent processing such applications. After conducting a desk audit and based upon prior experience in processing prior retirement applications, the time to process was determined to be 95 minutes. This number was listed in the Initial Statement of Reasons, page 5. While, based on current costs, this results in a charge of \$101, the Board set the fee at a rounded-down \$100.

The 95 minutes is broken down as follows:

| Physical Therapy Board of California Retired License Workload - Office Technician | | | |
|--|-----------------|-------------------------|-------|
| Workload Tasks | Per Application | Minutes Per Application | OT |
| Receive, log, and file application | 1 | 30 | 30 |
| Cashiering - Data entry | 1 | 10 | 10 |
| Respond to inquiries, monitor applications & other support duties | 1 | 30 | 30 |
| Update status in Breeze IT system | 1 | 20 | 20 |
| Notify licensee | 1 | 5 | 5 |
| Minutes per Application | | | 95 |
| Hours per Application | | | 1.6 |
| Workload Costs per Application: | | | \$101 |

Office Technician - \$64 per hour

According to the State Administrative Manual (SAM), the state must recover costs unless those costs are otherwise limited by statute. SAM section 8752 was

renumbered to 9210 in January 2022, but the onus on state to recover “all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided” remains unchanged.

BPC 464, subdivision (b)(4) states that a board “shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.”

The Board does not receive General Fund money from the state; it collects fees to offset the costs of its activities. Therefore, not charging for work done from licensees in one category would require licensees in another category to shoulder that burden, such as through increased renewal fees. To be equitable, only those who are requesting a specific work product, such as a retired license, should bear the burden of that specific cost.

Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for retired status under BPC 464, recognized that many licensees disfavor becoming simply “inactive” or delinquent. However, as the Board noted in its Initial Statement of Reasons, choosing to request a retired license is an option for licensees. If a licensee does not want to pay for and receive a retired status, they could simply not renew their license and show as “inactive” until the license automatically cancels after five years.”

Board’s Potential Response to Grandfather comment:

For those that currently hold a license in retired status and have inquired if they would need to pay a fee and complete the new application form:

“The Initial Statement of Reasons, page 1, stated that by the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees. Those 537 licenses have already been processed as retired; therefore, those licensees would be exempt from the provisions of this regulatory proposal and no additional form or fee would be required. Because those licenses need nothing further, the Board has determined that no text changes are required in response to these comments. To the extent that the comment implies that the regulatory text is vague, the Board notes that the regulation, once enacted, is prospective only, so would not affect any status already in effect.”

Action:

Proposed Motion: “Adopt the regulatory text as noticed, approve the proposed responses to the retired license status regulatory comments, and direct PTBC staff to take all steps necessary to complete the rulemaking process. Authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and delegate authority to the Executive Officer to finalize the regulatory package.”

PTBC Retired License Status Regulation Public Comments Received

1. Received 6/20/2022

I think a practitioner should be able to retire their license without a fee. There is a fee everywhere for everything nowadays (software fees, convenience fees, regulatory fees, maintenance fees etc.) People are struggling and the PT board can set an example of goodwill if they want to be leaders and role models.

2. Received 6/20/2022

I'm writing to you to let you know I did receive the Notice of New Proposed Rulemaking Regarding the Retired License and Fees.

I am a retired PT and my PT license is on Retired Status. Here is the email string I have had with Justin Silva from License Maintenance Services in PTBC .

I'm a little confused and don't know if I need to do anything. As you can see from this email string, I have been pro-active in maintaining my retired status for the last few years. So please let me know if I have been "grandfathered" in since I've been on this Retired Status for almost 3 years and am not a "new" retiree. It was not clear from reading the "proposed regulatory action and other pending regulations" whether I need to do anything since my license is already in the Retired Status. I understand the new rules regarding re-instating my PT License.

Thank you, and looking forward to receiving a response from you.

PTBC's Response on 6/28/2022:

Good Morning XXXX,

Thank you for contacting the Physical Therapy Board of California regarding the proposed rulemaking.

As you are already a retired licensee, you are not required to pay the \$100 retired license fee proposed in this regulation. The \$100 fee would be applicable for licensees entering into new retired license status once the regulation goes into effect.

I hope the above addresses your below concerns. If you have any further questions, please let me know.

3. Received 6/20/2022

I just received the email about the proposed changes for retirement status in California for physical therapists and physical therapy assistants. When I moved to Oregon I requested retirement status even though I am still working in the state of Oregon as a physical therapist. My question is since they are going to be charging \$100 for retirement status does that exclude those who already have

that status or would anybody who has retirement status now be required to pay that?

Thank you very much for the information

PTBC's Response on 6/28/2022:

Good Morning XXXX,

Thank you for contacting the Physical Therapy Board of California regarding the proposed rulemaking.

Licensees that are already in retired license status would not be required to pay the \$100 fee. The \$100 fee would be applicable for licensees entering into retired license status once the regulation goes into effect. If a licensee decided to return to Active license status, they would be required to pay the renewal fee.

4. Received 6/20/2022

Hello.

Personally, I do not care at all if my license is shown as "inactive" or anything else. Charging \$100.00 to label my license as "retired" is a very creative (though transparent) way for the APTA to make more money with which they will continue to not do anything constructive for the profession of physical therapy. I can't believe that the APTA would think that anyone wouldn't see through this scheme.

I would like the option to NOT pay the fee and just have my license labeled as inactive or delinquent or whatever. After being a Physical Therapist for 35 years I personally am way too old and have contributed way too much to the profession to have to deal with this kind of nonsense. It is insulting to have to pay more money along with a well-deserved retirement.

5. Received 6/20/2022

I do not believe there should be a fee to retire a license. I can understand charging a fee to reinstate a license, but not on the occasion of someone requesting to retire their license.

6. Received 6/21/2022

I completely disagree with the proposed legislation to charge a fee to retire a Physical Therapy license. There is no way it should take 95 minutes to process the application for retirement. The application is only 2 pages long, and assuming everything is computerized, it should take a few minutes.

I am no longer working as a Physical Therapist, and planned to retire my license at the end of 2022. However, I will not be paying this fee. California already

overcharges for a license, costing \$300, when my other Physical Therapy license in Pennsylvania costs \$90, both for a 2-year period. I will simply put my license on inactive status. You have gotten enough money from me.

7. Received 6/21/2022

I will keep this brief.

I find the board's new decision to levy a " fee for retirement" simply abhorrent.

This is nothing more than yet another tax on the American people.

A click of the mouse to remove my license number from active listing in no way warrants \$100!

Offensive.

I hope the board will consider it's thievery and rescind this order from consideration.

8. Received 6/26/2022

Please do not add a \$100 retirement fee. If this fee will be added, the board should explain how a person electing to go into retirement creates a task that justifies a \$100 fee.



Briefing Paper

Agenda Item 24 (A)

Date: September 13, 2022

Prepared for: PTBC Members

Prepared by: Kenneth Meiss, Budget Liaison

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities and statistics for Year-End (Q1-4) for FY 2021-22.

Attachments:

1. [Expenditure Statistics Report \(Year-End\)](#)
2. [Expenditure Measures Report \(Q1-4\)](#)
3. [Expenditure Report 3-Year Milestone](#)
4. [Revenue Statistics Report \(Year-End\)](#)
5. [Revenue Measures Report \(Q1-4\)](#)
6. [Revenue Report 3-Year Milestone](#)

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).

CY2021-22, according to the Governor's Budget, the PTBC is authorized \$6,637,000 which includes personnel services, operating expenses, and equipment, and 27.4 positions to support program requirements. The Operating Expenses (PERS SVS/OE&E) budget for (CY21-22) has increased 15.4% over previous fiscal year's budget allotment of \$5,750,000 (2020-21).

On 3/27/20, the DCA Budget Office initiated COVID-19 cost tracking. This initiative directs the PTBC to track all costs associated with COVID19, including staff work hours spent on COVID19. An Analyst for the Board had been exclusively working on contact tracing program from 6/30/20 through 6/30/21. The Budget Office stated that the Board will be reimbursed \$94,000 for contract tracer reimbursement for PY20-21 cost. The reimbursement was deposited into the Board's fund beginning CY2022-23.

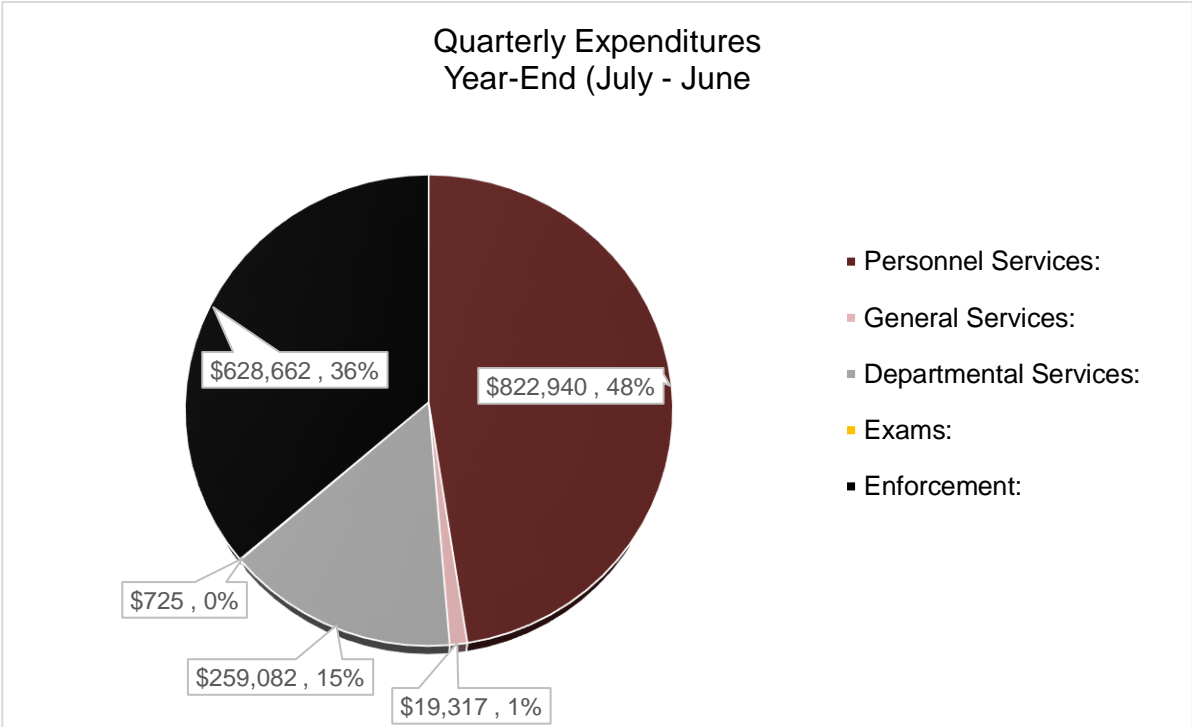
Analysis:

PTBC expended \$2,007,719 in Q1 (FY21-22), a 24.65% increase from previous fiscal year's Q1 expenditures of \$1,610,637 (PY20-21). The PTBC's expenditures in Q2 (FY21-22) are \$1,662,337, a 20.63% increase over previous year's Q2 expenditures of \$1,377,953 (PY20-21). PTBC expended \$1,160,635 in Q3 (FY21-22), a 11.4% increase from previous fiscal year's Q3 expenditures of \$1,040,963 (PY20-21). PTBC expended \$1,730,726 in Q4 (FY21-22), a 24.3% increase from previous fiscal year's Q4 expenditures of \$1,392,100 (PY20-21).

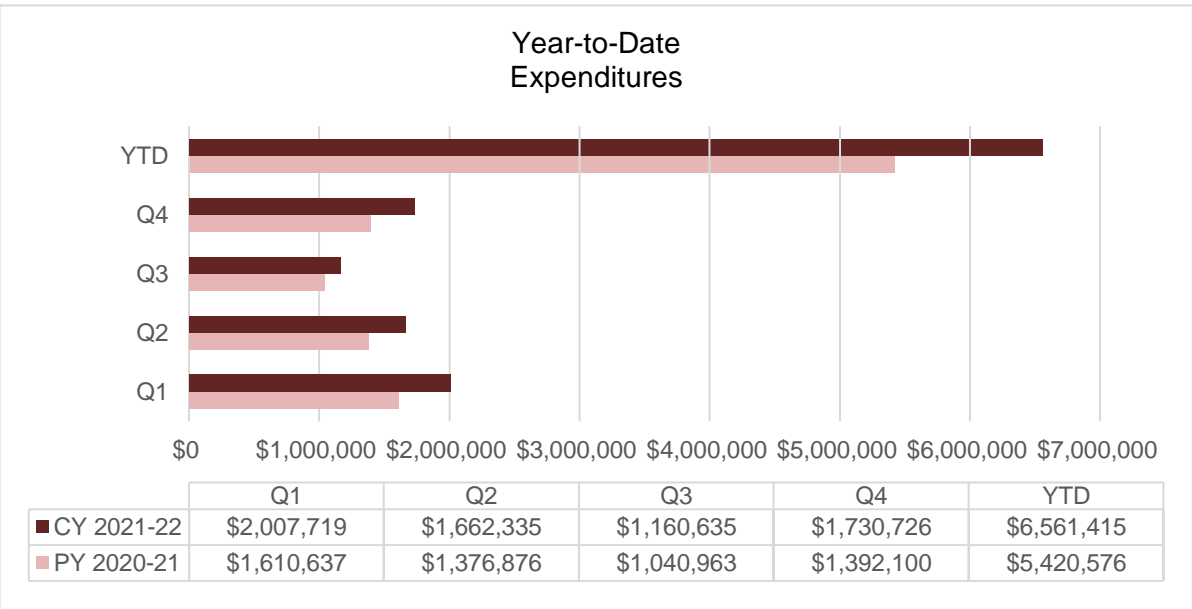
PTBC collected \$1,796,000 during Q1 (FY21-22) a 10.12% increase over Q1 revenue of \$1,630,900 last fiscal year (FY20-21). PTBC's revenues for Q2 of (PY21-22) were \$2,099,683, a 1.36% increase from Q2 last fiscal year \$2,071,348 (PY20-21). PTBC collected \$1,565,695 during Q3 (FY21-22), a 1.96% decrease over Q3 revenue of \$1,596,397 last fiscal year (PY20-21). PTBC collected \$1,081,401 during Q4 (FY21-22), a 0.67% decrease over Q4 revenue of \$1,088,734 last fiscal year (PY20-21). Historically, the PTBC revenues increase by at least 1-2%.

