



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR GAVIN NEWSOM

Physical Therapy Board of California

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Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Vacant, Public Member

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A.

Tonia McMillian

Vacant, Professional Member

Physical Therapy Board of California Adopted Meeting Minutes

September 18, 2019 9:00 a.m.

September 19, 2019 9:00 a.m.

Carrington College

Room 403

395 Civic Drive, Suite C

Pleasant Hill, CA 94523

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Executive

Analyst

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

Wednesday, September 18, 2019

1. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:02 a.m. and recessed at 4:07 p.m. on September 18, 2019. The Board reconvened at 9:01 a.m. and adjourned at 11:34 a.m. on September 19, 2019.

2. Roll Call and Establishment of Quorum

Dominguez- Present
Drummer – Present
Eleby – Present
McMillian – Present
Rabena-Amen - Present

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, DCA Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Liz Constancio, Sarah Conley, Brooke Arneson, April Beauchamps, Kim Rozakis and Timothy Davis.

Ms. Eleby read the Board's mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice

Act.

3. Closed Session

(A) Pursuant to Government code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings

(B) Pursuant to Government code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer.

(C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

The Board entered closed session on day one, September 18, 2019, at 11:08 a.m.

4. Reconvene Open Session

The Board reconvened into open session at 12:57 p.m. on day one, September 18, 2019.

5. Review and Approval of June 20-21, 2019 Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft June 2019 meeting minutes on day one, September 19, 2019, of the meeting. Ms. Eleby asked that the school names be spelled out in the outreach report on page 19 of the meeting minutes. Dr. Drummer also suggested adding San Francisco State University to the University of California, San Francisco in the outreach report as it is a joint PT program. Dr. Rabena-Amen complimented staff on the meeting minutes. Ms. Eleby added that the meeting minutes captured the Board meeting in detail and were helpful.

MOTION: Adopt the proposed June 20-21, 2019, Meeting Minutes as amended.

M/S: Eleby/Dominguez

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

6. Legislation Report – Brooke Arneson
(A) 2019/20 Legislative Session Summary

Ms. Arneson presented the legislative report and provided the members with important dates from the legislative calendar. Ms. Arneson 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.

i. AB 5 (Gonzalez) Worker Status: Independent Contractors

Ms. Arneson stated that AB 5 was amended since the meeting materials were distributed and the bill with amendments from September 6, 2019, in the Senate was presented to the Governor on September 18, 2019. Ms. Arneson updated members on the recent Senate amendments which included proposed fiscal impacts of the bill. Dr. Drummer stated that this bill would impact licensees of the Board and asked PTBC staff what preparation was being done internally to field phone calls from licensees asking how to navigate this new law should it be signed. Mr. Kaiser responded that even with the introduction of the language, PTBC staff have already started to receive questions regarding this bill and stated that the best guidance PTBC staff could provide licensees is to seek their own legal counsel.

ii. AB 476 (Blanca Rubio) Department of Consumer Affairs: Task Force: Foreign Trained Professionals

Ms. Arneson reported that this bill was amended in the Senate on September 6th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments. Dr. Rabena-Amen asked who the task force members would be or where they would be from. Mr. Kaiser responded that all the Boards and Bureau's within DCA who have a foreign trained application process will be represented in the task force so the Board will be involved once DCA gets the task force running should this bill be signed.

iii. AB 496 (Low) Business and Professions

Ms. Arneson reported that this bill was amended in the Senate on September 6th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments.

vi. AB 613 (Low) Professions and Vocations: Regulatory Fees

Ms. Arneson reported there was no update on this bill and that the hearing was postponed on July 1, 2019, by the Senate Business and Professions Committee.

vii. AB 1076 (Ting) Criminal Records: Automatic Relief

Ms. Arneson reported that this bill was amended in the Senate on August 30th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments.

viii. SB 53 (Wilk & Lackey) Open Meetings

Ms. Arneson reported that there were no additional updates on this bill and that it was held under submission in the Assembly Appropriations Committee on August 30, 2019.

xi. SB 425 (Hill) Health Practitioners: Licensee's File: Probationary Physicians and Surgeons Certificate: Unprofessional Conduct

Ms. Arneson reported that this bill was amended in the Assembly on September 11th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments. Dr. Drummer asked if there is a penalty to the institution that does not report unprofessional conduct. Mr. Kaiser responded that the institution is supposed to report any kind of discipline or investigations of their employees to a National Practitioners Databank that the Medical Board and several other healthcare boards rely on which has been an issue. Mr. Kaiser added that this bill gives the Medical Board of CA more support for a mandate they already have for mandatory reporting.

xii. SB 537 (Hill) Workers Compensation: Independent Bill Review

Ms. Arneson stated that the Board has a support position on this bill and a copy of that letter was included in the meeting materials. Ms. Arneson reported that this bill was amended in the Assembly on September 6th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments. Dr. Drummer asked if the Board would be sending a letter to the Governor echoing the Board's support on this bill and Ms. Arneson responded that staff would be sending the Board's support letter to the Governor.

