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 Katarina Eleby at 9:10 a.m. on October 25, 2016.

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

   All members were present and a quorum was established. Also present at the meeting were Tara Welch, Legal Counsel; Jason Kaiser, Executive Officer; and Elsa Ybarra, Sarah Conley, Liz Constancio and Brooke Arneson, Board staff.

3. **Review and Approval of September 22, 2016 Meeting Minutes**

   Ms. Arneson presented the September 22, 2016 meeting minutes for the Board’s consideration.

   **MOTION:** To adopt the draft September 22, 2016 meeting minutes as revised.

   **M/S:** Alviso/Eleby

   **VOTE:** 7-0 Motion carried

4. **Discussion of Issues Regarding Test of English as a Foreign Language (TOEFL) Regulatory Language and Possible Board 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

After discussion, the Board made modifications to the proposed regulatory language and directed staff to continue the rulemaking process.

MOTION: To approve the proposed modified text for a 15-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and also delegate to the Executive Officer the authority to make technical or non-substantive changes that may be required in completing the rulemaking file.

M/S: Rabena-Amen/Eleby

VOTE: 7-0 Motion carried

5. Discussion and Possible Board Action Regarding Sunset Review Subcommittee’s Recommendation on Issues to be Identified on the Sunset Review Report Pursuant to Business and Professions Code (BPC) Section 2602

(A) BPC Section 2653, English proficiency exemption

Mr. Kaiser presented the Sunset Review Subcommittee’s recommendation to address this issue during the Board’s Sunset Review Process. The Board reviewed and modified the Subcommittee’s proposed revision to BPC Section 2653.

MOTION: To approve the proposed statutory revision and submit it to the Legislature with the Sunset Review Report.

M/S: Eleby/Dominguez

VOTE: 7-0 Motion carried

6. Review, Discussion and Possible Board Action on Sunset Review Report Pursuant to BPC Section 2602

Mr. Kaiser and Board staff presented the Sunset Review Report draft to the Board for review. The Board identified edits and provided feedback throughout the report. The Sunset Review Subcommittee recommended addressing the retired license status issue during the Board’s Sunset Review process and presented proposed hybrid statutory language. The Board requested staff to provide additional draft language to address either utilizing the newly enacted General Provision BPC Section 464 and repeal the existing statutory authority in BPC Section 2648.7, or to edit the existing authority in the Board’s Practice Act for future consideration of regulation.
MOTION: To include a request to revise the retired license statute in the Sunset Review Report.

M/S: Drummer/Eleby

VOTE: 6-0 (1 absent) Motion carried

At 4:00 p.m., Alicia Rabena-Amen excused herself for the remainder of the meeting. A quorum was still in place.

7. Public Comment on Items Not on the Agenda

Stacy DeFoe, California Physical Therapy Association (CPTA) Executive Director, asked the Board to consider addressing the issue of the difficulty of students under the Individuals with Disabilities Education Act (IDEA) having a diagnosis for further discussion at the November 16 & 17, 2016 meeting. Ms. DeFoe informed the Board that eligibility for IDEA is based on informed clinical opinion and not necessarily a diagnosed disability. She stated that this makes it challenging for physical therapists to try and obtain a medical diagnosis from the physician in order to treat the patient without restriction, and the 45 day/12 visit restriction with a required visit to the physician is not feasible when dealing with children under IDEA.

8. Agenda Items for Next Meeting – November 16 &17, 2016

The Board indicated it did not have any specific items at this time for the November 16 & 17, 2016 meeting.

9. Adjournment

The Board concluded the meeting on Tuesday, October 25, 2016 and adjourned at approximately 5:47 p.m.
Proposed Revisions to Business and Professions Code Section 2653

2653.
An applicant for a license as a physical therapist who has graduated from a physical therapist education program that is not approved by the board and is not located in the United States shall do all of the following:
(a) Furnish documentary evidence satisfactory to the board, that he or she has completed a professional degree in a physical therapist educational program substantially equivalent at the time of his or her graduation to that issued by a board approved physical therapist education program. The professional degree must entitle the applicant to practice as a physical therapist in the country where the diploma was issued. The applicant shall meet the educational requirements set forth in paragraph (2) of subdivision (a) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.
(b) (1) Demonstrate proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language administered by the Educational Testing Services or such other examination as may be specified by the board by regulation.
(2) An applicant is exempt from the requirements under paragraph (1) if the applicant has been awarded a bachelor's degree or higher in a physical therapist educational program from a college, university or professional training school in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States.
(c) Complete nine months of clinical service in a location approved by the board under the supervision of a physical therapist licensed by a United States jurisdiction, in a manner satisfactory to the board. The applicant shall have passed the written examination required in Section 2636 prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service, the applicant shall be identified as a physical therapist license applicant. If an applicant fails to complete the required period of clinical service, the board may, for good cause shown, allow the applicant to complete another period of clinical service.
Proposed Revisions to Business and Professions Code section 2648.7

2648.7

(a) The board may establish a retired license under which a licensee is exempt from the payment of the renewal fee and from meeting the requirements set forth in Section 2649 Article 4 if he or she has applied to the board for retired license status and meets the following criteria:

1. Holds an active or inactive license that is not suspended, revoked, or restricted by the board or the subject of disciplinary action.
2. Submits an application to the board for retired license status.
3. Discloses under penalty of perjury whether the licensee has any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.
4. Pays the retired license application fee pursuant to section 2688.

(b) A license shall be considered retired upon approval of the request.

(c) The holder of a license in retired status shall comply with the Physical Therapy Practice Act.

(d) The board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of physical therapy by that person, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(e) A holder of a license in retired status pursuant to this section shall not engage in the practice of, or assist in the provision of, physical therapy unless the licensee applies for renewal and meets all of the requirements as set forth in Section 2644.

(f) In order to request restoration of a license from retired status to active status, the licensee shall:

1. Submit to the board a written request to restore the license to active status.
2. Pay the license renewal fee pursuant to section 2688.
3. Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.
4. Comply with fingerprint submission requirements pursuant to section 144.
5. Satisfy continuing competency requirements pursuant to section 2649.
6. Complete any other requirements as specified by the board by regulation.

(g) Failure to comply with this section constitutes unprofessional conduct.