Action Requested: No action requested.

| Expenditure Statistics Report | | | | | | | | | | |
|---|----------------|------------|-----------|-----------|-----------|-----------|----------------|--------------|-----------|--|
| Budget Line Items | PY 2020 21 | FY 2021 22 | | | | | | | | |
| | YTD | Authorized | Q1 | Q2 | Q3 | Q4 | YTD | Percent | Balance | |
| | As of 06/30/21 | Budget | Jul Sep | Oct Dec | Jan Mar | Apr Jun | As of 06/30/22 | Budget Spent | Remaining | |
| | | | | | | | | | | |
| PERSONNEL SERVICES | | | | | | | | | | |
| Civil Services Permanent | 1,464,214 | 1,801,000 | 438,647 | 449,771 | 445,029 | 456,118 | 1,789,565 | 99% | 11,435 | |
| Temp help | 42,212 | 0 | 17,383 | 23,910 | 20,953 | 32,672 | 94,918 | 0% | (94,918) | |
| Statutory Exempt | 99,472 | 77,000 | 28,342 | 28,602 | 28,602 | 28,727 | 114,273 | 148% | (37,273) | |
| Board Members | 42,036 | 12,000 | 6,900 | 12,800 | 14,532 | 14,300 | 48,532 | 404% | (36,532) | |
| Overtime | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | |
| Staff Benefits | 962,809 | 1,125,000 | 289,824 | 288,632 | 281,474 | 291,123 | 1,151,053 | 102% | (26,053) | |
| TOTAL PERS SVS | 2,610,743 | 3,015,000 | 781,096 | 803,715 | 790,590 | 822,940 | 3,198,341 | 106% | (183,341) | |
| OPERATING EXPENSES & EQUIPMENT | | | | | | | | | | |
| General Services Totals | 377,725 | 604,000 | 85,257 | 111,040 | 215,863 | 19,317 | 431,477 | 71% | 172,523 | |
| Fingerprints | 25,156 | 99,000 | 3,430 | 7,127 | 2,264 | 3,724 | 16,545 | 17% | 82,455 | |
| General Expense | 35,721 | 7,000 | 1,162 | 8,788 | 95,070 | -82,427 | 22,593 | 323% | (15,593) | |
| Minor Equipment | 11,878 | 10,000 | 0 | 3,851 | 24,321 | 2,101 | 30,273 | 303% | (20,273) | |
| Major Equipment | 8,530 | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | |
| Printing | 16,986 | 17,000 | 3,472 | 5,246 | 4,332 | 3,016 | 16,066 | 95% | 934 | |
| Communications | 8,241 | 17,000 | 1,831 | 1,150 | 1,941 | 15,641 | 20,563 | 121% | (3,563) | |
| Postage | 5,836 | 9,000 | 0 | 2,562 | 903 | 4,519 | 7,984 | 89% | 1,016 | |
| Insurance | 368 | 0 | 0 | 0 | 0 | 48 | 48 | 0% | (48) | |
| Travel in State | 216 | 13,000 | 85 | 228 | 2,502 | 385 | 3,200 | 25% | 9,800 | |
| Training | 0 | 6,000 | 0 | 0 | 0 | 0 | 0 | 0% | 6,000 | |
| Facilities Operations (Rent/Leases) | 182,545 | 261,000 | 58,209 | 59,086 | 61,269 | 47,485 | 226,049 | 87% | 34,951 | |
| C&P SRVS Internal (Inter Dept. SRVS Other) | 1,986 | 12,000 | 0 | 483 | 0 | 179 | 662 | 6% | 11,338 | |
| C&P Services External | 80,262 | 153,000 | 17,068 | 22,519 | 23,261 | 24,646 | 87,494 | 57% | 65,506 | |
| Departmental Services Totals | 937,809 | 1,115,000 | 508,001 | 252,925 | 1,684 | 259,082 | 1,021,692 | 92% | 93,308 | |
| Office of Information Services (CCSD-ProRata) | 726,000 | 558,000 | 260,000 | 130,000 | 0 | 155,000 | 545,000 | 98% | 13,000 | |
| Administrative Services Division (CCSD-ProRata) | 185,268 | 486,000 | 244,500 | 122,250 | 0 | 90,000 | 456,750 | 94% | 29,250 | |
| Interagency Services | 0 | 37,000 | 0 | 0 | 807 | 13,469 | 14,276 | 39% | 22,724 | |
| Consolidated Data Center (5344000) | 19,430 | 18,000 | 0 | 0 | 0 | 0 | 0 | 0% | 18,000 | |
| Information Technology | 7,111 | 16,000 | 3,501 | 675 | 877 | 613 | 5,666 | 35% | 10,334 | |
| Exams Totals | 5,492 | 0 | 2,954 | 459 | 493 | 725 | 4,631 | 0 | 0 | |
| Exam Admin External | 5,492 | 0 | 2,954 | 459 | 493 | 725 | 4,631 | 0% | (4,631) | |
| Enforcement Totals | 1,489,884 | 2,002,000 | 630,409 | 494,198 | 152,005 | 628,662 | 1,905,274 | 95% | 96,726 | |
| Attorney General | 689,167 | 794,000 | 125,478 | 196,344 | 129,171 | 323,252 | 774,245 | 98% | 19,755 | |
| Office of Admin Hearings | 60,215 | 110,000 | 0 | 36,343 | 12,915 | 23,745 | 73,003 | 66% | 36,997 | |
| Evidence/Witness | 43,047 | 100,000 | 10,431 | 12,735 | 8,775 | 14,921 | 46,862 | 47% | 53,138 | |
| Court Reporters | 9,955 | 0 | 0 | 1,526 | 1,144 | 494 | 3,164 | 0% | (3,164) | |
| DOI Investigation (ProRata) | 687,500 | 998,000 | 494,500 | 247,250 | 0 | 266,250 | 1,008,000 | 101% | (10,000) | |
| TOTAL OE & E | 2,810,910 | 3,721,000 | 1,226,621 | 858,622 | 370,045 | 907,786 | 3,363,074 | 90% | 357,926 | |
| TOTALS, PERS SVS/OE&E | 5,421,653 | 6,736,000 | 2,007,717 | 1,662,337 | 1,160,635 | 1,730,726 | 6,561,415 | 97% | 174,585 | |
| *Fingerprint Reimbursements | -34,478 | -97,000 | (15,533) | (6,713) | (8,771) | (9,898) | (40,915) | 42% | (56,085) | |
| *Other Scheduled Reimbursements | 0 | -2,000 | | | | | 0 | 0% | (2,000) | |
| Un-Scheduled Reimbursements | -109,887 | | (32,488) | (11,954) | (20,157) | (57,909) | -122,508 | 0% | 0 | |
| TOTAL REIMBURSEMENTS | -144,365 | -99,000 | (48,021) | (18,667) | (28,928) | (67,807) | (163,423) | 2 | 64,423 | |
| TOTALS, PERS SVS/OE&E (-REIM) | 5,277,288 | 6,637,000 | 1,959,696 | 1,643,670 | 1,131,707 | 1,662,919 | 6,397,992 | 96% | 239,008 | |



- 1. Chart shows expenses and % of expenses by quarter.
- 2. Chart reveals Personnel Services was highest expense, followed by Enforcement cost.



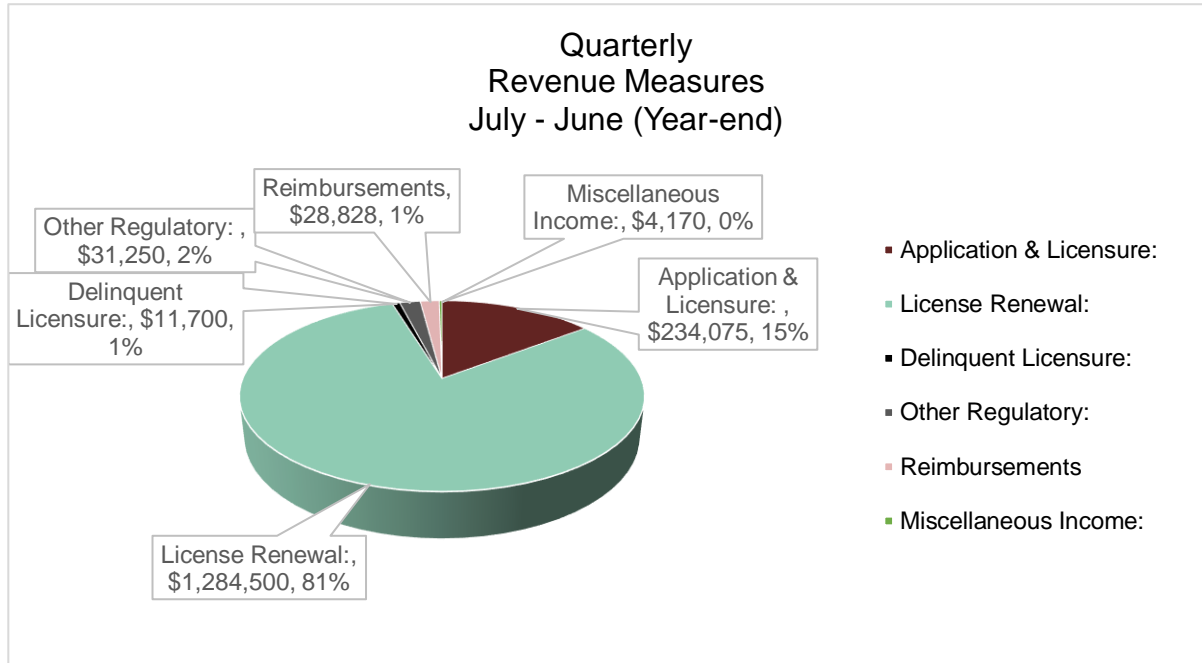
- 1. Chart shows expenditures by quarter and year to date.
- 2. CY Expenses increased by \$338,626 (24.3%) over previous fiscal year.

Physical Therapy Board of California
Expenditure Statistics Report
FY 2021-22 / 3-Year Milestone

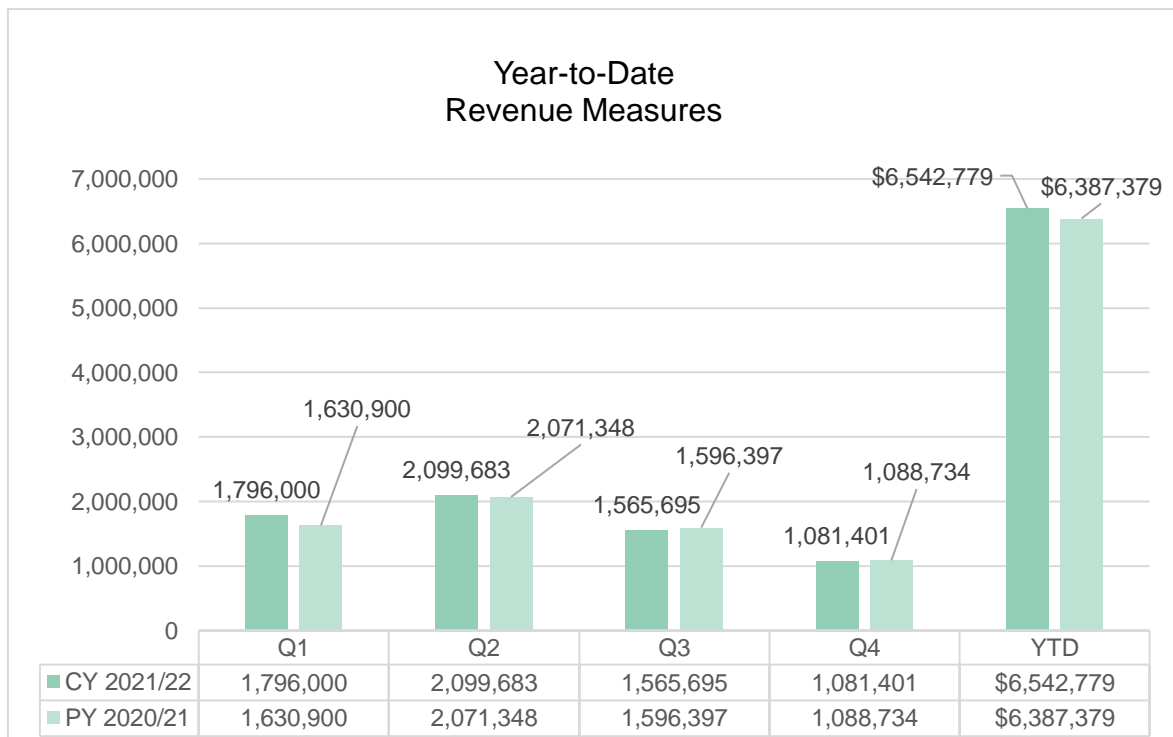
Agenda Item 24(A) - Attachment 3

| Expenditure Statistics Report | | | |
|---|-------------------------|-------------------------|-------------------------|
| Budget Line Items | FY2019/20 | PY2020/21 | CY2021/22 |
| | (As of 06/30/20) | (As of 06/30/21) | (As of 06/30/22) |
| PERSONNEL SERVICES | | | |
| Civil Services Permanent | 1,402,866 | 1,464,214 | 1,789,565 |
| Temp help | 114,098 | 42,212 | 94,918 |
| Statutory Exempt | 105,250 | 99,472 | 114,273 |
| Board Members | 42,200 | 42,036 | 48,532 |
| Overtime | 0 | 0 | 0 |
| Staff Benefits | 1,008,372 | 962,809 | 1,151,053 |
| TOTAL PERS SVS | \$2,672,786.00 | \$2,610,743.00 | \$3,198,341.00 |
| OPERATING EXPENSES & EQUIPMENT | | | |
| General Services Totals | 519,607 | 377,725 | 431477 |
| Fingerprints | 30,255 | 25,156 | 16,545 |
| General Expense | 14,244 | 35,721 | 22,593 |
| Minor Equipment | 4,837 | 11,878 | 30,273 |
| Major Equipment | 36,446 | 8,530 | 0 |
| Printing | 27,228 | 16,986 | 16,066 |
| Communications | 9,481 | 8,241 | 20,563 |
| Postage | 0 | 5,836 | 7,984 |
| Insurance | 55 | 368 | 48 |
| Travel in State | 55,554 | 216 | 3,200 |
| Training | 0 | 0 | 0 |
| Facilities Operations | 268,461 | 182,545 | 226,049 |
| C&P Services Interdepartmental | 1,972 | 1,986 | 662 |
| C&P Services External | 71,074 | 80,262 | 87,494 |
| Departmental Services Totals | 1,216,959 | 937,809 | 1021692 |
| OIS Pro Rata | 1,204,904 | 726,000 | 545,000 |
| Indirect Distributed Cost | 0 | 185,268 | 456,750 |
| Interagency Services | 0 | 0 | 14,276 |
| DOI Pro Rata | 0 | 0 | 0 |
| Communications Pro Rata | 0 | 0 | 0 |
| PPRD Pro Rata | 0 | 0 | 0 |
| Consolidated Data Center | 8,863 | 19,430 | 0 |
| Data Processing | 3,192 | 7,111 | 5,666 |
| Central Admin Services Pro Rata | 0 | 0 | 0 |
| Exams Totals | 4,067 | 5,492 | 4631 |
| Exam Administrative External | 4,067 | 5,492 | 4,631 |
| Enforcement Totals | 1,022,636 | 1,489,884 | 1905274 |
| Attorney General | 509,712 | 689,167 | 774,245 |
| Office of Admin Hearings | 36,350 | 60,215 | 73,003 |
| Evidence/Witness | 59,779 | 43,047 | 46,862 |
| Court Reporters | 2,063 | 9,955 | 3,164 |
| DOI Investigation | 414,732 | 687,500 | 1,008,000 |
| TOTAL OE & E | \$2,763,269.00 | \$2,810,910.00 | \$3,363,074.00 |
| TOTALS, PERS SVS/OE&E | \$5,436,055.00 | \$5,421,653.00 | \$6,561,415.00 |
| Scheduled Reimbursements | -40,474 | -34,478 | -40,915 |
| Un-Scheduled Reimbursements | -147,002 | -109,887 | -122,508 |
| TOTAL REIMBURSEMENTS | -187,476 | -144,365 | -163423 |
| TOTALS, PERS SVS/OE&E (-REIM) | \$5,248,579.00 | \$5,277,288.00 | \$6,397,992.00 |