Ms. Arneson reported to the Board that the California Legislative Website has a new Position Letter Portal which allows the Board to upload their support and opposition letters and staff can submit those letters electronically to the author, chairs of committees and additional legislative staff members.

7. Rulemaking Report

(A) 2019 Rulemaking Update – *Brooke Arneson*

i. Examination Passing Standard/Setting Examination Score

Ms. Arneson reported that in June 2019 the rulemaking package was forwarded to DCA Legal for review.

ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition

Ms. Arneson reported that the Board approved modified language at the June 2019 meeting and in June 2019 the rulemaking package was forwarded to DCA Legal for review. Ms. Arneson added that PTBC staff have been working with DCA legal counsel on the initial rulemaking package documents so that can be submitted formally to DCA legal for approval.

iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

Ms. Arneson reported that at the June 2019 meeting the Board approved modified proposed language and in July 2019 the rulemaking package was forwarded to DCA Legal for review.

iv. Federation of State Boards of Physical Therapy's (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Ms. Arneson reported that PTBC staff have been working on the initial rulemaking documents and we will be forwarding to DCA legal for review by the end of September.

v. Substantial Relationship Criteria

vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure

vii. Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that the Substantial Relationship Criteria, Rehabilitation Criteria for Denial, Reinstatement of Licensure, and Rehabilitation Criteria for Suspensions and Revocations were necessitated by the passage of AB 2138. Ms. Arneson reported that DCA legal provided PTBC staff with suggested amendment to the initial rulemaking documents on September 3rd and staff are in the process of making those amendments and will resubmit the rulemaking file back to DCA legal by the end of September.

Ms. Arneson stated that PTBC staff are researching and determining necessity for all other items listed on the rulemaking tracking form and that hopefully staff will be presenting proposed language on the additional rulemaking items at the upcoming Board meetings for Board consideration.

Mr. Kanotz, DCA legal counsel for the Board, added that DCA legal has been prioritizing the Disciplinary Guidelines and the rulemaking package necessitated by the passage of AB 2138 (Chapter 995, Statutes of 2018) and that DCA legal will be working with PTBC staff on the additional rulemaking files by the December Board meeting.

8. President's Report
(A) 2019 Adopted Meeting Calendar

Dr. Rabena-Amen stated that the Board is set to meet in Sacramento for the December 12-13, 2019 Board meeting.

(B) 2020 Proposed Meeting Calendar

Mr. Kaiser stated that PTBC staff have proposed a change in the Board meeting sequence for Sacramento and Southern California travel in 2020 to accommodate for more student attendance at PT and PTA schools and asked for the Board to consider amending the 2020 calendar to reflect Southern California in March 2020; Sacramento in June 2020; Bay Area in September 2020 and Sacramento in December 2020.

Dr. Rabena-Amen pointed out that the 2020 Board meetings on the road would be held on Wednesday/Thursday and the Sacramento home meetings would be held on Thursday/Friday.

9. Executive Officer's Report
(A) Administrative Services
(B) Applications
(C) Licensing/Continuing Competency

(D) Consumer Protection Services

Mr. Kaiser reported that the Board's Administrative Services unit has filled its Office Technician vacancy and the new employee will be starting September 23rd. Mr. Kaiser stated that the Continuing Competency Program will be recruiting for two full-time staff services analyst positions, which is a first for the Board, as the staff that are in the Continuing Competency Program have been lent from the Applications and Licensing Services Unit. Mr. Kaiser stated that during the first quarter of 2020; the Board will start the recruitment for the Assistant Executive Officer.

(E) Outreach

Mr. Kaiser reported that the Board has made significant progress in its outreach to educational programs future applicants and schools and stated that by the end of 2019 the Board will have conducted outreach for 11 out of 16 California DPT programs, and 6 out of 16 PTA programs. Mr. Kaiser shared that the intent is to have contact with every graduating class.

Mr. Kaiser reported that the Board has also presented to the Northern California Clinical Education Consortium and on November 7, 2019, the Board will be presenting to the Southern California Intercollegiate Academic Clinical Coordinators Council.

Mr. Kaiser stated that in August 2019, the Board presented at an in-service for the University of California, Los Angeles (UCLA), to 60-70 PT's and PTA's and this presentation was webcast to over 100 PTA's watching from their clinical hospitals. The Board is working on trying to make this presentation an annual event. Mr. Kaiser added that this presentation opened the door to the Board working with the UC Director's forum which could pave the way for the Board to work with the University of San Francisco and UC Davis in the future.

