

**PHYSICAL THERAPY BOARD OF CALIFORNIA
RULEMAKING FILE**

***TITLE 16, CALIFORNIA CODE OF REGULATIONS
DIVISION 13.2***

***Article 1.5, License Status, Section 1398.18
Article 10, Fees, Sections 1399.50, and 1399.52
Retired License and Fees***

Submitted to: Office of Administrative Law By:
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PHYSICAL THERAPY BOARD OF CALIFORNIA

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CLOSING STATEMENT/CERTIFICATION

I, Brooke Arneson, am the agency official who compiled this rulemaking file with the assistance of my employees and agents. I certify that I have complied with the requirements of Business and Professions Code section 313.1. I declare under penalty of perjury under the laws of the State of California that the record in this matter was originally closed on October 21, 2022, then reopened and reclosed on December 6, 2022, and the file and this copy of the file are complete.

Executed this 6th day of December 2022, at Sacramento, California.



Brooke Arneson
Physical Therapy Board of California

Notice of Proposed
Changes

and

Notice Extending
Comment Period

TITLE 16.
PHYSICAL THERAPY BOARD OF CALIFORNIA
NOTICE OF PROPOSED RULEMAKING CONCERNING
Retired License §1399.18
Physical Therapist Fees §1399.50
Physical Therapist Assistant Fees §1399.52
Of the California Code of Regulations

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to adopt a new Article 1.5, a new Section 1399.18 of Article 1.5 and amend Sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations (CCR), as described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing, from any interested person, or a person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request, in writing, addressed to the individuals listed under "Contact Person" in this Notice.

WRITTEN COMMENT PERIOD

Any interested person, or a person's authorized representative, may submit written comments relevant to the proposed regulatory action to the address listed under Contact Person in this Notice . Comments may also be submitted by facsimile (FAX) at 916 263-2560 or by e-mail to ptbc.rulemaking@dca.ca.gov. The written comment period closes at **5:00 p.m. on Tuesday, August 2, 2022**. The Board will consider only comments received at the Board's office by **5:00 p.m. on Tuesday, August 2, 2022**, or at the public hearing, if one is requested. Submit comments to the Contact Persons listed in this Notice.

AUTHORITY AND REFERENCE

Business and Professions Code (BPC) sections 464 and 2615 authorize the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 118, 144, 163.5, 464, 2644, 2647, 2649, 2660 and 2688 of the BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Physical therapists (PT) are licensed health care practitioners that perform physical therapy and physical therapist assistants (PTA) are licensed health care practitioners that provide physical therapy services under the supervision of a licensed physical therapist (BPC section 2630.3). Both are regulated pursuant to the Physical Therapy Practice Act (BPC 2600 and following). BPC section 464 provides that boards within the Department of Consumer Affairs may provide for a retired license category.

While BPC section 464 gave the Board statutory authority to issue retired licenses, it did not specify the provisions and procedures for obtaining such licenses. Therefore, without regulations in place, there is no formal process for a licensee who is retired and no longer practicing placing their license on a retired status and alleviate the expense of license renewal fees for a license they are no longer using.

Currently, licensed PTs and PTAs who no longer wish to practice must either utilize the inactive status pursuant to CCR 1399.98 and pay the biennial renewal fee of \$300 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after five years. By providing a means to obtain a retired status, licensees who are no longer practicing avoid the possible stigma in their professional community from having a licensed placed in a “delinquent” or “cancelled” status and can be relieved from the expense of renewal fees.

The Board’s proposal would address the foregoing issues by:

- (1) adopting CCR section 1399.18 to specify who is eligible for a retired license, how to apply for and obtain a retired license, and how a holder of a retired license may return to active status; and,
- (2) amending CCR sections 1399.50 and 1399.52 to assign a fee of \$100 for a retired license application fee for PTs and PTAs.

These proposed regulations will also incorporate by reference the following applications: - (1) Application for Retired License (RS1- New 09/2021) and (2) Application to Restore Retired License to Active Status (RS2-New 09/2021).

Anticipated Benefits of the Proposed Regulation:

This proposal would establish a consistent and simple process for obtaining retired license status and would eliminate barriers for those who wish to retire and have the option of placing their license in a retired status. It would also save costs for those licensees who select this status by not being required to pay renewal or other fees associated with continuing competency. This proposal further alleviates confusion to the public regarding the true status of an individual who does not wish to abandon their license by entering into delinquent status but would rather simply retire from practice.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, the Board conducted a search of similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

- Application for Retired License (RS1- New 09/2021)
- Application to Restore Retired License to Active Status (RS2-New 09/2021)

DISCLOSURES REGARDING THE PROPOSED ACTION

Fiscal Impact Estimates

Fiscal impact on public agencies including costs or savings to state agencies or costs/savings in federal funding to the state:

The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter. The Board anticipates approximately 1,064 licensees apply for the retired license status in the first two years of implementation and 689 licensees per year thereafter.

The Board indicates an Office Technician will take approximately 95 minutes to process each application with workload costs of \$101 per application, which results in costs ranging from \$69,589 to \$107,464 per year and up to \$771,640 over a ten-year period. The Board estimates retired license type fee revenues of approximately \$106,400 per year in the first two years of implementation, \$68,900 per year thereafter, and up to \$764,000 over a ten-year period. Please see the Initial Statement of Reasons for further information.

This regulatory proposal does not impact any costs or savings in federal funding to the state.

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Nondiscretionary costs or savings imposed on local agencies: None

Cost impacts on a representative private person or business: Licensees will have the option to apply for a retired license for a one-time fee of \$100. The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter.

The Board anticipates approximately 1,064 licensees will apply for the retired license in the first two years of implementation and 689 licensees per year thereafter, which results in an economic impact of \$106,400 per year in the first two years of implementation, \$68,900 per year thereafter, and up to \$764,000 over a ten-year period.

Effect on housing costs: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business,

including the ability of California businesses to compete with businesses and other states. This initial determination is based on the following facts: this proposed regulation establishes placement of a license in a retired status for a licensee who is not actively engaged in the practice of physical therapy or any activity that requires them to be licensed by the Board. Since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual opts to change their license title to “retired.”

Licensees will have the option to apply for a retired license for a one-time fee of \$100. The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter.

The Board anticipates approximately 1,064 licensees apply for the retire license status in the first two years of implementation and 689 licensees per year thereafter, which results in an economic impact of \$106,400 per year in the first two years of implementation, \$68,900 per year thereafter, and up to \$764,000 over a ten-year period. Please see Initial Statement of Reasons for further information.

Effect on Small Business:

As explained above, the Board has determined that the proposed regulation will not affect small businesses because the proposal would only affect those licensees who move into retired status unless the small business is owned by the retiring licensee, but since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual opts to change their license title to “retired.”

Business Reporting Requirements:

The regulatory action does not require businesses to file a report with the Board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has determined that this regulatory proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California or eliminate jobs because the proposal is not of sufficient magnitude to create or eliminate jobs or businesses or affect the expansion of businesses. The Board has made this initial determination because this proposed regulation simply affords licensees already retired from working as a physical therapist or a physical therapist assistant, the opportunity to place a license in a retired status. Since licensees currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on the workforce related to a change in license status nor an effect on new business or existing businesses or the expansion of businesses.

This regulatory proposal will benefit the health and welfare of California residents because

consumers searching for a physical therapist or physical therapist assistant will find the license status to accurately reflect “retired.” This would indicate the licensee is no longer authorized to practice and would alleviate confusion regarding the true status of a licensee who does not choose to abandon their license but rather simply retire from practice. It would also benefit a physical therapist or physical therapist assistant who has retired for less than five years and wishes to return to practice by giving them a process to do so. Currently, licensees who no longer wish to practice must either utilize the inactive status pursuant to CCR 1399.98 and pay the biennial renewal fee of \$300 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after five years. This process relieves the financial burden of having to remain in active status and provides easy access to return to active status if desired.

This regulatory proposal will not affect worker safety or the State’s environment because the proposal does not involve worker safety or environmental issues. The proposed regulation establishes the placement of a license into a retired license when the licensee is no longer actively engaged in the practice of physical therapy as well as a return to practice, if desired.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to its attention, will be more effective in carrying out the purpose for which the regulation is proposed, will be as effective and less burdensome to affected private persons than the adopted regulation, or will be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period and submit them to the address listed under Contact Persons in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the Initial Statement of Reasons (ISOR), and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 2600, Sacramento, California 95815.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, documents incorporated by reference, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the Contact Persons named in this Notice.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Contact Persons named in this Notice.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Sarah Conley
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) (916) 561-8200
Fax: (916) 263-2560
Email Address: ptbc.rulemaking@dca.ca.gov

The backup contact person is:

Brooke Arneson
2005 Evergreen Street, Suite 2600
Sacramento, California 95815
Telephone: (916) 561-8200
Fax: (916) 263-2560
Email Address: ptbc.rulemaking@dca.ca.gov

Website Access: Materials regarding this proposal can be found at https://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at: https://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

Notice of Extension of Public Comment Period

Notice is hereby given that the Physical Therapy Board of California (hereinafter "Board") is proposing to adopt a new Article 1.5 and a new Section 1399.18 of Article 1.5 and amend sections 1399.50 and 1399.52 to Title 16 of the California Code of Regulations related to Retired License and Physical Therapist and Physical Therapist Assistant Fees. The comment period was initially noticed beginning on June 17, 2022 and ending on August 2, 2022. Due to the Board failing to notice the public timely, the Board is extending the end of the comment period to August 5, 2022. Written comments, including those sent by mail or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 11:59 p.m., Friday, August 5, 2022.

