



Physical Therapy Board of California

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

Physical Therapy Board of California

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Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

Vacant, Professional Member

Vacant, Public Member

Physical Therapy Board of California Adopted Meeting Minutes

June 25, 2020 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Executive

Analyst

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

Thursday, June 25, 2020

1. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:04 a.m. and adjourned at 4:15 p.m. on June 25, 2020.

2. Roll Call and Establishment of Quorum

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

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, Board Legal Counsel; Jason Kaiser, Executive Officer; Brooke Arneson, Board staff, Sarah Irani, DCA SOLID Webcast Moderator, and Trisha St. Clair, DCA SOLID Webcast Co-Moderator.

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.

3. Public Comment on Items Not on the Agenda

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

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

4. Review and Approval of December 12-13, 2019 Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft December 12-13, 2019, meeting minutes. Dr. Drummer asked for clarification on the meeting dates on page 17 and Ms. Arneson responded that she would confirm and edit the meeting minutes accordingly. Dr. Drummer asked that a statement for the result of each election and motion be added to the meeting minutes for clarity on the result of the election nominations and votes.

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

M/S: Dominguez/McMillian

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

5. President's Report

(A) 2020 Adopted Meeting Calendar

Mr. Kaiser solicited Board members for their feedback on the 2020 meeting dates given the circumstances regarding COVID-19 and the global pandemic. Mr. Kaiser stated for planning purposes and taking into consideration the Governor's recent Executive Order and restrictions on travel, the Board should plan on having WebEx meetings for the duration for the 2020 calendar. Mr. Kaiser added that Board staff will continue to communicate with the schools scheduled to host the Board for future meetings should the current pandemic situation change and in person meetings be possible. Mr. Kaiser informed the Board that all the 2020 scheduled in-person meetings of the Federation of State Boards of Physical Therapy (FSBPT) have been

cancelled for the remainder of the year; however, FSBPT's Leadership Issues Forum and Delegate Assembly meeting will be held virtually.

Dr. Drummer asked for clarification on the Governor's Executive Order on travel. Mr. Kaiser responded that the Governor's order advises that Board meetings and stakeholder meetings be held remotely via electronic means whenever possible.

Dr. Dominguez asked how the Board is ensuring that petitioners are not being delayed. Mr. Kaiser responded that petitioners have been deferred to the Office of Administrative Hearings (OAH) and can be seen by an Administrative Law Judge (ALJ). Mr. Kaiser added that the Board's petitioners already have dates scheduled with OAH and their petition will be heard by an ALJ who will write a proposed decision and the Board will then receive that decision as they would any other disciplinary matter and the Board will vote. Mr. Kaiser stated that if the Board does not agree with the ALJ's order, the Board can write their own order and ask for further evidence and transcripts, hearings etc. Mr. Kaiser informed the Board that OAH is also doing hearings telephonically to avoid any delay to petitioners which the Board may consider also doing electronically, during a WebEx meeting in the future. Dr. Dominguez asked if the petitioners have the right to defer their hearing if they wish and Mr. Kaiser responded that yes, the petitioner does have the option to defer if they choose to do so.

Dr. Drummer asked that the virtual dates for FSBPT's Leadership Issues Forum and Delegate Assembly be added to the 2020 calendar. Ms. Eleby responded that the Leadership Issues Forum is rescheduled for July 22, 2020, from 6-7:30 p.m. EST and the Delegate Assembly has been moved to October 24, 2020, from 4-5 p.m. EST.

Dr. Rabena-Amen confirmed with members on the 2020 meeting dates. All members stated that the dates still worked for them.

Dr. Rabena-Amen asked about adding dates to the 2020 calendar to address the Board's upcoming Sunset. Mr. Kaiser suggested that the Board address adding dates for Sunset meetings at the September Board meeting. Mr. Kaiser added that he is unsure how the legislature is going to handle next year's Sunset hearings as the legislative session has been delayed due to the pandemic. Mr. Kaiser stated that Boards who were up for Sunset this year, were postponed to the following year, which makes next year's Sunset process for our Board uncertain at this time. Mr.

