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**Board Members**

**President**

Alicia Rabena-Amen, PT, DPT

**Vice-President**

Katarina Eleby, M.A.

**Members**

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

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

**Physical Therapy Board of California  
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.

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**Thursday, March 24, 2022**

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**1. Call to Order**

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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.

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

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Armstrong - Present

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Dominguez- Present

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Drummer - Present

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Eleby - Present

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

21

McMillian - Present

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Rabena-Amen - Present

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

30

31

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

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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.

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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.

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

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

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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.

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

163  
164 (B) Applications

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

172  
173 (C) Licensing/Continuing Competency

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

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177 (D) Consumer Protection Services

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

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181 (E) Outreach

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

184  
185 Dr. Rabena-Amen asked about the timeline of PTBC's website redesign  
186 and Mr. Kaiser responded that there was a bit of hiatus from the website  
187 development during the sunset process, however at the June meeting  
188 members would hopefully be able to see the new mock remote website  
189 that was created by the DCA Internet Team and Ms. Beauchamps.

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192 (F) PTBC Relocation  
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194 There was no update provided for this agenda item.  
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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 FSBPT may be providing a presentation at the June  
229 2022 Board meeting on existing eligibility requirements nationwide. He  
230 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

233 (B) Department of Consumer Affairs (DCA) – Executive Office  
234

235 Ms. Marykate Cruz Jones with Board and Bureau Relations provided the  
236 Board with an update on behalf of DCA. Ms. Cruz Jones reported that as  
237 California moves towards the endemic, new state and public health  
238 guidance has relaxed mandatory face coverings and masks are  
239 encouraged in indoor settings and high-risk settings, such as health care  
240 facilities. She added that face coverings are mandatory regardless of  
241 vaccination status and to be aware of changing health guidance and as  
242 state representatives we are all expected to adhere to state and local orders  
243 while carrying out our duties.  
244

245 Ms. Cruz Jones reported that on January 5<sup>th</sup>, 2022, Governor Newsom  
246 signed an Executive Order that extends the Sunset date in Assembly Bill  
247 361 allowing Boards and Committees to meet remotely through March 31<sup>st</sup>,  
248 2022. She added that on January 31<sup>st</sup> Assemblymember Quirk introduced  
249 new legislation, AB 1733 which would permanently allow Boards and  
250 Committees to meet remotely while also providing virtual and physical  
251 options for members of the public to participate. Ms. Cruz Jones stated that  
252 if this bill is passed by the legislature and signed by the Governor, it would  
253 take place immediately. She added that we cannot be certain whether AB  
254 1733 will be enacted or when, so Boards should prepare for the possibility  
255 of in-person meetings after March 31<sup>st</sup>. Ms. Cruz Jones reported that  
256 before attending any in-person meetings, members must verify their full  
257 vaccination with DCA's Office of Human Resources or participate in COVID-  
258 19 testing.  
259

260 Ms. Cruz Jones reported that beginning on March 24, 2022, DCA  
261 Headquarters 1 Hearing Room will also be available for Board meetings,  
262 which was previously being used for COVID-19 testing; however, it has  
263 been reopened to support DCA's upcoming in-person Board meetings. She  
264 added that HQ1 and HQ2 Hearing Rooms support hybrid meetings and  
265 DCA will continue to explore how they can expand departmental resources  
266 to support any additional hybrid meeting locations in the future.  
267

268 Ms. Cruz Jones provided an update on DCA's Enlightened Licensing  
269 Project and stated that this workgroup was formed in 2020 to utilize  
270 licensing subject matter experts within the DCA and the purpose is to help  
271 Boards and Bureaus streamline and make their licensing processes more  
272 effective and efficient by utilizing best practices, information technology,  
273 and cost saving measures.  
274

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:



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

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Ms. Arneson reported that AB 105 was vetoed on October 8<sup>th</sup> 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.

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

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Ms. Arneson reported that AB 107 was chaptered on October 8<sup>th</sup>, 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.

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

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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.

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

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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.

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

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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.

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**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 update 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, 2022, 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



