



**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**

June 24, 2021 9:00 a.m.

Department of Consumer Affairs  
Public WebEx and Teleconference  
Platform

**Board Staff**

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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.

**June 24, March 24, 2021**

**1. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:11 a.m. and adjourned at 4:03 p.m. on June 24, 2021.

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

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

All members were present with the exception of 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, and Trisha St. Clair, DCA SOLID Webcast Moderator.

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

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

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

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

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

**5. Review and Approval of March 24, 2021, Meeting Minutes – Brooke Arneson**

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

Dr. Drummer requested that on page 20, the "2021 adopted meeting calendar" be amended to "2021 proposed meeting calendar" as the 2021 meeting calendar has not yet been adopted by the Board. Dr. Armstrong added that her name was misspelled. Dr. Drummer stated that on page 36, line 72; the date needed to be corrected from 2020 to 2021 and on page 38, line 801 should state Dr. Armstrong was elected as FSBPT Alternate Delegate, not Ms. McMillian.

**MOTION:** Adopt the proposed March 24, 2021, Meeting Minutes as amended.

**M/S:** Rabena-Amen/Armstrong

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

**6. President's Report**  
**(A) 2021 Adopted Meeting Calendar**

Ms. Ybarra stated that the upcoming September 2021 meeting was still planned to be held virtually due to the pandemic.

Ms. McMillian asked about the possibility of having in person meetings for the remainder of 2021 and Mr. Kaiser responded that he was hopeful that the December 2021 meeting may be held in person in Sacramento, CA.

Dr. Drummer asked if there would be additional dates added to the 2021 meeting calendar to accommodate the Sunset review process and Mr. Kaiser responded that DCA was holding a meeting with legislative staff to discuss the Sunset process the following week and that we would revisit adding dates to the 2021 meeting calendar at the September 2021 meeting.

Dr. Rabena-Amen asked that Board staff provide an overview of the previous Sunset Report and process at an upcoming meeting to familiarize the Board with the Sunset Report. Dr. Drummer added that he liked the idea of a presentation on the Sunset Report process.

Dr. Drummer and Dr. Dominguez added that they would like to change the September 15-16, 2021, meeting to September 16-17, 2021, if possible. Ms. McMillian stated that she was not available on September 17, 2021.

**MOTION:** Change the September 15-16, 2021, meeting to September 16-17, 2021, and direct staff to make arrangements for an in-person meeting and if it is not possible to hold an in-person meeting to hold a virtual meeting.

**M/S:** Rabena-Amen/Dominguez

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

**MOTION:** Adopt the proposed 2021 Meeting Calendar

**M/S:** Drummer/Dominguez

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

**(B) 2022 Proposed Meeting Calendar**

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

**7. Executive Officer's Report**

**(A) Administrative Services**

Mr. Kaiser welcomed two new staff members to the Board. Mr. Paul Rowe was appointed to the military endorsement applications position to evaluate PT and PTA applications and endorsements from military initial applications for licensure and out of state endorsement applications. Mr. Kaiser added that Mr. Rowe will additionally serve as the military subject matter expert for PTBC and address all military-related requests from licensees. Mr. Kaiser also reported that Ms. Pearl Her has been appointed to the Office Technician Typing position within Administrative Services Unit and will serve as the PTBC's receptionist and provide support to administrative staff.

Mr. Kaiser reported that PTBC is currently recruiting for a full-time Office Technician position within the Application Services Unit, which will provide clerical support, and is expected to be filled within the next few weeks.

Mr. Kaiser added that beginning July 1, 2021, PTBC will begin recruitment for four new positions: a limited term full-time Staff Services Analyst; a limited term full-time Office Technician, both in the Applications Services Unit to address an influx of applications received; a limited term full-time Analyst that will serve as the Board's regulation analyst; and a Staff Services Manager position for the Consumer Protection Services Unit.