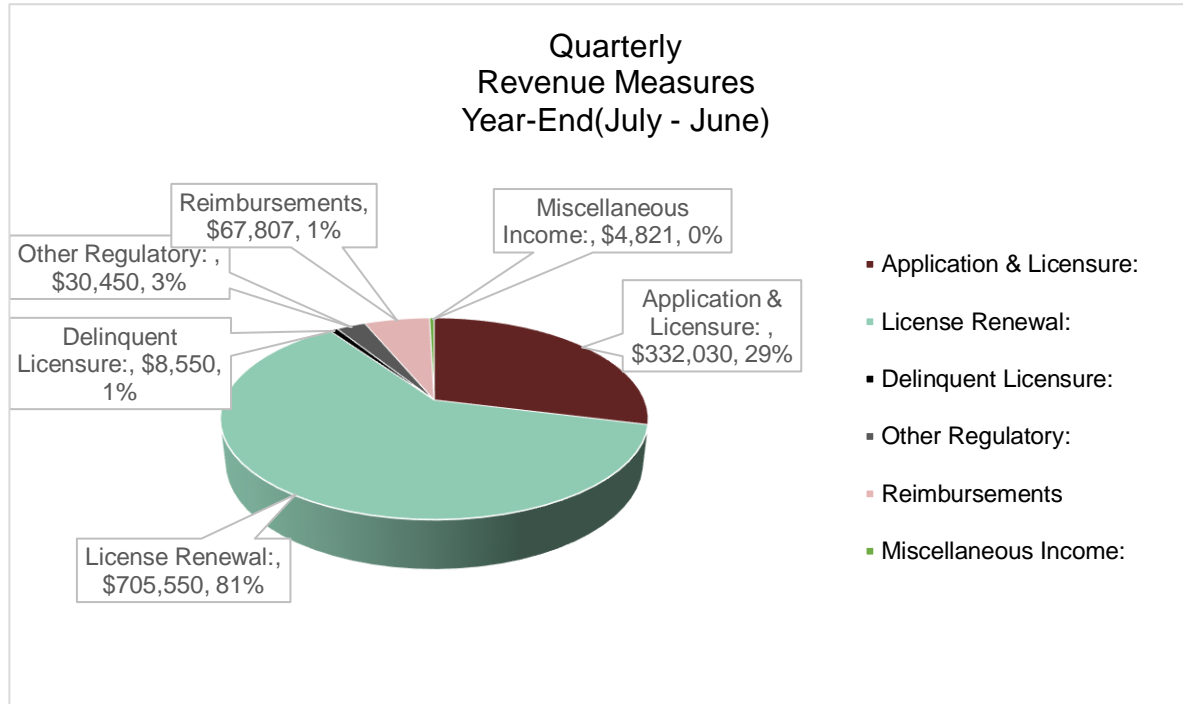
*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred/ deposited directly to fund (year-end).



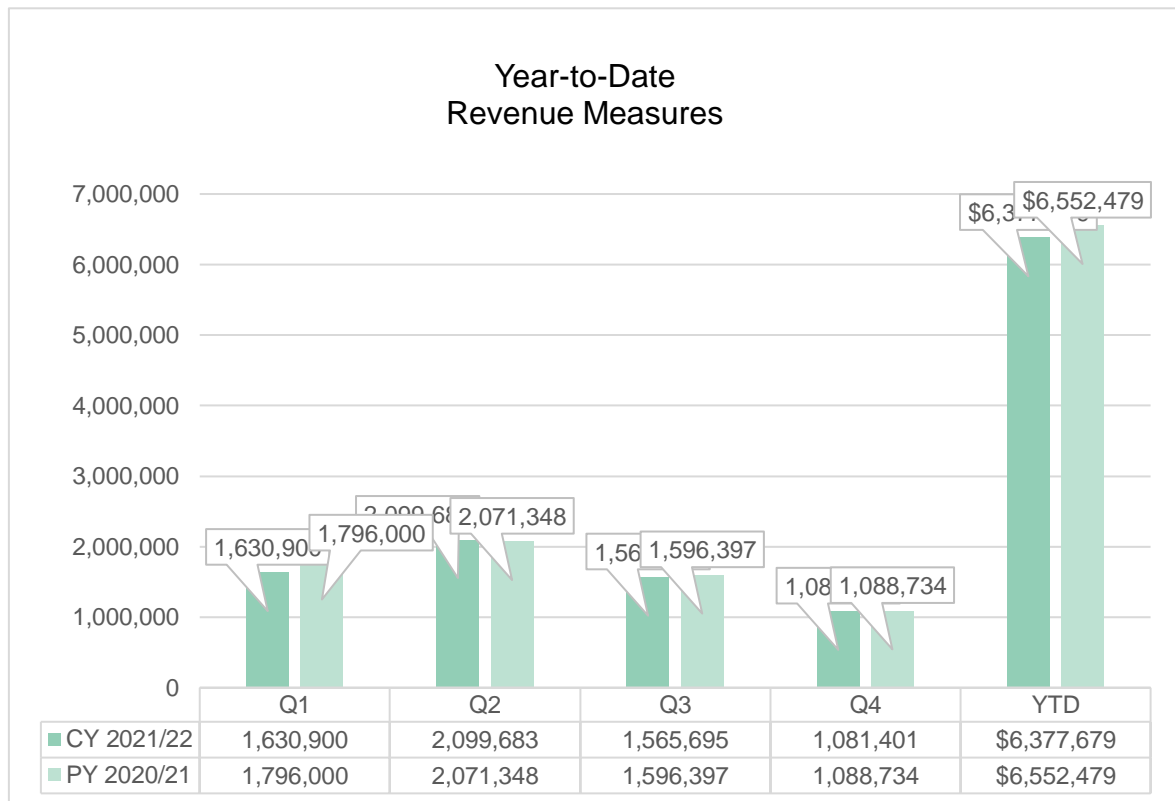
1. Chart shows Q4 revenues and % contributed to the quarterly total revenues collected.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows revenues collected by quarter and year to date.
2. Chart reveals a 7,333 (0.67%) decrease in revenues over previous fiscal year.



1. Chart shows Q2 revenues and % contributed to the quarterly total revenues collected.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows revenues collected by quarter and year to date.
2. Chart reveals a 7,333 (0.67%) decrease in revenues over previous fiscal year.

| Revenue Statistics Report | | | |
|--|-----------------------|-----------------------|-----------------------|
| Budget Line Items | BY2019-20 | PY2020-21 | CY2021-22 |
| | As of 6/30/20 | As of 6/30/21 | As of 6/30/22 |
| OTHER REGULATORY | | | |
| Cite and Fine (Citations) | 38,350.00 | 15,200.00 | 17,110 |
| Endorsement (License Verification) | 76,920.00 | 80,040.00 | 85,080 |
| Duplicate License / Certificate | 13,500.00 | 8,700.00 | 14,000 |
| TOTALS | \$128,770.00 | \$103,940.00 | \$116,190.00 |
| INITIAL APPLICATION & LICENSE | | | |
| FPTA Application & Initial License Fee | 16600.00 | 14149.00 | 11,400 |
| FPT Application Fee | 67849.00 | 50329.00 | 47,449 |
| ENMG Exam Fee | 0 | 0 | 0 |
| ENMG Application Fee | 0 | 0 | 0 |
| KEMG Exam Fee | 0 | 0 | 0 |
| KEMG Application Fee | 0 | 0 | 0 |
| PTA Application & Initial License Fee | 176400.00 | 189349.00 | 203,400 |
| PT Application Fee | 526748.00 | 503147.00 | 533,350 |
| PT Initial License Fee | 279949.00 | 269948.00 | 292,599 |
| Refunded Reimbursements | -556.00 | -2157.00 | -899 |
| Over/Short Fees | 0 | 0 | 2 |
| Suspended Revenue | 16045.00 | 15496.00 | 14,767 |
| Prior Year Revenue Adjustment | -13362.00 | -11934.00 | -13,764 |
| TOTALS | \$1,069,673.00 | \$1,028,327.00 | \$1,088,304.00 |
| LICENSE RENEWAL | | | |
| PTA Renewal Fee | 1,078,049.00 | 1,110,950.00 | 1,147,500 |
| PT Renewal Fee | 3929750.00 | 4040251.00 | 4,133,280 |
| ENMG | 600.00 | 300.00 | 550 |
| KEMG | 800.00 | 600.00 | 800 |
| Automated Revenue Refund Claim | 0 | 1 | 150 |
| Overt/Short Fees | 0 | 0 | 0 |
| TOTALS | \$5,009,199.00 | \$5,152,102.00 | \$5,282,280.00 |
| DELINQUENT LICENSE RENEWAL | | | |
| PTA Delinquent Fee | 7,000.00 | 9,400.00 | 10,350 |
| PT Delinquent Fee | 27,450.00 | 34,675.00 | 32,400 |
| EN Delinquent Fee | 0 | 0 | 0 |
| EK Delinquent Fee | 0 | 75 | 0 |
| TOTALS | \$34,450.00 | \$44,150.00 | \$42,750.00 |
| MISCELLANEOUS | | | |
| Public Sales (142500) | 0 | 0 | 0 |
| Surplus Money Investments (150300) | 86486.00 | 25961.00 | 12,217 |
| Attorney General Proceeds (160100) | 0 | 0 | 0 |
| Unclaimed/Cancelled Warrants (161000) | 2552.00 | 4353.00 | 1,038 |
| Miscellaneous Income (161400) | 150.00 | 108.00 | 0 |
| TOTALS | \$89,188.00 | \$30,422.00 | \$13,255.00 |
| SCHEDULED REIMBURSEMENTS | | | |
| Fingerprint Reports | 40,475.00 | 34,478.00 | 34,741 |
| External/Private/Grant | 0 | 0 | 0 |
| TOTALS | \$40,475.00 | \$34,478.00 | \$34,741.00 |
| UNSCHEDULED REIMBURSEMENTS | | | |
| Investigative Cost Recovery - Investigations | 134,644.00 | 90,412.00 | 37,164 |
| Investigative Cost Recovery - Probation Monitoring | 12,359.00 | 19,475.00 | 69,659 |
| TOTALS | 147,003 | 109,887 | 106823 |
| TOTAL REVENUES | \$6,322,280.00 | \$6,358,941.00 | \$6,542,779.00 |



Briefing Paper

Agenda Item 24(B)

Date: 8/3/2022

Prepared for: PTBC Members

Prepared by: April Beauchamps, Outreach Liaison

Subject: Outreach Report

Purpose: To provide PTBC's Outreach activities and statistics for FY 21/-22 (Year-End) and 3-Year Milestone.

Attachments:

1. Website Statistics
2. Facebook Statistics
3. 3-Year Milestone Report

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 (Q4) PTBC did have six outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to Gurnick Academy on 4/6/22, CA Baptist University on 4/12/22, San Diego Mesa on 4/20/22, Stanbridge on 5/13/22, Western University on 6/15/22, and San Diego State University on 6/20/22.

The PTBC presented at 31 PT and PTA programs for FY 2021/22. The PTBC increased outreach to PT and PTA programs by 24% since last fiscal year. This year the PTBC also provided webinars to CPTA and FSBPT.

Analysis:

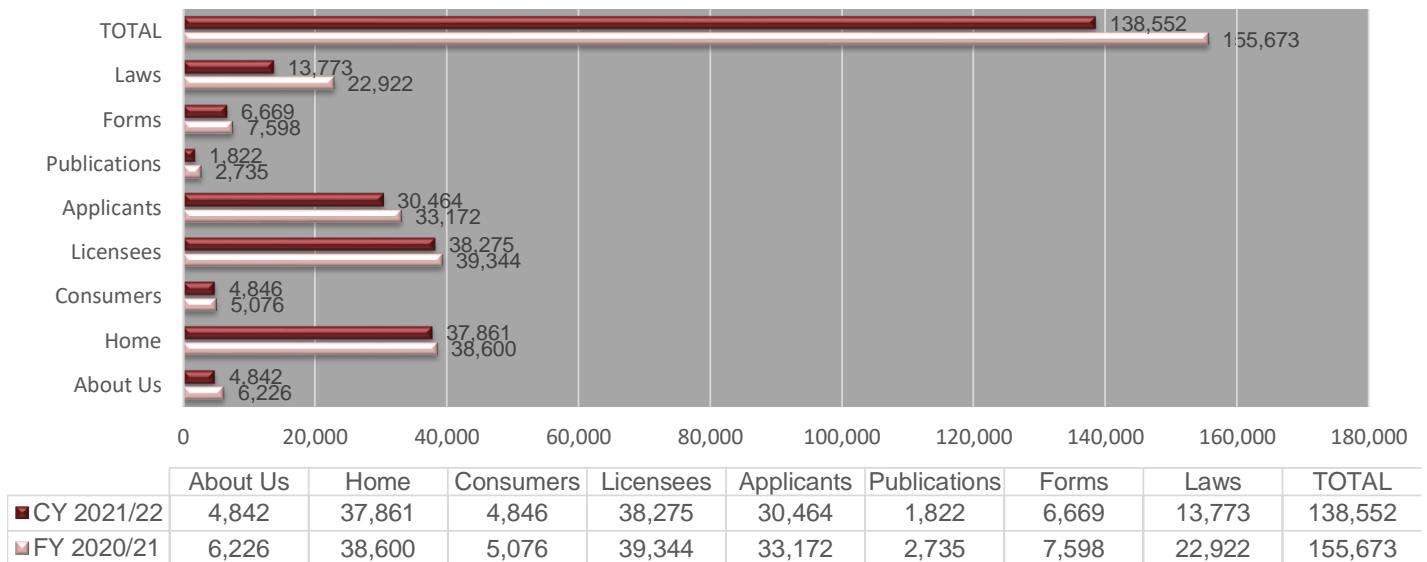
Website - PTBC had 37,861 web-hits through its home page tabs, resulting in an 11% decrease over last fiscal year (Q4). The "Laws" section had the most significant decrease of 40% compared to prior fiscal year (Q4). For FY 2021-22, PTBC had an overall 8% decrease in traffic compared to FY 2020-21. The 3-year milestone shows a 13% decrease from FY 2020-21 to FY 2021-22.

