



1

**Board Members**

**President**

Tonia McMillian

**Vice-President**

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

**Members**

Karen Brandon, P.T., DSc P.T.

Katarina Eleby, M.A

Samuel Qiu

Alicia Rabena-Amen, PT, DPT

Vacant, PT, DPT

**Physical Therapy Board of California  
Amend Meeting Minutes**

September 13-14, 2023 9:00 a.m.

West Coast University  
590 N. Vermont Ave.  
Los Angeles, CA 90004  
Room #372

**Board Staff**

Jason Kaiser, Executive Officer

Sarah Conley, Assistant Executive

Officer

Brooke Arneson, Specialist

Liz Constancio, Manager

Valerie Kearney, Manager

Carole Phelps, Manager

2 For the sake of clarity, agenda items discussed during the meeting follow their original  
3 order on the agenda in these minutes though some agenda items may have been taken  
4 out of order during the meeting.  
5

**Wednesday, September 13, 2023**

**1. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order  
by President Ms. McMillian at 9:04 a.m. and recessed at 1:35 p.m. on  
September 13, 2023.

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

McMillian - Present  
Armstrong- Present  
Brandon - Present  
Eleby – Present  
Qiu- Present  
Rabena-Amen - Present

All members were present, and a quorum was established. Also present at the  
meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive  
Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation  
and Regulation Manager; Carole Phelps, Enforcement Manager; Valerie  
Kearney, Licensing Manager and Board staff Kim Rozakis, April Beauchamps  
and Alicia Hernandez.

29

30  
31 **3. Reading of the Board's Mission Statement**  
32

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

37 **4. Review and Approval of March 22-23, Meeting Minutes – Kim Rozakis**  
38

39 Ms. Rozakis presented the draft March 22-23, 2022, meeting minutes. Dr.  
40 Rabena-Amen requested that on page 11, line 144 "member" should be  
41 "members". Dr. Rabena-Amen requested that on page 13, line 201 "f" should be  
42 removed. Dr. Rabena-Amen requested that on page 15, line 267 "Analyst"  
43 should be "Analyze". Dr. Rabena-Amen requested on page 16, line 317 to add  
44 "be" in between will and discussed. Mr. Kaiser requested on page 19, line 417  
45 Consumer is missing a R and to add "Affairs" after Consumer. Dr. Rabena-Amen  
46 requested on page 30, line 859 "Rabena-Amen" is missing a "A" and should be  
47 "Rabena-Amen". Dr. Brandon requested on page 34, line 980 to add "Dr.  
48 Brandon stated AB 1028 may cause unreported cases as in the case of pediatric  
49 patients seeking rehabilitation services seen at her facility and others like it".  
50

51 **MOTION:** Adopt the proposed December 7-8, 2022, Meeting  
52 Minutes as amended.  
53

54 **M/S:** Rabena-Amen/Armstrong  
55

56 **VOTE:** McMillian - Aye  
57 Armstrong- Aye  
58 Brandon - Aye  
59 Eleby – Aye  
60 Qiu - Abstention  
61 Rabena-Amen - Aye  
62 5-0-1 Ayes, Motion Carried

63  
64 **5. President's Report – Tonia McMillian**  
65 (A) 2023 Meeting Calendar

66 Mr. Kaiser stated December 7-8, 2023, is intended to be Strategic Plan  
67 meeting, the 1<sup>st</sup> day Strategic Plan and 2<sup>nd</sup> day Board business, in Sacramento.

68 Mr. Kaiser added there will be an FSBPT educational meeting and with the  
69 change of composition of the Board that affects the Board delegate and  
70 alternate delegate section, Mr. Eleby will now be the primary alternate delegate  
71 and potentially looking for an alternate delegate to attend the meeting. Mr.  
72 Kaiser and included last time elections were made they would do the rest of the  
73 alternate delegates in alpha order. Mr. Kaiser asked Dr. Armstrong if there was  
74 any possibility of her attending the FSBPT meeting in October 19-21, 2023, Dr.  
75 Armstrong added she will not be available. Mr. Kaiser asked Dr. Brandon if she  
76 was available, she stated she was not. Mr. Kaiser asked Ms. McMillian, she  
77 responded she is but wanted to see if anyone else was available. Mr. Kaiser  
78 asked Dr. Rabena-Amen, she responded she is available, but this would a  
79 great opportunity for Mr. Qiu, then Mr. Kaiser asked Mr. Qiu. Mr. Qiu responded  
80 he is available. Mr. Kaiser stated PTBC staff will work with Mr. Qiu to arrange  
81 his travel accommodations.

82  
83 Dr. Rabena-Amen had a concern with December 2023 Board meeting being a  
84 2-day meeting due to Strategic planning. Mr. Kaiser responded he would  
85 recommend a 3-day meeting, but there has not been a lot of volume as it  
86 pertains with petition hearings and the Board will be on the other side of the  
87 legislative calendar. Mr. Kaiser also added another thing to consider is  
88 elections are usually held in December Board meeting and not knowing too  
89 much of what they may have in closed session along with review of September  
90 minutes, Board calendar review, elections and each individual unit presentation  
91 and elections can be done in a single day. Dr. Rabena-Amen asked Mr. Kaiser  
92 if December will get busy with closed session and petitions, Mr. Kaiser  
93 responded there is always a potential that he may ask for an interim meeting  
94 or extension to the December meeting and the December 6<sup>th</sup> can be possibility.  
95 Mr. Kaiser asked the Board members if they had any conflicts with adding the  
96 3<sup>rd</sup> day on December 6<sup>th</sup>, all Board members had no conflicts. Mr. Kaiser  
97 requested to keep December 7-8<sup>th</sup> the same but to add December 6<sup>th</sup>. Ms.  
98 McMillian requested to add December 6<sup>th</sup>.

99  
100 **MOTION:** Add an additional day for December Board meeting  
101 and adopt amended 2023 calendar

102  
103 **M/S:** Rabena-Amen/Brandon

104  
105 **VOTE:** McMillian - Aye  
106 Armstrong- Aye  
107 Brandon - Aye  
108 Eleby – Aye

109 Qiu - Aye  
110 Rabena-Amen - Aye  
111 6-0 Ayes, Motion Carried

112  
113 (B) 2024 Proposed Meeting Calendar

114 Dr. Brandon asked if CPTA conference which is listed in April and September  
115 when the conference will be held. Mr. Kaye representative of California  
116 Physical Therapy Association stated to the members 2024 CPTA conference  
117 will be held in San Francisco and there is no meeting in April.  
118

119 Ms. McMillian swore in Mr. Qiu.

120 Ms. McMillian thanked on behalf of the Board West Coast University for hosting  
121 PTBC for September 2023 Board meeting.

