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
   The Physical Therapy Board of California (Board) meeting was called to order by President Eleby at 9:05 a.m. on May 18, 2016. The Board recessed at 5:25 p.m. and reconvened at 9:01 a.m. on May 19, 2016.

2. Board Member Changes
   (A) Welcome to Tonia McMillian and TJ Watkins

   Ms. Eleby welcomed Ms. McMillian and Mr. Watkins to the Board and shared their biographies. Ms. McMillian was appointed to the Board by the Senate Rules Committee and Mr. Watkins was appointed by the Speaker of the Assembly; both were sworn in by President Eleby at the meeting.

   (B) Thanks to James Turner and Carol Wallisch

   Ms. Eleby acknowledged Mr. Turner and Ms. Wallisch’s innumerable contributions to the Board and that they will be recognized at the meeting in August.

3. Roll Call and Establishment of a Quorum
   All members were present and a quorum was established. Also present at the meeting were Angelique Scott, Legal Counsel; Jason Kaiser, Executive Officer; and Brooke Arneson, Board staff.

4. Special Order of Business – May 18, 2016 9:00 a.m.
(A) Hearing on Petition for Termination of Probation – Mia Hiroko Sugi, 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.

5. 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

6. Reconvene Open Session

7. Discuss Increase in Board Level and Exempt Status of the Executive Officer – Ricardo DeLaCruz, DCA Personnel Officer

Mr. DeLaCruz gave an overview of the route for increasing the exempt status of the Executive Officer as a result of Board growth. He proposed justifications for the increase such as the exempt status had not been adjusted since the year 2000; increase in staffing and programs; the complexity of the Board issues; and, change in policy authority. He further explained that the Board starts the process by addressing a letter to him requesting and justifying the adjustment to the exempt status. He would then facilitate the process through the requisite channels on behalf of the Board. Dr. Alviso questioned the impact to the Board’s budget and Mr. DeLaCruz responded he wasn’t familiar with the budget process and that would need to be addressed by the Board’s budget analyst. Since this item was not on the agenda as an action item the Board will include it on the August meeting agenda.

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

(A) November 4th & 5th 2015 Meeting Minutes

Ms. Arneson presented the November 2015 minutes for the Board’s consideration. At their meeting in February, the Board had requested clarity on the following:
Page 12, line 168 – Dr. Alviso noted the minutes reflect the vote was 4-0 when there were five members present. Ms. Arneson indicated the vote was erroneously sited as 4-0, it should have reflected 5-0.

Page 12, line 183 – Ms. Eleby expressed concern with the minutes reflecting she will serve as both the delegate and alternate backup at the Federation of State Boards of Physical Therapy’s Annual Conference. Ms. Arneson indicated the minutes should have reflected Dr. Alviso as the Alternate Backup.

The Board agreed to approve the minutes with the clarification provided by Ms. Arneson.

MOTION: To adopt the draft November 4 & 5, 2015 meeting minutes as amended.
M/S: Dominguez/Alviso
VOTE: 7-0 Motion carried

(B) February 10th & 11th 2016 Meeting Minutes

MOTION: To adopt the draft February 10th & 11th 2016 meeting minutes as written.
M/S: Alviso/Drummer
VOTE: 7-0 Motion carried

9. 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)

No representatives were present.

(C) California Physical Therapy Association (CPTA)

No representative was present.
10. President’s Report – Katarina Eleby

(A) 2016 Meeting Calendar

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

(B) 2017 Meeting Calendar

Ms. Eleby expressed concern that the November meeting dates were too close to FSBPT’s Annual Conference and suggested moving to the 7th and 8th; however, Mr. Kaiser was concerned the Delegate Assembly dates may conflict and suggested the 15th and 16th as dates for consideration. It was agreed the Board would revisit the dates at the meeting in August after giving time to determine the location of the conflicting FSBPT meetings.