CONTACT PERSONS:

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Brooke Arneson
2005 Evergreen Street, Suite 2600
Sacramento, California 95815
Telephone: (916) 561-8260
Email Address: ptbc.rulemaking@dca.ca.gov

The backup contact person is:

Elsa Ybarra
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8262
Email Address: ptbc.rulemaking@dca.ca.gov

Website Access: Materials regarding this proposal can be found at https://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

Originally
Proposed
Language

and

Documents
Incorporated by
Reference

DEPARTMENT OF CONSUMER AFFAIRS
PHYSICAL THERAPY BOARD

PROPOSED REGULATORY LANGUAGE REGARDING RETIRED LICENSE STATUS

Legend: Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Add Article 1.5 and Section 1399.18 to Article 1.5 of Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

Article 1.5 License Status

§ 1399.18. Retired License

- (a) For the purposes of this section, “disciplinary reasons” means that the applicant’s practice was restricted by order of the Board for violations of the Physical Therapy Practice Act, Physical Therapy Regulations, or Section 822 of the Code, including orders resulting from:
- (1) an accusation filed pursuant to the Administrative Procedure Act (Government Code Section 11500 et seq.) seeking to revoke, suspend, or place the license on probation; or,
 - (2) an interim suspension order filed pursuant to Section 494 of the Code.
- (b) A physical therapist or physical therapist assistant licensee (“applicant”) may apply for and, upon compliance with the requirements in subdivision (d), be issued a license by the Board in retired status (“retired license”).
- (c) A holder of a retired license is not required to renew that license or meet the continuing competency requirements of section 1399.91.
- (d) In order to be eligible for a retired license, an applicant shall:
- (1) Submit a completed form to the Board titled “Application for Retired License (RS1 (New 09/2021)),” which is hereby incorporated by reference;
 - (2) Pay the nonrefundable retired license application fee as set forth in section 1399.50 or 1399.52, as applicable;
 - (3) Have an active or inactive license issued by the Board;
 - (4) Not have been placed on inactive status by the Board due to disciplinary reasons; and,
 - (5) Not be actively engaged in practice as a physical therapist or physical therapist assistant or engaged in any activity that requires them to be licensed by the Board.
- (e) A holder of a retired license issued pursuant to this section shall not engage in any activity for which an active license is required.

(f) To be eligible to restore a retired license to active status within five years of being issued a retired license, an applicant shall:

- (1) Complete and submit a form to the Board titled "Application to Restore Retired License to Active Status (RS2 (New 09/2021))," which is hereby incorporated by reference;
- (2) Pay the nonrefundable biennial renewal fee for a physical therapist or physical therapist assistant, as set forth in sections 1399.50 or 1399.52, as applicable;
- (3) Have completed a minimum of thirty (30) hours of continuing competency within the last two years prior to applying to restore the license to active status in compliance with Article 13 (commencing with section 1399.90); and,
- (4) If an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database and on written request of the board, furnish to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to Section 144 of the Code.

(g) If a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license in accordance with Section 2647 of the Code.

Note: Authority cited: Sections 464 and 2615, Business and Professions Code.
Reference: Sections 118, 144, 464, 2647, 2649, 2660, and 2688, Business and Professions Code.

Amend sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.50. Physical Therapist Fees.

Pursuant to sSection 2688 of the eCode, physical therapist fees are fixed as follows:

* * * *

(f) The retired license application fee shall be \$100.00.

Note: Authority cited: Section 2615, Business and Professions Code.
Reference: Sections 163.5, 464, 2644, and 2688, Business and Professions Code.

§ 1399.52. Physical Therapist Assistant Fees.

Pursuant to sSection 2688 of the eCode, physical therapist assistant fees are fixed as follows:

* * * *

(e) The retired license application fee shall be \$100.00.

Note: Authority cited: Section 2615, Business and Professions Code.
Reference: Sections 163.5, 464, 2644, and 2688, Business and Professions Code.



Application for Retired License

To be eligible for a retired license, you must have an active or inactive license issued by the Board, complete this form, and submit it to the Board by mail to the above address with a check or money order payable to the Physical Therapy Board of California for \$100. Failure to provide any requested information or fee may prevent, or significantly delay, the processing of your request. Upon approval, your current license will be replaced with a retired license. You can verify your updated license status on the PTBC's website under "Verify a License." Licensees who are inactive for disciplinary reasons do not qualify for a retired license.

Licensees issued a retired license are prohibited from engaging in the practice of, or assisting in the provision of, physical therapy or physical therapy assistant services. Such licensees are exempt from the renewal fee and continuing competency requirements. For full information on retired license status requirements, refer to Section 1399.18 of Title 16 of the California Code of Regulations (CCR).

SECTION A: Personal Information		
License Type:	<input type="checkbox"/> PT	<input type="checkbox"/> PTA
		License Number
First Name	Middle Name	Last Name
Last Four Digits of SSN	Date of Birth	
Work Phone	Daytime Phone	Email Address
*ADDRESS OF RECORD (include City, State, Zip):		
Confidential Street Address:		

* Current public / mailing address. If using a P.O. Box, you must also provide a confidential street address.

SECTION B: Qualification for Retired License Status
Are you actively engaged in practice as a physical therapist or physical therapist assistant or engaged in any activity that requires you to be licensed by the Board?
<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C: Declaration (See Attachment A before signing)
By signing below, I am requesting Retired License Status.
I declare under penalty of perjury under the laws of the State of California that the information given above is true and correct, and that I am the person who was issued the license by the Physical Therapy Board of California.
Signature: _____ Date: _____

ATTACHMENT A

PERSONAL INFORMATION COLLECTION NOTICE:

The information provided in this form will be used by the Physical Therapy Board of California (“Board”) to process your request to change your license status to retired. Section 464 of the Business and Professions Code and Section 1399.18 of Title 16 of the California Code of Regulations authorizes the collection of this information. Failure to provide any of the required information (except the email address) is grounds for rejection of the form as being incomplete. Information provided may be transferred to the Department of Justice, a District Attorney, a City Attorney, or to another government agency as may be necessary to permit the Board, or the transferee agency, to perform its statutory or constitutional duties, or otherwise transferred or disclosed as provided in Civil Code Section 1798.24. Each individual has the right to review their file, except as otherwise provided by the Information Practices Act. The Custodian of Records of the Board is responsible for maintaining the information in this form, and may be contacted at 2005 Evergreen St., Suite 2600, Sacramento, CA 95815, telephone number (916) 561-8200, regarding questions about this notice or access to records.



Application to Restore Retired License to Active Status

To restore your retired license to active within five years of your retired license being issued, complete this form and submit it to the Board at the address above by mail with a check or money order for the renewal fee made payable to the Physical Therapy Board of California for \$300.

Failure to provide any requested information may prevent or significantly delay the processing of your request. You can verify your updated license status on the PTBC's website under "Verify a License." You are not authorized to practice as a physical therapist or physical therapist assistant until your license has been restored to active status.

For full information on requirements to restore a retired license to active, refer to Section 1399.18 of Title 16 of the California Code of Regulations (CCR).

SECTION A: Personal Information			
License Type: <input type="checkbox"/> PT <input type="checkbox"/> PTA		License Number	
First Name	Middle Name	Last Name	
Last Four Digits of SSN		Date of Birth	
Work Phone	Daytime Phone	Email Address	
*ADDRESS OF RECORD (include City, State, Zip):			
Confidential Street Address:			

* Current public / mailing address. If using a P.O. Box, you must also provide a confidential street address.

SECTION B: Mandatory Conviction and License Disciplined Disclosure Question

1. Since you placed your license in Retired status, have you had any license disciplined by a licensing board in or outside of California, a state, or agency of the federal government? For the purposes of this question, "disciplined" means revoked, suspended, placed on probation, reprovved, reprimanded, or otherwise restricted from practicing physical therapy or another business or profession.

*Yes No

*If you answered yes to this question please provide details. If you have had a license disciplined, provide copies of the disciplinary order and any documentation of rehabilitation to the PTBC.

If you had a license disciplined, list the state(s) in which your license was disciplined:

2. Have you been convicted of or pled guilty or *nolo contendere* to any felony, misdemeanor, or other criminal offense under the laws of any state, the United States, or a foreign country, including any conviction which has been dismissed under Section 1203.4 of the Penal Code? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.

*Yes No

*If you answered yes to this question please provide details. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the PTBC.