Mr. Kaiser reported that in 2020 the Board will also be presenting to a few different chapters of the California Physical Therapy Association (CPTA); including an invitation from the Fresno Chapter. Mr. Kaiser stated that the Board's greatest outreach challenge is trying to find these same resources to reach out to the consumers.

(F) PTBC Relocation

Mr. Kaiser reported that the new lease has been signed and the Board is starting the construction phase. The Board is staying in the existing building and moving upstairs along with eight other DCA boards. Mr. Kaiser stated that staff will be meeting with

DCA and the Department of General Services as well as the California Prison Industry Authority; which is the provider of cubicle furniture.

Dr. Drummer suggested that the Board be given a tour of the new office space at the December 2019 meeting.

10. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer

Ms. Eleby reported on behalf of the Exempt Level Increase Committee (Committee). Ms. Eleby stated that the Executive Officer's (EO) salary study that was conducted by DCA, was very timely and the Committee can incorporate those findings into their request.

Ms. Constancio, Administration Services Manager, presented the materials for the exempt level change request; which included updates for fiscal years 2017/18 and 2018/19. Mr. Kaiser added that most of the information that was given to the consultant for the EO salary study came from the Board's previous exempt level increase requests. Mr. Kaiser added that incorporating the consultant's statement of opinion from the study regarding imbalance would be helpful in the Board's request package. Ms. Constancio suggested adding the statement of opinion from the consultant to either the cover memo or the background information so that the Board includes the information most relevant to the request.

Ms. Constancio stated that the Board has a draft letter that mimics the previous letter the Board included in their request with updated data and she walked the Board through the attachments of the exempt level increase request package including an exempt level salary chart.

Dr. Rabena-Amen solicited the Board for their feedback on whether the documents presented provided with Board with enough information to move forward with pursuing the exempt level increase request. The Board agreed they were comfortable moving forward with the request and amended the draft letter and agreed to incorporating the consultant's statement of opinion for the EO salary study into the request to add another third-party opinion to justify the Board's decision.

Mr. Kaiser added that former Committee member, TJ Watkins, had a conference with Sonya Logman, former Deputy Secretary of Business and Consumer Relations of the Business, Consumer Services and Housing Agency (BCSH) to further understand the

approval process past DCA. Mr. Kaiser informed the Board that Ms. Logman has since moved on to the Governor's Office, and it was Mr. Watkins intent to make the same connection with the Lila Mirrashidi, the new Deputy Secretary of Business and Consumer Relations, at BCSH to find out what their perspective is on these requests as it relates to DCA. Dr. Rabena-Amen added that Ms. Mirrashidi attended the EO salary study meeting and heard the Board's concerns and frustrations. Ms. Eleby stated that the Committee can arrange a meeting with Ms. Mirrashidi once the exempt level increase request is finalized.

The Board amended the EO Exempt Level Change Request Draft Memo (PTBC 9/20/19) to include the consultant's statement of opinion from the EO salary study, update the statistical data in the letter and directed staff to make any necessary nonsubstantive changes. Dr. Rabena-Amen stated she would work with staff and proofread the letter prior to signing it.

MOTION: Vote in support of the PTBC staff to work with DCA and the Office of Human Resources and appropriate agencies in obtaining an exempt level change that is appropriate to the PTBC's EO position allocation and organization structure and to revise the cover letter addressed to Nicole Le to make nonsubstantive changes as mentioned by the Board in this previous conversation.

M/S: Eleby/Drummer

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

11. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Ms. Eleby reported that she and Mr. Kaiser attended the Leadership Issues Forum meeting in July where it was revealed that FSBPT was discontinuing Aptitude, ProCert and oPTion programs because they were not sustainable or financially viable. Mr. Kaiser added that FSBPT's intention is to look at the new continuous professional development model and establish new guidelines for the boards to follow.

Mr. Kaiser reported that the Board will not be able to attend the delegate assembly scheduled in October at Oklahoma City, Oklahoma due to enacted legislation in 2016, AB 1887. California has a prohibition against state sponsored travel or state representative travel to any states that have discriminatory laws on the books and unfortunately traveling to Oklahoma City would be a violation of law. Mr. Kaiser added that the next delegate assembly meeting is rumored to be in Southern California next year.

Dr. Rabena-Amen asked if there was any discussion regarding the members survey. Mr. Kaiser responded that FSBPT mentioned they would be using the survey to formulate programming in the future.

Ms. Eleby reported on the licensure compact updates and stated that there are 26 states where legislation has been enacted; however only 15 states are issuing compact privileges; with Louisiana being the most recent and they began issuing in July 2019. Mr. Kaiser added that Washington is issuing compact privileges now too.

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

Mr. Kaiser read a written update on behalf of Karen Nelson, Assistant Deputy Director of Board and Bureau Services.