Kaiser stated that at the September meeting Board staff will have an update for the Board on the Sunset process and how many meetings will be necessary.

Dr. Drummer added that he would like to start working on the Sunset report as soon as possible so the Board is better prepared. Mr. Kaiser responded that the Board has yet to receive the Sunset questionnaire from the Legislature; however, Board staff are already preparing for Sunset by looking at the questionnaire given to other Board's this year to help the Board be prepared for Sunset. Mr. Kaiser added that Board staff are also already preparing reports and working on identifying issues to address with the Legislature for the Sunset report.

Mr. Kaiser solicited the Board members for their feedback on adding dates in October or November to the 2020 calendar in preparation for Sunset. Dr. Rabena-Amen suggested holding another meeting before the scheduled September Board meeting to address how Sunset would be handled in 2021 and to pick Sunset meeting dates to add to the 2020 calendar for the Board to work on the Sunset report. Board members agreed with Dr. Rabena-Amen's suggestion. Mr. Kaiser recommended that the Board meet on either August 19, 20, 26, or 27; which will give Board staff time to consult with the Legislature to find out how Sunset will be handled next year. Mr. Kanotz, legal counsel, added that the Legislature will have a better idea by September on what will occur the following session with the Sunset process. Mr. Kaiser added that he will have conversations with the BPED regarding the Sunset process for next year and will work with the Board president on adding additional 2020 meeting dates if necessary.

(B) 2021 Proposed Meeting Calendar

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

Dr. Drummer asked if NPTE dates have changed and how they have been impacted due to the pandemic. Mr. Kaiser responded that the March 2020 NPTE dates were cancelled and FSBPT opened a window of sittings for the exam for the entire month of May and first two weeks of June. Mr. Kaiser added that the July sittings are still scheduled, and he did not anticipate any delays, however there is the possibility that FSBPT might open sitting for the exam from two single days to a week if need be. Mr. Kaiser added that he did not see any foreseeable changes to the calendar for 2020 or 2021.

6. Executive Officer's Report

Mr. Kaiser reported that due to a vacancy the Board is currently recruiting for a Staff Services Manager II to serve as the Board's Assistant Executive Officer. Mr. Kaiser stated that the Board is also recruiting for a Staff Services Analyst within the Administrative Services Program to serve as the Communication and Education Analyst for the Board and an Associate Governmental Program Analyst in the Consumer Protection Unit to serve as a Probation Monitor. Mr. Kaiser added that the authority for the two positions goes into effect July 1, 2020; however due to the State's current fiscal situation, these positions will not be funded until 2021. Mr. Kaiser welcomed Kenneth Meiss to the Board who will serve as the Board's Budget Analyst in the Administrative Services Program.

(A) PTBC Relocation

Mr. Kaiser reported that currently, the Board is operating on a month to month lease until it can move upstairs. He added that construction has begun on the new suite and more progress is being made every day; however, progress will be delayed due to COVID-19. Mr. Kaiser stated this may change in the future, and the Board's move in date is a moving target.

Mr. Kaiser stated that due to COVID-19 Board staff have had to acclimate to many changes as a result of the virus and everyday 75% of Board staff are working from home and juggling new ways to communicate and new technologies; such as laptops, Microsoft Teams, virtual private networks. He added that there is a manager in the office every day as well as one to two staff members per unit. Mr. Kaiser reported that the Board has been asked to provide 5% of our analytical staff for a contact tracing project for a period of 6-9 months. Mr. Kaiser stated that the Board has had to close its office to the public for days at a time and only have one mail delivery a day to reduce exposure due to the pandemic.