Mail all documents within 30 days of the date you submitted this application to:
 PTBC 2005 Evergreen Street, Suite 2600, Sacramento, CA 95815.

SECTION C: Continuing Competency Requirements:

Physical therapist and physical therapist assistant licensees must certify they have completed all continuing competency requirements required to restore a Retired license to Active. Continuing competency activity must be completed within the last two years prior to application and must be in compliance with Article 13 (commencing with Section 1399.90) (“Board’s continuing competency requirements”). Do not submit proof of completion of continuing competency activity with this request. Retain proof of completion for your records and provide to the PTBC only if requested.

Continuing Competency Compliance Statement:

By signing below, I certify that I have completed at least 30 hours of the Board’s continuing competency requirements within the last two years.

SECTION D: Declaration (See Attachment A before signing)

By signing below, I am requesting Restoration of my Retired License to Active License Status.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature: _____ **Date:** _____

ATTACHMENT A

PERSONAL INFORMATION COLLECTION NOTICE:

The information provided in this form will be used by the Physical Therapy Board of California (“Board”) to process your request to restore your status to active status. Section 464 of the Business and Professions Code and Section 1399.18 of Title 16 of the California Code of Regulations authorizes the collection of this information. Failure to provide any of the required information (except the email address) is grounds for rejection of the form as being incomplete. Information provided may be transferred to the Department of Justice, a District Attorney, a City Attorney, or to another government agency as may be necessary to permit the Board, or the transferee agency, to perform its statutory or constitutional duties, or otherwise transferred or disclosed as provided in Civil Code Section 1798.24. Each individual has the right to review his or her file, except as otherwise provided by the Information Practices Act. The Custodian of Records of the Board is responsible for maintaining the information in this form, and may be contacted at 2005 Evergreen St., Suite 2600, Sacramento, CA 95815, telephone number (916) 561-8200, regarding questions about this notice or access to records.

FOR PTBC USE ONLY

Date: _____ Initials: _____ RECEIPT #: _____ ATS#: _____ Amount: \$ _____ Check #: _____

Initial Statement Of Reasons

PHYSICAL THERAPY BOARD OF CALIFORNIA

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: **Retired License and Fees**

Sections Affected: Add section 1399.18 to new Article 1.5 and amend sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations (CCR)

Hearing Date: A hearing has not been scheduled, unless requested.

Specific Purpose of Each Adoption, Amendment, or Repeal:

INTRODUCTION:

Physical therapists (PT) are licensed health care practitioners that perform physical therapy and physical therapist assistants (PTA) are licensed health care practitioners that provide physical therapy services under the supervision of a licensed physical therapist. Both are regulated pursuant to the Physical Therapy Practice Act (Act) (Business and Professions Code (BPC) sections 2600 *et seq.*).

In 2013, Senate Bill (SB) 198 (Lieu, Ch. 389, Stats. 2013) was chaptered into law, adding BPC section 2648.7 to the Physical Therapy Practice Act. The amendment to the Act exempted a licensee from paying the renewal fee and from meeting the requirements set forth in BPC section 2649 (continuing competency) if the licensee applied to the Board for retired license. However, SB 198 failed to adequately include a provision for application or reactivation, or a fee for administrative costs. At the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees since the Board was mandated to do so even though there was no means to support the program in terms of funding or specified requirements for exemption. In 2015, the Board was pursuing clarifying regulations to establish retired license requirements when Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016,) was introduced and signed into law. AB 2859 authorized a board to establish regulations for a retired license system; however, the statute excluded a board that had other statutory authority to establish a retired license. Because BPC section 2648.7 exempted a licensee from payment of renewal fees but did not specifically authorize the Board to establish a retired license, it was unclear whether the Board would be exempt from the provisions of AB 2859. Accordingly, during its 2016 Sunset Review, the legislature addressed this issue by repealing BPC section 2648.7, which enabled the Board to rely on the new retired license statute, BPC section 464¹.

¹ Business and Professions Code 464.

- (a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.
- (b) The regulation shall contain the following:
 - (1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

Generally, the legislative history of AB 2859 acknowledged that licensees disfavor the alternative “inactive” license status because it holds negative connotations and does not appropriately illustrate the decades of service from the license holder. (Assembly Floor Analysis of AB 2859, 8/24/16.)

After a fee study of the costs involved was conducted, at the Board’s September 17, 2021, meeting, the Board discussed and approved the proposed addition of 16 CCR 1399.18 and the amendment of 16 CCR 1399.50 and 1399.52 to implement BPC section 464. (See Underlying Data.)

This proposal would establish minimum eligibility requirements to enter into retired license as well as define requirements for restoring a license to an active status should a licensee with a retired license choose. These proposed regulations will also incorporate by reference the application to enter retired license (RS1 (NEW 09/2021)) and the application to restore a retired license into active status (RS2 (NEW 09/2021)). Additionally, the Board proposes to amend sections 1399.50 and 1399.52 to set a one-time \$100 application fee to enter retired license.

The Problem to be Addressed and Anticipated Benefits

While BPC section 464 gave the Board statutory authority to place a license into retired license, it did not specify the provisions and procedures for obtaining such licenses. Therefore, without regulations in place, there is no formal process for a licensee who is retired and no longer practicing placing their license in a retired license and alleviate the expense of license renewal fees for a license they are no longer maintaining in active status.

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- (2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.
 - (3) The holder of a retired license shall not be required to renew that license.
 - (4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.
 - (5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:
 - (A) Pay a fee established by statute or regulation.
 - (B) 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.
 - (C) Comply with the fingerprint submission requirements established by regulation.
 - (D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.
 - (E) Complete any other requirements as specified by the board by regulation.
 - (c) A 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 that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.
 - (d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.

(Added by Stats. 2016, Ch. 473, Sec. 1. (AB 2859) Effective January 1, 2017.)

Currently, licensed PTs and PTAs who no longer wish to practice must either utilize the inactive status pursuant to CCR 1399.98 and pay the biennial renewal fee of \$300 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after five years. By providing a means to obtain a retired status, licensees who are no longer practicing avoid the possible stigma in their professional community from having a license placed in a “delinquent” or “cancelled” status and can be relieved from the expense of renewal fees.

For these reasons, having a retired license application, specified eligibility criteria for a retired license, and an established fee creates an environment more conducive to facilitating retired status compliance for PTs and PTAs who wish to retire, including establishing standards that would alleviate the time and expense of renewing a license that is not being used. The Board’s proposal would address the foregoing issues by:

- (1) adopting CCR section 1399.18 to specify who is eligible for a retired license, how to apply for and obtain a retired license, and how a holder of a retired license may return to active status; and,
- (2) amending CCR sections 1399.50 and 1399.52 to assign a fee of \$100 for a retired license application fee for PTs and PTAs.

Factual Basis/Rationale

The Board proposes the addition of “Article 1.5 – License Status” for organizational purposes.

The Board proposes the adoption of CCR section 1399.18 and the amendment of CCR sections 1399.50 and 1399.52 for the following reasons:

Section 1399.18 – Retired License

- (1) Add new subsection (a); This proposal will create a new subsection (a) for defining “disciplinary reasons,” which may prevent a licensee from entering into a retired license. BPC section 464 authorizes the Board to implement a system for retired category of licensure through regulation and requires the regulation to contain specified criteria listed in subdivisions (b)(1)-(1)(4). This definition implements, interprets, or makes specific the provisions of BPC 464(b)(1), “A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status *for disciplinary reasons*” (emphasis added).

Existing law and regulation do not include a definition for “disciplinary reasons,” which is subject to multiple interpretations. This definition is therefore necessary for the regulated community to understand the requirements in subdivision (b)(1) of BPC section 464 and the implementing regulation contained in subsection (d)(4), below. The proposed definition accurately reflects the grounds for disciplining a license pursuant to BPC sections 822 and 2660 and the mechanisms the Board would use to take such actions in compliance with the

requirements of the Administrative Procedure Act (Accusations initiate action to restrict or limit a license per Government Code section 11503) and BPC section 494 (interim suspension orders). Here, discipline is delineated as a restricted license after the formal administrative hearing process, the results of which could involve revocation or suspension of a license, or restrictive practice conditions on the license. It includes orders issued by the Board restricting the license under BPC 822, which could stem from a licensee's impairment due to mental illness or physical illness affecting competency.