122  
123 **6. Executive Officer's Report – Jason Kaiser**  
124

125 (A) Administrative Services  
126 1) Staffing

127 Mr. Kaiser updated the members with the cancelation of June Board meeting  
128 the Board is picking up where they left off. Mr. Kaiser added since the  
129 cancelation of the June Board meeting, the Board has been busy extremely  
130 busy.  
131

132 Mr. Kaiser welcomed Sam Qiu to the Board, Mr. Kaiser added Mr. Qiu came to  
133 the Board as an Assembly Speaker appointment and has a great deal of Board  
134 experience serving as a commissioner and as a member of several different  
135 councils, Mr. Qiu replaces Johnathon Ervin. Mr. Kaiser thanked Mr. Qiu and  
136 welcomed him for his commitment and service. Additionally, Mr. Kaiser would  
137 like to thank Johnathon Ervin for his service and there is still one vacancy to be  
138 filled, a Governors Professional position, Dr. Drummers prior position.  
139

140 Dr. Rabena-Amen asked Mr. Kaiser what the amount of time for the Board is  
141 to expect the vacancy to be filled. Mr. Kaiser stated the appoint should be filled  
142 by the end of the year.  
143

144 Mr. Kaiser presented to the members vacancies within the Board, there are 6  
145 vacancies, 4 in Application and Licensing and 2 that are new authority as of

July 1, 2023, 1 in Continuing Competency and 1 in Consumer Protection which is at 20% vacancy rate. Mr. Kaiser stated with the 20% vacancy rate this should result in some kind of backlogs or performance issues, but staff have really taken this in stride.

Mr. Kaiser added Outreach and he is happy Ms. Beauchamps is back and have tackled big projects including creating PTBC's new website, Tik Tok and Outreach presentations scheduled out well into the future with a very busy rest of the year.

Dr. Rabena-Amen asked how long vacancies go unfilled and how difficult it is to fill those vacancies. Mr. Kaiser responded vacancies are taking longer in a post-pandemic era. Mr. Kaiser added typically the process can take 3-4 months start to finish but now is taking 6 months. Mr. Kaiser added sometimes the best suitable candidates happens to be an internal candidate, which turns around and creates a new vacancy.

Ms. McMillian asked if staff is onsite now. Mr. Kaiser responded the average is 2 days in the office and some staff with the nature of their work can't telework like receptionist and cashiering where it is necessary to be in the building. Mr. Kaiser added with the new vacancies it is much easier to train people in person then training remote, there may be some changes with 2 days remote and 3 days in office vice versa. Ms. McMillian asked Mr. Kaiser if all the vacant positions are onsite, Mr. Kaiser responded those positions are hybrid, but in the beginning with training they will be onsite 5 days and depending on the position there maybe potential to telework 1 or 2 days a week.

Dr. Rabena-Amen asked Mr. Kaiser how he feels the Board is staffed. Mr. Kaiser responded when he took over as the Executive Officer there were 13 positions, and the profession continues to grow. Mr. Kaiser added with 30 staff assuming all the vacancies are filled, he feels the Board is efficiently staffed with a couple of projects on the horizon possibly another Probation Monitor.

Dr. Armstrong asked if all the Outreach presentations are in person. Mr. Kaiser responded no, some are in-person, and some are online. Mr. Kaiser added request for in-person has increased since the pandemic.

Mr. Kaye representative of California Physical Therapy Association reported to the Board that September 21-22, 2024, will be the dates for the CPTA conference.

(B) Licensing Services

Dr. Brandon asked how the processing time compares to other groups with the same number of applications per month/year. Mr. Kaiser responded that is a really hard comparison because there are certain things about the Boards application process that may differ. Mr. Kaiser added for PT/PTAs there are fixed date testing systems where they can only test 4 times a year where another profession may have continuous testing whereas that continues testing might speed it up a little bit. Mr. Kaiser stated if the fix state testing was removed and moved to continuous testing, time would have been saved more and the time would look even better. Mr. Kaiser added the Boards timeframes are excellent with fixed testing.

Dr. Brandon asked with the fixed dates and number of applications who compares to PTBC with the same level of education. Mr. Kaiser responded with application process alone the closes is Occupational Therapy except there aren't the same number of programs and there aren't the same number of graduates. Mr. Kaiser added the closest number of applications received would be Board of Behaviors Sciences, but it is difficult to compare.

#### (C) Consumer Protection Services

Mr. Kaiser stated Consumer Protection Services the Enforcement program has experienced change as well with vacancies and moving around Mr. Phelps has done an excellent job in maintaining the status quo and keeping projects like training for Department of Investigations and training for expert consultants.

Ms. McMillian asked what happened to the second Probation Monitoring position. Mr. Kaiser responded the number of probationers to the number of probation monitors the ration was high and they wanted to have 2 Probation Monitors, one for Southern California and one for Northern California or divide the list of probationers up. Mr. Kaiser added authority was given to hire a second probation monitor, but COVID allowed the probation monitors to monitor those probationers remotely with more frequent phone calls whereas before travel was required to make observations and the number of probationers starting to go down. Currently, the number of probationers is enough for just one probation monitor. Mr. Kaiser added the second probation monitor position was reclassified as an ADA/IT position and moved to another unit, but, as we come out of the pandemic revisiting the issue again can happen.

226

227

228 **7. Consumer and Professional Associations and Intergovernmental**

229 **Relations Report**

230

231 (A) Federation of State Boards of Physical therapy (FSBPT)

232 Mr. Kaiser reported he and Ms. Eleby attended a leadership issues forum with

233 a lot of talks of artificial intelligence, tele medicine, sexual boundaries and

234 sexual misconducts among practitioners and guidance. Mr. Kaiser added

235 during the 3<sup>rd</sup> day of the meeting he and Ms. Eleby were invited to a Model

236 Practice Act session and looked at what is FSBPT/APT's Model Practice Act

237 and compared it to the existing Practice Act. Mr. Kaiser added the Model

238 Practice Act is contained within the California Practice Act and there is a

239 cross walk now where they can look at what those differences are and keep

240 them on the horizon and always consider them when looking at future

241 legislation.

242 Dr. Rabena-Amen asked if there was anything that wasn't included that might

243 stand out. Mr. Kaiser responded in the Model Practice Act that the hot button

244 topics are dry needling, difference between manipulation and mobilization,

245 legislation of cannabis and how that play to topical medication and

246 contraindications in treatments. Mr. Kaiser added the idea of animal

247 rehabilitation is now a portion of the Model Practice Act.

248 Dr. Rabena-Amen since the meeting what is next. Mr. Kaiser responded

249 FSBPT will do a comparative analysis what was provided back as input and

250 there will be a few more workshops to discuss the language refinements that

251 might need to be made as a result to the workshops and how it might fit other

252 jurisdiction better or even optional language to the Model Practice Act.

253 Ms. McMillian asked Mr. Kaiser if he wanted to update on dry needling. Mr.

254 Kaiser responded there is no update with where they are today and potentially

255 where they could be in the future with future legislation where the association

256 may bring the modernization bill.