11. Executive Officer’s Report - Jason Kaiser

Mr. Kaiser referred members to his report included in the materials. He added the May 6, 2016 fee increase implementation into BreEZe went smoothly and expressed kudos to Jacki Maciel for 200,000 plus views of a PTBC Facebook post. Mr. Kaye inquired whether there would be any enhancements to BreEZe forthcoming to enable access to Accusations. Mr. Kaiser responded he was aware of the lack of access and is in process of a work around to ease access to discipline documents.

12. Legislation Report - Brooke Arneson

(A) 2015/16 Legislative Session Summary; Possible Board Action

Ms. Arneson referred the members to the legislative summary/bill analysis on the bills included in the agenda materials. Ms. Arneson suggested the Board change its position on AB 507 to “watch” and the Board concurred. Ms. Arneson did not discuss SB 1217 since it was not included on the agenda.

13. Rulemaking Report - Brooke Arneson

(A) 2016 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 License Renewal Exemptions: Retired Status: Adding Section 1339.56 to Article 10 to Division 13.2, Title 16 of the California Code of Regulations
After lengthy discussion, the Board identified issues and made modifications to the proposed language and directed staff to begin the rulemaking process.

**MOTION:** To approve the proposed regulatory language as amended and direct staff to initiate the rulemaking process by filing the Notice of Regulatory Change to be published by OAL and delegate authority to the Executive Officer to make any non-substantive edits to the form required by this proposed section.

**M/S:** Drummer/Alviso

**VOTE:** 7-0 Motion carried.


Dr. Syms and Ms. Atlas presented on the history and evolution of animal rehabilitation. They also encouraged the Board’s involvement and participation in the upcoming Task Force to be formed resulting from a charge by the Legislative Sunset Review Committee.

The Board took the discussion regarding the issue under advisement.

**15. Administrative Services Report – Liz Constancio**

Mr. Kaiser presented the report included in the agenda book on behalf of Ms. Constancio and advised there would be a 2 to 3% reversion at the end of the fiscal year.

He also expounded on the advantages of using Google Analytics and how the type of data extracted can enhance outreach efforts of the Board. Mr. Watkins questioned whether the Board had access to email addresses and if it could also be a means of communication. Mr. Kaiser indicated the Board did have an email database but there were obstacles to effective communication via email largely due to the continual changing of email addresses. Ms. Rabena-Amen inquired about a hashtag and Mr. Kaiser responded the Board did have a hashtag, #PTBC news.


Mr. Kaiser presented the report prepared by Sarah Conley included in the agenda book. Mr. Kaiser commented the data reported has a new appearance because of the change in source to BreEZe. Members asked if future reports include a key to the acronyms used.


Mr. Kaiser presented the report included in the agenda book on behalf of Ms. Ybarra
and responded to questions regarding the performance measures and how they compare to other like Boards or the Board itself from years past. He also reminded members how certain cases for varying reasons can skew statistics.

18. Ethical Decision Making & Bagley Keene Presentation – Angelique Scott, DCA Legal Affairs

Ms. Scott presented a slide show and fielded questions regarding the presentation. She also clarified the presentation was not in lieu of the ethics training mandated by law of state officials.

19. Public Comment on Items Not on the Agenda

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

20. Agenda Items for Future Meeting – August 24 & 25, 2016

Dr. Alviso requested a briefing paper on the FSBPT’s Alternate Approval Pathway Project and a year-end comparison report of the Consumer Protection Enforcement Initiative’s (CPEI) Performance Measures. Dr. Drummer requested the Board honor Ms. Wallisch’s request to add “the prohibition of physical therapist probationers to bill Blue Shield for services” as a topic of discussion at the August, 2016 meeting. Ms. Eleby suggested Mr. Kaiser share his presentation from the FSBPT meeting on “when are you too inebriated to drive?” Mr. Watkins added the topic would make for an effective YouTube video and discussion pursued about a collaborative effort with other health care boards.

21. Adjournment

The Board concluded the meeting on Thursday, May 19, 2016 and adjourned at 2:30 p.m.