Ms. Nelson reported that it was Assistant Deputy Director, Patrick Lee's last day with DCA on Friday, September 6, 2019, and he has accepted a position as a consultant with the Assembly Business and Professions Committee and she stated they look forward to working with Mr. Lee in his new capacity at the state capital.

Ms. Nelson reported that Deputy Director Chris Shultz hosted the DCA Quarterly meeting on June 3rd and during this meeting he communicated his commitment to ensure a smooth transition as the Governor's office continues to search for a new DCA Director. Mr. Shultz encouraged executive officers and bureau chiefs to send ideas regarding cross-cutting projects where new leadership and the administration can focus. Ms. Nelson reported that the next director's quarterly meeting is scheduled for October 16th at DCA's HQ2 building from 1:30 to 3 pm.

Ms. Nelson reported that on July 8, 2019, the Executive Officers Salary Study was distributed to the executive officers and board presidents and in addition the Executive Office hosted a meeting to discuss the findings of the study on July 12, 2019. She

thanked Dr. Rabena-Amen and Mr. Kaiser for attending the meeting and for meeting last month to discuss the program specific findings from the study.

Ms. Nelson reported that 2019 is a Mandatory Sexual Harassment Training year for DCA which means all employees and Board members are required to complete this training.

Ms. Nelson updated the Board that the application deadline for the third cohort of the Future Leadership Development Program was August 13, 2019, and the kickoff meeting will be held in September. She relayed that DCA looks forward to announcing program participants at the next Board meeting and thanked Mr. Kaiser for his commitment in this program by participating in the steering committee.

(C) California Physical Therapy Association (CPTA)

Ms. Stacy DeFoe, CPTA Executive Director, reported that CPTA took a support if amended position on AB 5 and asked that physical therapists be one of the health care providers exempt from the Dynamex requirements. Ms. DeFoe stated that this exemption is necessary for access to care for consumers. Ms. DeFoe added that physical therapists require flexibility to work in situations that may not require full-time employment but require contracting work, for example: in home services, specialty services, and working in schools.

Ms. DeFoe shared that CPTA has joined with a coalition of other health care providers who were not exempted from AB 5; including nurses, occupational therapists, speech language pathologist and several other health care providers, who would also like to be exempt from the bill. Ms. DeFoe stated that exempting physical therapists was mentioned when the bill was on the floor however the suggested amendment was not accepted. Ms. DeFoe added that CPTA would like to come back in the next legislative session with other health care providers and work separately to request an exemption for physical therapists.

Ms. DeFoe reported that CPTA is sponsoring SB 537; which addresses the workers compensation system, and this bill is waiting to be engrossed and enrolled and will be on its way to the Governor's desk. Ms. DeFoe stated that CPTA is happy with the outcome of the bill and thanked the Board for their support position on the bill. Dr. Rabena-Amen added that the transparency in this bill is a big win for providers and consumers.

Ms. DeFoe reported that the Government Affairs Committee will meet in November 2019 and will look at other areas in payment, building on the momentum gained from SB 537 and it will also look at dry needling.

Ms. DeFoe reminded the Board that CPTA's Annual Conference is coming up in October 12-13, 2019, in Las Vegas, NV. Dr. Rabena-Amen asked if the Tri-State Conference is a trial event or will it be carried forward to future CPTA annual meetings and Ms. DeFoe responded that it is a trial run and CPTA already has the dates and locations already worked out for the annual conference for the next few years.

12. Board Member Training – Travel Procedures

PTBC staff, Mr. Davis and Ms. Rozakis presented a presentation on travel procedures to the Board.

13. Physical Therapy Student Question and Answer Forum

Physical Therapy Assistant students from Carrington College, Pleasant Hill, CA, participated in a question and answer forum with the Board regarding the regulation and practice of physical therapy in California.

14. Public Comment on Items Not on the Agenda

Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a).]

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

15. Recess

The Board recessed at 4:07 p.m. on the first day of the meeting, Wednesday, September 18, 2019.

Thursday, September 19, 2019

16. Call to Order

The Board reconvened at 9:01 a.m. and adjourned at 11:34 a.m. on day two, September 19, 2019.

17. Roll Call and Establishment of Quorum

Dominguez- Present
Drummer – Present
Eleby – Present
McMillian – Present
Rabena-Amen - Present

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, DCA Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Liz Constancio, Sarah Conley, Brooke Arneson, April Beauchamps, Kim Rozakis and Timothy Davis

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

18. Closed Session

(A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceeding

(B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer.

(C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

The Board did not enter into closed session on Day Two, September 19, 2019, of the Meeting.

19. Reconvene Open Session

The Board did not enter into closed session on Day Two, September 19, 2019, of the Meeting.