Mr. Kaiser reported that as a result of recent bargaining negotiations, state employees will receive a 4.55% raise when their full pay is restored in July 2021. Mr. Kaiser added that state employees' pay was reduced by 9.23% last year due to a projected deficit and they will be getting the original 9.23% back as well the additional 4.55% that was previously part of the union bargaining. This will have a slight impact to PTBC's fund condition which will be addressed under the Budget Report: Agenda Item 13(A).

**(B) Applications**

Mr. Kaiser stated that the PT profession is an ever-growing profession and there are three new PTA programs: California Baptist University; Institute of Technology and Stanbridge University, which moves the PTBC from 16 to 19 programs. Mr. Kaiser added that there are currently ten more programs in development; four of which are already in their first cohort, therefore, next year PTBC will move from 19 to 23 programs. Mr. Kaiser reported that PTBC could see 29 PTA programs in California by the end of 2023, which is a huge increase that will impact PTBC's Applications Unit and create a definite need for additional staffing.

Dr. Drummer asked if the new PTA programs were accredited and Mr. Kaiser responded that there are now 19 accredited programs and the four additional programs will likely be accredited this year.

**(C) Licensing/Continuing Competency**

Mr. Kaiser referred members to Agenda Items 14, 15 and 16.

**(D) Consumer Protection Services**

Mr. Kaiser referred members to Agenda Item 17.

**(E) Outreach**

Mr. Kaiser reported that as part of PTBC's Strategic Plan, the goal was to present to all 16 PTA programs by the end of the Strategic Plan and because of the increase in PTA programs, PTBC will present to more programs than what was originally planned.

**(F) PTBC Relocation**

Mr. Kaiser reported that the relocation is 99% complete; and that there are still a few minor logistical items to work out and complete. However, staff have acclimated well to the new space.

Dr. Drummer asked if there are still items in the old suite and if PTBC is still paying rent for the previous office space and Mr. Kaiser responded no, other tenants took over PTBC's previous suite and everything was resolved in December 2020.

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

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

- a. First Extension- DCA Waiver-20-27
- b. Second Extension- DCA Waiver DCA-20-53
- c. Third Extension- DCA Waiver DCA-20-69
- d. Fourth Extension- DCA Waiver DCA-20-89
- e. Fifth Extension- DCA Waiver DCA-21-117
- f. Sixth Extension- DCA Waiver DCA-21-134

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

- a. First Extension- DCA Waiver-20-57

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

- a. First Extension- DCA Waiver-20-28
- b. Second Extension- DCA Waiver DCA-20-46
- c. Third Extension- DCA Waiver DCA-20-75
- d. Fourth Extension- DCA Waiver DCA-20-95
- e. Fifth Extension- DCA Waiver DCA-21-122
- f. Sixth Extension- DCA Waiver DCA-21-148

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

- a. First Extension- DCA Waiver-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

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

## **9. 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 PTBC has been attending webinars every two to three weeks which are part of the Leadership Issues Forum. Mr. Kaiser also reported that FSBPT is having a virtual regulation training that he encouraged all members to attend on August 28-30<sup>th</sup>. Mr. Kaiser added that this regulation training will be provided twice a year; one will be held virtually, and one will be held in-person.

Dr. Dominguez reported that the FSBPT annual meeting will be held virtually this year, however, the annual meeting for 2022 is expected to be held in person in Orange, California. Dr. Rabena-Amen asked if Dr. Dominguez was still on a committee and Dr. Dominguez replied that he is still serving on the education committee which has been meeting virtually.

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

Mr. Ryan Perez with Board and Bureau Relations provided the Board with an update on behalf of DCA. Mr. Perez reported that the pandemic continues to impact every aspect of work for DCA and that Board staff, like all state employees, have made the sacrifice to assist all Californians when they continue to serve through the pandemic under a 10% pay cut, and some foregoing cost of living increases or other expected raises. As the economy full reopens, DCA is happy to see that these cuts will be reversed effective June 30<sup>th</sup>, 2021. Mr. Perez stated that DCA is working with all Boards and Bureaus to manage any budgetary impacts.