Mr. Kaiser reported that state workers will be required to take 2 furlough days per month as a cost savings measure which impacts the Board's daily workload. Mr. Kaiser thanked Board staff for their hard work.

7. Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs

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

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

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

Mr. Kaiser reported on the three waivers applicable to physical therapist and physical therapist assistant licensees that were granted during the state of emergency resulting from COVID-19.

DCA-20-01 Continuing Education (3/31/20) – Temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and June 30th, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.

Mr. Kaiser reported that this waiver extends the requirement for continuing education until 10/1/2020 and stated that he anticipates that this waiver will be continued given the current state of affairs. Mr. Kaiser added that this waiver means that anyone that is up for renewal in March, April, May or June can state that they are in compliance with the continuing education requirement, even if they have not completed the 30 hours and the expectation is that those hours will be completed by 10/1/2020.

DCA-20-02 Reinstatement of License (3/31/20) – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner. Since the issuance of this order, the PTBC has processed five requests.

Mr. Kaiser reported that this waiver touches on reinstatements and clarified that if a licensee is in delinquent status they do not qualify for this waiver; the licensee would need to be in a retired, inactive or cancelled license status.

Dr. Rabena-Amen asked if any licensee has taken advantage of this waiver and Mr. Kaiser responded yes, our licensees have applied for this waiver; DCA created a centralized application through DCA for licensees to apply and then DCA forwards them onto the Board's to process.

DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment (5/6/20) – Temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates 60 days from the date of the order.

Mr. Kaiser reported that this waiver removes the in-person requirement of the direct access order and that appointment can be done via telehealth when appropriate. Mr. Kaiser added that this waiver makes it much more flexible not only for licensees; but also, consumers who were having difficulties getting a face-to-face appointment with their physicians during the COVID-19 pandemic.

Dr. Drummer asked if any complaints have been filed that the Board is aware of because patients were not able to see a physician in person. Mr. Kaiser responded that nothing that rose to the level of complaint has occurred, however, there were some questions but nothing that revealed an access to care issue.

Mr. Kaiser reported on a fourth waiver that just came out which is located on DCA’s waiver page. This waiver allows PT and PTA applicants whose applications are denied without prejudice between March 31st and July 1, 2020 due to the applicant failing to take and pass the examination required for licensure and extends the timeframe by 6 months. This waiver addresses applicants in March that were not able to sit for the examination and if their application expired in March or April; this would open their application again and allow them to sit for the July examination.

8. California Jurisprudence Exam Administration Options – Jeff Rosa, FSBPT

Mr. Rosa provided a presentation on administration options for the California Jurisprudence Examination.

Board members were pleased with the presentation and it addressed their questions and concerns regarding administering the California Jurisprudence Examination.

MOTION: Direct staff to do what is necessary to put the California Jurisprudence Examination into action with the assistance of legal counsel

M/S: Eleby/Dominguez

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

9. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer

Mr. Kaiser stated that last September, the Board submitted the Board's third request to increase the exempt level of the Executive Officer's position which would allow the Board to avoid compaction issues; most specifically, the Assistant Executive Officer position.

Dr. Rabena-Amen thanked DCA Director Kirchmeyer for her immediate help with this request; and updated the Board that they heard back in May 2020 that the request was not approved. Dr. Rabena-Amen added that the California Department of Human Resources (CalHR) recommended that the Board resubmit the request again once the state budgets crisis has passed. Dr. Rabena-Amen suggested to keep the Increase in the Executive Officer level as an agenda item on the agenda going forward for further discussion until it is successfully completed and resubmit the request again as soon as possible. The Board was in unanimous agreement.

Mr. Kaiser added that with each resubmittal, our case is more compelling and that PTBC staff will continue to work with DCA's Human Resources on this request. Mr. Kaiser added that the Board could also potentially address this request as an issue in the Board's upcoming Sunset Report.