20. Strategic Plan Update – *Jason Kaiser*

Mr. Kaiser reported that PTBC's management staff with the assistance of facilitators from DCA's SOLID training program developed an action plan based on the strategic

plan the Board worked on and adopted. Mr. Kaiser added that the action plan lists out PTBC's goals and objectives and identifies major tasks and assigns responsibilities to specific parties and establishes expected due dates to measure progress. Mr. Kaiser stated that the action plan itself is a living document and all goals are a work in progress and a require an ongoing assessment and reevaluation.

Mr. Kaiser stated he is proud of the Board's progress thus far and shared a few important highlights. Mr. Kaiser stated that the enforcement goal objectives 1.2 staff have collected workload data and is prepared a package in pursuit of position authority for an additional probation monitor. Mr. Kaiser reported that for objective 1.3, the Board has begun a collaborative effort with DCA's Division of Investigation and the Attorney General's Office to develop a training for investigators on PT cases and hopes to hold in the latter part of 2020.

Mr. Kaiser shared that for licensing goal number 2.2, the Board was successful in obtaining position authority for two additional continuing competency positions. In addition, for objectives 2.3 and 2.4, the Board's outreach efforts have shown to be effective in informing educational programs of the application requirements which has improved the quality of the applications received. Mr. Kaiser added to address objective 2.4, application and licensing staff have shifted a great deal of the workload from paper to BreEZe through the electronic portal. This includes applications, renewals, name changes, address changes, duplicate requests and endorsement requests, which creates a great deal of efficiency for the Board and for the licensing population.

Mr. Kaiser reported that on goal 3: communication education, significant progress has been made in each of the objectives which were reported under the EO report and will be addressed in the outreach report.

Mr. Kaiser stated that for goal 4: organizational effectiveness: to address objective 4.1, PTBC staff is excited to be moving to a new space and all the objectives will benefit from this. Mr. Kaiser added that staff will have the space needed to spread out and realize the efficiencies we do not appreciate given the confines of our existing space.

Mr. Kaiser reported that PTBC staff are in the process of improving the quality of our procedure manuals which is extremely important for training and attrition. Dr. Rabena-Amen asked where the procedural manuals are located, and Mr. Kaiser responded that traditionally they are binders at each cubicle; however, as the Board

is now moving toward the electronic form, they reside on the shared drive so all staff members can reference them.

Dr. Rabena-Amen asked if there were any areas in the strategic plan that staff are having a challenging time addressing. Mr. Kaiser responded that outreach efforts to increase communication to consumers has been a challenge as it's difficult to find the vehicles to reach out to them to make them aware of the Board's role and how we can assist them with physical therapy services as there is no incentive for consumers to participate.

21. Pocket License – Discussion and Possible Board Action – Sarah Conley

Ms. Conley presented on the issue whether the PTBC should continue to issue a pocket license. Ms. Conley stated that the reason for issuing a pocket license is to provide a way for the license to be verified and at one time, this was the only way to verify a license aside from contacting PTBC. Ms. Conley added that now, online verification is more reliable and discipline information is available online that is not identified on the pocket license.

Ms. Conley shared she spoke with the Board of Registered Nursing and they have already eliminated the pocket license to address the issue of not having current verification. Ms. Conley added that the Board of Vocational Nursing and Psychiatric Technicians have also eliminated the pocket license and they did an outreach campaign to notify their stakeholders.

Ms. Conley stated PTBC staff recommend the Board vote in favor of eliminating the pocket license and adopt paperless licensing because it facilitates access to accurate license information for consumers and all stakeholders; it is environmentally conscious; and it would provide for a significant cost savings to the Board.

Ms. Eleby asked when sending out the hard copy pocket license if it is returned to the Board as undeliverable; does that prompt staff to reach out to that licensee to update their mailing address and Ms. Conley responded that staff does attempt to contact the licensee. Ms. Eleby asked whether it is a lost opportunity to contact the licensee if the Board is no longer mailing out pocket licenses and Ms. Conley agreed that it was. Dr. Drummer clarified is it the licensee's renewal notice, or the pocket license that is returned to the Board, and Ms. Conley responded that it is both. Mr. Kaiser added that during online transactions in BreEZe, a licensee is given the opportunity to update their contact and address information. Mr. Kaiser stated that the Board receives the initial notice of renewal, the delinquent notice and the pocket license back in the mail if the address is incorrect.

Dr. Rabena-Amen asked Ms. Conley approximately how many pocket licenses the Board receives returned in the mail and Ms. Conley replied that most of the returned mail is the renewal notices and the delinquent notices; which means that the licensee is fixing an outdated address before it gets to the pocket license process. Ms. Conley stated that a flag is put on the file if returned mail is received back to the Board for a licensee.