Mr. Perez reported that on June 17<sup>th</sup>, Governor Newsom signed an Executive Order which expedited Cal/OSHA's revised COVID-19 regulations to ensure consistency with public health guidance. Cal/OSHA's revisions aligned with the latest face covering guidance from the California Department of Public Health and eliminated physical distancing requirements except for certain employees during outbreaks.

Mr. Perez stated that Boards and Bureaus are assessing operational needs to identify potential or permanent changes to the workplace to ensure efficiency in employee wellbeing, such as telework and hybrid workplace models.

Mr. Perez added that DCA is receiving many questions about when and how Boards will be able to meet again in person and whether they can continue to meet remotely. Mr. Perez stated that the ability of the Board to meet remotely is tied directly to the Governor's Executive Orders and the declared state of emergency. The Executive Order allowing remote meetings is set to expire September 30<sup>th</sup>, 2021, after which time, the Board will be required to follow all aspects of the Open Meetings Act, including publicly noticed accessible locations, unless a change in law occurs prior to this. Mr. Perez added that while it is great to see everyone in person, we all have recognized the value of the cost savings and increased public participation associated with remote meeting options. Mr. Perez stated that in the meantime, DCA will do all it can to assist Boards to transition safely to in-person meetings and will keep the Board updated on any changes to meeting requirements.

Mr. Perez reported that during the state of emergency, DCA has issued waivers to help licensees respond to the pandemic and to enable the Board to perform their functions safely. Mr. Perez stated that as the state fully reopens waivers will wind down, and DCA encourages Boards and Bureau's to look at laws and regulations that were waived to determine if changes are needed in the future and to move forward with such changes. Mr. Perez added that while some waivers may extend an additional short amount of time, DCA will begin winding those down within the next month or so and Boards and Bureaus are encouraged to move forward with statutory and regulatory changes as soon as possible.

Mr. Perez informed the Board that for current members, 2021 is a mandatory sexual harassment prevention training year which means all employees and Board members are required to complete the training during this calendar year. This training can be accessed through the Learning Management System, which is DCA's new training portal. Mr. Perez added that profiles have been created for each member in the portal and the Executive Officer has been informed of the steps all members will need to take to log in and access the training. Mr. Perez added that the new training portal will ultimately house all training records and may also be used to sign up for other mandatory trainings including the Board Member Orientation Training.



### **(C) California Physical Therapy Association (CPTA)**

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

Ms. DeFoe reported that the registration is now open for CPTA's virtual conference on October 9-10<sup>th</sup> and the information for attending is located on CPTA's website. Ms. DeFoe stated that she was pleased to offer PTBC space in their virtual exhibit hall which will be held Saturday, October 9<sup>th</sup> at 2:30 p.m. Ms. DeFoe stated that CPTA is really looking forward to welcome everyone back to an in-person conference in 2022, on September 24-25<sup>th</sup> in Anaheim, CA.

Ms. DeFoe reported that CPTA continues to be busier than ever serving members in all areas in a mostly virtual environment and continues to provide continuing education opportunities for PT's and PTA's. Ms. DeFoe added that CPTA holds webinar Wednesdays to provide opportunities to gain knowledge and meet requirements. CPTA is now providing CI courses virtually as well, which will continue throughout the remainder of 2021, and no in-person courses are planned. However, CPTA will determine if it is feasible to add some later in the year.

Ms. DeFoe appreciated that AB 1468 was included on the Board's agenda, however, she informed the Board that the bill was held in the Appropriations Committee and will not go forward this year. Ms. DeFoe stated that CPTA is regrouping to determine how best to move forward with this issue and will provide updates to the Board as they know more.

