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

1. **Call to Order, Roll Call and Establishment of Quorum**

   The Physical Therapy Board of California (Board) meeting was called to order by Katarina Eleby at 9:14 a.m. on February 10, 2016. The Board recessed at approximately 3:00 p.m. and reconvened at 9:00 a.m. on February 11, 2016. All members were present and a quorum was established. Also present at the meeting were Angelique Scott, Legal Counsel; Jason Kaiser, Executive Officer; Brooke Arneson and Elsa Ybarra, Board staff.

2. **Special Order of Business –February 10, 2016 9:00 a.m.**

   (A) **Hearing on Petition for Reduction of Penalty – Anthony Delzompo, PT**

   After submission of the matter(s), the Board convened in closed session to deliberate per Government Code section 11126(c)(3).

   Once issued, disciplinary decisions can be found on the Board’s website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

3. **Closed Session**
(A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions

Once issued, disciplinary decisions can be found on the Board’s website at www.ptbc.ca.gov.

(B) Pursuant to Government Code section 11126(a)(1)
Evaluation of Executive Officer

(C) Adjourn Closed Session

4. Reconvene Open Session

5. Review and Approval of November 4 & 5, 2015 Meeting Minutes

Ms. Arneson presented the November 2015 minutes for the Board’s consideration. Mr. Turner questioned the move towards “briefer” minutes. Mr. Kaiser explained that based on input from the Board and discussion with the President, the minutes were drafted with minimal detail while capturing relevant discussion. Mr. Turner indicated he was in support but requested the minutes reflect complete thought. He stated the minutes make note of his question about current staffing levels [as reported within the Executive Officer’s report agenda item #5] but don’t reflect specifically his question nor the response.

The Board questioned the minutes as follows:

Page 11, line 120 – Dr. Alviso questioned whether the reference to the 2016 Rulemaking Calendar was accurate? Ms. Arneson responded it was.
Page 12, line 168 – Dr. Alviso noted the minutes reflect the vote was 4-0 when there were five members present. Mr. Kaiser responded he thought Ms. Rabena-Amen abstained. Dr. Alviso requested the vote be reflected accurately.
Page 12, line 183 – Ms. Eleby expressed concern with serving as both the delegate and alternate backup as indicated in the minutes. Dr. Alviso wondered whether it was supposed to be Dr. Dominguez or Dr. Drummer serving as the backup for the Board at the Federation of State Boards of Physical Therapy’s Annual Conference.

Approval of the minutes as amended was delayed until staff researched the accuracy of the concerns expressed.
6. Consumer and Professional Associations and Intergovernmental Relations

Reports

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

No representatives were present.

(B) Department of Consumer Affairs (DCA)

Awet Kidane, Director and Christine Lally, Deputy Director of Board and Bureau Relations presented on the BreEZe release; the Little Hoover Commission hearings; presentation of DCA’s Enforcement Academy’s new curriculum; employment of two new staff, Tracy Montez, Chief of the Division of Programs and Policy Review and Veronica Harms, Deputy Director of Communications; Board member training requirements and the efforts to mitigate the effects on the Board resulting from the North Carolina Board of Dental Examiners v. FTC.

(C) California Physical Therapy Association (CPTA)

Stacy DeFoe, Executive Director indicated the association has the upcoming events scheduled, as follows: 1) Physical Therapy Legislative Day at the Capitol on March 8, 2016; Student Conclave at San Diego Mesa on April 9, 2016; and, Physical Therapy Spring Training at Santa Barbara City College on April 23 & 24, 2016. She also gave a brief history on animal rehabilitation by physical therapists acting as Veterinary Assistants under the supervision of a Veterinarian. She indicated there have been unsuccessful attempts in the past to address the issue by the Veterinary Medical Board and as a result they are considering forming a committee of stakeholders of which it is assumed would include a physical therapist. Ms. DeFoe encouraged members to seek participation.

7. President’s Report – Katarina Eleby

(A) 2016 Meeting Calendar

Dates and locations were discussed and remain as reflected on the calendar.

MOTION: To adopt the dates as noticed.

M/S: Wallisch/Turner

VOTE: 7-0 Motion carried

8. Executive Officer’s Report - Jason Kaiser

Mr. Kaiser questioned whether there were any comments or concerns on either the
November 2015 due to his absence or the present Executive Officer’s report. Hearing no comments, Mr. Kaiser did express the release of BreEZe in January was a positive experience and encouraged both public and professional members to take advantage of its benefits. Mr. Kaiser further responded to questions regarding outreach efforts to notify consumers and licensees of the BreEZe release. Mr. Kaiser advised it has been posted on social media and the PTBC website and he is hopeful other organizations such as the Association and the Physical Therapy Programs will be sharing the news as well.