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

Ms. Gear, Deputy Director of Board and Bureau Relations reported to the Board and congratulated Mr. Qiu to his appointment and Ms. McMillian on her re-appointment and thanking Mr. Ervin for his service.

Ms. Gear added on September 29, 2023, the DEI (Diversity Equity and Inclusion Steering Committee will hold its quarterly meeting to discuss employee engagement, cultural events and observations, membership composition, DEI training, DEI hiring principles and development of a DEI development webpage. Ms. Gear added the DEI Steering committee announced an outside consultant Dr. Bernard Gibson will provide in-person DEI training to DCA managers, supervisors and leaders in October in addition Dr. Gibson will provide virtual training to Board members on the morning of October 9, 2023. Ms. Gear added on November 7, 2023, consultant Christopher Vil will provide training on DEI dialogue for leaders to DCA managers, supervisors and leaders, training will include example language and tools discuss psychological safety and how it impacts these conversations and include interactive discussion around challenges leaders are facing. Lastly, DEI Steering Committee is pleased to highlight the work of the Board of Barbering and Cosmetology (BBC) is collaborating with the Los Angeles County probation department to launch the first youth and county level barbering program by late winter. Furthermore, BBC has been collaborating with Department of Corrections and Rehabilitation (CDCR) to relaunch its testing program within State Correctional Facilities expanding to include barbering, anticipating this will be a large program with four facilities committing to include barbering schools. Ms. Gear stated if the Board wishes to share its DEI activities with other boards and bureaus, your Executive Officer can do so with Tanya Corcoran, DEI Steering coordinator. Ms. Gear stated DCA will request boards and bureaus translate press releases into both Spanish and English.

Ms. Gear stated as of July 1, 2023, public meetings are subject to the traditional pre-covid requirements for open meetings, DCA board and bureaus should be prepared to conduct public meeting to comply with the Bagley Keen Opening Meeting Act. Ms. Gear added, as of August 28, 2023, DCA's Division of Legislative Affairs has been monitoring SP 143 which is a trailer bill that includes language related to the Bagley Keen Open Meeting Act proposed changes would allow for remote public meetings without notice locations accessible to the public until December 31, 2023, since this is a Budget Trailer bill it will be immediately effective once it is signed by the Governor. Ms. Gear added SB 544 which may allow for some meetings to be held without it noticing the location of the Board members. Allowing remote virtual meetings is still going through the legislative process and the DCA's Division of Legislative



299 Affairs is working with stakeholders to provide updates to the boards and  
300 bureaus.  
301

302 Ms. Gear updated the Board on the Enlightened Enforcement Project, which  
303 was piloted by the California Dental Board, the project aims to improved  
304 procedures, share best practices and standardized procedures for all board  
305 and bureaus ultimately creating a template for enforcement policies and  
306 procedures. Ms. Gear added DCA continues to improve its reports regarding  
307 licensing and enforcement activities, the director recently led multiple work  
308 group meeting from staff from each board and bureau to update data metrics  
309 reported in DCA's annual report.  
310

311 Ms. Gear wanted to remind the Board before a newly appointed or reappointed  
312 Board member performs official functions Board members must take the Oath  
313 of Office. Additionally, Board members must complete documents listed on the  
314 Board member appointment checklist (HR-5) and return them to the office of  
315 Human Resources no less than 30 days after their appointment or  
316 reappointment appointment or re-appointment duties cannot be assumed, and  
317 appointments cannot be processed until documents are received and are  
318 accurately completed. Ms. Gear added there are two DCA wide mandatory  
319 trainings for 2023, Sexual Harassment Prevention Training and Information  
320 Security Awareness, All DCA appointed employees including Board members  
321 need to complete the trainings this year.  
322

323 Ms. Gear shared with the Board the Attorney General recently issued a press  
324 release adding three new states to California's restricted travel list with  
325 staggered effective dates in 2023 and 2024 are Wyoming (restricted July 14,  
326 2023), Missouri (restricted August 28, 2023), Nebraska (restricted October 1,  
327 2023). Lastly, Board members must complete Board Member Orientation  
328 Training (BMOT) within 1 year of appointment or reappointment. BMOT will be  
329 offered virtually on October 10, 2023.  
330

331 Dr. Rabena-Amen asked Ms. Gear how many states are on the no go list. Ms.  
332 Gear responded there are 27.  
333 Mr. Kaiser thanked Ms. Gear for handling the Boards request quickly.  
334

335 The Board entered into break at 10:39 a.m. and reconvened at 10:58 a.m. on  
336 September 13, 2023  
337

(C) California Physical Therapy Association (CPTA)

Mr. Kaiser stated there is no update on CPTA.

**8. Website Presentation – April Beauchamps & Vincent Azar**

Ms. Beauchamps and Mr. Azar presented the Board with the new PTBC website.

Ms. Eleby requested on the “contact us” page to add a phone number for PTBC staff to contact the requestor.

Dr. Rabena-Amen asked why there is not a contact number for each unit on the “contact us” page. Mr. Azar responded the main phone number is listed and the caller will be directed to a phone tree where they can select the unit to be connect to.

Dr. Rabena-Amen asked when submitting a request on the “contact us” tab if there could a response time frame. Mr. Kaiser responded that can be added.

Mr. Kanotz complimented Ms. Beauchamps and Mr. Azar on the new website and how easy it is to use. Mr. Beauchamps responded and thanked other staff who have helped develop the website.

Dr. Rabena-Amen asked how the Board will get feedback on the new website. Ms. Beauchamps responded a survey will be created and will post on the website along with e-blast if possible and post on social media.

**9. Closed Session**

The Board entered into closed session at 1:10 p.m. And adjourned at 1:35 p.m. on September 13, 2023.

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

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

375  
376 **11. Recess**  
377

378 The meeting recessed at 1:35 p.m. on September 13, 2023.

379 **Thursday, September 14, 2023**  
380

381 **12. Call to Order**

382 The Physical Therapy Board of California (Board) meeting was called to order  
383 by President. McMillian at 9:05 a.m. and adjourned at 11:56 a.m. by Vice  
384 President Armstrong on September 14, 2023. Ms. McMillian was absent  
385 beginning at 11:16 a.m.  
386

387 **13. Roll Call and Establishment of Quorum**  
388

389 McMillian - Present  
390 Armstrong- Present  
391 Brandon - Present  
392 Eleby – Present  
393 Qiu- Present  
394 Rabena-Amen - Present  
395

396 All members were present, and a quorum was established. Also present at the  
397 meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive  
398 Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation  
399 and Regulation Manager; Carole Phelps, Enforcement Manager; Valerie  
400 Kearney, Licensing Manager and Board staff Kim Rozakis, April Beauchamps  
401 and Alicia Hernandez.  
402