Ms. DeFoe stated that there is another utilization bill included on the agenda, AB 250, introduced by Senator Pan, who is chair of the Senate Health Committee, which would enhance transparency in the governance of health service plans and insurers. Ms. DeFoe stated that CPTA is supporting this bill as it moves forward.

### **10. Division of Investigation Updates and Processes Presentation**

The Division of Investigation presentation was postponed to the September 2021 Board meeting.

**11. Legislation Report – Brooke Arneson**  
(A) 2021/22 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 2 (Fong) Regulations: Legislative Review: Regulatory Reform  
Regulatory Reform

Ms. Arneson reported that AB 2 is now a two-year bill as it failed the legislative deadline and it may be acted upon January of 2022.

ii. AB 29 (Cooper) State Bodies: Meetings

Ms. Arneson reported that AB 29 is also now a two-year bill as it failed the legislative deadline and it may be acted upon January of 2022.

iii. AB 54 (Kiley) COVID-19 Emergency Order Violation: License Revocation

Ms. Arneson reported that AB 54 failed to pass the Assembly Business and Professions Committee and the most recent amendments to the bill excluded healing arts boards.

iv. AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications

Ms. Arneson reported that AB 105 is currently in the Senate Judiciary Committee and recently was amended.

Dr. Drummer asked who is responsible for monitoring who is on the Board when there are multiple appointing authorities. Mr. Kaiser stated that this was brought up when this bill originated, and the general question of how it would be enforced and who would be responsible was presented to the author's office but was never resolved. Mr. Kaiser stated that in discussion at the DCA level, this bill is an expression of intent and if there were no minorities represented on a Board, the next vacancy would need to be filled according to the provisions of the bill.

v. AB 107 (Salas) Licensure: Veterans and Military Spouses

Ms. Arneson reported that AB 107 is currently in the Senate Business and Professions Committee, however, Ms. Arneson stated that PTBC is excluded from the provisions of this bill as it exempts Boards from the temporary license requirements if the Board already has a similar process in place, which PTBC does with the PTLA status.

vi. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses

Ms. Arneson reported that AB 225 is currently in the Senate Business and Professions Committee.

vii. AB 305 (Maienschein) Veteran Services: Notice

Ms. Arneson reported that AB 305 is currently in the Senate Military and Veterans Affairs Committee.

viii. AB 339 (Lee & Christina Garcia) State and Local Government: Open Meetings

Ms. Arneson reported that AB 339 is currently in the Senate Governance and Finance Committee.

Dr. Drummer asked how this bill applies to the PTBC and licensing Boards. Mr. Kaiser responded that since we fall under the Open Meetings Act, this bill is specifying that larger entities would also be required to adhere to the open meetings provisions of this bill.

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

Ms. Arneson reported that AB 646 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

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

Ms. Arneson reported that AB 657 is currently in the Senate Governmental Organization Committee and was recently amended to exempt DCA Boards and Bureaus.

- xi. AB 885 (Quirk) Bagley-Keene Open Meeting Act: Teleconferencing

Ms. Arneson reported that AB 885 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

- xii. AB 1026 (Smith) Business Licenses: Veterans

Ms. Arneson reported that AB 1026 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

- xiii. AB 1236 (Ting) Healing Arts: Licensees: Data Collection

Ms. Arneson reported that AB 1236 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

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

Ms. Arneson reported that AB 1273 is currently in the Senate Health Committee.

- xv. AB 1386 (Cunningham) License Fees: Military Partners and Spouses

Ms. Arneson reported that AB 1386 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

- xvi. AB 1468 (Cunningham) Prior Authorization

Ms. Arneson reported that AB 1468 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

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

Ms. Arneson reported that SB 102 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022. Ms.

Arneson added that healing arts Boards are exempt from the provisions of this bill.

xviii. SB 250 (Pan) Health Care Coverage

Ms. Arneson reported that SB 250 is currently in the Assembly Committee on Health.