- (2) Add new subsection (b): Currently, there are no existing regulatory requirements that set minimum compliance standards for a physical therapist or physical therapist assistant licensee to apply for and be issued a license by the Board in retired license status ("retired license" is added as a shorthand reference for easier comprehension). This proposal would set such standards by specifying that a physical therapist or physical therapist assistant licensee may apply for and be issued a license in retired status, provided all eligibility requirements in 1399.18 subsection (d)(1) – (5) are met. This subdivision would also create a shorthand reference for "applicant" that would include either a physical therapist or physical therapist assistant licensee applying for retired status for ease of reference and comprehension of the regulatory proposal. It is necessary to note that both license types are eligible to prevent confusion.
- (3) Add new subsection (c): BPC section 464 authorizes the Board to implement a system for retired category of licensure through regulation and requires the regulation to contain specified criteria listed in subdivisions (b)(1)-(1)(4). This definition implements, interprets, or makes specific the provisions of BPC 464(b)(3), which provides: "[t]he holder of retired license shall not be required to renew that license." Since renewal requirements typically include meeting the continuing competency requirements in CCR section 1399.91, this proposal would specify that a holder of a retired license is not required to renew the license and is therefore also exempt from meeting the continuing competency requirements as specified in CCR section 1399.91. This is consistent with the intent of BPC section 464 and would avoid licensee confusion about whether continuing education prescribed by CCR section 1399.91 would still be required to maintain the retired license.
- (4) Add new subsection (d)(1) – (5): Currently, there are no existing regulatory requirements that set minimum compliance standards for a physical therapist or physical therapist assistant licensee to apply for and be issued a license by the Board in retired status. This proposal outlines the minimum eligibility requirements to enter into a retired license as follows:
 - Add new subsection (d)(1): Specifies the requirement to use the form titled "Application for Retired License (RS1 (New 09/2021))" to obtain a retired license. The form, incorporated by reference and described below, identifies all requisite information an applicant must provide when applying for a retired license. Providing all required information in this application provides a simple and convenient way for an applicant to determine what

information needs to be provided to meet the Board's eligibility criteria. Applications on a prescribed form are consistent with the Board's administrative practices and application's consolidation of requirements into one convenient format enable the Board to more easily determine whether all minimum criteria for issuance of a retired license are met.

- Add new subsection (d)(2): This proposal requires the applicant to pay a fee as prescribed in CCR sections 1399.50 and 1399.52. The fee covers administrative costs for processing an application for retired license which is justified in the Fiscal Impact Assessment, below. These fees are necessary for the Board to recover its costs of processing these applications and to implement its responsibilities under BPC section 464(b)(4) to "establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license." This subdivision is also necessary to provide notice to the applicant that the required fee must be paid in order to be eligible for a retired license.
- Add new subsection (d)(3): This proposal requires the licensee to have either an active or inactive license status at the time of application, which is a requirement of BPC section 464. BPC section 464 authorizes the Board to implement a system for retired category of licensure through regulation and requires the regulation to contain specified criteria listed in subdivisions (b)(1)-(1)(4). This definition implements, interprets, or makes specific the provisions of BPC 464(b)(1), which provides: "[a] retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons." This provision is therefore necessary because the Legislature determined that this provision should be included in the Board's regulation. In addition, the Board notes that all other license status' are indicative of either an administrative action by the Board or a lapse in license status. For the reasons described above and below (subsections (a) and (d)(4)), only allowing a license in good standing to be placed in retired status fulfills the Board's consumer protection mandate. Specifying active or inactive allows a licensee who had gone inactive while in good standing to take advantage of the new license status opportunity.
- Add new subsection (d)(4): This proposal prohibits eligibility for a retired license if the licensee was placed on inactive status by the Board for disciplinary reasons. As explained in (d)(3)'s rationale above, "this provision is necessary because the Legislature determined that this provision should be included in the Board's regulation and would expressly require that the licensee "not have been placed on inactive status by the Board due to disciplinary reasons." The Board believes this is consistent with the legislature's intent that a licensee who has demonstrated poor judgement by violating the laws and regulations governing the practice of physical therapy is not a candidate for a retired license.
- Add new subsection (d)(5): BPC section 464 authorizes the Board to

implement a system for retired category of licensure through regulation and requires the regulation to contain specified criteria listed in subdivisions (b)(1)-(1)(4). This definition implements, interprets, or makes specific the provisions of BPC 464(b)(2), which provides: “[t]he holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.” The intent of this proposal is to implement this new category of retired license for those individuals who are truly retired and wish to no longer practice. The Board therefore has established criteria in this subdivision that makes it clear and provides notice to applicants that in order to obtain a retired license the applicant must “not be actively engaged in practice as a physical therapist or physical therapist assistant or engaged in any activity that requires them to be licensed by the Board.” In other words, the applicant must truly be retired to qualify for this retired license. Allowing licensees actively engaged in practice as a PT or PTA to be eligible and apply would conflict with the intent and purpose of BPC section 464(b)(2) and render it unduly burdensome for the Board to investigate and verify at some unknown later date. Including a requirement that the applicant be not actively engaged in the practice provides clear and consistent direction on the true purpose for the new license category and provides reasonable assurances to the Board that licensees know and understand their responsibilities when applying for this new license category.

(5) Add Form RS1 (New 9/2021) in subsection (d)(1);

Introduction and instructions to applicants:

(a) The form instructs an applicant that to be eligible for a retired license they must have an active or inactive license issued by the Board, complete the form and submit it to the Board by mail to the above address with a check or money order payable to the Physical Therapy Board of California for \$100. This instruction is necessary to provide adequate notice to applicants of the minimum requirements for an applicant’s submission of an application and to help ensure that the Board receives completed applications.

(b) The form instructs the applicant that failure to provide any requested information or fee may prevent or significantly delay the processing of their request. This instruction is necessary to put applicants on notice that any information that is missing from the application may delay significantly the processing of their application and is provided in accordance with the Information Practices Act requirements of Civil Code section 1798.17(e) (provide on each form “the consequences, if any, of not providing all or any part of the requested information”).

(c) The form instructs the applicant that upon approval their current license will be replaced with a retired license. This instruction is necessary to help avoid confusion regarding what occurs from processing perspective when an individual applies for a retired license and what the consequences are for their existing license.

(d) The form instructs an applicant that they can verify their updated license status

on the Board's website under "Verify a License." This instruction is and is necessary to provide applicants with notice of a simple straightforward method (via the Board's website) of confirming any changes to their license status.

(e) This form instructs applicants that licensees who are inactive for disciplinary reasons do not qualify for a retired license. BPC section 464 and this proposal would prohibit a licensee from qualifying for retired license if they are inactive for disciplinary reasons. Consequently, this instruction is necessary to provide notice to applicants of this disqualifying criteria, which will help ensure that the Board receives more qualified applicants.

(f) This form instructs applicants that licensees issued a retired license are prohibited from engaging in the practice of, or assisting in the provision of, physical therapy or physical therapy assistant services. This instruction is necessary to place licensees on notice of the compliance requirements of BPC section 464 which prohibits such practice while retaining a retired license. This will help ensure compliance and avoid possible disciplinary action of a retired license for failure to comply.

(g) The form instructs that retired licensees are exempt from the renewal fee and continuing competency requirements. This instruction is necessary to inform applicants of the exemptions available to retired licensees and the standards set forth in proposed section 1399.18 and to avoid confusion regarding requirements of maintaining a retired license.

(h) This form instructs applicants that they may refer to section 1399.18 of Title 16 of the California Code of Regulations for full information on retired license requirements. This instruction is necessary to advise applicants where they may consult the actual rules related to retired license requirements with the goal of having a more fully informed and compliant licensee.

This proposed incorporated form requires in Section A an applicant to list their license type, number, name, date of birth, work and daytime phone, email address, address of record, confidential street address, and last four digits of their social security number. This allows staff to match the applicant to the licensee on file, in accordance with subsection (d)(3), and provides necessary current contact information should any questions arise. The explanation of the address of record collection is to put applicants on notice that this information is the current publicly available address and address the Board will use to mail information to them. To ensure the ability of the Board to serve legal process (subpoenas and other legal documents), the Board requires the disclosure of a confidential street address if the mailing address used by the applicant is a P.O. Box.

In Section B of the form, applicants are asked about whether or not they are actively engaged in practice as a physical therapist or physical therapist assistant or engage in any activity that requires them to be licensed by the Board. This is necessary to ensure that the applicant is, in fact, retired and qualifies for a retired license per proposed section 1399.18(d)(5).

In Section C, applicants declare they are requesting Retired Status, which is the point of this form. They also declare under penalty of perjury that the information is true and correct and that they are the person who is issued the license by the Physical Therapy Board of California. The general rule is that licenses are personal and therefore may not be transferred to any other person unless expressly authorized by law (see, e.g., *Teachout v. Bogy* (1917) 175 Cal. 481, 485). As a result, to help further confirm the identity of the applicant and provide notice and confirmation of their status as a current licensee, the Board requires the applicant to declare that they are the person who was issued the license by the Board. With respect to the certification under penalty of perjury requirement, Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon applicants' self-reported information in evaluating applications. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

Finally, the application form includes the required notices and disclosures to the applicant for the Board's collection of personal information in compliance with Civil Code section 1798.17 (which applicants are directed to read prior to signing the application in Section C).