403 **14. Reading of the Board's Mission Statement**  
404

405 Dr. Brandon read the Board's mission statement: To advance and protect the  
406 interests of the people of California by the effective administration of the  
407 Physical Therapy Practice Act.  
408

409 **15. Federal Military Spouse Licensing Relief Act – Michael Kanotz**  
410

411 Mr. Kanotz presented on the Federal Military Spouse Licensing Relief Act that  
412 came into law January 5, 2023.  
413

414 Mr. Kaiser stated Mr. Kanotz presentation is directly related to the federal  
415 statutes itself. Mr. Kaiser added the Board has everything they need in the  
416 federal statutes alone, provide the Board with the military order that can be used  
417 to determine what licensees they have in other states, but they also reserve the  
418 rights for point of clarity in that statutes where the Board can ask to prove the  
419 military spouse. Mr. Kaiser stated when staff receives one of these they will look  
420 at if they have licenses in other states and would they consider those licenses  
421 to be in good standing (no discipline), where the current licenses have to be  
422 active and current. Mr. Kaiser stated registrant equals licensees for the purpose  
423 of things like discipline and continuing competency that will have to be case by  
424 case tested as they come across those situations.

425  
426 Mr. Kanotz added they do not have to get an official endorsement to register for  
427 a license in another state where they can provide a copy of the other states  
428 online look-up. Mr. Kanotz stated this does not preempt or foreclose the other  
429 avenues that are currently available for services members or spouses.  
430 Additionally, if they choose to obtain a license in California, they are still entitled  
431 to the expedited application process.

432  
433 Dr. Rabena-Amen asked if there are some states who are not allowing these  
434 individuals to practice sooner. Mr. Kaiser responded yes, there are other points  
435 of resistance not necessarily this Board or this State, but the Department of  
436 Defense has had this kind of continuing issue with licensure portability,  
437 deployments, reassignments and with the lack of flexibility for active-duty  
438 members and their military spouses. Mr. Kaiser added the Board has devoted a  
439 Liaison or resource to help them walk through the process to make it easier and  
440 to make their transition coming to California to be as simple as it possibly can  
441 be.

442  
443 Dr. Rabena-Amen asked what kind of documentation might the Board ask for  
444 from a military spouse as far as their work experience in the last two years? Mr.  
445 Kaiser responded active in the last 2 years can mean saw one patient in the last  
446 two years and the Board would give them the benefit of the doubt that would  
447 allow them to qualify. Mr. Kanotz added the statutes requires them to sign an  
448 affidavit saying that they have performed some activity in the last two years.

449  
450 Dr. Brandon asked does it require that the Board create another category in the  
451 current licensure assessment. Mr. Kaiser answered the onus of practice in the

452 military order and termination date the onus of that fall on the military member.  
453 Mr. Kaiser added any interaction with these military members, or their spouses  
454 will be reactionary.  
455

456 Dr. Armstrong asked does the clock or the date start when they start practicing  
457 here or does the Board go back two years. Mr. Kanotz answered it is unclear.  
458 Mr. Kaiser added internally, but an example would be if the Board received a  
459 Consumer complaint about that military member and as part of that investigation  
460 one of the things that the Board would ask is in California however long you  
461 have been here, have you collected thirty hours within the last two years.  
462

463 Dr. Brandon asked if she was an employer of a physical therapist and an  
464 application was received, what is required for the physical therapist to provide  
465 to know they are authorized to practice in this state. Mr. Kaiser answered the  
466 portal itself is being designed, depending on the assignment order received  
467 there may be a file in the portal where there might be a display and if there is an  
468 extension, they are obligated to send it to the Board. Mr. Kanotz added one of  
469 the requirements for posting on the internet website is the person's registration  
470 status, that may be the opportunity for the Board to ascertain when their end  
471 date is. Dr. Brandon stated she would appreciate the concept of having the end  
472 date versus the current or not current because one day it could be current and  
473 the next day it says not current, where patients are scheduled. Mr. Kaiser added  
474 military orders commonly have an end date on assignment, but it is also very  
475 common to see it to be determined. Mr. Kaiser stated they would have to take  
476 consideration when looking through the portal.  
477

478 Mr. Kanotz added another situation that has been discussed is if the spouse and  
479 the service member are divorced or they dissolve their domestic partnership,  
480 the privilege to practice for the spouse would immediately end.  
481

482 Dr. Rabena-Amen asked if this individual coming in under SB-143 is required to  
483 take the Board's California Law Exam. Mr. Kaiser responded no. Mr. Kanotz  
484 added that federal law prohibits it.  
485

486 In public comment, Mr. Kaye stated that his employer has to credential all of  
487 their therapists and have contracts with insurance companies to do that  
488 credentialing. Mr. Kaye added he is warning the Board that they will be

inundated with calls as to credentialing. Mr. Kaiser added the federal statutes is something the Board has no control over.

## **16. Legislation Report – Brooke Arneson**

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:

### **(A) 2022/23 Legislative Session Summary**

#### **1) AB 47 (Boerner Horvath) Pelvic Floor Physical Therapy Coverage**

This bill was introduced on December 5, 2023, which would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2024, to provide coverage for pelvic floor physical therapy after pregnancy. This bill's last location was Assembly Health Committee since it failed the legislative deadline it is now a two-year bill and maybe acted up January 2024. At the March Board meeting the board did take a support position on this bill, a copy of the support letter was included in the Board meeting materials.

#### **2) AB 381 (Blanca Rubio) Teacher Credentialing: Services Credential with a Specialization in Health: Occupational and Physical Therapists**

This bill was amended May 1, 2023, which would allow occupational therapists and physical therapists to use their specializations to hold teacher credentials with a specialization in health. This bill's last location was the Assembly Appropriation Suspense File and since it failed the Legislative deadline it is now a two-year bill and may be acted upon January 2024. At the March Board meeting the Board took a support position on this bill, a copy of the support letter was included in the Board meeting materials and submitted to the legislature earlier in the session.

#### **3) AB 796 (Weber) Athletic Trainers**

This bill was amended July 6, 2023, and the last location was the Senate BMP committee, since it failed the legislative deadline, it is also a two-year bill and may be acted upon January 2024. This bill would enact the Athletic Training Practice Act, which would establish, until January 1, 2028, the Athletic Trainer Registration Committee within the Medical Board of California to register athletic trainers and administer duties

527 under the act. The bill would prohibit a person from practicing as an  
528 athletic trainer or using certain titles or terms without being registered by  
529 the Committee.