Ms. DeFoe, Executive Director of CPTA, urged the Board to consider taking a support position on this bill, and stated that CPTA does have a support position.

Mr. Kaiser stated that SB 250 doesn't touch on the regulation of the profession but was included because it would affect the profession as a whole and PTBC staff do not have a recommended position on the bill at this time. Mr. Kaiser added that the Board could also look at SB 250 again at the September Board meeting to discuss taking a position as well.

xix. SB 607 (Roth) Professions and Vocations

Ms. Arneson reported that SB 607 is currently in the Assembly Business and Professions Committee.

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

Ms. Arneson reported that SB 731 is currently in the Assembly Public Safety Committee.

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

Ms. Arneson reported that SB 772 is now a two-year bill as it failed the legislative deadline and may be acted upon in January of 2022.

Dr. Drummer asked that the legislative summary for each bill include what the potential impact or interest directly to PTBC be added to the report.

## **12. Rulemaking Report – Brooke Arneson**

### **(A) 2021 Rulemaking Update**

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

#### **i. Proposed Amendments to CCR Section 1399.15 - Guidelines for Issuing Citations and Imposing Discipline, 6<sup>th</sup> Edition**

Ms. Arneson reported that the Disciplinary Guidelines initial rulemaking package was submitted to Agency for review on April 20th, 2021, and it was returned with suggested edits from Agency on May 12th. Ms. Arneson added that PTBC addressed Agency's suggestions and resubmitted the initial rulemaking package back to Agency on June 10, 2021.

#### **ii. Proposed Amendments to CCR section 1398.26.1 - Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool**

Ms. Arneson reported that the initial rulemaking package was submitted to DCA Legal on September 1, 2020, for their review and on April 28, 2021, it was returned with suggested edits. PTBC staff are currently working on those edits to return the package back to legal soon.

#### **iii. Proposed Amendments to 16 CCR sections 1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26.5, 1398.27, 1398.28, 1398.47, 1399.10, 1399.12 - Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States**

Ms. Arneson reported that the regulation documents were submitted to DCA in September 2020 and upon further review, DCA Legal and OAL determined that both the Performance Evaluation Tool and the Clinical Performance Instrument would need to be incorporated by reference. Since this is a non-substantive change, the language needed to be modified to reflect this which is within the Executive Officer's delegation.

#### **iv. Proposed Amendments to 16 CCR 1399.20-1399.22 – (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations**

Ms. Arneson reported that the final rulemaking package was submitted to DCA Legal on May 26, 2021, went to the Director of DCA on June 2<sup>nd</sup>, and was then submitted to Agency on June 9th for their review. Ms. Arneson added that Agency approved the regulation on June 23rd, and it will be filed with OAL by the end of this week.

v. Update Regarding the Development of a Possible Retired License Status Regulation and Fee

Ms. Arneson reported that PTBC staff presented proposed language at the March 2021 Board meeting for Board consideration and that PTBC staff are currently working with DCA Legal to address concerns with the language and we will present proposed language at a future meeting date.

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

Ms. Arneson reported that PTBC staff are still in the research stages and anticipate bringing proposed language for consideration by the Board at a future meeting date.

Dr. Rabena-Amen asked what a reasonable timeframe expectation is for regulations and Mr. Kaiser responded that the regulations as of late have been moving forward quicker. Dr. Rabena-Amen suggested that a presentation at a future Board meeting from the DCA Regulation Unit to give members a perspective of the process and timeline before the regulation unit and movement now would be very helpful. The Board members agreed that a presentation and training from the DCA Regulatory Unit would be very informative.

### **13. Administrative Services Quarterly Update**

(A) Budget Report

Mr. Kenneth Meiss, PTBC's budget analyst presented the Budget Report and reported that the Board continues to report on COVID-19 related costs to the DCA Budget Office weekly and costs have decreased from previous months as PTBC has not spent any money this quarter replenishing PPE equipment or supplies.