- (6) Add new subsection (e): This proposal specifies that a holder of a retired license shall not engage in any activity for which an active license is required. BPC section 464 authorizes the Board to implement a system for retired category of licensure through regulation and requires the regulation to contain specified criteria listed in subdivisions (b)(1)-(1)(4). This definition implements, interprets, or makes specific the provisions of BPC 464(b)(2), which provides: "[t]he holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required," This provision is therefore necessary to implement the requirement that a holder of a required license shall not engage in any activity for which a license is required because the Legislature determined that this provision should be included in the Board's regulation. The Board adds the word "active" before "license" to make it easier for the regulated community to understand when an activity would be prohibited. An active current license is required to practice physical therapy, as defined in BPC section 2620, pursuant to BPC section 2630.
- (7) Add new subsection (f): BPC section 464(b)(5) requires the Board to establish the

following eligibility criteria for restoring a retired license to active status, including:

- (A) Pay a fee established by statute or regulation.
- (B) 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.
- (C) Comply with the fingerprint submission requirements established by regulation.
- (D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.
- (E) Complete any other requirements as specified by the board by regulation.

This proposal establishes eligibility to restore a retired license to active status pursuant to the authority in BPC section 464(b)(5). This proposal would set forth the minimum eligibility requirements for a retired licensee to safely and competently return to active practice.

As further described below, subsections (f)(1)-(f)(4) would establish criteria for restoration of an active license within five years of being issued a retired license. Under the provisions of BPC section 2649, a “person who fails to renew his or her license within five years after its expiration may not renew it, and it shall not be reissued, reinstated, or restored thereafter.” In recognition of that limitation, the Board proposes to treat retired licenses as expired licenses for the purposes of setting criteria for restoring a license. This interpretation balances the need to allow retired licensees the option of returning to practice when they have currency of knowledge (within 5 years after retiring) and have less stringent restoration criteria, with the need to protect the public from incompetent practitioners.

Subsection (g) would set forth the requirement for licensees who have been retired for more than 5 years. For retired licensees seeking to restore to active status after being in retired status for more than five years, the Board provides the option of re-application in accordance with BPC section 2647 (which is the same process for applicants who have lapsed or expired for more than 5 years).

- (8) Add new subsection (f)(1): This proposal requires an applicant to complete and submit the “Application to Restore Retired License to Active Status (RS2 (New 09/2021))” when seeking to return to active status from retired status within 5 years of being issued a retired license. The form is incorporated into regulation by reference and solicits personal information and an attestation regarding conviction of a crime or discipline by a disciplinary body, which is consistent with the requirements for license renewal pursuant to BPC section 2644. Applications on a prescribed form are consistent with the Board’s administrative practices and the application’s consolidation of requirements into one convenient format enable the

Board to more easily determine whether all minimum criteria for restoration to an active license are met.

- (9) Add Form RS2 (New 9/2021) in subsection (f)(1); This proposed incorporated form is for ensuring all criteria is met for return to practice and to provide applicants with notice of the eligibility requirements in one convenient location.

Introduction and instructions to applicants:

(a) The form instructs the applicant that to restore their retired license to active within five years of their retired license being issued, complete this form and submitted to the board at the address above by mail with a check or money order for the renewal fee made payable to the physical therapy board of California for \$300. This instruction is necessary to provide adequate notice to applicants of the minimum requirements for an applicant's submission of an application and to help ensure that the Board receives completed applications.

(b) The form instructs applicants that failure to provide any requested information may prevent or significantly delay the processing of their request. This instruction is necessary to put applicants on notice that any information that is missing from the application may delay significantly the processing of their application and is provided in accordance with the Information Practices Act requirements of Civil Code section 1798.17(e) (provide on each form "the consequences, if any, of not providing all or any part of the requested information".)

(c) This form instructs applicants that they can verify their updated license status on the Board's website under "Verify a License." This instruction is necessary to provide applicants with notice of a simple straightforward method (via the Board's website) of confirming any changes to their license status.

(d) This form advises applicants that they are not authorized to practice as a physical therapist or physical therapist assistant until their license has been restored to active status. This instruction is necessary to help alleviate possible confusion regarding when a licensee may again actively practice, and places licensees on notice of the compliance requirements of BPC section 464 which prohibits such practice while retaining a retired license. This will help ensure compliance and avoid possible disciplinary action of a retired license for failure to comply.

(e) This form instructs applicants that they may refer to section 1399.18 of Title 16 of the California Code of Regulations for full information on requirements for restoring a retired license to active. This instruction is necessary to advise applicants where they may consult the actual rules related to license restoration requirements with the goal of having a more fully informed and compliant licensee.

This proposed incorporated form requires in Section A an applicant to list their license type, number, name, date of birth, work and daytime phone, email address, address of record, confidential street address, and last four digits of their social security number. This allows staff to match the applicant to the licensee on file, in

accordance with subsection (d)(3), and provides necessary current contact information should any questions arise. The explanation of the address of record collection is to put applicants on notice that this information is the current publicly available address and address the Board will use to mail information. To ensure the ability of the Board to serve legal process (subpoenas and other legal documents), the Board requires the disclosure of a confidential street address if the mailing address used by the applicant is a P.O. Box.

Sections B and C are consistent with current requirements for renewal of a license pursuant to BPC 2644. In the Board's experience, such questions are necessary to ensure that a licensee is safe to return to practice as any affirmative answers in Section B or negative answers or deficiencies in Section C could indicate a risk to the public and render applicants ineligible.

Section B Question No.1: This section would request that an applicant disclose whether they have they had any license disciplined by a licensing board in or outside of California, a state, or agency of the federal government since they placed their license in retired status. This question is necessary to examine whether there are any grounds for denial authorized by BPC sections 480(a)(2) and 2660(o) which authorize the Board to deny an application when disciplinary action is taken by another licensing board in or outside of California, by another state, or by an agency of the federal government. The Board requests current information to evaluate whether any cause arose after issuance of the retired license, which would have been the last time the Board would have investigated or evaluated whether any disciplinary actions or "reasons" existed (see proposed subsection 1399.18(a), (d)(4)).

The question includes a definition for "disciplined" which the Board has defined as meaning revoked, suspended, placed on probation, reprovved, reprimanded, or otherwise restricted from practicing physical therapy or another business or profession. BPC section 2660 authorizes Board to take various disciplinary actions including revocation suspension and probation. BPC section 494 authorizes the Board to publicly reprove a licensee and BPC section 2660.3 authorizes the Board to publicly reprimand a licensee. These are recognized disciplinary actions and the Board provides these clarifying terms to help explain what it considers "disciplinary" for purposes of disclosure for this question. Providing this clarifying definition will help ensure applicants are fully informed regarding what information should be provided in response to this question with the goal of receiving more accurate and complete information regarding a licensee's fitness to return to practice.

To assist the Board in facilitating a more expedient review and investigation of the applicant's qualifications, the Board requires the applicant to provide details regarding the disciplinary action if the applicant answers this question in the affirmative. This includes copies of the disciplinary order and any documentation of rehabilitation to the Board and a list of the states in which the license was disciplined. This information is necessary for the Board to determine whether further confirmation and investigation from the state board or agency is required,

and/or the misconduct was substantially related to the practice of physical therapy as provided in BPC section 2660 and the Board's regulations at 16 CCR section 1399.20 (Board's substantial relationship criteria).

Section B Question No.2: The next question in section B relates to conviction disclosures and asks whether the applicant has been convicted of or pled guilty or no contest to any felony misdemeanor or other criminal offence under the laws of any state, the United States, or a foreign country, including any conviction which has been dismissed under section 1203.4 of the Penal Code. BPC section 2660(e) and (f) permit the Board to deny an application based upon a criminal conviction, including, "conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction." (Subd.(e) of BPC section 2660.)

BPC section 2661 defines a conviction as:

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order discipline of the licensee in accordance with Section 2660 or the board may take action as authorized in Section 2660.2 on an application when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

To conduct a full and complete review of the applicant's criminal history and in order to help confirm whether the Board has cause to deny the license based upon the aforementioned authority in BPC section 2660, the Board must ask the question on the application. Asking the question helps ensure a complete review as, in the Board's experience, some convictions that are self-reported are not always reported in the criminal offender record information provided by the Department of Justice.

To assist the Board in facilitating a more expedient review and investigation of the applicant's qualifications, the Board requires the applicant to provide details regarding any conviction if the applicant answers this question in the affirmative. This includes certified true copies of the court or arrest records for each criminal offense. This information is necessary for the Board to determine whether further confirmation and investigation is required, and/or the conviction was substantially related to the practice of physical therapy as provided in BPC section 2660 and the Board's regulations at 16 CCR section 1399.20 (Board's substantial relationship criteria).

Finally, the form instructs applicants to mail all documents within 30 days of the date they submitted their application to the Board's physical address. Pursuant to 16 CCR 1398.21, the Board may deny without prejudice any application when, in the

discretion of the Board, an applicant does not exercise due diligence in the completion of his or her application in furnishing additional information or documents requested. In the Board's opinion, 30 days has been a reasonable amount of time for applicants to provide this type of information and show due diligence in completion of the application. This also ensures sufficient notice to applicants and more efficient processing of applications for those individuals who may wish to return to active practice.

In the Board's experience, restoring a person to practice without a thorough review of the licensee's background presents a substantial risk of harm to the public. Therefore, this additional criminal background question helps protect the public.