Ms. Conley stated that the three options for Board consideration regarding the pocket license are: eliminating the pocket license; obtaining additional information as discussed at the meeting and bring the item back to a future meeting; or continuing to issue the pocket license.

Dr. Drummer stated what prompted him to ask for this discussion was his own experience in monitoring the license population at the hospital where he works and that the Occupational Therapy Board beginning January 2019, started issuing a different type of license that does not have a signature on it; it just has the licensee's name, the type of license and an expiration date. Dr. Drummer stated he would like to see a licensee have access online where they could print their license, similar to insurance companies who are now providing insurance cards online and not mailing them out. Mr. Kaiser pointed out the alternative to the pocket license is the requirement to wear a nametag so there is a benefit to the consumer as well by asking licensees to identify themselves with name tags as opposed to conspicuously posting that wallet license somewhere in the practice where all patients can see it.

Dr. Drummer stated he would like to take some time to discuss the idea of eliminating the pocket license with licensees and the Board can discuss it again at the December 2019 meeting. Mr. Kaiser agreed with Dr. Drummer on the idea of having today's discussion as a starting point and agenda item at the December 2019 meeting to allow for stakeholders' comments and input. Mr. Kanotz, DCA legal counsel, added that there is no regulation or statute that would be required to be changed for the Board to eliminate the pocket license. Mr. Kanotz stated that BPC 164 provides that the form and content of any license certificate or permit is part of the duties of the Director of DCA; so, the Board could potentially issue a letter to the Director of DCA to eliminate the pocket license and it could be accomplished via a motion by the Board.

Ms. Rebecca Cheema, a PTA in Nevada who is seeking licensure in California, stated that she believed it was a great forward movement in eliminating the pocket license and having it available online and it would be very efficient, effective and eliminates some of the returns of lost mail.

Ms. Eleby agreed with Dr. Drummer and shared that she thought it best if the Board agendaize this item for the December meeting so that all stakeholders have an opportunity to provide comment before the Board takes action. In addition, Ms. Eleby asked PTBC staff to provide budget data at the December meeting regarding the cost

savings to the Board. Mr. Kaiser added that the most significant cost savings would be in the printing and mailing line items of the budget. Mr. Kaiser stated that staff could reach out to CPTA on this issue to see if they could help with data compilation. Ms. Conley suggested having the December agenda item clearly read “eliminating the pocket license” for clarity and the Board agreed.

Rebecca Doberg, PT Program Director at Carrington College stated that she was in favor of getting rid of the pocket license; and it would be nice to download and print a license online because that is one of the documentation pieces that the accreditor looks at when looking at faculty members and what is provided to CAPTE through the reaccreditation process.

Mr. Kanotz, DCA legal counsel, added that the Board of Registered Nursing and Board of Vocational Nursing and Psychiatric Technicians created a FAQ document on their website that if an employer asked for a license, they could provide the FAQ which discussed the fact that the pocket license is no longer available, and the BreEZe version should be used. Dr. Rabena-Amen suggested staff present members at the December meeting with a suggested plan for the Board to consider removing the pocket license.

22. Administrative Services – Discussion and Possible Board Action – *Liz Constancio*

(A) Budget Report – *April Beauchamps*

Ms. Beauchamps directed members to the expenditure report for quarter 4, (FY 2018/19) and stated that the Board is overspending its temporary help line item, in the Personnel Services which is due to the Board not having an allocated budget for that line item. Ms. Beauchamps stated that the Board is within budget in the operating expenses and overall the Board is projecting \$127,081 to revert back into the fund. Ms. Beauchamps referred members to the three-year milestone expenditure report included in the materials and stated that the personnel services expenditures have steadily increased since FY 2016/17 and the Operating Expenses and Equipment expenditures have decreased which is attributed to the DOI investigations which have decreased since 2016/17.

Ms. Eleby asked if the attorney general rates increase every year and Mr. Kaiser responded that there is a significant unanticipated increase this year to all DCA’s Boards and Bureaus however, the Board will be able to manage the impact.

Ms. Constancio added that the fund condition will change and probably decrease with the costs from the move and that the fund condition will be updated and provided to the Board at the end of the fiscal year. Mr. Kaiser added that the fund condition does

not account for the initial one-time move costs that the Board will need to expend, and these costs include construction, build out, new cubicle furniture etc. Mr. Kaiser added that the Board still has the Architecture Revolving Fund (ARF) \$400,000 set aside to help with the moving costs and helps with the fund condition and cost savings however it is not enough to sustain the costs of the move. Ms. Eleby asked that the ARF fund condition be provided to the Board members at future Board meetings.