Mr. Meiss reported that PTBC is authorized \$6,120,00 for this current fiscal year, which is \$577,000 more than last fiscal year's Quarter, and that expenditures for Quarter 3 have decreased by roughly \$131,000 over last fiscal year's Quarter 3. Mr. Meiss added that year-to-date expenditures have

increased by nearly \$310,000 and PTBC has expended roughly \$70,000 in staff services related to COVID-19 expenses. Mr. Meiss reported that year-to-date, PTBC has expended \$159,000 in personnel salaries which includes \$2,100 for PPE equipment and costs.

Mr. Meiss reported that PTBC collected \$1,596,397 in revenues for Quarter 3, which is about \$8,000 increase from last fiscal year's Quarter 3; however overall year-to-date revenues have decreased by \$5,739 over last fiscal year.

Mr. Meiss stated that PTBC has a healthy fund reserve; however, there are some concerns regarding the decrease in the fund condition which is expected in budget year 2022/23 and budget year 2024/25.

Dr. Rabena-Amen asked why PTBC anticipates the decrease in funds for 2023 and beyond. Mr. Kaiser added that revenue is estimated very conservatively and an increase in the licensing population is not calculated, which would result in an increase in revenue; however, because we are not certain, it is not calculated into the projection for the fund condition. Mr. Kaiser stated that when using real numbers for expenditures and projected conservative numbers for revenue, the fund condition starts to diminish. Mr. Kaiser added that there is no room in PTBC's existing authority for a fee increase since PTBC is at the fee caps. Therefore, asking the Legislature for further authority and higher caps and even estimating a new fee increase during Sunset may be necessary.

#### (B) Outreach Report

Ms. Beauchamps reported that on the PTBC website, there was a 3% decrease in traffic for Quarter 3, which is attributed to outreach efforts to go paperless and directing applicants and licensees to go directly to BreEZe.

Ms. Beauchamps stated that for Facebook statistics for Quarter 3, there were 15,439 people accessing the Board's Facebook page, which was a 30% decrease in traffic due to the pandemic, and historically, Quarter 3 traffic tends to be less. However, when comparing this year's Quarter 3 to last year's Quarter 3, the traffic has increased by about 25%.

Ms. Beauchamps reported that along with social media and the website, PTBC utilizes a listserv, which is used to reach PTBC's licensing population and PTBC has sent out 9 listserv emails regarding waivers, updates and reminders etc.



Ms. Beauchamps reported that PTBC provided virtual outreach presentations to seven programs and provided an outreach presentation to a new up and coming program, Pima Medical Institute, which will soon be CAPTE accredited and has students graduating next month. Ms. Beauchamps added that PTBC has met with program directors from Unitec, which is another up and coming program that is working on becoming CAPTE accredited, and PTBC looks forward to visiting all the up and coming programs as they are accredited.

Ms. Beauchamps reported that PTBC has provided 23 outreach presentations virtually since the start of the pandemic.

Dr. Rabena-Amen asked if there were any updates on the new website for PTBC and Ms. Beauchamps responded that with the pandemic and getting all the Board and Bureau's websites ADA compliant, it halted the progress with the new website development. Mr. Kaiser added that PTBC was very close to the new website template; however, because of ADA compliance litigation the priorities shifted.

#### **14. Application Services Quarterly Update**

(A) Program Statistics

(B) Statistical Reports

Ms. Trent, lead analyst for the Application, Licensing and Continuing Competency Services Unit, reported that even though almost 100% of applications are submitted online, the data on the reports does reflect a decrease in the applications received in the third Quarter. The decrease is attributed to the pandemic and a decrease in volume of graduates applying for licenses; however, an increase in applications moving forward is anticipated with the addition of the new PTA programs.

Ms. Trent thanked her Application Services, Licensing Services and Continuing Competency Services staff for all their hard work over the past year during the pandemic.