530 4) AB 814 (Lowenthal) Veterinary Medicine: Animal Physical Rehabilitation

531 This bill was amended April 27, 2023 which would authorize a licensed  
532 physical therapist to be registered with the Veterinary Medical Board  
533 as a registered animal physical therapist and to provide animal physical  
534 rehabilitation, as defined, to an animal if specified requirements are  
535 met, including that the registered animal physical therapist performs all  
536 delegated animal rehabilitation tasks under the supervision of a  
537 veterinarian who has an established veterinarian-client-patient-  
538 relationship with the animal. This bill would authorize an animal  
539 physical rehabilitation assistant, as defined, to assist with delegated  
540 animal rehabilitation tasks subject to specified conditions, including that  
541 the tasks are performed under the direct supervision of a registered  
542 animal physical therapist. This bill would require the owner or operator  
543 of an animal physical rehabilitation facility, as defined, to submit a  
544 registration application to the Veterinary Medical Board and pay a  
545 registration fee, as prescribed. This bill is a two-year bill and did not  
546 pass the Senate BMP committee by the Legislative deadline and could  
547 be acted upon on January 1, 2024. Additionally, a handout was given,  
548 which is a letter that was received on behalf of the Animal Physical  
549 Therapy Collation regarding their support of this bill.

550

551 5) AB 820 (Reyes) State Boards and Commissions: Seniors

552 This bill was amended on July 3, 2023, and was held under submission  
553 in the Senate Appropriation Committee. This would require the  
554 composition of various advisory groups and bodies to include a state  
555 agency official responsible for administering programs that serve, or  
556 state commission official that advocates on behalf of, older adults, as  
557 defined, or a representative from an organization that serves or  
558 advocates on behalf of older adults. For purposes of this bill, "older  
559 adult" is defined as a person 60 years of age or older. This bill is a two-  
560 year bill and did not pass the Senate BMP committee by the Legislative

561 deadline and could be acted upon on January 1, 2024

562  
563 6) AB 931 (Irwin) Prior Authorization: Physical Therapy

564 On September 11, 2023, the Assembly concurred with the Senate's  
565 amendments, on September 12, 2023, this bill was enrolled. This bill  
566 would prohibit a health care service plan contract or health insurance  
567 policy issued, amended, or renewed on or after January 1, 2025, that  
568 provides coverage for physical therapy from imposing prior  
569 authorization for the initial 12 treatment visits for a new episode of care  
570 for physical therapy. The bill would require a physical therapy provider  
571 to verify an enrollee's or an insured's coverage and disclose their share  
572 of the cost of care, as specified. The bill would require a physical  
573 therapy provider to obtain separate written consent for costs that may  
574 not be covered by the enrollee's or insured's plan contract or policy,  
575 that includes a written estimate of the cost of care for which the enrollee  
576 or insured is responsible if coverage is denied or otherwise not  
577 applicable. With respect to health care service plans, the bill would  
578 specify that its provisions do not apply to Medi-Cal managed care plan  
579 contracts. The Board did take a support position at the March 2023  
580 Board meeting, a copy of the letter is in the meeting materials. The  
581 support letter was sent to both the Author's Office and the Legislature.

582  
583 7) AB 996 (Low) DCA: Continuing Education: Conflict-of-Interest Policy

584 This bill was ordered on an active file at the request of Senator Roth on  
585 August 17, 2023. This bill would require entities within the Department of  
586 Consumer Affairs, who are responsible for approving continuing  
587 education providers or courses, to develop and maintain a conflict-of-  
588 interest policy that discourages the use of any continuing education  
589 course, if the provider of that course has an economic interest in a  
590 commercial product or enterprise promoted in that course and requires  
591 conflicts to be disclosed at the beginning of each continuing education  
592 course. 8) AB 1028 (McKinnor) Reporting of Crimes: Mandated  
593 Reporters

594  
595 This bill was amended in the Senate on June 28, 2023, and failed the



Legislative deadline on September 1, 2023. The last location of the bill was the Senate filed on September 29, 2023, and may be acted upon again on January 1, 2024. This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead only require that report if the health practitioner suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm, a wound or physical injury resulting from child abuse, or a wound or physical injury resulting from elder abuse.

9) AB 1163 (Luz Rivas) State Forms: Lesbian, Gay, Bisexual and Transgender Disparities Reduction Act

This bill was amended in the Senate on September 8, 2023, and signed by the governor and chaptered September 13, 2023. The Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, requires prescribed state entities, including the State Department of Health Care Services and the Civil Rights Department, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to collect voluntary self-identification information pertaining to sexual orientation and gender identity, except as specified. Current law prohibits these state entities from reporting demographic data that would permit identification of individuals or would result in statistical unreliability and limits the use of the collected data by those entities, as specified. Current law requires these state entities to report to the Legislature specified information related to the data and make the data available to the public, except for personally identifiable information, which existing law deems confidential and prohibits disclosure of that information. This bill would add intersexuality to the voluntary self-identification information to be collected, would apply these provisions to additional state entities, and would require these state entities to come into compliance with these provisions as early as possible following January 1, 2024, but no later than July 1, 2025.

10) AB 1751 (Gipson) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain

This bill was amended on April 13, 2023, in the Assembly and its last location was the Assembly Health Committee, but failed the Legislative deadline and is not a two-year bill. Current law requires a prescriber, with certain exceptions, before directly dispensing or issuing for a minor the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss specified information with the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment. This bill would extend that requirement for the prescriber by applying it to any patient, not only a minor, under those circumstances. This bill defies nonpharmacological treatments for pain to include but are not limited to acupuncture; chiropractic care; physical therapy; occupational therapy; and licensed mental health provider services.

11) SB 14 (Grove, Caballero, and Rubio) Violent Felonies: Serious Felonies: Human Trafficking

This bill was amended on September 1, 2023, and was passed out of the assembly and on September 13, 2023, the Senate concurred with the Assembly amendments and was ordered to engrossing and enrolling. This bill designates human trafficking of a minor for purposes of a commercial sex act as a "serious felony," making it a strike for purposes of the Three Strikes Law.

12) SB 143 (Committee on Budget & Fiscal Review): State Government

This bill was signed by the Governor and chaptered September 13, 2023, since this bill was a trailer bill it did become effective immediately. The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference under specified conditions, including, among others, that each teleconference location be accessible to the public and that at least one member of the state body be physically present at the location specified in the notice of the meeting. Prior to July 1, 2023, current law, authorized, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspended certain requirements of the act, including the requirements referenced above. This bill, until December 31, 2023, would reinstate the above-described authorization for a state body to hold public meetings through teleconferencing utilizing online platforms such as Webex etc.

This bill would additionally, require a registering authority, defined as specified boards, bureaus, and commissions and the Department of Real Estate, to register a servicemember or a spouse of a servicemember who relocated to this state because of military orders for military service within this state and meets specified requirements, including that the applicant submits to the registering authority an affidavit attesting that the applicant meets all of these requirements and the information submitted to the registering authority is accurate to the best of the applicant's knowledge. This bill would require the registering authority to post specified information on the registering authority's internet website for each person registered pursuant to these provisions. This bill would provide that a person registered pursuant to these provisions be deemed to be a licensee of the registering authority for purposes of the laws administered by that registering authority relating to standards of practice, discipline, and continuing education, as specified, and would authorize the registering authority to take specified enforcement actions against the person. Additionally, this bill would prohibit a registering authority from collecting or requiring a fee for registration pursuant to these provisions.