(B) Outreach Report – *April Beauchamps*

Ms. Beauchamps reported that the Board's website had an 8% decrease for quarter 4 (FY 2018/19), with the laws section having the most significant decrease at 20% compared to prior fiscal year. Ms. Beauchamps stated that the reason for the decrease on the laws tab is due to more outreach being done at schools where the laws and regulation books are being handed out and QR codes are being given to the students, so they access the laws and regulations through downloading the pdf instead of using the website page.

Ms. Beauchamps stated that the forms page had the second largest decrease of 19% and this is due to the Board going green and removing the forms and directing users to use BreZE and stated that this will continue to drop as forms are removed from the website.

Ms. Beauchamps reported that the publications page had a significant increase of 68% due to the most recent newsletter, Facebook and Listserv directing users to the publications page.

Ms. Beauchamps reported that there was an 18% decrease in the traffic for Facebook which was caused by posts not being linked between Twitter and Facebook. She added that staff are in the process of obtaining software that will link all the Board's social media platforms.

Ms. Beauchamps reported that PTBC attended the DCA Licensing Fair at West Hills College in Lemoore on April 12, 2019. She added that PTBC staff also did school presentations at Casa Loma College on April 25, 2019, California State University Northridge on April 26, 2019, and Sacramento City College on May 13, 2019. Ms. Beauchamps stated that PTBC attended 15 outreach events for fiscal year 2018/19 which included schools and licensing events and PTBC has visited 12 out of the 32

PT/PTA programs (38%) in California and the goal is to visit all PT/PTA programs in California by the end of the strategic plan.

Dr. Rabena-Amen asked what the school responses were from the Spring Newsletter and Ms. Beauchamps responded that some schools that the Board has yet to visit, have contacted the Board requesting outreach presentations. Ms. Beauchamps added that the Board has gotten a lot of great feedback on the Spring Progress Notes (Newsletter) and the newsletter contained an article about hosting a Board meeting and schools have already contacted the Board wanting to host a Board meeting.

Dr. Rabena-Amen asked about the next newsletter and Ms. Beauchamps responded that the next newsletter is scheduled for the end of October 2019. PTBC Staff have sent the articles over to DCA's Publications Design and Editing and there will be an article from a probationer, an article on the benefits of attending a Board meeting and an article on continuing competency. Ms. Beauchamps added that in future newsletters, student feedback from outreach events will be included.

Dr. Rabena-Amen asked if there was an opportunity to incorporate consumer perspective into the Board's newsletter. Mr. Kaiser responded yes, the Board always makes an effort to incorporate consumer perspective into the newsletter and that recently, PTBC staff have reached out to DCA's Public Affairs for a consumer outreach piece regarding a famous actor's experience with physical therapy in California.

Ms. Eleby added that it is amazing to see how much the Board's outreach has expanded and grown during her time on the Board.

23. Application Services – Discussion and Possible Board Action – Sarah Conley

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

Ms. Conley reported that in fiscal year 2017/18 and 2018/19, Quarter 4, data in the statistical report was inadvertently switched. Ms. Conley reported that online application has been the focus and the data illustrates that most applicants are applying online which is attributed to increased outreach efforts as well as updated application information provided on the Board's website.

Dr. Rabena-Amen asked how the increase in online applications have affected staff and Ms. Conley responded that staff within the Application Services Program really appreciate the efficiencies from the online application process because an applicant can

enter in their personal information online and staff are able to focus on evaluating the application vs. data entry.

Dr. Rabena-Amen asked if staff are receiving more complete applications as a result of the Board's increased outreach and Ms. Conley responded that yes, the Board's increased outreach efforts have had a huge benefit on the quality of the applications because applicants can navigate the entire process better; they know what to expect, what's coming and what they need to do. Ms. Conley added that staff are receiving less phone calls and emails due to increased outreach efforts and additional application information being provided online. Ms. Conley stated that having a designated contact for outreach has been helpful because they are able to serve as a liaison between the schools and the Board.

Dr. Rabena-Amen stated that foreign educated applications online are also increasing and asked how they are informed of the online process. Ms. Conley responded that many foreign educated applicants call the Board prior to applying for clarification on the application process and staff directs them to BreZE for online application. Ms. Conley added that online renewals account for most of License Maintenance transactions at 83% and that online usage for name changes, address changes and duplicate requests are not as prevalent.

24. Licensing Services – Discussion and Possible Board Action – Sarah Conley

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

Ms. Conley stated that the license status data was added back into the statistical report. She reported that the data does not show a significant increase in online usage for each year, however it does show a gradual increase for each transaction type.

25. Continuing Competency Services – Discussion and Possible Board Action – Sarah Conley

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

Ms. Conley reported that continuing competency audits are being reported on for Quarter 3 (FY 2018/19) since the audit sample is pulled at the beginning of a quarter for licensees who renewed in the previous quarter. Ms. Conley added that the types of courses, and the sources of continuing competency credits for licensees will be added to the meeting materials Continuing Competency reports for future Board meetings. Mr. Kaiser added that the difference between traditional and alternative pathway will be easier for the Board to track.