Dr. Dominguez asked if there is an anticipation of a surge in applications as program's play catch up and finish off graduating previous class years as school cycles adjust. Ms. Trent responded yes, that applications have already started to pick up as students finish their clinical rotations.

Dr. Rabena-Amen asked for an update on how the submission of electronic P1E's is going for PTBC staff. Ms. Trent responded that it is much easier to have them sent via email and process them. Ms. Trent added that it is

very helpful for staff, applicants and schools to electronically submit them as well, so it is a benefit to everyone.

**15. Licensing Services Quarterly Update**

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

Ms. Trent reported that there were no notable changes in data for Quarter 3 except for the number of duplicative requests being processed online for wall certificates, which has increased. This is attributed to discontinuing the printing of pocket licenses, which information is now provided online.

**16. Continuing Competency Services Quarterly Update**

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

Ms. Trent reported that due to the pandemic, the Board has had to redirect Continuing Competency resources to Application Services to help with the operational need, therefore no licensee audit data is being reported at this meeting.

**17. Consumer Protection Services Quarterly Update**

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

Ms. Beatrice Reynoso presented on behalf of the Consumer Protection Services Unit. Ms. Reynoso reported that recently there was a change in the process of how PTBC transmits cases to the Attorney General's Office in efforts to go green.

Ms. Reynoso stated that in the past, when submitting a case to the Division of Investigation (DOI), the analyst would have to prepare packets of the case's supporting documents and mail them to DOI's intake unit. Ms. Reynoso added that DOI would then have to wait for the packet to arrive before they could send the case to the assigned field office supervising investigator to be assigned. However, with the new process, there is a shared folder in our network drive that can be accessed by both DOI staff and PTBC staff. Ms. Reynoso stated that once DOI receives PTBC's online request for service, DOI will access the shared drive and send the request, along with the attachments, to the assigned field office supervising investigator to be assigned. Ms. Reynoso reported that this new process will be very beneficial, efficient, and will help reduce delays.

**18. Probation Monitoring Services Quarterly Update**

(A) Program Updates

(B) Statistical Reports

Mr. Martin reported that for Quarter 3 seven probationers entered into probation, which was a jump from other Quarters that is attributed to the economy opening back up again and cases being processed.

Mr. Martin reported that one probationer completed probation, one was non-compliant, and there were no surrenders. Mr. Martin added that there are currently 14 tolling out of state. Mr. Martin reported that the number of total probationers dropped significantly due to BreEze not capturing them correctly; and once cleanup was done in BreEze, the probationers went from 82 to 60, which is a much more accurate number.

Mr. Martin reported that one probationer entered Maximus, PTBC's Substance Abuse Rehabilitation Program; one completed the program, one person was deemed clinically inappropriate, and one person was removed from the program due to public risk. Currently, PTBC has 10 participants in the program.

Mr. Martin stated that PTBC continues utilizing Microsoft Teams to conduct Probation monitoring interviews, which has been very successful.

**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).]*

There was no public comment.

**20. Agenda Items for Future Meeting –**

September 16-17, 2021  
Department of Consumer Affairs  
WebEx

Dr. Dominguez stated that he has been asked questions from clinicians wanting to know how to protect themselves from liability when treating patients with telemedicine and how not being physically present with the patient affects their liability.

Dr. Dominguez stated that another question he has been receiving from clinicians is how to supervise PT students that may be in a different location or state than the patient and/or clinician.

Dr. Rabena-Amen suggested a conversation about the direction of the ENMG certification.

**21. Closed Session**

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

The Board entered closed session at 1:45 p.m. and reconvened into open session to adjourn at 4:03 p.m. on June 24, 2021.

**22. Reconvene Open Session**

The Board reconvened from closed session into open session to adjourn at 4:03 p.m. on June 24, 2021.

**25. Adjournment**

The meeting adjourned at 4:03 p.m. on June 24, 2021.