#### 13) SB 268 (Gil) Crimes: Serious and Violent Felonies

This bill was amended in the Senate on April 25, 2023, but failed the Legislative deadline and it's last location was the Senate Public Safety Committee and is not a two-year bill. Current law defines the terms "serious felony" and "violent felony" for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the Three Strikes Law. This bill designates rape of an intoxicated person where the defendant drugged the victim with intent to commit sexual assault as a violent felony.

#### 14) SB 372 (Menjivar) DCA: Licensee and Registrant Records: Name and Gender Changes

This bill was amended in the Assembly on September 1, 2023, and enrolled and presented to the Governor on September 11, 2023. This bill would require a board within the DCA to update a licensee's or registrant's license by replacing references to the former name or gender on the license or registration, as specified, if the board receives

documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. If the board operates an online license verification system, this bill will require the board to replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet. This bill would prohibit a board from publishing information relating to the licensee's or registrant's former name or gender online. Instead, this bill would require the board to post an online statement directing the public to contact the board for more information. For specified licensees or registrants, the board would be prohibited from posting enforcement records online but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed. This bill would provide that all records related to a request to update an individual's license or registration under these provisions are confidential and not subject to public inspection or disclosure.

#### 15) SB 525 (Durazo) Minimum Wage: Health Care Workers

This bill was amended in the Assembly on September 11, 2023, on September 13, 2023, it was read a second time in order to a third reading. this bill would establish separate minimum wage schedules for covered health care employees, as defined within the provisions of the bill, depending on the nature of the employer. This includes the following:

Dialysis clinics and large health systems with more than 10,000 workers would pay a minimum wage of \$23 an hour in 2024, \$24 in 2025, and \$25 in 2026. Hospitals with a high mix of Medi-Cal and Medicare patients, as well as rural independent hospitals would have to pay workers \$18 an hour in 2024. That rate would increase 3.5% annually until it reaches \$25 in 2033. Community clinics would start the pay increase at \$21 per hour in 2024, rising to \$22 in 2026 and \$25 in 2027. Other health care employers would increase their minimum wage to \$21 per hour in 2024, \$23 in 2026 and \$25 by 2028.

#### 16) SB 544 Bagley-Keene Open Meeting Act: Teleconferencing

This bill is sponsored by the California Commission on Aging, and it

revises, until January 1, 2026, certain teleconference requirements under the Bagley-Keene Open Meeting Act which requires all meetings of a state body be open and public. Specifically, this bill as recently amended: Preserves existing Bagley-Keene teleconference law as is with no changes, members can attend meetings from multiple different teleconference sites, connected electronically via audio or audio and video, and the public must be allowed to personally attend each teleconference site where a member is located. For this bill, a “teleconference location” is defined to mean a physical location that is accessible to the public and from which members of the public may participate in the meeting. This bill adds a new, but not exclusive, teleconference option in new section Government Code Section 11123.2 that requires a majority of the members of the state body must be at one physical, publicly accessible location, and also allows additional members above a majority to participate in the meeting from non-public sites remote sites, as long as the public can also participate in the meeting both remotely and from publicly-accessible sites. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location. If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the members relationship with any such individuals. In addition, the members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform. This bill also requires that upon discovering that a means of remote public access and participation required has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting. This bill would permit a person to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting via an exemption from current law where an internet website or other online platform may require the submission of information to log into a teleconferenced meeting. It amends existing law Government Code section 11123.5 for advisory bodies only (i.e., advisory committees to a board) to allow all members of advisory bodies to participate remotely in meetings from private non-public locations, as long as there’s one physical location

791 with at least one staff member where the public can attend, and the  
792 public can also access the meeting remotely.

793  
794 PTBC Board President Ms. McMillian took an interim support position  
795 on this bill in July, a copy of the interim support letter is included on  
796 meeting materials which was submitted to the Legislature. Staff is  
797 recommending the Board consider taking an official position in support  
798 in this bill as it will increase public access and engagement to  
799 stakeholders.

800  
801 **MOTION:** Move to take a support President McMillians letter on  
802 SB 544

803  
804 **M/S:** Armstrong/Rabena-Amen

805  
806 **VOTE:** McMillian - Aye  
807 Armstrong- Aye  
808 Brandon - Aye  
809 Eleby – Aye  
810 Qiu- Aye  
811 Rabena-Amen - Present  
812 6-0 Ayes, Motion Carried

813  
814 Mr. Kaiser added should this bill be signed by the Governor, there are two  
815 things to consider. SB 143 the trailer bill that has language pertaining to  
816 federal statues for military spouses also has language in that extended the  
817 executive order during the pandemic for teleconferences until January 1,  
818 2024. Additionally, for the rest of the year the Board can do remote meetings  
819 similar to which was done during the pandemic after January 1, 2024.  
820 Under SB 544, Bagley-Keene remains the same and an addition allows  
821 remote meeting but the majority of the Board members would have to be in  
822 a single location, the ones that are remote would not have to post where  
823 they were and would not have to make it public accessible, but, would have  
824 to be able to provide access to the public where they can participate remote  
825 or access to the physical location where majority of the members are. Mr.  
826 Kanotz added if a Board member has a disability and is unable to come to  
827 the physical location, they can, prior to the meeting, obtain an exemption  
828 and they would not count towards the majority of being present.

829  
830 Dr. Rabena-Amen asked if there can be more than one teleconferencing  
831 location. Mr. Kaiser answered with the traditional teleconference you could

832 have up to eight (central location with staff and each board member)  
833 somewhere within California that is accessible to California citizen. Mr.  
834 Kaiser added the second addition you would have to have one physical  
835 location where the public can participate and in that location the majority of  
836 the members can participate remotely, and they would not have to display  
837 or provide access to the public at that location. Mr. Kanotz added the real  
838 danger of having several locations if anyone of those locations goes down,  
839 then you would have to cancel the meeting until it comes back up. Mr.  
840 Kanotz stated some Boards have standing committees rather than having  
841 discussions in the main board meeting. They would make decision then  
842 advise the Board streamlining the Board meeting to an extent.