Facebook¹ - PTBC had 6,617 people access (traffic) our FB page and we received 55 "likes". In comparison to last fiscal year (Q4), there was a 38.72% decrease in traffic. For FY 2021-22, PTBC had an overall 32% decrease in traffic compared to FY 2020-21. The 3-year milestone shows a 53% decrease from FY 2020-21 to FY 2021-22.

Action: No action is requested on presentation of the outreach report.

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.

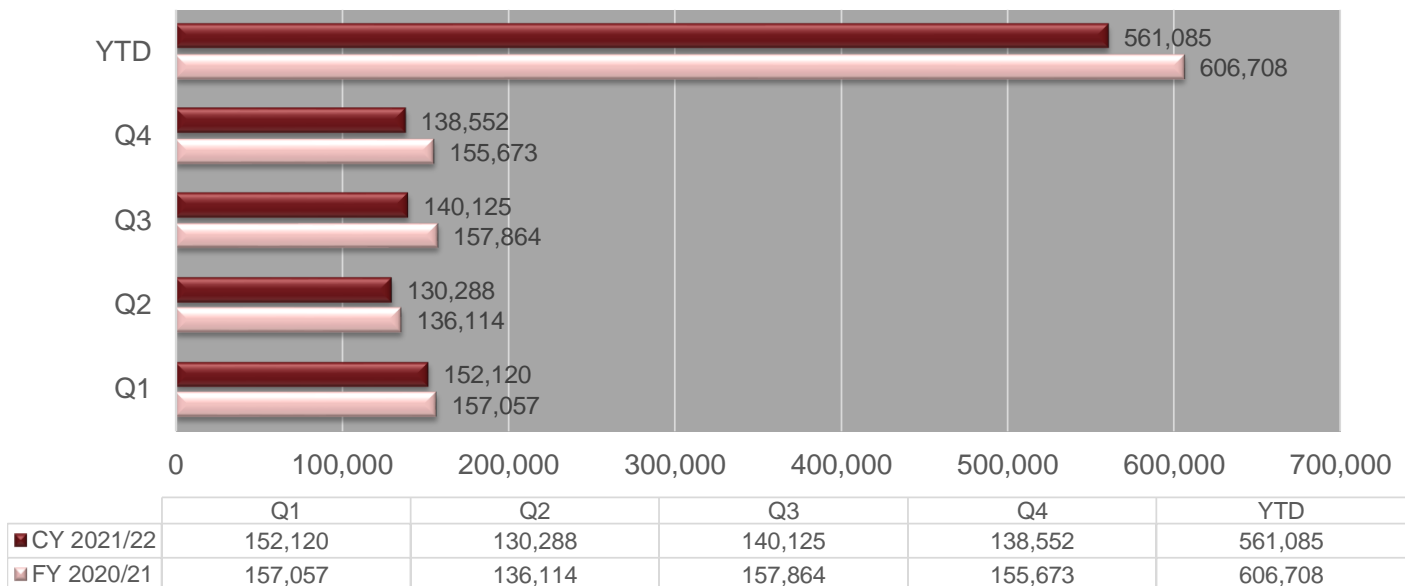
Website Activity
Year-End (July - June)



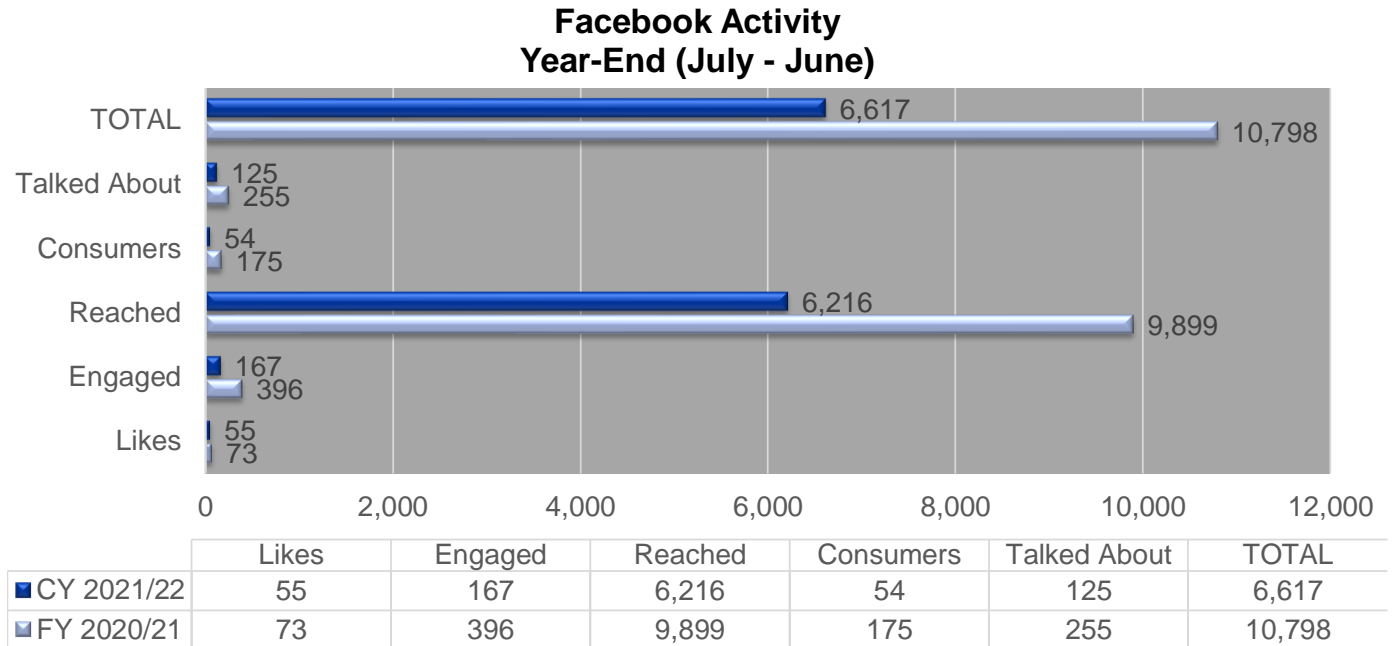
This chart reflects an 11% decrease in traffic over last fiscal year (2020/21) Q4.

This chart also shows the Licensees and Home tabs were accessed the most and the publications tab had the least amount of access this Q4.

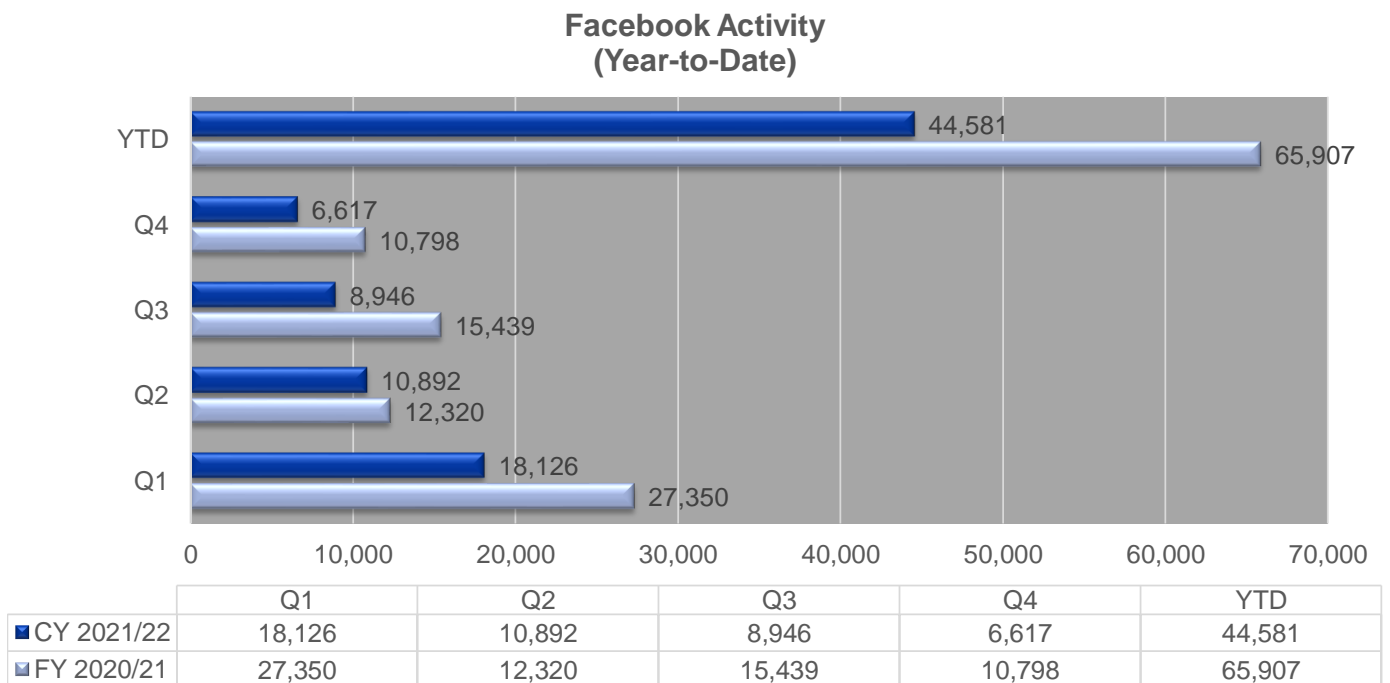
Website Activity
(Year-to-date)



This chart reflects an 8% decrease over last fiscal year, year-to-date.



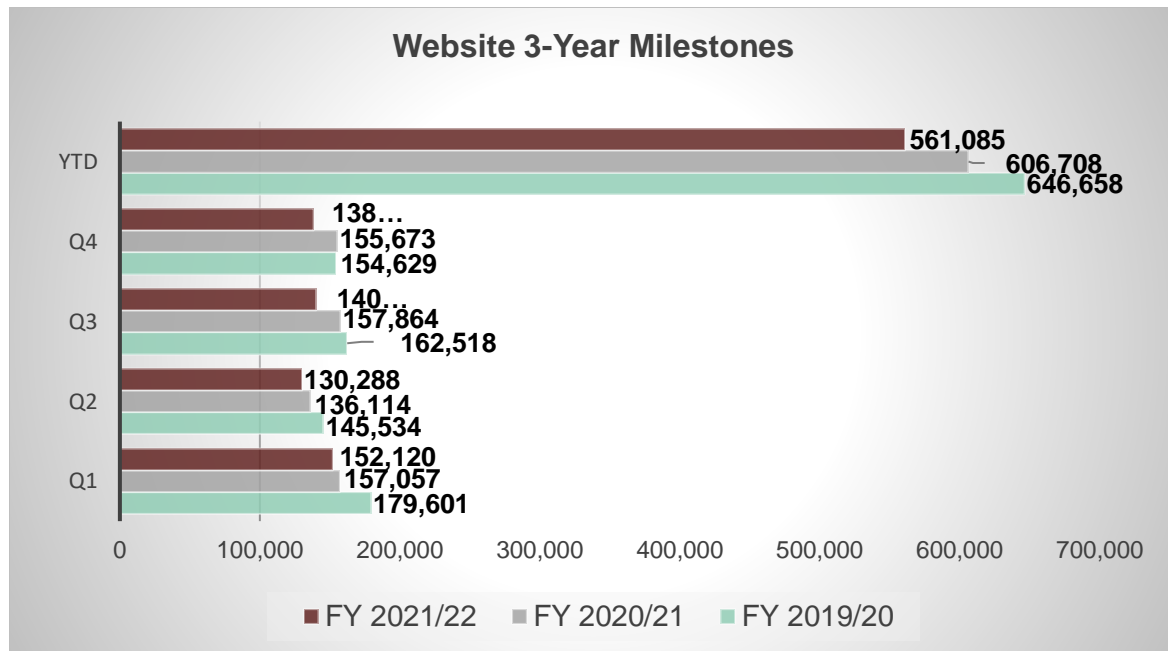
This chart reflects a 38.72% decrease in Facebook traffic this quarter Q4 compared to Q4 last fiscal year.



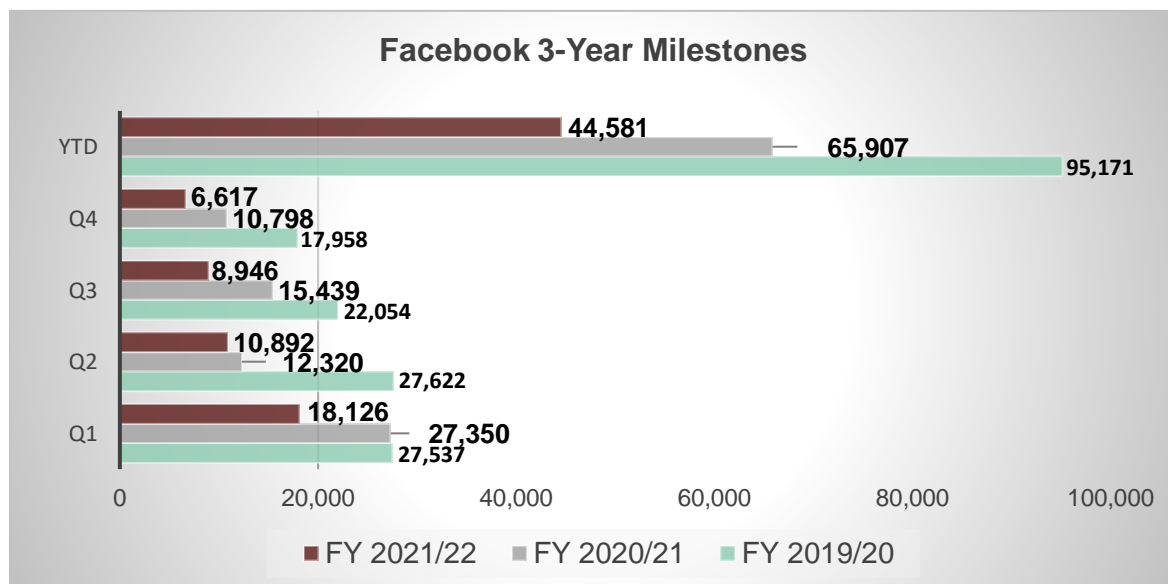
This chart reflects a 32% decrease in traffic YTD.