Dr. Dominguez asked if the request package needed to be revised or strengthened and Dr. Rabena-Amen stated that there was no indication that there was anything wrong with the package and the recommendation was to resubmit. Mr. Kaiser added that our exempt level increase package has been used as a model request package

at DCA for other Board's because there is no embellishment and is statistical and factual.

10. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Ms. Joni Kalis, a member of the FSBPT Board of Directors, reported that due to COVID-19, all the in person FSBPT meetings for 2020 have been cancelled. Ms. Kalis informed the Board that the Justice 3D meeting on Trauma's Impact on Boundary Violation Investigations Training will be rescheduled for next year. Ms. Kalis stated that the LIF meeting will be held virtually on July 22, 2020, at 6-7:30 p.m. EST and an update will be provided on healthy practice, exams, ethics and legislation reports, bylaws, and Medicare issues that were associated with the Licensing compact that have been resolved. Ms. Kalis reported that FSBPT's Annual Meeting will be held virtually on October 24, 2020, from 4-5 p.m. EST. Ms. Kalis added that FSBPT hopes to get back to in-person meetings in 2021.

Ms. Kalis stated that the NPTE test dates for April were cancelled, so FSBPT worked with Prometric to open a testing window throughout the month of May. Ms. Kalis informed the Board that there was a slightly higher pass rate during the May administrations of the exam for both PT's and PTA's; and this is due to more study time and better preparation for the exam. Ms. Kalis stated that fixed date testing for July will still be occurring with an additional window for both PT's and PTA's; for PTA's the exam will be on July 8 with an additional testing window from July 9-26th and for PT's the exam will be on July 28 and 29th, with a testing window from July 30-August 31st.

Dr. Drummer asked if FSBPT has a location yet, for the 2021 Annual meeting. Ms. Kalis responded that the meeting will be held in Florida and Mr. Jeff Rosa added that FSBPT's Annual Meeting for 2022 will be held in California.

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

Ms. Carrie Holmes, Deputy Director for Board and Bureau Relations provided the Board with an update on behalf of DCA. Ms. Holmes stated that she was appointed by the Governor on June 1, 2020. Ms. Holmes informed the Board that Lourdes M. Castro Ramírez was appointed as Secretary of the Business, Consumer Services and Housing Agency and on March 5, 2020 the Governor appointed Jennifer Simoes as DCA's

Deputy Director of Legislative Affairs and on April 16, 2020 the Governor appointed Christine Lally as DCA's Chief Deputy Director.

Ms. Holmes reported that over the past few months, COVID-19 has altered how DCA does business now and in the future. She stated that DCA temporarily closed all offices to the public in March and DCA has required telework and physical distancing to help reduce the spread of COVID-19. Ms. Holmes reported that following a detailed risk assessment and implementation of a COVID-19 prevention plan, DCA offices reopened to the public on June 15, 2020, and DCA has implemented preventative measures to safeguard the health and safety of its employees and visitors. Ms. Holmes stated that DCA is also looking at places where these changes can be made on an ongoing basis for process efficiencies.

Ms. Holmes updated the Board on the ADA website compliance project. She reported that DCA's Office of Information Services (OIS) will ensure that all documents posted on DCA's websites are ADA compliant by the end of this year and added that OIS will be facilitating ADA remediation training to DCA staff.

Dr. Dominguez asked how the Board's current website would be graded in terms of ADA compliance. Mr. Kaiser responded that staff, over the last 8-9 months, have been working in collaboration with DCA on ADA compliance with the Board's website, forms and publications including discipline documents and there is still a great deal more work to be done.

(C) California Physical Therapy Association (CPTA)

Ms. Stacy DeFoe, Executive Director for CPTA, updated the Board that CPTA staff have been teleworking during the COVID-19 pandemic. Ms. DeFoe stated that CPTA has cancelled all travel through September 2020; and the CPTA Annual Conference will be held virtually and more information on the virtual conference will be forthcoming. Ms. DeFoe added that CPTA's Assembly meeting will also be held virtually on October 2nd.