Section C: Continuing Competency Requirements

Proposed section 1399.18(f)(3) requires an applicant to have completed a minimum of 30 hours of continuing competency within the last two years prior to applying to restore the license to active status in compliance with Article 13 (commencing with section 1399.90). This section is therefore necessary to provide notice to applicants informing them of this requirement. The form also informs applicants that they do not need to submit proof of completion of these requirements with this request but rather to retain proof of completion for their records and provide to the Board only if requested. As the Board requires certification that these requirements have been completed on this form, there is no need for applicants to provide proof unless audited or investigated by the Board.

As noted above, this form notifies applicants that by signing below they certify that they have completed at least 30 hours of Board's continuing competency requirements within the last two years. This is consistent with the Board's current competency requirements at Article 13 and provides a simple, straightforward method for the Board to confirm compliance with this requirement and help ensure continued competency upon restoration of the license to active status.

Section D: Declaration (See Attachment A before Signing): In Section D, applicants declare under penalty of perjury that the information is true and correct. Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon applicants' self-reported information in evaluating applications. The Board adds an additional notification that by signing below the applicant is requesting restoration of my retired license to active license status. This helps avoid confusion regarding the purpose of this application and confirms the licensee's intention to seek an active license status.

Finally, the application form includes the required notices and disclosures to the applicant for the Board's collection of personal information in compliance with Civil Code section 1798.17 (which applicants are directed to read in Attachment A prior to signing the application in Section D).

- (10) Add new subsection (f)(2): This proposal requires the payment of the biennial

review fee as set forth in CCR 1399.50 or 1399.52, as applicable. This fee is discussed below. This is necessary to implement the requirements for this regulation as set forth in BPC section 464(a)(5)(A), which requires payment of a fee set by regulation to restore to an active status.

- (11) Add new subsection (f)(3): This proposal requires the completion of thirty (30) hours of continuing competency within the two years prior to submitting an application to restore the license to active status. This is to conform with the requirements for renewal as set forth in BPC section 2649 and Article 13 of the Board's regulations. (commencing with section 1399.90). This helps provide the Board and the public with some assurances of continuing competency before returning a licensee to active practice after being retired.
- (12) Add new subsection (f)(4): This proposal requires an applicant to submit electronic fingerprints if a record does not exist in the Department of Justice's criminal offender identification data base and would be provided at the request of the Board pursuant to the requirements set forth in BPC section 144. Many retired licensees would have already been fingerprinted pursuant to section 144 prior to being placed in a retired status. Those licenses would be subject to restoration per BPC 2646, which allows renewal of any license within 5 years after expiration (similar status to those that would be retired since they are not renewable while in that status) and therefore the Board would still receive criminal record information (CORI) within 5 years after the license was placed in retired status (Penal Code section 11105.2 requires the Board to notify the Department of Justice when the license can no longer be reinstated). However, in the event that the Board somehow did not have CORI notifications for the particular individual, and it was discovered upon filing this application, this proposal would require the individual to provide fingerprints as an "applicant" for restoration to active license in accordance with the requirements in BPC section 144 upon written request of the Board. This helps ensure compliance with section 144 that requires the Board to fingerprint every "applicant" and also to ensure that there are no grounds for denial of the application based upon criminal convictions (as discussed above) per BPC section 2660.
- (13) Add new subsection (g): BPC section 464 sets forth minimum requirements for the Board's regulation for allowing restoration to active status but does not mention a time frame for when restoration is not permissible. BPC 2647 prohibits the Board from reinstating or restoring a license to active status within 5 years after its expiration. To resolve the possible ambiguity between the two statutes, the Board proposes to implement the requirements by treating the retired licensee applicant whose original license expired more than 5 years prior to application for restoration as a new applicant according to the authority in BPC section 2647. This proposal would therefore allow a licensee who has been in retired status for more than five years to obtain an active license by applying for a new license in accordance with BPC section 2647 (which specifies the process for applying for a new license). This helps ensure consistency in treatment of all expired licensees, including those whose licenses have expired for reasons other than holding a retired license for more than 5 years.

Sections 1399.50 and 1399.52 - Fees

- (1) Amend subsection (f) of 1399.50; This proposal sets the retired license application fee for physical therapists at \$100.
- (2) Amend subsection (e) of 1399.52; This proposal sets the retired license application fee for physical therapist assistants at \$100.

The determination of the amount of these fees is reasonable to recover the Board's costs to process these applications and to set the fee (as explained in the Business Impact estimate) as supported by the comprehensive fiscal analysis in the Fiscal Impact Assessment, below. As explained above, these fees are necessary because the Legislature determined pursuant to the provisions in BPC section 464 that applicants must pay a fee to obtain a retired license or restore a license to active status.

Incorporation of Document by Reference

As described above, the Board wishes to incorporate by reference two forms identified as "Application for Retired License (RS1 (New 09/2021))," and "Application to Restore Retired License to Active Status (RS2 (New 09/2021))." The incorporation by reference method is being used because it would be impractical to publish the form in the California Code of Regulations, which is published in multiple formats, from small booklets to online text, usually in black and white. The rationale for inclusion of both forms in this regulation may be found above.

Underlying Data / Technical, theoretical or empirical studies, reports, or documents relied upon

1. Assembly Floor Analysis of AB 2859, 8/24/16
2. Agenda, board meeting materials, and minutes of the Physical Therapy Board of California's September 17, 2021 meeting.
3. Retired License Workload Table- Office Technician

Business Impact

This regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts: this proposed regulation establishes placement of a license in a retired status for a licensee who is not actively engaged in the practice of physical therapy or any activity that requires them to be licensed by the Board. Since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual opts to change their license title to "retired."

Licensees will have the option to apply for a retired license for a one-time fee of \$100. The Board anticipates demand for the new retired status license type to be greatest in

the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter.

The Board anticipates approximately 1,064 licensees apply for the retire license status in the first two years of implementation and 689 licensees per year thereafter, which results in an economic impact of \$106,400 per year in the first two years of implementation, \$68,900 per year thereafter, and up to \$764,000 over a ten-year period as follows:

Physical Therapy Board of CA												
Retired License - Economic Impact (license costs)												
Registration and License Type	Amount	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
Retired License Status	Various	1,064	1,064	689	689	689	689	689	689	689	689	5,512
Physical Therapist & Physical Therapist Assistants	\$100	\$106,400	\$106,400	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$764,000
Total Costs:		\$106,400	\$106,400	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$764,000

Economic Impact Assessment

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California nor create new business or eliminate existing businesses within the State of California nor affect the expansion of businesses currently doing business within the State of California because this proposed regulation simply affords licensees already retired from working as a physical therapist or a physical therapist assistant, the opportunity to place a license in a retired status. Since licensees currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on the workforce related to a change in license status nor an effect on new business or existing businesses or the expansion of businesses.

This regulatory proposal will benefit the health and welfare of California residents because consumers searching for a physical therapist or physical therapist assistant will find the license status to accurately reflect “retired.” This would indicate the licensee is no longer authorized to practice and would alleviate confusion regarding the true status of a licensee who does not choose to abandon their license but rather simply retire from practice. It would also benefit a physical therapist or physical therapist assistant who has retired for less than five years and wishes to return to practice by giving them a process to do so. Currently, licensees who no longer wish to practice must either utilize the inactive status pursuant to CCR 1399.98 and pay the biennial renewal fee of \$300 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after five years. This process relieves the financial burden of having to remain in active status and provides easy access to return to active status if desired.

This regulatory proposal will not affect worker safety or the state’s environment because this proposed regulation does not involve worker safety or environmental issues.

Fiscal Impact Assessment

The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter. The Board anticipates approximately 1,064 licensees apply for the retired license in the first two years of implementation and 689 licensees per year thereafter.

The Board indicates an Office Technician will take approximately 95 minutes to process each application with workload costs of \$101 per application, which results in costs ranging from \$69,589 to \$107,464 per year and up to \$771,640 over a ten-year period as follows:

Physical Therapy Board of CA Retired License - Fiscal Impact (workload costs)												
Registration and License Type	Amount	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
Retired Status	Various	1,064	1,064	689	689	689	689	689	689	689	689	5,512
Licensing Workload (90 minutes) - Office Technician	\$101	\$107,464	\$107,464	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$771,640
Total Costs:		\$107,464	\$107,464	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$69,589	\$771,640

Office Technician - approximately \$64 per hour

The Board estimates retired license fee revenues of approximately \$106,400 per year in the first two years of implementation, \$68,900 per year thereafter, and up to \$764,000 over a ten-year period as follows:

Physical Therapy Board of CA Retired License - Fiscal Impact (revenues)												
Registration and License Type	Amount	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
Retired Status	Various	1,064	1,064	689	689	689	689	689	689	689	689	5,512
Initial License Applications	\$100	\$106,400	\$106,400	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$764,000
Total Costs:		\$106,400	\$106,400	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$68,900	\$764,000

This regulatory proposal does not impact any costs or savings in federal funding to the state.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth, below, are the proposed alternatives considered and the reasons each alternative was rejected:

1. Not amend the regulation: This alternative was rejected because the Board

needs to define a system to place a licensee in retired status for the reasons listed above in this document.