**Physical Therapy Board of California
Outreach Report
CY2021-22 (3-Year Milestones)**

Agenda Item 24(B)- Attachment 3



| Website 3 Year Milestones | | | | | |
|---------------------------|---------|---------|---------|---------|---------|
| Fiscal Years | Q1 | Q2 | Q3 | Q4 | YTD |
| FY 2019/20 | 179,601 | 145,534 | 162,518 | 154,629 | 646,658 |
| FY 2020/21 | 157,057 | 136,114 | 157,864 | 155,673 | 606,708 |
| FY 2021/22 | 152,120 | 130,288 | 140,125 | 138,552 | 561,085 |



| Facebook 3 Year Milestones | | | | | |
|----------------------------|--------|--------|--------|--------|--------|
| Fiscal Years | Q1 | Q2 | Q3 | Q4 | YTD |
| FY 2019/20 | 27,537 | 27,622 | 22,054 | 17,958 | 95,171 |
| FY 2020/21 | 27,350 | 12,320 | 15,439 | 10,798 | 65,907 |
| FY 2021/22 | 18,126 | 10,892 | 8,946 | 6,617 | 44,581 |



Briefing Paper

Agenda Item 25

Date: 08/30/2022

Prepared for: PTBC Members

Prepared by: Sarah Conley

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 format has been updated to display year-to-date comparisons of the current fiscal year and the previous fiscal year as well as data for each quarter of the current fiscal year.

Update:

Overall, initial license applications received increased 3% from FY 2020/21 Quarter 4 to FY 2021/22 Quarter 4. Total year-to-date for FY 2021/22, 98% of initial license applications were received online and composition of initial license applications were as follows:

| | |
|------------------|-----|
| Endorsement | 34% |
| Exam | 66% |
| U.S. Education | 92% |
| Foreign Educated | 8% |
| Military | 4% |

The three-year data comparison from FY 2019/20 to FY 2021/22 illustrates a 2% decrease in physical therapist initial license applications received and a 12% increase in physical therapist assistant initial license applications received as well as an 11% increase in physical therapist licenses issued and an 8% increase in physical therapist assistant licenses issued.

Action Requested:

None.

Application Services Statistics Report

Total Applications Received

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|-----|-----|-----|-------|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 1,893 | 534 | 367 | 411 | 631 | 1,943 | ↑ 3% |
| Physical Therapist Assistant (PTA) | 692 | 213 | 168 | 142 | 209 | 732 | ↑ 6% |
| Total | 2,585 | 747 | 535 | 553 | 840 | 2,675 | ↑ 3% |

Endorsement

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|-----|-----|-----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 692 | 187 | 163 | 199 | 220 | 769 | ↑ 11% |
| Physical Therapist Assistant (PTA) | 115 | 34 | 28 | 47 | 33 | 142 | ↑ 23% |
| Total | 807 | 221 | 191 | 246 | 253 | 911 | ↑ 13% |

U.S. Educated

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|-----|-----|-----|-------|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 1,716 | 487 | 332 | 358 | 592 | 1,769 | ↑ 3% |
| Physical Therapist Assistant (PTA) | 632 | 204 | 154 | 134 | 199 | 691 | ↑ 9% |
| Total | 2,348 | 691 | 486 | 492 | 791 | 2,460 | ↑ 5% |

Foreign Educated

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|----|----|----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 177 | 47 | 35 | 53 | 39 | 174 | ↓ -2% |
| Physical Therapist Assistant (PTA) | 60 | 9 | 14 | 8 | 10 | 41 | ↓ -32% |
| Total | 237 | 56 | 49 | 61 | 49 | 215 | ↓ -9% |

Military

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|----|----|----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 50 | 17 | 15 | 11 | 13 | 56 | ↑ 12% |
| Physical Therapist Assistant (PTA) | 41 | 16 | 7 | 9 | 7 | 39 | ↓ -5% |
| Total | 91 | 33 | 22 | 20 | 20 | 95 | ↑ 4% |

Online

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|------------|---------------------|-----|-----|-----|-------|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 1,839 | 521 | 362 | 409 | 618 | 1,910 | ↑ 4% |
| Physical Therapist Assistant (PTA) | 647 | 210 | 165 | 141 | 206 | 722 | ↑ 12% |
| Total | 2,486 | 731 | 527 | 550 | 824 | 2,632 | ↑ 6% |

| Licenses Issued | | | | | | | | |
|------------------------------------|------------|---------------------|-----|-----|-----|-------|--------------------|-----|
| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change | |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | | |
| Physical Therapist (PT) | 1,885 | 696 | 428 | 395 | 396 | 1,915 | ↑ | 2% |
| Physical Therapist Assistant (PTA) | 611 | 217 | 154 | 168 | 134 | 673 | ↑ | 10% |
| Total | 2,496 | 913 | 582 | 563 | 530 | 2,588 | ↑ | 4% |

| PHYSICAL THERAPIST/PHYSICAL THERAPIST ASSISTANT COMBINED | | | | |
|---|--------------------|-------------------|-------------------|--------------------------|
| PT & PTA | Total Applications | Accredited (U.S.) | Endorsement (OOS) | Non Accredited (Foreign) |
| 2019-20 | 2,644 | 2,353 | 960 | 291 |
| 2020-21 | 2,585 | 2,348 | 807 | 237 |
| 2021-22 | 2,675 | 2,460 | 911 | 215 |

| PHYSICAL THERAPIST | | | | |
|--------------------|--------------------|-------------------|-------------------|--------------------------|
| PT | Total Applications | Accredited (U.S.) | Endorsement (OOS) | Non Accredited (Foreign) |
| 2019-20 | 1,992 | 1,763 | 716 | 208 |
| 2020-21 | 1,893 | 1,716 | 632 | 177 |
| 2021-22 | 1,943 | 1,769 | 769 | 174 |

| PHYSICAL THERAPIST ASSISTANT | | | | |
|------------------------------|-------|-------------------|-------------------|--------------------------|
| PTA | Total | Accredited (U.S.) | Endorsement (OOS) | Non Accredited (Foreign) |
| 2019-20 | 652 | 560 | 167 | 52 |
| 2020-21 | 692 | 632 | 115 | 60 |
| 2021-22 | 732 | 691 | 142 | 41 |

| LICENSES ISSUED | | |
|-----------------|-------|-----|
| | PT | PTA |
| 2019-20 | 1,725 | 625 |
| 2020-21 | 1,885 | 611 |
| 2021-22 | 1,915 | 673 |

Application Services Report Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------|---------------------|------------|------------|------------|--------------|---------------------|------------|------------|------------|--------------|--------------------------|
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 458 | 279 | 149 | 188 | 1,074 | 476 | 248 | 208 | 186 | 1,118 | ↑4% |
| Fail | 57 | 54 | 31 | 28 | 170 | 77 | 91 | 77 | 71 | 316 | ↑86% |
| Total | 515 | 333 | 180 | 200 | 1,228 | 553 | 339 | 285 | 257 | 1,434 | ↑17% |
| Pass Rate | 89% | 84% | 83% | 94% | 87% | 86% | 73% | 73% | 73% | 78% | ↓-9% |

Non-Accredited PT Program

| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------|---------------------|-----------|-----------|-----------|------------|---------------------|-----------|-----------|-----------|-------------------|--------------------------|
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD through Q2 | |
| Pass | 10 | 10 | 9 | 12 | 41 | 10 | 14 | 5 | 7 | 36 | ↓-12% |
| Fail | 25 | 21 | 16 | 16 | 78 | 20 | 17 | 8 | 15 | 60 | ↓-23% |
| Total | 35 | 31 | 25 | 28 | 119 | 30 | 31 | 13 | 22 | 97 | ↓-18% |
| Pass Rate | 29% | 32% | 36% | 43% | 34% | 33% | 45% | 38% | 32% | 37% | ↑3% |

Accredited PTA Program

| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------|---------------------|------------|------------|------------|------------|---------------------|------------|------------|------------|------------|--------------------------|
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 202 | 117 | 126 | 63 | 508 | 191 | 127 | 139 | 85 | 542 | ↑7% |
| Fail | 43 | 54 | 64 | 39 | 200 | 42 | 50 | 52 | 60 | 204 | ↑2% |
| Total | 245 | 171 | 190 | 102 | 708 | 233 | 177 | 191 | 145 | 746 | ↑5% |
| Pass Rate | 82% | 68% | 66% | 62% | 72% | 82% | 72% | 73% | 59% | 73% | ↑1% |

Non-Accredited PTA Program

| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------|---------------------|-----------|-----------|-----------|-----------|---------------------|-----------|----------|----------|-----------|--------------------------|
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 7 | 8 | 4 | 9 | 28 | 6 | 5 | 1 | 1 | 13 | ↓-54% |
| Fail | 11 | 9 | 8 | 11 | 39 | 12 | 12 | 3 | 6 | 33 | ↓-15% |
| Total | 18 | 17 | 12 | 20 | 67 | 18 | 17 | 4 | 7 | 46 | ↓-31% |
| Pass Rate | 39% | 47% | 33% | 45% | 42% | 33% | 29% | 25% | 14% | 28% | ↓-14% |

California Law Examination (CLE)

Accredited Program

| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------|---------------------|------------|------------|------------|--------------|---------------------|------------|------------|------------|--------------|--------------------------|
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 772 | 426 | 391 | 670 | 2,198 | 756 | 503 | 512 | 701 | 2,472 | ↑12% |
| Fail | 208 | 126 | 122 | 162 | 591 | 217 | 149 | 187 | 177 | 730 | ↑24% |
| Total | 980 | 552 | 513 | 832 | 2,789 | 973 | 652 | 699 | 878 | 3,502 | ↑26% |
| Pass Rate | 79% | 77% | 76% | 80% | 79% | 78% | 77% | 73% | 80% | 71% | ↓-8% |

| Non-Accredited Program | | | | | | | | | | | |
|------------------------|---------------------|-----|-----|-----|-----|---------------------|-----|-----|-----|-----|--------------------------|
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 48 | 37 | 28 | 53 | 166 | 46 | 36 | 44 | 39 | 165 | ⬇️-1% |
| Fail | 30 | 16 | 14 | 26 | 86 | 23 | 19 | 22 | 21 | 85 | ⬇️-1% |
| Total | 78 | 53 | 42 | 79 | 252 | 69 | 55 | 66 | 60 | 250 | ⬇️-1% |
| Pass Rate | 62% | 70% | 67% | 67% | 66% | 67% | 65% | 67% | 65% | 66% | ➡️0% |

| National PT and PTA Examination - National Statistics | | | | | | | | | | | |
|---|---------------------|-------|-------|-------|--------|---------------------|-------|-------|-------|--------|--------------------------|
| Accredited PT Program | | | | | | | | | | | |
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 4,508 | 1,847 | 1,268 | 3,021 | 10,644 | 5,055 | 1,825 | 1,538 | 3,312 | 11,730 | ⬆️10% |
| Fail | 571 | 472 | 284 | 647 | 1,974 | 805 | 577 | 500 | 615 | 2,497 | ⬆️26% |
| Total | 5,079 | 2,319 | 1,552 | 3,668 | 12,618 | 5,860 | 2,402 | 2,038 | 3,927 | 14,227 | ⬆️13% |
| Pass Rate | 89% | 80% | 82% | 82% | 84% | 86% | 76% | 75% | 84% | 82% | ⬇️-2% |

| Non-Accredited PT Program | | | | | | | | | | | |
|---------------------------|---------------------|-----|-----|-----|-------|---------------------|-----|-----|-----|-------|--------------------------|
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 184 | 115 | 104 | 162 | 565 | 171 | 166 | 105 | 151 | 593 | ⬆️5% |
| Fail | 344 | 335 | 201 | 298 | 1,178 | 300 | 310 | 325 | 300 | 1,235 | ⬆️5% |
| Total | 528 | 450 | 305 | 460 | 1,743 | 471 | 476 | 340 | 451 | 1,738 | ⬇️0% |
| Pass Rate | 35% | 26% | 34% | 35% | 32% | 36% | 35% | 31% | 33% | 34% | ⬆️2% |

| Accredited PTA Program | | | | | | | | | | | |
|------------------------|---------------------|-------|-------|-------|-------|---------------------|-------|-------|-------|-------|--------------------------|
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 2,773 | 1,418 | 1,137 | 994 | 6,322 | 2,619 | 1,243 | 884 | 887 | 5,633 | ↓-11% |
| Fail | 626 | 629 | 510 | 440 | 2,205 | 846 | 736 | 508 | 515 | 2,605 | ↑18% |
| Total | 3,399 | 2,047 | 1,647 | 1,434 | 8,527 | 3,565 | 1,979 | 1,392 | 1,402 | 8,338 | ↓-2% |
| Pass Rate | 82% | 69% | 69% | 69% | 74% | 76% | 63% | 64% | 63% | 68% | ↓-6% |

| Non-Accredited PTA Program | | | | | | | | | | | |
|----------------------------|---------------------|-----|-----|-----|-----|---------------------|-----|-----|-----|-----|--------------------------|
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 71 | 49 | 33 | 49 | 202 | 37 | 42 | 29 | 47 | 155 | 📉-23% |
| Fail | 43 | 47 | 42 | 50 | 182 | 48 | 60 | 24 | 36 | 168 | 📈236% |
| Total | 114 | 96 | 75 | 99 | 384 | 85 | 102 | 53 | 83 | 323 | 📉-16% |
| Pass Rate | 62% | 51% | 44% | 49% | 52% | 44% | 41% | 55% | 57% | 48% | 📉-4% |

| Jurisprudence Examination - National Statistics | | | | | | | | | | | |
|---|---------------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|--------------|--------------------------|
| Accredited Program | | | | | | | | | | | |
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 1,947 | 1,190 | 877 | 1,808 | 5,822 | 1,938 | 1,299 | 1,276 | 1,683 | 6,196 | ↑6% |
| Fail | 437 | 343 | 249 | 385 | 1,414 | 512 | 362 | 398 | 364 | 1,636 | ↑16% |
| Total | 2,384 | 1,533 | 1,126 | 2,193 | 7,236 | 2,450 | 1,661 | 1,674 | 2,047 | 7,832 | ↑8% |
| Pass Rate | 82% | 78% | 78% | 82% | 80% | 79% | 78% | 76% | 82% | 79% | ↓-1% |

| Non-Accredited Program | | | | | | | | | | | |
|------------------------|---------------------|-----------|-----------|------------|------------|---------------------|------------|------------|------------|------------|--------------------------|
| | Fiscal Year 2020/21 | | | | | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | Q1 | Q2 | Q3 | Q4 | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Pass | 80 | 71 | 56 | 84 | 291 | 90 | 82 | 85 | 82 | 339 | ↑16% |
| Fail | 42 | 25 | 28 | 43 | 138 | 41 | 39 | 39 | 37 | 156 | ↑13% |
| Total | 122 | 96 | 84 | 127 | 429 | 131 | 120 | 124 | 118 | 493 | ↑15% |
| Pass Rate | 66% | 74% | 67% | 66% | 68% | 69% | 68% | 69% | 69% | 69% | ↑1% |



Briefing Paper

Agenda Item 26

Date: 8/30/2022

Prepared for: PTBC Members

Prepared by: Sarah Conley

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 format has been updated to display year-to-date comparisons of the current fiscal year and the previous fiscal year as well as data for each quarter of the current fiscal year.