Dr. Rabena-Amen asked what happens when a licensee, during an audit, submits a certificate for a continuing competency course that is not a Board approved course or from a Board approved vendor and Mr. Kaiser responded that each audit is looked at on a case-by-case basis to determine if the licensee has met the intent of the statute because the Board does not want to discourage a licensee from taking valuable content just because that particular provider has not also applied for recognition in California, he added that PTBC staff will look at the course to see if its substantially compliant and if it is, the licensee will receive continuing competency credit for it.

26. Consumer Protection Services – Discussion and Possible Board Action– *Elsa Ybarra*

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

Ms. Ybarra referred members to the CPS report and reported that for 2018/19 the Board has remained consistent throughout the year and at this time, no concerns or major increases or decreases are anticipated in the Board's goals or performance measures.

Ms. Ybarra stated there were 50 anonymous complaints for 2018/19 and due to the lack of information the Board receives, it can be challenging to pursue the complaint. Ms. Ybarra added that CPS staff can get creative in gathering and obtaining information regarding anonymous complaints so that the Board can send them to the Division of Investigation (DOI) for a more thorough investigation; however, DOI does have their own requirements that the Board must meet in order to submit complaints for a formal investigation. Ms. Ybarra stated that she has been working with PTBC staff member Vincent Azar on the online complaint form to make it more user friendly. Ms. Ybarra added that the online complaint form can be overwhelming and complex.

Ms. Ybarra reported that staff have been working on business rules within the BreEZe complaint records to increase efficiency by adding an alert that will notify the analyst if the complaint record needs to be corrected or additional codes added.

Dr. Rabena-Amen asked if the Board receives complaints more frequently from consumers, staff, employers, or licensees. Ms. Ybarra responded that the Board receives complaints equally from consumers, staff, employees, licensees and other licensed individuals. Mr. Kaiser added that during outreach opportunities to licensees, they are encouraged to help the Board fulfill its mandate of consumer protection by reporting concerns to the Board and if a licensee is going to remain anonymous when filing a complaint, to provide as much information and detail as possible so that the complaint can be investigated thoroughly. Ms. Ybarra added the number of complaints received has decreased.

27. Probation Monitoring Services – Discussion and Possible Board Action – *Monny Martin*

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

Mr. Ybarra reported on behalf of Mr. Martin and stated the probation averages remain consistent and Mr. Martin has been traveling a great deal more so he can interview each probationer at least once a year.

**28. Board Member Elections
(A) Vice-President**

- | | |
|--------------------|--|
| NOMINATION: | Ms. McMillian nominated Dr. Dominguez as Board Vice-President. |
| NOMINEE: | Dominguez |
| MOTION: | To elect Dr. Dominguez as Board Vice-President. |
| M/S: | McMillian/Rabena-Amen
Dr. Dominguez accepted the nomination. |
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| NOMINATION: | Dr. Dominguez nominated Dr. Drummer as Board Vice-President. |
| NOMINEES: | Drummer |
| MOTION: | To elect Dr. Drummer as Board Vice-President. |
| M/S: | Dominguez/Eleby
Dr. Drummer declined the nomination. |
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| NOMINATION: | Dr. Drummer nominated Ms. Eleby as Board Vice-President. |
| NOMINEE: | Eleby |
| MOTION: | To elect Ms. Eleby as Board Vice-President. |
| M/S: | Drummer/Dominguez
Ms. Eleby accepted the nomination. |
|
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| VOTE: | Dominguez- Eleby
Drummer – Eleby
Eleby – Dominguez
McMillian – Eleby
Rabena-Amen - Dominguez
3-2 in favor of Ms. Eleby/Motion carried |

29. Public Comment on Items Not on the Agenda

Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide

whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a).]

Rebecca Doberg, PT Program Director at Carrington College expressed her appreciation to the Board for visiting Carrington College and stated that it was very informative for herself and the students.

30. Agenda Items for Future Meeting –

December 12-13, 2019
DCA Hearing Room
2005 Evergreen Street, Sacramento, CA

Ms. Eleby requested an agenda item to further discuss whether the PTBC should continue to issue pocket licenses be added to the December 2019 meeting.

Dr. Dominguez asked for a presentation from the Board's legal counsel on the roles of the Administrative Law Judge, DAG and Counsel, the overlap and separation of the Board and how the pieces play together in the adjudication process. Mr. Kaiser responded that this has already been scheduled for the December 2019 meeting.

Mr. Kaiser added that agenda items requested from members from the previous meeting will be added to the December 2019 meeting with the president's approval.

31. Adjournment

The meeting adjourned at 11:34 a.m.