Ms. DeFoe reported that CPTA created a COVID-19 resource page on its website to provide information, and address questions and concerns and the page is continuously being updated. In addition, Ms. DeFoe stated that CPTA held a COVID-10 townhall meeting on telehealth to discuss guidelines and best practices. Ms. DeFoe thanked Mr. Kaiser and the Board for their work and collaboration on the waivers issued by the Director of DCA. Dr. Rabena-Amen thanked Mr. Kaiser and Ms. DeFoe for their hard work on the DCA waivers.

Ms. DeFoe informed the Board that the SB 1054, the PT Licensing Compact bill was heard and did not pass out of the Senate Business, Professions and Economic Development Committee. She added that it was heard along with the Nursing compact bill that also did not pass; however, there was a positive response over the idea. Ms. DeFoe stated that SB 1054 was not sponsored by CPTA; however, CPTA was in support of it. Ms. DeFoe informed the Board that AB 1850 is an opportunity for PT's to get an exemption to the Dynamex bill that passed last year, AB 5.

11. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

Ms. Arneson presented the legislative report and provided the members with an update on how the COVID-19 pandemic has impacted the legislative calendar. Ms. Arneson 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:

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

Ms. Arneson reported that AB 613 is a 2-year bill currently located in the Senate Business, Professions and Economic Development Committee.

ii. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain

Ms. Arneson reported that AB 888 is a 2-year bill currently located in the Senate Business, Professions and Economic Development Committee.

iii. AB 1263 (Low) Contracts: Consumer Services: Consumer Complaints

Ms. Arneson reported that AB 1263 was referred to the Senate Business Professions and Economic Development Committee.

iv. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Arneson reported that AB 1616 was just referred to the Senate Business, Professions and Economic Development Committee.

v. AB 1665 (Bonta) Athletic Trainers

Ms. Arneson reported that AB 1665 is in the Senate pending referral to policy committee.

Dr. Drummer stated that two years ago a very similar bill was proposed (AB 3110; Athletic Trainers), and the Board took a position of oppose unless amended; and he suggested that the Board take a similar position on AB 1665. Dr. Drummer added that the concerns with this bill are the same as the ones proposed from prior sessions. He stated that the language of AB 1665 allows an athletic trainer to treat anyone who moves and is not specifically related to athletes and athletic events which is the specialization of an athletic trainer. Dr. Drummer stated that this bill also allows an athletic trainer to work in collaboration with a physician or surgeon but not necessarily under the supervision of a physician or surgeon, which puts members of the public at risk for being cared for by someone who does not have the appropriate training.

Dr. Drummer moved to authorize the EO and Board staff to draft a letter of oppose unless amended for AB 1665 which was seconded by Dr. Dominguez.

Mr. Kaiser asked what amendments the Board would like to propose, and Dr. Drummer suggested to remove the term “athlete patient” which has a broad description; and address the vague use of “collaboration with physician and surgeon” which does not require more specific oversight and supervision. Dr. Drummer also stated that AB 2410 (Athletic Trainers) from this session is seeking title protection for athletic trainers which he full supported; however, he was not in support of athletic trainers being able to do more than their scope of practice and training.

Dr. Rabena-Amen agreed with Dr. Drummer and stated that she was leaning toward a letter of opposition for AB 1665; and a letter of support for AB 2410 which would offer title protection for athletic trainers. Dr. Dominguez, Ms. Eleby and Ms. McMillian agreed with a letter of opposition for AB 1665 and a letter of support for AB 2140. Mr. Kaiser added that Board staff will include the Board’s concerns with AB 1665 in the opposition letter.

Dr. Drummer revised his first motion; of “opposed unless amended” for AB 1665; to “oppose” and Dr. Dominguez agreed with the amendment to the motion.

MOTION: To authorize the Executive Officer and Board staff to draft a letter of opposition for AB 1665.