2. Adopt and amend regulations: The Board determined that this alternative is the most feasible because it establishes a regulation, including a simplified application process, for the placement of a license in a retired status in compliance with the requirements set forth in BPC section 464.

Material Relied
Upon

Underlying Data / Technical,
theoretical or empirical studies,
reports, or documents relied upon

1. Assembly Floor Analysis of
AB 2859, 8/24/16
2. Agenda, board meeting materials,
and minutes of the Physical
Therapy Board of California's
September 17, 2021 meeting.
3. Retired License Workload Table-
Office Technician

Underlying Data / Technical,
theoretical or empirical studies,
reports, or documents relied upon

1. Assembly Floor Analysis of
AB 2859, 8/24/16

BILL ANALYSIS

CONCURRENCE IN SENATE AMENDMENTS

AB
2859 (Low)

As Amended August 3, 2016

Majority vote

ASSEMBLY:	79-0	(May 5, 2016)	SENATE:	39-0	(August 23,
					2016)

Original Committee Reference: B. & P.

SUMMARY: Authorizes any of the boards, within the Department of Consumer Affairs (DCA) to establish, by regulation, a system for a retired category of licensure for persons not actively engaged in the practice of their profession, as specified.

The Senate amendments specify that a retired license can only be issued to an individual with an active or inactive license that was not placed on inactive status for disciplinary reasons, authorize boards to establish an appropriate fee for a retired license, specify that boards with existing authority to establish a retired license are not subject to specified provisions, and make other minor and technical clarifying changes.

FISCAL EFFECT: According to the Senate Appropriations

Committee, there are 25 boards, bureaus, and other licensing

AB 2859

Page 2

entities within the Department of Consumer Affairs that currently do not have a retired license category. For any of those entities that chose to create a retired license category, the following costs are likely to occur:

- 1) Minor one-time costs to adopt regulations establishing a retired license category (various special funds).
- 2) One-time costs between \$15,000 and \$75,000 to make changes to the licensing system to accommodate a new retired license category (various special funds). The potential cost to update information technology systems used to process license applications and renewals will depend both on the size of the board's license population and whether or not the board is using the BreEze licensing system or an internal licensing system.
- 3) Minor revenue losses due to individuals with active licenses shifting to a retired license (various special funds). Currently, there are indications that individual licensees who are effectively retired continue to renew their active license because shifting to an inactive license or allowing their active license to lapse implies that the licensee may have been subject to some kind of disciplinary action. Therefore, there are likely to be licensees who give up their active license (which requires a biennial renewal with a fee) and apply for a retired license (which is likely to be accompanied by a one-time fee). There are 15 boards within the Department of Consumer Affairs that currently have a retired license category. The ratio of retired licensees to active licensees for those boards is small (typically less than 1%). Therefore it is likely that the number of licensees who would give up an active license for a retired license would be fairly small as would be any resulting revenue loss. There would also be some revenue loss from individuals giving up an inactive license (who are not inactive due to disciplinary action) in exchange for a retired license.

To the extent that licensees shift to a retired license that does not require renewal and are not engaged in the practice of their profession, the impacted board is likely to see a commensurate reduction in licensing and enforcement activity.

COMMENTS:

Purpose. This bill authorizes any of the boards under the DCA to establish, through regulations, a system to allow for a retired license category for those licensees who no longer wish to practice their profession or vocation but who do not want their license to become "inactive". This bill is sponsored by the author. According to the author, "[this bill] allows any of the boards, bureaus, commissions, or programs within the [DCA] to establish a system for a retired category of licensure for those not actively in [the] practice of their profession.

An occupational license can be sent to 'inactive' for various reasons, including violations and non-renewal. The same is done for those individuals who decided to retire - a troublesome label, as an 'inactive' status holds negative connotations and does not appropriately illustrate the decades of service from the license holder. To that end, this bill acts as a practical means to bring uniformity to licensing at the DCA."

Background. Existing law permits the boards under the DCA to adopt regulations to establish a system for issuing inactive licenses. The law requires that those regulations cover fees, renewal, restoration to active status, and practice restrictions.

There are two differences to the laws permitting regulations for inactive licenses for non-healing arts boards and healing arts boards: 1) non-healing arts boards are permitted to reduce the fees for renewal and change the continuing education requirements, while the healing arts boards are not; and, 2) the restoration fee is waived for a physician and surgeon that

certifies he or she is restoring the inactive license to an active license solely for volunteer purposes.

Retired Licenses. According to the author, some licensees disfavor an "inactive" license designation and would prefer a retired license designation. Because existing law only provides for a system of inactive licenses, many boards have sought legislation specific to their licensees that would permit them to also create a retired license category. Prior bills have included conditions for volunteering, enforcement of retired licenses, and fees.

Thirteen other healing arts and non-healing arts boards have the authority to issue retired licensees, including:

- 1) Board of Accountancy
- 2) Architects Board
- 3) Board of Barbering and Cosmetology
- 4) Board of Behavioral Sciences
- 5) Dental Board
- 6) Dental Hygiene Committee of California
- 7) Landscape Architects Technical Committee
- 8) Medical Board

9) Board of Pharmacy

10) Board of Podiatric Medicine

11) Professional Fiduciaries Bureau

12) Board for Professional Engineers, Land Surveyors, and Geologists

13) Respiratory Care Board

This bill will provide the remaining boards with the authority to establish a system of retired licenses if they desire to. This bill does not require boards to offer a retired license.

BreEZe. The "BreEZe Project" was designed to provide the DCA boards with a new enterprise-wide enforcement and licensing system. The updated BreEZe system was engineered to replace outdated legacy systems and multiple "work around" systems with an integrated solution based on updated technology. BreEZe enables consumers to verify a professional license and file a consumer complaint. Licensees and applicants can submit license applications, renew a license and change their address among other services. The initial BreEZe project was to be implemented in three separate phases. Release one was launched in October of 2013, and included 10 boards. Release two was launched in January of 2016 and included eight boards. The remaining boards will be in a final release in which the vendor and the release date have not been identified. Consumers can verify licensure status through the BreEZe system.

A substantially similar version of this bill was introduced in 2015. AB 750 (Low) of 2015, passed the Assembly Committee on Business and Professions (14 Ayes - 0 Noes) on April 14, 2015, but was subsequently held in the Assembly Committee on

Appropriations. The Appropriations Committee analysis noted potential delays and costs associated with the Release two of the BreEZe project. That analysis noted "[o]ne-time major state costs, likely in the millions of dollars, resulting from contract delays for Release two boards and bureaus if this bill is implemented prior to January 1, 2017. At this stage of the implementation, DCA would likely have to renegotiate the vendor contract and likely trigger a Special Project Report resulting in project delays. Currently, project delay costs are \$1.25 million per month for the vendor contract and an additional \$500,000 per month in additional state costs associated with the project."

It is unknown if similar costs or the issues cited prior to the implementation of Release two will impact any boards' ability to offer a retired license status. This bill does not require a board to establish a retired license, but simply authorizes a board to establish, through regulation, a process to offer a retired status license.

Analysis Prepared by:

Elissa Silva / B. & P. / (916) 319-3301 FN:

0003868

Underlying Data / Technical,
theoretical or empirical studies,
reports, or documents relied upon