Update:

The License Maintenance program continues to see most license maintenance requests submitted online. Staff is working to increase efficiency in responding to licensee inquiries, specifically for complex license maintenance issues and law and regulation questions; progress in this area is reliant, in part, on staffing resources.

Action Requested:

None.

License Maintenance Statistics Report

| Physical Therapist (PT) | 28,553 | 1,240 | 4,886 | 388 | 14,491 | | |
|------------------------------------|--------|-------|-------|-----|--------|--|--|
| Physical Therapist Assistant (PTA) | 8,096 | 333 | 1,490 | 116 | 3,750 | | |
| Total | 36,649 | 1,573 | 6,376 | 504 | 18,241 | | |

*As of 7/1/2022

| Physical Therapist (PT) | | 3,554 | 3,003 | 3,298 | 3,467 | | ↓ |
|------------------------------------|--|-------|-------|-------|-------|--|---|
| Physical Therapist Assistant (PTA) | | 1,011 | 789 | 946 | 945 | | ↓ |
| Total | | 4,565 | 3,792 | 4,244 | 4,412 | | ↓ |

| | | Fiscal Year 2021/22 | | | | | Year → Year Change |
|------------------------------------|--|---------------------|-----|-----|-------|-------|--------------------|
| | | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | | 975 | 793 | 786 | 812 | 3,366 | ↓ -10% |
| Physical Therapist Assistant (PTA) | | 225 | 202 | 184 | 189 | 800 | ↓ -16% |
| Total | | 1,200 | 995 | 970 | 1,001 | 4,166 | ↓ -11% |

| Name Changes | | | | | | | |
|------------------------------------|----------------|---------------------|-----|----|-----|-----|--------------------|
| | FY 2020/21 YTD | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 242 | 93 | 93 | 73 | 93 | 352 | ↑ 45% |
| Physical Therapist Assistant (PTA) | 83 | 27 | 23 | 21 | 19 | 90 | ↑ 8% |
| Total | 325 | 120 | 116 | 94 | 112 | 442 | ↑ 36% |

| Duplicate Requests | | | | | | | |
|------------------------------------|----------------|---------------------|-----|-----|-----|-----|--------------------|
| | FY 2020/21 YTD | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | | Q1 | Q2 | Q3 | Q4 | YTD | |
| Physical Therapist (PT) | 159 | 67 | 66 | 72 | 73 | 278 | ↑ 75% |
| Physical Therapist Assistant (PTA) | 3 | N/A | N/A | N/A | N/A | N/A | N/A |
| Total | 162 | 67 | 66 | 72 | 73 | 278 | ↑ 72% |



Briefing Paper

Agenda Item 27

Date: 8/30/2022

Prepared for: PTBC Members

Prepared by: Sarah Conley

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

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.

Recognized Approval Agencies

The PTBC does not directly approve continuing competency providers or courses. Instead, the PTBC recognizes approval agencies that approve providers and courses. In addition to licensees, the PTBC is also obligated to audit recognized continuing competency approval agencies to ensure sufficient compliance with the standards set forth in California Code of Regulation section 1399.95.

Program Update:

July 1, 2022, licensee audits resumed; audit data and results will be reported at the December meeting.

As a result of the recent Approval Agency outreach effort, staff has identified several Approval Agencies as candidates for recognition withdrawal; please see individual issue papers for each Approval Agency recognition withdraw recommendation.

Action Requested:

None.



Issue Paper

Agenda Item 27(i)

Date: July 1, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of ACIC Physical Therapy Approval Agency Recognition

Location: 16253 Laguna Canyon Road, Suite 140, Irvine, CA 92618

Purpose:

To advise the Board that ACIC Physical Therapy has requested to withdraw its recognition as an Approval Agency.

Background:

| Date Sent | Delivery Method | Result |
|---------------|-----------------|---|
| March 4, 2022 | Email | Agency emailed request to withdraw recognition as an Approval Agency. |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from ACIC Physical Therapy.



Issue Paper

Agenda Item 27(ii)

Date: July 22, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of California Chiropractic Association Agency Recognition

Location: P.O. Box 254489, Sacramento, CA 95865

Purpose:

To advise the Board that California Chiropractic Association has requested to withdraw its recognition as an Approval Agency.

Background:

| Date Sent | Delivery Method | Result |
|----------------|-----------------|---|
| March 28, 2022 | Email | Agency emailed request to withdraw recognition as an Approval Agency. |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from California Chiropractic Association.



Issue Paper

Agenda Item 27(iii)

Date: July 21, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of California State University Sacramento Agency Recognition

Location: 3000 State University Drive East, Sacramento, CA 95819

Purpose:

To advise the Board that California State University Sacramento has requested to withdraw its recognition as an Approval Agency.

Background:

| Date Sent | Delivery Method | Result |
|------------------|-----------------|---|
| February 7, 2022 | Email | Agency emailed request to withdraw recognition as an Approval Agency. |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from California State University Sacramento.



Issue Paper

Agenda Item 27(iv)

Date: July 22, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Community Medical Centers Agency Recognition

Location: 1550 E. Shaw Avenue, Suite 120, Fresno, CA 93710

Purpose:

To advise the Board that Community Medical Centers has requested to withdraw its recognition as an Approval Agency.

Background:

| Date Sent | Delivery Method | Result |
|---------------|-----------------|---|
| March 7, 2022 | Email | Agency emailed request to withdraw recognition as an Approval Agency. |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from Community Medical Centers.

**Issue Paper****Agenda Item 27(v)**

Date: July 21, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Del Norte Seminars Approval Agency Recognition

Location: P.O. Box 2022, Berkeley, CA 94702

Purpose:

To advise the Board that Del Norte Seminars has failed to comply with the PTBC's request for information.

Background:

Del Norte Seminars received PTBC Approval Agency recognition on January 10, 2012. In an attempt to update the PTBC's Continuing Competency recognized Approval Agency records and to inform Del Norte Seminars of new updates within the program, staff made several unsuccessful attempts to reach Del Norte Seminars via phone, email and mail. Staff also initiated an online search and found that Del Norte Seminars website is no longer active. Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a recognized Approval Agency is obligated to respond to requests for information from the PTBC. Del Norte Seminars failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded that Del Norte Seminars no longer exists.

Below is a list of all communication attempts made with Del Norte Seminars.

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|----------------------------------|
| January 18, 2022 | Phone call | Voice mail message full |
| January 26, 2022 | Phone call | Voice mail message full |
| February 3, 2022 | Phone call | Voice mail message full |
| February 7, 2022 | Phone call | Voice mail message full |
| February 7, 2022 | Email sent | Email undeliverable |
| February 16, 2022 | Phone call | Voice mail message full |
| February 22, 2022 | Website search | Website no longer active |
| February 22, 2022 | Phone call | Voice mail message full |
| March 4, 2022 | Phone call | Voice mail message full |
| March 8, 2022 | Phone call | Voice mail message full |
| March 21, 2022 | Phone call | Voice mail message full |
| March 21, 2022 | Mailed certified letter | Letter returned, not deliverable |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from Del Norte Seminars as a reasonable opportunity was given for Agency to respond.

**Issue Paper****Agenda Item 27(vi)**

Date: July 21, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Edlantis Seminars, Inc. Approval Agency Recognition

Location: 1435 Hunters Chase, Chambersburg, PA 17202

Purpose:

To advise the Board that Edlantis Seminars, Inc. has failed to comply with the PTBC's request for information.

Background:

Edlantis Seminars, Inc. received PTBC Approval Agency Recognition on October 19, 2011. In an attempt to update the PTBC's Continuing Competency Recognized Approval Agency records and to inform Edlantis Seminars, Inc. of new updates within the program, staff made several unsuccessful attempts to reach Edlantis Seminars, Inc. via phone, email, and mail. Staff also initiated an online search and found that Edlantis Seminars, Inc. website is no longer active. Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a Recognized Approval Agency is obligated to respond to requests for information from the PTBC. Edlantis Seminars, Inc. failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded that Edlantis Seminars, Inc. no longer exists.

Below is a list of all communication attempts made with Edlantis Seminars, Inc.

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|---|
| January 18, 2022 | Phone call | Voice mail not set up |
| February 2, 2022 | Phone call | Voice mail not set up |
| February 7, 2022 | Phone call | Voice mail not set up |
| February 7, 2022 | Phone call | Voice mail not set up |
| February 15, 2022 | Email sent | Email undeliverable |
| February 15, 2022 | Phone call | Voice mail not set up |
| February 23, 2022 | Website search | Website no longer active |
| March 3, 2022 | Phone call | Voice mail not set up |
| March 8, 2022 | Phone call | Phone number appears to be disconnected |
| March 21, 2022 | Phone call | Phone number appears to be disconnected |
| March 21, 2022 | Mailed certified letter | Letter returned, not deliverable |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from Edlantis Seminars, Inc. as a reasonable opportunity was given for Agency to respond.

**Issue Paper****Agenda Item 27(vii)**

Date: June 29, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Medical Sciences Foundation

Location: 5608 17th Ave NW, Ste 169 Seattle, WA 98107

Purpose:

To advise the Board that Medical Sciences Foundation has failed to comply with the PTBC's request for information.

Background:

Medical Sciences Foundation received PTBC Approval Agency recognition on February 11, 2011. In an attempt to update the PTBC's Continuing Competency recognized Approval Agency records and to inform Medical Sciences Foundation of new updates within the program, staff made several unsuccessful attempts to reach Medical Sciences Foundation via phone, email, and mail. Staff also initiated an online search and was able to locate an alternate contact staff made further unsuccessful attempts reach Medical Sciences Foundation. Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a recognized Approval Agency is obligated to respond to requests for information from the PTBC. Medical Sciences Foundation failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded Medical Sciences Foundation no longer exists.

Below is a list of all communication attempts made with Medical Sciences Foundation.

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|----------------------------------|
| February 15, 2022 | Phone call | Voice mail left message |
| February 15, 2022 | Email sent | Email Undeliverable |
| February 28, 2022 | Phone call | Voice mail left message |
| March 24, 2022 | Phone call | Voice mail left message |
| March 29, 2022 | Phone call | Voice mail left message |
| March 29, 2022 | Website search | Located alternate contact number |
| March 29, 2022 | Phone call | Voice mail left message |
| April 22, 2022 | Phone call | Voice mail left message |
| May 5, 2022 | Called alternate number | disconnected |
| May 5, 2022 | Phone call | Voice mail left message |
| May 19, 2022 | Mailed certified letter | Mail receipt received 5/26/22 |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency recognition from Medical Sciences Foundation as a reasonable opportunity was given for Agency to respond.



Issue Paper

Agenda Item 27(viii)

Date: June 29, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Net Education Design, Inc. Approval Agency recognition

Location: P.O. Box 203 Kennedale, TX 76060

Purpose:

To advise the Board that Net Education Design, Inc. has requested to withdraw its recognition as an Approval Agency.

Background: Below is a list of all communication made with Net Education Design, Inc.

| Date Sent | Delivery Method | Result |
|-------------------|--------------------------------------|--|
| February 16, 2022 | Phone call | Voice mail left message |
| February 16, 2022 | Email | No reply |
| February 17, 2022 | Voice mail rec'd from Julie Jacobson | Stated all info incorrect and company closed |
| April 28, 2022 | Phone call | Voice mail left message |
| June 22, 2022 | Certified Letter mailed | |
| June 29, 2022 | Rec'd email from Julie Jacobson | AA no longer in business |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency Recognition from Net Education Design, Inc.

**Issue Paper****Agenda Item 27(ix)**

Date: June 29, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of OnCourse Learning

Location: 100 Heritage Road Clinton Corners, NY 12514

Purpose:

To advise the Board that OnCourse Learning has failed to comply with the PTBC's request for information.

Background:

OnCourse Learning received PTBC Approval Agency recognition on April 5, 2010. In an attempt to update the PTBC's Continuing Competency recognized Approval Agency records and to inform OnCourse Learning of new updates within the program, staff made several unsuccessful attempts to reach OnCourse Learning via phone, email, and mail. Staff also initiated an online search and was unable to locate an alternate contact staff made further unsuccessful attempts to reach OnCourse Learning. Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a recognized Approval Agency is obligated to respond to requests for information from the PTBC. OnCourse Learning failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded OnCourse Learning no longer exists.

Below is a list of all communication attempts made with OnCourse Learning

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|------------------------------------|
| February 17, 2022 | Phone call | Voice mailbox not set up |
| February 17, 2022 | Email sent | Email Undeliverable |
| March 9, 2022 | Phone call | Voice mailbox not set up |
| March 23, 2022 | Phone call | Voice mailbox not set up |
| March 23, 2022 | Website search | No alternate contact found |
| April 13, 2022 | Phone call | Voice mailbox not set up |
| April 21, 2022 | Phone call | Voice mailbox not set up |
| May 10, 2022 | Phone call | Voice mailbox not set up |
| May 20, 2022 | Mailed certified letter | Certified receipt received 5/31/22 |

Action Requested: Staff recommends the Board move to withdraw Approval Agency recognition from OnCourse Learning as a reasonable opportunity was given for Agency to respond.

**Issue Paper****Agenda Item 27(x)**

Date: June 29, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Orange County Global Medical Center

Location: 1001 North Tustin Avenue Santa Ana, CA 92705

Purpose:

To advise the Board that Orange County Global Medical Center has failed to comply with the PTBC's request for information.

Background:

Orange County Global Medical Center received PTBC Approval Agency recognition on December 15, 2010. In an attempt to update the PTBC's Continuing Competency recognized Approval Agency records and to inform Orange County Global Medical Center of new updates within the program, staff made several unsuccessful attempts to reach Orange County Global Medical Center via phone, email, and mail. Staff also initiated an online search and was unable to locate an alternate contact staff made further unsuccessful attempts to reach Orange County Global Medical Center Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a recognized Approval Agency is obligated to respond to requests for information from the PTBC. Orange County Global Medical Center failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded Orange County Global Medical Center no longer exists.