843  
844  
845 17) SB 816 (Roth) Professions and Vocations  
846

847 This bill was amended in the Assembly on September 8, 2023, and on  
848 September 13, 2023, the Senate concurred with the Assembly's  
849 amendments. This bill is the Business and Professions omnibus bill.  
850 Current law, effective until January 1, 2025, sets forth an approval  
851 process for a vocational nursing school or program and authorizes the  
852 Board of Vocational Nursing and Psychiatric Technicians to reduce the  
853 continuing approval fees, by no more than 1/2 of the established fee, for  
854 a program that experiences a reduction in state funding that directly  
855 leads to a reduction in enrollment capacity. Current law, the Psychiatric  
856 Technicians Law, also grants the board authority to license and regulate  
857 psychiatric technicians. That law, effective until January 1, 2025,  
858 similarly establishes an approval process for a school or program for  
859 psychiatric technicians and authorizes the board to reduce the  
860 continuing approval fees, by no more than 1/2 of the established fee, for  
861 a program that experiences a reduction in state funding that directly  
862 leads to a reduction in enrollment capacity. This bill would instead  
863 authorize the board to reduce the continuing approval fees in the above-  
864 described circumstances for a program that experiences a reduction in  
865 enrollment capacity that directly leads to a reduction in state funding.  
866 This bill would revise related provisions to require the board to require a  
867 program to provide documentation for purposes of issuing the fee  
868 reduction.

869 **17. Rulemaking Report – Brooke Arneson**

870 Ms. Arneson presented the rulemaking report.

871 (A) 2023 Rulemaking Update for Pending or Proposed Regulations (Title  
872 16, California Code of Regulations (16 CCR))

873 1) Amendments to 16 CCR section 1398.26.5- Clinical Service  
874 Requirements for Foreign Educated Applicants Completing a  
875 Supervised Clinical Practice in the United States

876  
877 Ms. Arneson stated the Performance Evaluation Tool for foreign  
878 educated PTs was submitted to the Office of Administrative Law on  
879 March 28, 2023, and was approved and became effective on May  
880 9, 2023. Ms. Arneson added the final rulemaking file is posted on  
881 the Boards website.

882  
883 2) Update Regarding the Development of Possible Amendments to  
884 the Board's Continuing Competency Regulations

885 Ms. Arneson reported they are still in the process of researching  
886 and developing regulatory proposal and will be presenting those to  
887 the Boards at a possible meeting date in the future.

888 Ms. Arneson added at the December 2023 Board meeting the 2024  
889 proposed Rulemaking calendar for Board consideration.

890  
891 Dr. Rabena-Amen asked when the continuing competency report  
892 will be out. Mr. Kaiser answered best guess would be the March  
893 2024 meeting. Mr. Kaiser added there are ideas of proposals that  
894 the Board would like to present but a little more work is needed with  
895 vacancy issues.

896  
897 Dr. Rabena-Amen asked how the tools are being used and how  
898 often PET and CPI are being used. Mr. Kaiser responded at the  
899 December 2023 Board meeting it can be incorporated in the  
900 Applications Licensing report and show the statistics through the  
901 Clinical Instructors who are using the PET and who are using the  
902 CPI.

903



904 In public comment, the Public asked from potential regulations  
905 related to SB 372, does the Board think there will need to be  
906 regulations given that names might need to be changed in the  
907 system but if someone has a disciplinary record or has a prior  
908 record going back, will those documents also have to be changed  
909 to reflect the persons new name? Mr. Kaiser answered the current  
910 statues that is written if the Board receives a request to have those  
911 documents changed, they have to be specific they would likely be  
912 changed. If it is a disciplinary history that would have to be part of  
913 the request, but if it was a request the Board would have to go back  
914 and change those names.

915  
916 In public comment, the Public asked if the Board anticipates having  
917 regulations to reflect the document change, or letting consumers  
918 know the changed happened. Mr. Kaiser added there is something  
919 set in place currently for license to be able to protect previous  
920 history using a legal court document. Additionally, if a consumer  
921 tried to verify the name on the website the name would be there,  
922 the history would be there, but the documents would not be  
923 attached and a link would be there a requester to make a request  
924 to the Board directly for the Board to provide, those documents  
925 would have a combination of the historical document and redacted  
926 document.

927  
928 **18. Communication & Education Update – April Beauchamps**

929 (A) Outreach

930  
931 Ms. Beauchamps presented to the member the outreach report. Ms.  
932 Beauchamps added during fiscal year 2023-23 Q4 PTBC provided virtual and  
933 in-person outreach workshops to two PTA and PT programs, for the entire  
934 fiscal year PTBC provided 23 outreach workshops and also attended the  
935 annual CPTA conference and hosted FSBPT Annual Meeting in Orange  
936 County last year. Additionally, on September 6, 2023, Mr. Row and Ms. Conley  
937 provided outreach at Fort Irwin and the Board is looking forward to attending  
938 this year's CPTA annual conference that is being held on October 7-8 in Long  
939 Beach. Ms. Beauchamps added the summer progress notes are now out and  
940 provided the members with a copy, the next edition will be Winter 2023 and  
941 will be out sometime in December 2023. Lastly, the new PTBC website is live.

Ms. McMillian asked since Twitter changed to X does that effect the Board.  
Ms. Beauchamps responded no, the followers and posting are the same.

Dr. Rabena-Amen asked what the analysis of the effectiveness of our social media campaigns that it comes from looking at Tik Tok and seeing low numbers versus looking at Facebook and seeing high numbers there. April responded when it comes to the followers, non-followers can still access the Boards page. Mr. Kaiser added Facebook has been around for a long time versus Tik Tok and on Linked In new graduates are adding and tagging the Board as a new certification that they have received as a result of receiving their license.

**19. Administrative Service Update**  
**(A) Budget Report – Alicia Hernandez**

Ms. Hernandez presented to the members the budget report. Statistical Report can be found on the materials. Ms. Hernandez added PTBC Admin unit is currently working to fill some vacancies moving into fiscal year 2023-2024, PTBC is currently working with DCA budget office during the galley period to finalize the items aligned with a more accurate account for expenditures of different areas.

Dr. Rabena-Amen asked did the temp help expenditures go up because of the vacancies. Mr. Kaiser answered when building a limited term position funding will come out of the blanket while collecting data the Board is also building a request to make the limited term position permanent either through a BCP proposal or utilizing some other position authority the Board may have on the boo. There is no actual budget for temp help, anytime temp help is used it will be in the red and when spending money out of the blanket it is unplanned part of the budget and will always be an over expenditure of that line item anytime the Board utilizes that.

Dr. Rabena-Amen asked the Board Member expenditure looks higher than before. Mr. Kaiser answered over the last 6 years Board Member expenditures always exceed allocation, typically over time that should be adjusted to prove that allocation needs to be increased. Mr. Kaiser added during the pandemic

the Board saved money on travel, but in the next fiscal year or after the adjustment will reflect less red and a truer budget will display. Dr. Brandon asked what the \$12,000 budget base was off of. Mr. Kaiser answered that number was based on previous years but have been over expending for a long time now.

The Board entered into break at 11:02 a.m. and reconvened at 11:16 a.m. on September 14, 2023.