(A) 2015/16 Legislative Session Summary

Ms. Arneson referred the members to the legislative summary included in the agenda materials and advised only AB 12 and AB 507 remain as bills of interest since the remaining bills have died.

(B) 2015/16 Other Bills Potentially Impacting Physical Therapy Practice or Regulation or Operation of the Physical Therapy Board.
There were no other bills potentially impacting physical therapy.

10. Rulemaking Report - Brooke Arneson

(A) 2015/16 Rulemaking Update

Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status.

(B) Regulatory Language for Board Discussion and Possible Action Regarding Modified Text on English Proficiency Requirements; Proposed Language to Amend Section 1398.25 and Add Section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California Code of Regulations

Mr. Kaiser advised the Board this agenda item was supposed to be noticed for discussion of the proposed language on retired status. Since this agenda item was erroneously noticed the Board refrained from any discussion; however, Mr. Kaiser did address concerns with the language expressed by the Board at the November, 2015 meeting. The language will be revisited at the May, 2016 meeting.

11. DCA Distributed Costs (Pro Rata) Presentation –
Taylor Schick, DCA Budget Officer, Robert de los Reyes, DCA Budget Manager

Mr. Schick distributed materials to support his presentation on the methodology in
distributing statewide and department costs to the Board.

12. **U.S. Supreme Court Case of North Carolina Board of Dental Examiners v. FTC**

   *Angelique Scott, DCA Legal Counsel*

   Ms. Scott presented on the actions of the North Carolina Board of Dental Examiners which caused filing of the U.S. Supreme Court case by the Federal Trade Commission. She expounded on how the North Carolina Board of Dental Examiners lacked authority to substantiate their actions. Included in the agenda materials Ms. Scott referred to her memo which encourages the Board to:
   - A) promote their primary mission of consumer protection in making decisions
   - B) articulate the public policy reasons for their decisions;
   - C) conduct an analysis of the procompetitive and anticompetitive aspects of that decision, and
   - D) articulate in their records (minutes), how the actions taken, will further the state's affirmatively stated policies.

13. **Administrative Services Report**

   **(A) Budget – Carl Nelson**

   Mr. Nelson referred the Board to the agenda materials representing the current status of the Board’s budget. Mr. Kaiser advised the Board an augmentation of the budget will be requested once again since he anticipates over expending Attorney General Costs. There was further discussion regarding the Board’s reserve and the anticipation of the impact with the fee increase.

   **(B) Outreach – Jacki Maciel**

   Mr. Kaiser presented the report included in the agenda book on behalf of Ms. Maciel. Ms. Rabena-Amen questioned whether members could assist with outreach efforts to which Mr. Kaiser responded that composition of articles or suggestions of consumer interest would be well received.

14. **Application & Licensing Services Report** – *Sarah Conley*

   In presenting her report, Ms. Conley expounded on the discrepancies in the collection of data. She indicated the numbers have been and currently are collected from CalSTARs and AdHoc reports which are based on dollars collected and not actual workload. BreEZe data should be a more accurate reflection of actual workload; however, reporting format has yet to be determined. Ms. Conley also expressed the implementation of BreEZe on the actual go live date was impressively seamless.

15. **Consumer Protection Services Report** – *Elsa Ybarra*
Ms. Ybarra expressed appreciation to those members who were able to attend the Expert Consultant training held on February 9, 2016 and reported there were 27 participants in attendance. Ms. Eleby and Dr. Dominguez indicated the training was very informative and insightful and requested the materials be made available to all members. Ms. Ybarra also reported staff are adapting well to learning the functionality of BreEZe and are on target with the Performance Measures.

16. **Board Member Training** – Jacki Maciel

(A) **Form 700**

Mr. Kaiser presented a short video on Netfile, a web portal for filing the Statement of Economic Interest.

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

There were no public comments on items not on the agenda.

18. **Agenda Items for Next Meeting – May 18 & 19, 2016**

Ms. Wallisch requested the prohibition of physical therapist probationers to bill Blue Shield for services be a topic of discussion at the May, 2016 meeting.

19. **Adjournment**

The Board concluded the meeting on Thursday, February 11, 2016 and adjourned at approximately 2:00 p.m.