Below is a list of all communication attempts made with Orange County Global Medical Center

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|------------------------------------|
| February 17, 2022 | Phone call | Left voice message |
| February 17, 2022 | Email sent | Email Undeliverable |
| March 9, 2022 | Phone call | Left voice message |
| March 23, 2022 | Phone call | Left voice message |
| March 23, 2022 | Website search | No alternate contact found |
| April 13, 2022 | Phone call | Left voice message |
| April 21, 2022 | Phone call | Left voice message |
| May 10, 2022 | Phone call | Left voice message |
| May 20, 2022 | Mailed certified letter | Certified receipt received 5/26/22 |

Action Requested: Staff recommends the Board move to withdraw Approval Agency recognition from Orange County Global Medical Center as a reasonable opportunity was given for Agency to respond.

**Issue Paper****Agenda Item 27(xii)**

Date: June 29, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Progressus Therapy, LLC.

Location: 321 Karen Way Tiburon, CA 94920

Purpose:

To advise the Board that Progressus Therapy, LLC has failed to comply with the PTBC's request for information.

Background:

Progressus Therapy, LLC received PTBC Approval Agency recognition on April 18, 2012. In an attempt to update the PTBC's Continuing Competency recognized Approval Agency records and to inform Progressus Therapy, LLC of new updates within the program, staff made several unsuccessful attempts to reach Progressus Therapy, LLC via phone, email, and mail. Staff also initiated an online search and was unable to locate an alternate contact staff made further unsuccessful attempts to reach Progressus Therapy, LLC. Pursuant to California Code of Regulations (CCR) Section 1399.95, subdivisions (i) and (j), a recognized Approval Agency is obligated to respond to requests for information from the PTBC. Progressus Therapy, LLC failed to respond to the PTBC's request for information. After a thorough investigation was made, staff concluded Progressus Therapy, LLC no longer exists.

Below is a list of all communication attempts made with Progressus Therapy, LLC.

| Date Sent | Delivery Method | Result |
|-------------------|-------------------------|------------------------------------|
| February 23, 2022 | Phone call | Number not valid |
| February 23, 2022 | Email sent | Email Undeliverable |
| March 9, 2022 | Website search | No alternate contact found |
| May 20, 2022 | Mailed Certified letter | Certified receipt received 5/31/22 |

Action Requested: Staff recommends the Board move to withdraw Approval Agency recognition from Progressus Therapy, LLC as a reasonable opportunity was given for Agency to respond.

**Issue Paper****Agenda Item 27(xii)**

Date: July 20, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of UE Seminars Approval Agency Recognition

Location: PO Box 131682, Carlsbad, CA 92013

Purpose:

To advise the Board that UE Seminars has requested to withdraw its recognition as an Approval Agency.

Background: Below is a list of all communication made with UE Seminars.

| Date Sent | Delivery Method | Result |
|--------------------|--|--|
| September 24, 2021 | Received emailed | Received email from owner/Susan Locker that she retired and sold her business and wanted to transfer ownership. |
| September 27, 2022 | Emailed with new Application Attached | Email response to Susan Locker: Advised a new application needs to be submitted by new owner. Susan advised she will forward email to new owner. |
| September 27, 2022 | Received emailed | Received email from Susan Locker inquiring if she could keep Recognition even if she has retired her career. |
| September 28, 2022 | Emailed | Advised Susan Locker that she meets qualifications to keep Recognition. Susan decided to keep her Recognition after all. |
| February 24, 2022 | Outreach: Called and emailed | Left voicemail and email |
| February 25, 2022 | Outreach: Received response and emailed. | Approval Agency/Susan Locker advised she sold her business and do not want to continue |

| | | |
|----------------|--------------------|--|
| | | ownership. She advised she will send the new owner PTBC's Application for Recognition. She did not leave the new owner's email. |
| April 14, 2022 | Called | No response. |
| May 10, 2022 | Called | No response. |
| July 19, 2022 | Emailed | Emailed Susan Locker to inquire about Recognition Status. |
| July 19, 2022 | Received email | The Board received an email back from Susan who stated she sold her business and do not want to continue ownership status. Susan emailed the new owner PTBC's application for Recognition but says unsure what the new owner did with the application. Susan gave the new owner's email. |
| July 20, 2022 | Emailed and mailed | Emailed and mailed Termination of Recognition to UE Seminar's/Susan Locker. An email was sent to the new owner to inquiry about Recognition. |

Action Requested:

Staff recommends the Board move to withdraw Approval Agency Recognition from UE Seminars.

**Issue Paper****Agenda Item 27(xiii)**

Date: July 20, 2022

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Video Continuing Education, LLC.

Location: 10365 SE Sunnyside Road, Suite 200, Clackamas, OR 97015

Purpose:

To advise the Board that Video Continuing Education, LLC has failed to comply with PTBC's request for information.

Background: Below is a list of all communication made with Video Continuing Education, LLC.

| Date Sent | Delivery Method | Result |
|-------------------|---|---|
| February 24, 2022 | Called | Left voicemail, no response. |
| February 24, 2022 | Emailed Outreach Letter and with new Application Attached | Pending response. |
| April 18, | Called | left voicemail for Director to call back to confirm receipt of email and to confirm contact information. |
| April 26, 2022 | Received call | Received call back from Director/Darla, she advised that their contact information has changed and that she never received my email. She gave me a new contact email. I resent an Outreach Letter, along with a new application attached to re-affirm recognition status. Pending response. |
| June 16, 2022 | Sent certified letter | Sent Certified Mail to Revoke Recognition. Pending response. |

| | | |
|---------------|----------------------|---|
| July 12, 2022 | Received Return Mail | Received Return Mail for undeliverable address. |
|---------------|----------------------|---|

Action Requested:

Staff recommends the Board move to withdraw Approval Agency Recognition from Video Continuing Education, LLC.



Briefing Paper

Agenda Item 28

Date: August 23, 2022

Prepared for: PTBC Members

Prepared by: Erika Calderon, Enforcement Program Manager

Subject: Consumer Protection Services Program (CPS)

Purpose: Update on Consumer Protection Services Program - FY 2021/22

Attachments: [A. CPS FY2021/2022 Statistics Report](#)
[B. 3-Year Milestone](#)
[C. Disciplinary Summary List](#)

Update:

After all the changes that 2021 brought, 2022 has been another year of adjustments and challenges, but extremely successful and productive for CPS. In terms of staffing this year the Physical Therapy Board of California (PTBC) recruited their new CPS manager Mrs. Erika Calderon in April of 2022. In addition, CPS has onboarded an in-house consultant, Dr. Alexandra Jones, P.T., to assist with the cursory review of cases involving patient care.

CPS recently updated the PTBC's consumer complaint form (now available on our webpage), making it easier to read, fill out, and gather upfront investigative documents. Instructions were added to the front page to have complainants attach a copy of any supporting documents they may have in their possession such as patient records, photographs, audio or video recordings, correspondence (e.g., letters, emails, texts), billing statements, proof of payments, police reports, court documents, or internal employment administrative investigations. In addition, the Authorization for Release of Patient Health Information Forms have been attached to the complaint. By doing all of this, CPS staff hopes to save intake processing time, allowing staff to obtain much more information upfront from the complainant instead of spending a couple of weeks of back-and-forth communication to gather all the necessary information to conduct the initial review.

In terms of our Investigation Cycle time also known as our performance measure 3 (PM3), we conducted a 4-year analysis of our target measure and found that PTBC's average has been 171.25 days for the past 4 years, our previous target was 90 days. We looked at other Boards and realized quickly that we previously established a very ambitious goal in comparison to others, so our new target measure for PM3 is now 180 days. To help with case aging CPS has implemented monthly case reviews that are conducted on the last week of every month. We're also working on getting CPS staff access to LexisNexis,

a public records database, which will allow CPS staff to look up information such as addresses and phone numbers. This becomes extremely helpful in those instances where our licensees have failed to update their address of record and we are unable to reach them. Furthermore, monthly meetings with the Division of Investigation (DOI) have been established. These meeting will be conducted on the last Thursday of each month between the CPS manager and the Supervising Special Investigator over DOI's enforcement support unit. The goal is to establish an open line of communication between the Board and the Investigative staff to discuss enforcement related matters that may impact both departments, case ageing, and also use this as an opportunity to discuss urgent or high-profile cases to keep them moving along and worked efficiently.

On September 27, 2022, CPS staff will be attending the NCIT Basic Training which is an in person training course hosted by DCA covering topics such as the Principles of Administrative Law and the Regulatory Process, the Investigative Process, Investigator Safety, Principles of Evidence, Evidence Collection, Tagging and Storage, Interviewing Techniques, Overview of Inspections and Inspection Procedures, Report Writing, Testifying in Administrative and Criminal Proceedings, and then in November will be attending the NCIT Specialized program, where we will learn all about Advanced Interviewing Techniques, Advanced Investigative Analysis, and Investigative Report Development. The last time CPS attended this training was back 2011, so CPS is looking forward to a refresher course.

On October 4, 2022, CPS with the help of the Attorney General's Office will be conducting an expert reviewer training. This training will be conducted via WebEx, and its goal is to onboard experts that are needed with certain expertise and in certain counties where we don't have enough experts. In addition, some of our current experts will be attending the training as a refresher.

In closing for updates CPS was extremely busy this fiscal year. Staff continue to meet each challenge each step of the way, they remain very flexible when needed and have been extremely supportive of their new manager and continue to efficiently and effectively investigate PTBC's consumer complaints.

Attachment A: CPS Statistics Report

The number of consumer complaints and arrest/conviction reports received are reported in Performance Measure 1 (Complaint Intake) and these have increased by 13% compared to FY 2020/21. These numbers fluctuate regularly, and the increase is expected as the nation is heading towards normalcy after a national pandemic.

The target for Performance Measure 2 (Complaint Initiation) is 10 days. This is the average number of days it takes for PTBC to initiate a complaint and acknowledge receipt of the complaint. PTBC's average this past year was 3 days, which means that we are excelling in meeting this mandate by 7 days.

For Performance Measures 3 (Investigation Cycle Time) and Performance Measure 4 (AG Case Cycle Time) case aging was a bit higher in comparison to last year. As

mentioned, many times these numbers are known to fluctuate from year to year and as previously reported in past Board meetings one or two very complicated cases can increase these numbers substantially. However, with our monthly meetings with DOI and with our newly established LexisNexis contract we hope to target this area significantly this year.

Lastly, CPS had an increase of 104% in the issuance of citations this past year. CPS issued 53 citations YTD, compared to 26 issued last fiscal year. As a reminder, citations are being utilized for lower-level violations and used as an educational tool for isolated record keeping matters, or in an instance where there was a failure to update an address of record.

As previously reported in past recent quarters, pandemic-related issues continue to cause delays in many investigations, however we are seeing things slowly returning back to normal.

Attachment B: 3-Year Milestone

For our 3-year milestone statistics...we are seeing an increase in total number of complaints received from a slight decline in FY 2019-2020. Again, as previously mentioned we account the drop in FY2019-2020 as being related to the impact that COVID had to the practice. Convictions have declined the past two years, however, there continues to be an increase in the average number of days to complete an investigation. We are seeing a decline in 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.

Attachment C: Disciplinary Summary List

Disciplinary Summary of formal discipline and citations issued for FY 2021-22, Q1, Q2, Q3, and Q4. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

Action Requested: No Action Required

Consumer Protection Services Statistics Report

Complaint Intake

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|----------------------------------|------------|---------------------|-----|-----|-----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| PM1: Complaints Received | 246 | 66 | 61 | 95 | 86 | 308 | ↑ 25% |
| PM1: Convictions/Arrest Received | 161 | 45 | 41 | 30 | 38 | 154 | ↓ -4% |
| PM1: Total Received | 407 | 111 | 101 | 125 | 123 | 460 | ↑ 13% |

Intake

| Target: 9 Days | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|-----------------------|------------|---------------------|----|----|----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| PM2: Intake/Avg. Days | 4 | 3 | 3 | 4 | 3 | 3 | ↓ -19% |

Investigations

| Target: 180 Days | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|-------------------------------|------------|---------------------|-----|-----|-----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| PM3: Cycle Time-Investigation | 204 | 215 | 222 | 193 | 187 | 204 | ↑ 0% |
| PM3a: Intake Only | 3 | 3 | 3 | 4 | 3 | 3 | ↑ 8% |
| PM3b: Investigation Only | 195 | 207 | 215 | 187 | 183 | 198 | ↑ 2% |
| PM3c: Post Investigation Only | 5 | 5 | 4 | 1 | 0 | 3 | ↓ -50% |

Investigations Aging

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------------------|------------|---------------------|----|----|----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Up to 90 Days | 50% | 56 | 49 | 57 | 56 | 45% | ↓ -5% |
| 91 - 180 Days | 15% | 28 | 17 | 27 | 39 | 23% | ↑ 8% |
| 181 Days - 1 Year (364) | 15% | 15 | 15 | 13 | 27 | 14% | ↓ -1% |
| 1 to 2 Years (365-730) | 12% | 19 | 13 | 12 | 7 | 10% | ↓ -2% |
| 2 to 3 Years (731- 1092) | 6% | 11 | 7 | 8 | 7 | 7% | ↑ 1% |
| Over 3 Years (1093 +) | 2% | 0 | 2 | 1 | 3 | 1% | ↓ -1% |

Citations

| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|-----------------------|------------|---------------------|-----|-----|-----|-------|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Final Citations | 26 | 17 | 8 | 10 | 18 | 53 | ↑ 104% |
| Average Days to Close | 384 | 457 | 551 | 409 | 313 | 432.4 | ↑ 13% |