M/S: Drummer/Dominguez

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

- vi. AB 1850 (Gonzalez) Worker Classification: Employees and Independent Contractors

Ms. Arneson reported that AB 1850 is in the Senate pending referral to policy committee.

- vii. AB 1904 (Boerner Horvath) Pelvic Floor Physical Therapy Coverage

Ms. Arneson reported that AB 1904 is no longer progressing in the legislature and it is presumed that the bill will have no further activity this session.

- viii. AB 2028 (Aguilar-Curry) State Agencies: Meetings

Ms. Arneson reported that AB 2028 is in the Senate and was just referred to the Senate Governmental Organization Committee.

- ix. AB 2113 (Low) Refugees, Asylees, and Immigrants: Professional Licensing

Ms. Arneson reported that AB 2113 is in the Senate pending referral to policy committee.

- x. AB 2185 (Patterson) Professions and Vocations: Applicants Licensed in Other States: Reciprocity

Ms. Arneson reported that AB 2185 is no longer progressing in the legislature and it is presumed that the bill will have no further activity this session.

- xi. AB 2214 (Carrillo) Administrative Procedure Act: Notice of Proposed Action

Ms. Arneson reported that AB 2214 was pulled and will not move forward.

xii. AB 2410 (Cunningham) Athletic Trainers

Ms. Arneson reported that AB 2410 is in the Senate pending referral to policy committee.

Dr. Drummer added that he was in support of title protection for athletic trainers. Dr. Drummer asked why there was an emergency clause attached to this bill. Mr. Kaiser responded that typically in a title protection bill; there is not an entity tasked with enforcing it or a structure to put into place so urgency is often sought so that it will take effect once the bill is codified.

Ms. Stacey DeFoe, Executive Director of CPTA, during public comment, stated that CPTA has taken an oppose unless amended position on AB 1665 with the same concerns that the Board had previously discussed and a support position on AB 2410. Ms. DeFoe added that CPTA supports AB 2410 as it is a reasonable solution to an ongoing issue and title protection for athletic trainers should be in place.

MOTION: To authorize the Executive Officer and Board staff to draft a letter of support for AB 2410.

M/S: Drummer/McMillian

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

xiii. AB 2549 (Salas) Department of Consumer Affairs: Temporary Licenses

Ms. Arneson reported that AB 2549 is in the Senate pending referral to policy committee. She added that Board staff worked with the author's office on the recent amendment excluded the Board from the provisions in this bill.

- xiv. AB 2631 (Cunningham) License Fees: Military Partners and Spouses

Ms. Arneson reported that AB 2631 was pulled and will not move forward.

- xv. AB 2684 (Blanca Rubio) School Employee Credentialing: Occupational Therapy and Physical Therapy Services: Workgroup

Ms. Arneson reported that AB 2684 was pulled and will not move forward.

- xvi. AB 2704 (Ting) Healing Arts: Licensees: Data Collection

Ms. Arneson reported that AB 2704 is dead.

- xvii. AB 2978 (Ting) Department of Justice: Arrest and Conviction Records: Review

Ms. Arneson reported that AB 2978 was pulled and will not move forward.

- xviii. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

Ms. Arneson reported that AB 3045 is in the Senate, pending referral to policy committee.

- xix. SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait Times

Ms. Arneson reported that SB 878 was just ordered to the Assembly on June 24, 2020.

- xx. SB 1054 (Moorlach) Physical Therapy Licensure Compact Presentation by the PT Compact Commission

Ms. Arneson reported that SB 1054 is no longer progressing in the legislature and it is presumed that the bill will have no further activity this session.

- xxi. SB 1168 (Morrell) State Agencies: Licensing Services

Ms. Arneson reported that SB 1168 was held in the Senate Appropriations Suspense File and it is presumed that the bill will have no further activity this session.