**20. Licensing Services Update – Valerie Kearney**

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

Ms. Kearney and Ms. Conley presented to the member the Licensing Services update. Ms. Kearney reported there are 4 vacancies, 1 full-time position in Continuing Competency, 2 full-time Applications Analyst and 1 full-time Lead. Additionally, for the past year PTA applications have been processed by the Military and Endorsement Applications Analyst, but the recruitment process for the PTA Analyst position has been initiated and the recruitment process for the Continuing Competency Position and 2 Applications Analyst position will begin soon. Ms. Kearney added with the staff vacancies and a 12% increase in total applications received applications processing times have increased 27 to an average of 25 days from applications received to licensure or denial, that processing time is well below the target due to the efficiency and dedication to staff. Ms. Kearney stated with the vacancy of the Continuing Competency position it explains the decrease of audits performed but current staff is compensating for the vacancy while approval agency audits continue.

Ms. Kearney reported with the new website and ease of navigation for applicants and licensees will make application submission or license renewal even easier than the previous version and the home page posting of licenses issued and applications received is a feature that will benefit staff by allowing them to see their numbers in real time.

Ms. Conley reported to the members that Ms. Kearney is serving as the Manager for the Licensing Program, Ms. Kearney was the lead of the Licensing Program and evaluated initial license applications as an analyst prior. Ms. Conley added the Board had piloted the program to designate resources to the military members and partners which has proved successful and are excited to continue these efforts. Additionally, for the application data licenses issued is

consistent with the workload output with increase of applications specifically in the area of PTA applications tying back to the need for additional resources and those BCP positions. Ms. Conley added the average processing time of the initial license applications taking out the applicant time, reflecting the time and number of days that the Board is responsible for those applications. The Board is meeting the performance measure target.

Dr. Rabena-Amen asked is there an anticipation still of switching over to the Jurisprudence Assessment Module (JAM). Mr. Kaiser responded yes. He and Ms. Conley are working on the existing JAM bank and working with FSBPT with a little more to do, they will start talking about development time and actual launch dates.

Ms. Coley presented to the members the application survey responses that are being provided as one of the measures used to determine if the licensing goal for PTBC's 2018-2022 Strategic Plan was achieved. Staff reported the outcome of the plan at the March 2023 meeting. Ms. Conley added the data collection dates were selected based on available date starting from 2022, overall, there is a high satisfaction rate with over 90% for both years with an increase of 2.56%.

Dr. Rabena-Amen asked if the survey was offered to everyone who was issued a license. Ms. Conley answered yes, the survey is included on every email that goes out to new licensee.

Ms. Conley reported to the members on license maintenance with the new automated reports there are still some adjustments, for example, in address changes processing times where it shows 0, meaning it took less than 1 day to process.

Ms. Conley reported applications received are growing at a rate faster than expected, typically it is 3-5 % but is at 16% with licenses issued being consistent.

Ms. Conley reported the PTA pass rate is slight smaller, that is due to a smaller sample rate and due to vacancy and reducing the sample size to account for resources. Additionally, the Continuing Competency Unit is auditing approval agencies, that work is continuing.

1052 **21. Consumer Protection Services Update – Carole Phelps**

1053 (A) **Program Updates**

1054 (B) **Statistical Reports**

1055  
1056 Ms. Phelps presented to the members last Board meeting there were 2  
1057 vacancies, as of July 1, 2023, Angel Ottley has filled one of them. Ms. Ottley  
1058 recently worked in the Boards Continuing Competency Unit and has quickly  
1059 become familiar with the enforcement investigation process, with her past  
1060 experience in the Continuing Competency Unit and as an Application Analyst  
1061 has been an asset to the Unit. Additionally, they are in the process of filling the  
1062 2<sup>nd</sup> vacant position. Ms. Phelps added they continue to have regular meetings  
1063 with the Supervising Investigator with the Division of Investigations Enforcement  
1064 Support Unit, Division of Investigations (DOI) conducts field investigations for  
1065 complaint for the Board which includes sites visits, interviews, the issuance of  
1066 subpoenas when necessary, obtaining certified documents, etc. The purpose of  
1067 the regular meetings with DOI is to have an open line of communication between  
1068 the Board and DOI to discuss urgent and high-profile cases as well as other  
1069 enforcement related matters that may impact the Board and DOI.

1070  
1071 Ms. Phelps stated they hold regular meetings with the Deputy Attorney General  
1072 Liaison with the Attorney General's office at these meetings they discuss and  
1073 receive guidance on specific cases and review and make improvement to  
1074 various procedures and to the overall discipline process.

1075  
1076 Ms. Phelps presented the CPS statistics report on Performance Measure 1  
1077 reports the number of consumer complaints and arrest and conviction reports  
1078 the Board received last fiscal year, which has increased by 41 cases from the  
1079 prior year. Ms. Phelps stated Performance Measures 3 average case age in  
1080 days for all cases that were closed without referral to the Attorney General's  
1081 Office for formal discipline, the average for those were 157 days, decrease of  
1082 23% in comparison to last fiscal year. Additionally meeting their target which is  
1083 180 days for this performance measure. Ms. Phelps stated Performance  
1084 Measure 4 reflects the average number of days to complete investigations and  
1085 enforcement actions for complaints that are transmitted to the Attorney  
1086 General's Office for formal disciplines, case aging average for this performance  
1087 measure have increased compared to last year, however, these averages  
1088 fluctuate regularly due to multiple factors including analyst caseload, case  
1089 complexity and the timeline of other involved parties.

Ms. Phelps reported the number of complaints received has steadily increased over the three-year time period and is now approaching the pre-pandemic levels. Ms. Phelps shared Enforcement staff is extremely experienced and motivated to be on top of there case load and doing everything they can do keep the cases moving.

Ms. Phelps reported the discipline summary of all disciplinary actions taken by the board in quarter 4, one license was issued a public approval, three licensees were placed on probation and two licensees surrendered their license through the disciplinary process.

## **22. Probation Monitoring Services Update – Carole Phelps**

### **(A) Program Updates**

### **(B) Statistical Reports**

Ms. Phelps reported during the last quarter of last fiscal year there was a high of 80 licensee on probation of that sixty two probationers were actually actively practicing in California, the remaining ten probationers were tolling meaning they were not receiving credit towards the completion of probation because they were either practicing in another state or not currently practicing, ten were not practicing in tolling and living out of state and eight tolling but living in California.

Ms. Phelps added one licensee was placed on probation in the quarter and four licensees completed probation in the quarter. Of the sixty-two licensees actively practicing in California eight were enrolled in participating in the Board's drug and alcohol Recovery Monitoring Program (Maximus), one licensee enrolled in the Maximus Program and one licensee completed the program.

Ms. Phelps added there were zero instances of noncompliance with probation in the quarter. For the entire fiscal year there were two instances of noncompliance with probation, and both were for not following the requirements of the Maximus program. Additionally, over the past three years the numbers of licensees on probation have increased significantly going from fifty-seven probationers in fiscal year 2020-21 to eighty in fiscal year 2022-23, in the same time period the number of Maximus participates has decreased from thirteen participants in fiscal year 2020-21 to only eight in fiscal year 22-23.

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