Transmittals to Attorney General (AG)

| Target: 540 Days | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
|--------------------------|------------|---------------------|-----|-----|-----|-----|--------------------|
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| PM4: AG Cases | 813 | 995 | 830 | 875 | 898 | 900 | ↑ 11% |
| PM4a: Intake Only | 2 | 2 | 2 | 2 | 3 | 2 | ↑ 13% |
| PM4b: Investigation Only | 370 | 491 | 334 | 606 | 468 | 475 | ↑ 28% |

| PM4c: Pre-AG Transmittal | 1 | 1 | 1 | 1 | 1 | 1 | ⇒ 0% |
|---------------------------|------------|---------------------|-----|-----|-----|-----|--------------------|
| PM4d: Post-AG Transmittal | 433 | 501 | 480 | 266 | 421 | 417 | ↓ -4% |
| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| AG Cases Initiated | 51 | 12 | 15 | 13 | 7 | 47 | ↓ -8% |
| AG Cases Pending | 63 | 61 | 58 | 56 | 42 | 42 | ↓ -33% |
| SOIs Filed | 1 | 1 | 0 | 3 | 0 | 4 | ↑ 300% |
| Accusations Filed | 31 | 8 | 8 | 9 | 4 | 29 | ↓ -6% |

| AG Transmittals | | | | | | | |
|---------------------------------|------------|---------------------|-----|-----|-----|-------|--------------------|
| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Total Closed After Transmission | 31 | 8 | 8 | 13 | 23 | 52 | ↑ 68% |
| Total Average Days to Complete | 813 | 1081 | 934 | 875 | 890 | 945.0 | ↑ 16% |

| Total Orders Aging/Final Decision | | | | | | | |
|-----------------------------------|------------|---------------------|----|----|----|-----|--------------------|
| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Up to 90 Days | 0% | 0 | 0 | 0 | 0 | 0% | ⇒ 0% |
| 91 - 180 Days | 3% | 0 | 0 | 0 | 0 | 0% | ↓ -3% |
| 181 Days - 1 Year (364) | 19% | 0 | 0 | 2 | 6 | 15% | ↓ -4% |
| 1 to 2 Years (365-730) | 32% | 2 | 3 | 5 | 3 | 25% | ↓ -7% |
| 2 to 3 Years (731- 1092) | 10% | 3 | 1 | 1 | 4 | 17% | ↑ 7% |
| Over 3 Years (1093 +) | 35% | 3 | 4 | 5 | 10 | 42% | ↑ 7% |

| Other Legal Actions | | | | | | | |
|-------------------------------------|------------|---------------------|----|----|----|-----|--------------------|
| | FY 2020/21 | Fiscal Year 2021/22 | | | | | Year → Year Change |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | |
| Interim Suspension or PC 23 Ordered | 1 | 2 | 1 | 2 | 0 | 5 | ↑ 4 |

1 Interim Suspension order and 4 PC 23 orders

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

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

PM3a: Intake Only - Of the cases included in PM3, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM3b: Investigation Only - Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed. (without intake)

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

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

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

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

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

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

Physical Therapy Board of California Consumer Protection Services Program

| 3 Year Performance Measures Milestone | | | |
|--|------------------|------------------|------------------|
| Fiscal Year * | 2019 2020 | 2020 2021 | 2021 2022 |
| PM1 Volume - Total Number of Complaints Received. (Non conviction/arrest related) | 316 | 246 | 308 |
| PM1 Volume - Conviction/Arrest Reports Received | 235 | 161 | 154 |
| Total Complaints Received | 551 | 407 | 460 |
| PM2 Cycle Time - Intake Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation within the reference period. | 3 | 4 | 3 |
| of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline (Includes intake, investigation, and case outcome or non-AG formal discipline. | 161 | 204 | 204 |
| 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. | 3 | 3 | 3 |
| PM3b Investigation Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed. | 153 | 195 | 198 |
| PM3c Post Investigation Of the cases included in PM3, the average number of days from the date the investigation was completed, to the date the case outcome or non AG formal discipline effective date. was transmitted to the AG. | 3 | 5 | 3 |
| PM 4 Cycle Time-Discipline (Target 540 Days) Average Number of Days to complete the Enforcement process for cases investigated and transmitted to the AG for formal discipline within the reference period. | 842 | 813 | 900 |
| PM4a Intake Only Of the cases included in PM4, the average number of days from the date the complaint was received, to the date the complaint was assigned for investigation. | 4 | 2 | 2 |
| PM4b Investigation Only Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed. | 411 | 370 | 475 |
| PM4c Pre-AG Transmittal Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG. | 3 | 1 | 1 |
| PM4d Post--AG Transmittal Of the cases included in PM4, the average number of days from the date the case is transmitted to the AG, to the date of the case outcome or formal discipline effective date. | 497 | 433 | 417 |
| Total Final Orders | 64 | 30 | 38 |

**Disciplinary Summary
Fiscal Year 2021-22 / Quarter 4**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of April 2022 through June 2022. 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 written request to:

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

.....

April 2022

ANDERSEN, HEATHER MARIE PT 27940

Violations: Conviction of a crime [DUI]; Dangerous use of alcohol-habitual intemperance; and Unprofessional conduct. Order Effective 04/01/2022, 3 years' Probation.

MULLEN, CHAGO MAC SHAWN PTA 49883

Violations: Misrepresentation of license status [as an applicant]; Unsupervised practice; and Inaccurate and false records. Order Effective 04/06/2022, License Surrendered.

WILLIAMS, MICHAEL JAMES PT 19058

Violations: Gross negligence; Repeated negligent acts; Failure to maintain adequate and accurate records; and General unprofessional conduct. Order Effective 04/11/2022, License Surrendered.

KAPU, PUA PT 19632

Violations: Gross negligence; Excessive treatment; Repeated negligent acts; Failure to document patient records as required in regulations; Failure to ensure documentation of patient records by others as required in regulations; Billing for services not rendered; Unprofessional conduct; and Violation of a provision or provisions of the Physical Therapy Practice Act. Order Effective 04/18/2022, 3 years' Probation.

BLATT, SCOTT ALAN PTA 48984

Violations: Illegal ownership of a physical therapy corporation; Gross negligence; Practicing beyond scope of license; Commission of a fraudulent, dishonest, or corrupt act; Falsifying patient records; Failure to wear a name tag and prominently display license in a conspicuous place; Charging for services not performed; Aiding and abetting any person to engage in unlawful practice of physical therapy; and Unprofessional conduct. Order Effective 04/18/2022, 4 years' Probation.

JIMENEZ, MONICA C. PT 33505

Violations: Gross negligence; Repeated negligent acts; Unprofessional conduct; and Violation of a provision or provisions of the Physical Therapy Practice Act. Order Effective 04/27/2022, 35 months' Probation.

CARLSON, MICHAEL L. PT 5756

Violations: Gross negligence; Inadequate medical records; Non-licensed support staff; and Unprofessional conduct. Order Effective 04/28/2022, Public Repeal.

May 2022

BARR, ANDREW ROBERT PT 293041

Violations: Unlicensed practice; Continuing to treat a patient without medical diagnosis, provided by a physician; Falsifying patient records; Patient record documentation; and Unprofessional conduct. Order Effective 06/07/2022, License Surrendered.

REINERT, JESSICA JIHAN PT 27820

Violations: Gross negligence; Aiding and abetting the unlawful practice of physical therapy; Commission of a fraudulent, dishonest, or corrupt act; Falsifying patient records; Failure to maintain accurate or adequate records; Failure to wear a name tag and prominently display licenses in a conspicuous place; Charging for services not performed; and Unprofessional conduct. Order Effective 05/18/2022, 4 years' Probation.

NECKIEN, JESSICA JIHAN PT 27820

Violations: Gross negligence; Aiding and abetting the unlawful practice of physical therapy; Commission of a fraudulent, dishonest, or corrupt act; Falsifying patient records; Failure to maintain accurate or adequate records; Failure to wear a name tag and prominently display licenses in a conspicuous place; Charging for services not performed; and Unprofessional conduct. Order Effective 05/18/2022, 4 years' Probation.

ISTRIN, JORDAN STEPHEN PT 292560

Violations: Gross negligence – failure to provide and document informed consent; and failure to maintain adequate documentation. Order Effective 05/23/2022, 35 months' Probation.

SALAM, ADEL A. PT 8627

Violations: Gross negligence; Excessive treatment; Repeated negligent acts; Failure to maintain adequate and accurate records; Failure to document patient records as required in regulations; Failure to ensure documentation of patient records by others as required in regulations; Billing for services not rendered; Unprofessional conduct; and Violation of a provision or provisions of the Physical Therapy Practice Act. Order Effective 05/25/2022, 5 years' Probation.

June 2022

ZWETSLOOT, PAUL H. PT 20201

Violations: Conviction of a crime substantially related to the practice of physical therapy [felony sexual misconduct]. Order Effective 06/13/2022, License Surrendered.

GONZALES, DAVID JOSEPH PT 26398

Violations: Unprofessional conduct conviction of a crime/dangerous use of alcohol; Unprofessional conduct dishonest acts; and Failure to report arrest to the Board. Order Effective 06/13/2022, 5 years' Probation.

CARAOS, JOHN EDWIN CARLO PTA 48658

Violations: Gross negligence; and Excessive treatment. Order Effective 06/13/2022, Public Repeal.

CHOLMAKJIAN, CHARLES A PT 16041

Violations: False treatment records regarding patient; Failure to maintain accurate records; Gross negligence; Fraudulent, dishonest, or corrupt act; Misrepresentation of patient care of deliberate falsifying of patient records; Making a false or fraudulent claim; False medical billing records and/or gross negligence and/or fraudulent, dishonest, or corrupt acts and/or misrepresenting or deliberately falsifying of patient records and/or making a false or fraudulent claim. Order Effective 06/20/2022, License Surrendered.

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. If the licensee does not agree to the issuance of the letter, the Board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

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: The licensee surrenders their license to the Board, subject to acceptance of the surrendered license by the Board, and the licensee is prohibited from engaging in the practice, or assisting in the provision, of physical therapy.

Stipulated Decision: Negotiated settlements waiving court appeals.



Briefing Paper

Agenda Item 29 (A)

Date: August 23, 2022
Prepared for: PTBC Members
Prepared by: Monny Martin, PTBC Probation Monitor
Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for - FY 2021-2022

Attachments: [1. Statistical Report](#)
[2. Statistical Report – 3 Year Milestone](#)

Background:

This is a report on the Board's Probation Monitoring Program for FY 2021-2022. Please refer to attachment (1) which contains the probation statistics for FY 2021-2022. Attachment (2) contains the probation stats for the last three (3) fiscal years.

Analysis:

There was a high of 72 licensees on probation at one time or another for various causes. Besides the 67 licensees on probation and in the state of California, there were an additional 5 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were nine (9) licensees placed on probation in the quarter, and 2 licensees completed probation in the quarter.

Of the 67 licensees that were not tolling, 11 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program at the end of the quarter, equaling about 16% of all licensees on probation that weren't tolling. Two (2) licensees enrolled in the Alcohol Recovery Monitoring Program in the quarter and three (3) licensees completed the program.

There was one instance of Non-Compliance with probation when a licensee failed to check-in to find out if they needed to provide a biological fluid sample for testing that day. The licensee was sent a Non-Compliance Letter and warned that further instances of non-compliance may lead to further consequences and/or discipline of their license.

Over the last 3 years, there have been some fluctuations regarding the number of licensees on probation. This is probably due to COVID-19, some clean-up of our Breeze records, and the fact that some of our tolling licensees out of state let their licenses cancel. This has resulted in an overall decrease in licensees tolling out of state. However, the number of licensees that were placed on probation rose from nine (9) licensees in 2019/20 to twelve (12) licensees

2020/21 and jumped again to twenty-three (23) licensees in fiscal year 2021/22, resulting in an overall increase in licensees on probation.

Action Requested: No Action Required.

Probation Statistics Report

| Probation | | | | | | | | |
|--|------------|-----------------------|----|----|----|-----|--------------------|------|
| | FY 2020/21 | Fiscal Year 2021/2022 | | | | | Year → Year Change | |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | | |
| Entered Probationer | 12 | 6 | 7 | 1 | 9 | 23 | ↑ | 92% |
| Completed Probation | 13 | 1 | 4 | 2 | 2 | 9 | ↓ | -31% |
| Probation Terminated (Revocation/Stip Su | 0 | 0 | 1 | 0 | 0 | 1 | ↑ | 100% |
| Non-Compliant w/Probation | 2 | 0 | 0 | 1 | 1 | 2 | ⇒ | 0% |
| Tolling (Out of State) | 14 | 11 | 11 | 11 | 5 | 11 | ↓ | -21% |
| Surrenders (Voluntary) | 2 | 1 | 2 | 0 | 0 | 3 | | 50% |
| Total Probationers | 57 | 61 | 61 | 60 | 72 | 72 | | 26% |

| Maximus | | | | | | | | |
|---|------------|-----------------------|----|----|----|-----|--------------------|-------|
| | FY 2020/21 | Fiscal Year 2021/2022 | | | | | Year → Year Change | |
| | YTD | Q1 | Q2 | Q3 | Q4 | YTD | | |
| Entered Maximus | 5 | 3 | 1 | 0 | 2 | 6 | ↑ | 20% |
| Completed Maximus | 2 | 0 | 1 | 2 | 3 | 6 | ↑ | 200% |
| Total Maximus Participants | 12 | 14 | 13 | 10 | 11 | 11 | ↓ | -8% |
| Determined To Be Clinically Inappropriate | 5 | 0 | 0 | 1 | 1 | 2 | ↓ | -60% |
| Terminated - Public Risk | 1 | 1 | 0 | 0 | 0 | 1 | ⇒ | 0% |
| Terminated - Failure to Receive Benefit | 1 | 0 | 0 | 0 | 0 | 1 | ↑ | 100% |
| Withdrawn (Expense) - Post-Dec | 0 | 0 | 0 | 0 | 0 | 0 | ⇒ | 0% |
| Withdrawn (Left State) - Post-Dec | 0 | 0 | 0 | 0 | 0 | 0 | ⇒ | 0% |
| Withdrawn - Pre-Dec | 1 | 0 | 0 | 0 | 0 | 0 | ↓ | -100% |
| Withdrawn - Voluntary | 0 | 0 | 1 | 0 | 0 | 1 | ↑ | 100% |

Probation Statistics Report 3-Year Milestone

| Probation | | | |
|---------------------------|------------|------------|------------|
| | | | |
| Fiscal Year | FY 2019/20 | FY 2020/21 | FY 2021/22 |
| Entered Probationer | 9 | 12 | 23 |
| Completed Probation | 11 | 13 | 9 |
| Probation Terminated | 1 | 0 | 1 |
| Non-Compliant w/Probation | 2 | 2 | 2 |
| Tolling (Out of State) | 18 | 14 | 11 |
| Surrenders | 1 | 2 | 3 |
| Total Probationers | 89 | 57 | 72 |

| Maximus | | | |
|---|-----|----|----|
| | | | |
| Entered Maximus | 4 | 4 | 6 |
| Completed Maximus | 4 | 2 | 6 |
| Total Maximus Participants | 12 | 13 | 11 |
| Determined To Be Clinically Inappropriate | 5 | 2 | 2 |
| Terminated - Public Risk | 1 | 1 | 1 |
| Terminated - Failure to Receive Benefit | N/A | 1 | 1 |
| Withdrawn (Expense) - Post-Decision | 0 | 0 | 0 |
| Withdrawn (Left State) - Post-Decision | 0 | 0 | 0 |
| Withdrawn - Pre-Dec | 0 | 0 | 0 |
| Withdrawn - Voluntary | N/A | 0 | 1 |