12. Rulemaking Report – Brooke Arneson

(A) 2019 Rulemaking Update

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

i. Examination Passing Standard/Setting Examination Score

Ms. Arneson reported that in June 2019, PTBC staff forwarded the pre-review regulation documents (the Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that in mid-February 2020, DCA Legal provided Board staff with their suggested edits and Board staff resubmitted the rulemaking package for initial phase review to DCA Legal in June 2020.

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

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

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

Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that Board staff have worked with DCA Legal on suggested edits and in June 2020 the initial rulemaking package was submitted to DCA Legal for review.

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

Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that Board staff worked with DCA Legal on suggested edits and in June 2020 the rulemaking package was submitted to DCA Legal for initial phase review.

v. Substantial Relationship Criteria

vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure

vii. Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that the rulemaking package was submitted to DCA Legal for review in October 2019 and on December 26th the initial rulemaking package was submitted to Agency and in February 2020, Agency provided the Board with non-substantive edits. Ms. Arneson added that Board staff worked with DCA Legal to address these edits and resubmitted the package back to Agency for review and it was approved April 16, 2020. Ms. Arneson stated that the Notice will be published by Office of Administrative Law (OAL) on June 26, 2020, and the 45-day public comment period will end on August 10, 2020.

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

13. Administrative Services – Discussion and Possible Board Action – *Jason Kaiser* (A) Budget Report

Mr. Kaiser stated that there is not a line by line budget item report and that staff have been working with DCA's budget office on reconciling the budget reports through Fiscal and a budget report will be provided in the meeting materials at the next scheduled Board meeting. Mr. Kaiser added that the Board's budget is on track and there have been cost and salary savings by not filing the Assistant Executive Officer position and a few other recruitments. Dr. Drummer asked if there were any red flags that Board staff were aware of and Mr. Kaiser responded there were not.

Dr. Dominguez asked if any licensee's have been having difficulty paying their license renewal fees related to COVID-19. Mr. Kaiser responded that some licensees have reported financial difficulties due to not being able to work and

have inquired about renewal fee waivers due to financial hardship and the Board has discretionally waived delinquency fees.

(B) Outreach Report

Dr. Rabena-Amen asked if the Board shares posts from other Facebook sites and Mr. Kaiser responded that the Board does share posts on Facebook, Instagram and Twitter from educational programs, CPTA, FSBPT, other PT campaigns, and COVID-19 articles. Mr. Kaiser added that the Board has been sharing the Census 2020 campaign as well.

Mr. Kaiser stated that prior to COVID-19, the Board was making great progress on reaching out to every PT and PTA program in the State however; since COVID-19, the Board is looking at doing outreach presentations via electronic means i.e. Zoom, MS Teams, WebEx etc.

(C) Board Member Appointments

Mr. Kaiser reported that the Board Member Appointment chart shows Board member terms and the history for each member's position. Mr. Kaiser added that the chart also depicts that the Board has two vacancies; and two members are serving in their grace periods which is very concerning for the Board.

Dr. Drummer stated that he did not realize that both Dr. Rabena-Amen and Ms. Eleby were serving in their grace periods. Dr. Rabena-Amen stated that she did have an interview for extension, and she has not heard back. Ms. Eleby added that she also had an interview with the Governor's Office for extension and had not heard back yet.

Dr. Drummer asked if Board staff have had conversations with the Governor's or Assembly Appointment Secretary and Mr. Kaiser responded that Board staff have; however no further information has been disclosed at this time.

Dr. Drummer suggested that the Board member position that is involved in physical therapy education be noted on the Board member Term Chart.

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

(A) Program Statistics

(B) Statistical Reports

Mr. Kaiser reported that the Board is moving into its busy season with schools graduating and the NPTE being offered twice in the month of July and this will be compacted with contract tracing, furloughs, and COVID-19. PTBC staff will do their best to mitigate any backlogs.

Dr. Rabena-Amen asked what OOS stood for and Mr. Kaiser clarified that it stands for “Out of State.”

Dr. Drummer asked if the Board anticipates any major changes with Quarter 4 and Mr. Kaiser responded that there may be a decrease in completion for PT and PTA programs in Quarter 4 as a result of not having a suitable number of available clinical placements and having to extend their graduation dates.

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

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

Mr. Kaiser reported that online requests have increased and as long as licensees can facilitate transactions online through BreEZe there is very little impact that COVID-19 should have on licensees. Mr. Kaiser stated that he encourages the use of BreEZe as it will mitigate any delays in processing transactions during this time.

Dr. Rabena-Amen asked if there is a new way for applicants to view their PTLA status. Mr. Kaiser responded that there is added functionality in the BreEZe system for applicants to see new milestones in their BreEZe account to show an applicant where they are in the application process and they will be notified once they have been approved for PTLA status.

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

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

Mr. Kaiser reported that significant progress has been made by the Continuing Competency (CC) unit and that CC staff have been redirected in the past to help process applications timely during the busy season and with COVID-19 it is anticipated that will happen again. Mr. Kaiser stated that CC audits of licensees and collection of data on recognized approval agencies and providers will continue; however not at the same pace as they have been, as the Board will need to focus on primary mandates.

Mr. Kaiser reported that the pass rates of the CC audits tends to fluctuate very little and there are currently 125 different recognized approval agencies and a little over 14,000 different courses that are available to our licensees for CC credit.

17. Continuing Competency Services – Discussion and Possible Board Action –

Jason Kaiser

(A) Program Statistics

(B) Statistical Reports

Mr. Kaiser reported that within Consumer Protection Services (CPS) unit, the most significant impact from COVID-19 has not been from internal processes but with working and obtaining information from Division of Investigations, Department of Justice, Office of Administrative Hearings, and other entities. Mr. Kaiser added that staff have moved from tower desk computers to laptops and employed virtual private networks so staff can have a seamless transition teleworking.

Ms. McMillian asked about the work/life balance now that staff are working from home; Mr. Kaiser responded that the Board has always had a family first philosophy and Board staff continue to support each other during this time.

18. Probation Monitoring Services – Discussion and Possible Board Action –

Jason Kaiser

(A) Program Updates

(B) Statistical Reports

Mr. Kaiser reported that COVID-19 has impacted probation monitoring. He stated that participants in the drug rehabilitation program through Maximus are affected greatly by any closures and the Board has been dealing on a case-by-case basis with respondents' inability to find a site for bodily fluid testing and Mr. Martin has had an increase in workload to monitor these special situations.

19. Public Comment on Items Not on the Agenda

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

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

20. Agenda Items for Future Meeting –

September 16 & 17, 2020

Gurnick Academy of Medical Arts
Building B-200, Room 7
2121 S. El Camino Real,
San Mateo, CA 94403

Ms. Eleby requested an agenda item be added to discuss the potential loss of revenue due to COVID-19 and how the Board can strategize and anticipate challenges and be mindful of that.

Dr. Dominguez requested adding an agenda item about Telehealth and what is permissible and what is not; and to possibly have a presentation on Telehealth. Dr. Dominguez clarified that the agenda item should be Telehealth-specific for licensees and clinical placements for future applicants. Mr. Kaiser suggested possibly having a representative from CAPTE provide a presentation on clinical placement, and what the expectations are for academia and what the expectations are for students.

Mr. Kaiser reiterated that the Board should expect WebEx Board meetings for the duration of the 2020 year.

21. Closed Session

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

The Board entered closed session at 3:58 p.m. and reconvened into open session to adjourn at 4:15 p.m. on June 25, 2020.

22. Reconvene Open Session

The Board reconvened from closed session into open session to adjourn at 4:15 p.m. on June 25, 2020.

23. Adjournment

The meeting adjourned at 4:15 p.m. on June 25, 2020.