2. Agenda, board meeting materials,
and minutes of the

Physical Therapy Board of
California's

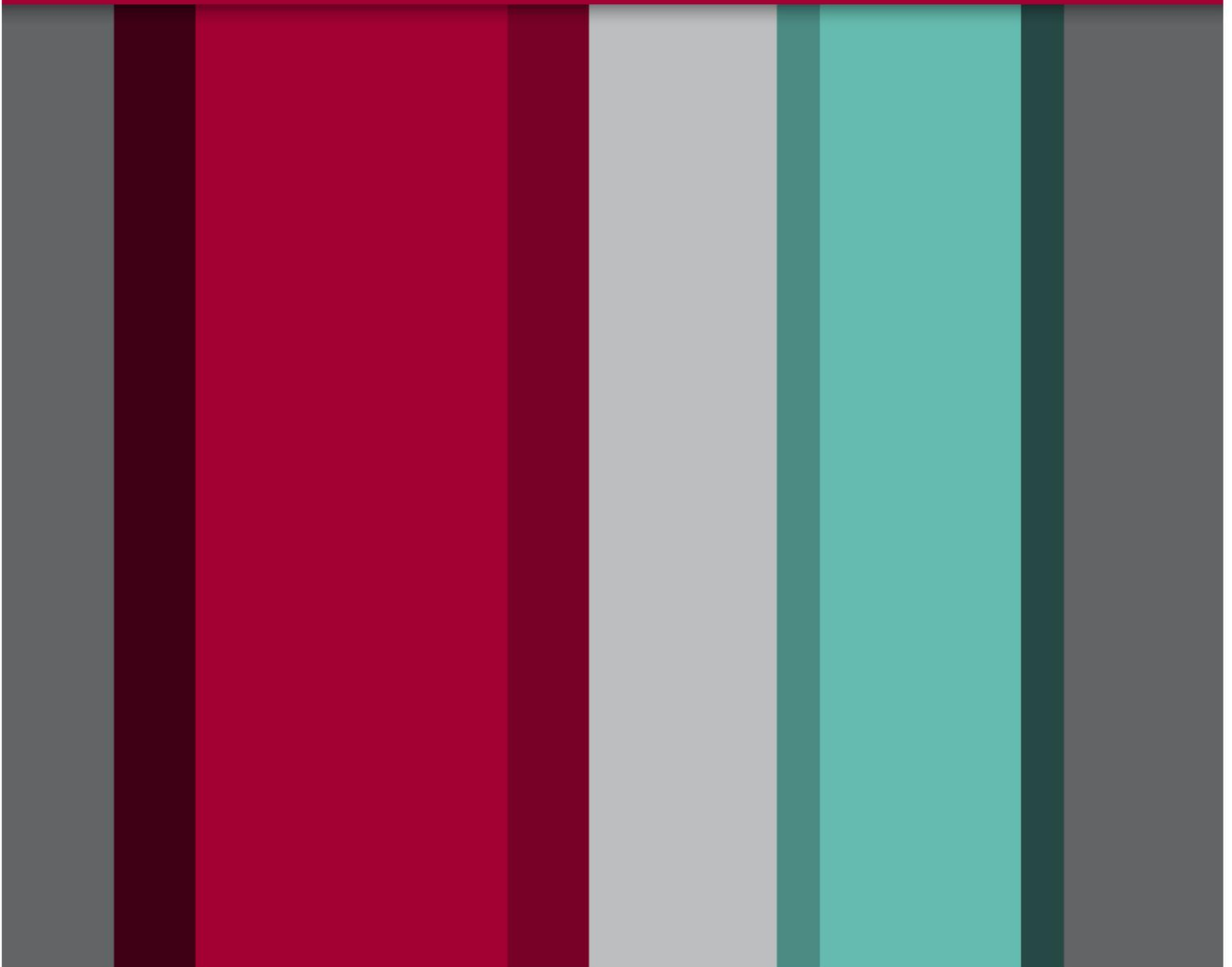
September 17, 2021 meeting.



PHYSICAL THERAPY
BOARD OF CALIFORNIA

September 16, 2021
BOARD MEETING

Department of Consumer Affairs
(Webex)



PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St., Suite 2600, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

September 16, 2021 9 a.m.

Department of Consumer Affairs
(Webex)

Action may be taken on any agenda item.
Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items will be held in OPEN SESSION via a teleconference platform. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the instructions attached to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*
Katarina Eleby, M.A., *Vice President*
Dayle C. Armstrong, Ph.D., P.T., M.S., DPT, *Member*
Jesus Dominguez, P.T., Ph.D., *Member*
Daniel Drummer, P.T., DPT, *Member*
Johnathon Ervin, *Member*
Tonia McMillian, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*
Elsa Ybarra, *Assistant Executive Officer*
Liz Constancio, *Manager*
Sarah Conley, *Manager*
Brooke Arneson, *Executive Analyst*

MISSION

To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

VISION

The standard for consumer protection in physical therapy.



BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

Thursday, September 16, 2021

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, a physical meeting location is not being provided.

Important Notices to the Public: The Physical Therapy Board will hold a public meeting via a teleconference platform.

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting on Thursday, September 16, 2021, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

If joining by computer:

Event address for attendees: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mb130a005b06b27378b2c3667de64295c>

Event number: 146 003 8724

Event password: PTB09162021

If joining by audio conference (phone):
Call, +1-415-655-0001 (US toll)
Enter Access code: 146 003 8724, followed by #
Enter password: 78209162, followed by #

As an alternative, members of the public who wish to observe the meeting on September 16, 2021 without making public comment can do so (provided no unforeseen technical difficulties) at:
<https://thedcapage.wordpress.com/webcasts/>

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

Agenda – Thursday, September 16th

Action may be taken on any agenda item. *Agenda items may be taken out of order.*

- 1. Call to Order - 9:00 a.m.**
- 2. Roll Call and Establishment of Quorum**
- 3. Reading of the Board’s Mission Statement**
- 4. 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).)
- 5. Review and Approval of June 24, 2021, Meeting Minutes – Brooke Arneson**
- 6. President’s Report –Alicia Rabena-Amen**
 - (A) 2021 Adopted Meeting Calendar
 - (B) 2022 Proposed Meeting Calendar
- 7. Executive Officer’s Report – Jason Kaiser**
 - (A) Administrative Services
 - i. Staffing
 - (B) Applications

- (C) Licensing/Continuing Competency
- (D) Consumer Protection Services
- (E) Outreach
- (F) PTBC Relocation

8. Division of Investigation Updates and Processes – Emily Kendrick, Northern Area Commander and Laura Sweet, Specialist, Division of Investigation

9. Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs – Jason Kaiser

- (A) DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension DCA Waiver DCA-20-27
 - b. Second Extension DCA Waiver DCA-20-53
 - c. Third Extension DCA Waiver DCA-20-69
 - d. Fourth Extension DCA Waiver DCA-20-89
 - e. Fifth Extension DCA Waiver DCA-21-117
 - f. Sixth Extension DCA Waiver DCA-21-134
 - g. Seventh Extension DCA Waiver DCA-21-152
 - h. Eighth Extension DCA Waiver DCA-21-175
- (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension DCA Waiver DCA-20-57
 - b. Second Extension DCA Waiver DCA-20-187
- (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension DCA Waiver DCA-20-28
 - b. Second Extension DCA Waiver DCA-20-46
 - c. Third Extension DCA Waiver DCA-20-75
 - d. Fourth Extension DCA Waiver DCA-20-95
 - e. Fifth Extension DCA Waiver DCA-21-122
 - f. Sixth Extension DCA Waiver DCA-21-148
 - g. Seventh Extension DCA Waiver DCA-21-169
 - h. Eighth Extension DCA Waiver DCA-21-189
- (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension DCA Waiver DCA-20-66
 - b. Second Extension DCA Waiver DCA-20-78
 - c. Third Extension DCA Waiver DCA-21-107
 - d. Fourth Extension DCA Waiver DCA-21-131
 - e. Fifth Extension DCA Waiver DCA-21-155
 - f. Sixth Extension DCA Waiver DCA-21-177

10. Consumer and Professional Associations and Intergovernmental Relations Reports

- (A) Federation of State Boards of Physical Therapy (FSBPT)
- (B) Department of Consumer Affairs (DCA) – Executive Office
- (C) California Physical Therapy Association (CPTA)

11. Legislation Report – Brooke Arneson

(A) 2021/22 Legislative Session Summary

- i. AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications
- ii. AB 107 (Salas) Licensure: Veterans and Military Spouses
- iii. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses
- iv. AB 305 (Maienschein) Veteran Services: Notice
- v. AB 339 (Lee & Christina Garcia) Local Government: Open and Public Meetings
- vi. AB 657 (Cooper) State Civil Service System: Personal Services Contracts: Professionals
- vii. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer
- viii. SB 250 (Pan) Health Care Coverage
- ix. SB 607 (Roth) Professions and Vocations
- x. SB 731 (Durazo and Bradford) Criminal Records: Relief
- xi. Discussion and Possible Board Action on AB 361 (Rivas) Open Meetings: State and Local Agencies: Teleconferences

12. Rulemaking Report – Brooke Arneson

(A) 2021 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):

- i. Proposed Amendments to 16 CCR section 1399.15 – “Guidelines for Issuing Citations and Imposing Discipline,” 6th Edition
- ii. Proposed Amendments to 16 CCR section 1398.26.1 -- Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- iii. Proposed Amendments to 16 CCR sections 1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26.5, 1398.27, 1398.28, 1398.47, 1399.10, 1399.12 -- Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
- iv. Proposed Amendments to 16 CCR 1399.20-1399.22 -- (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations

- v. Update Regarding the Development of a Possible Retired License Status Regulation and Fee
 - vi. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations
- (B) Discussion and Possible Board Action regarding the Guidelines for Issuing Citations and Imposing Discipline, 6th Edition, 16 CCR section 1399.15 – *Heather Hoganson, Regulatory Attorney, Department of Consumer Affairs*
- (C) Discussion and Possible Board Action regarding License Renewal Exemption: Retired License Status regulation – *Heather Hoganson, Regulatory Attorney, Department of Consumer Affairs*
- i. Proposed Addition of regulation as 16 CCR section 1399.14.1 or other placement as needed – Retired License Status
 - ii. Proposed Amendments to 16 CCR section 1399.50 Physical Therapist Fees and CCR section 1399.52 Physical Therapist Assistant Fees regarding Establishing a Retired License Application Fee
- (D) Discussion and Possible Board Action Regarding Definitions and License Status Definitions, 16 CCR 1398.2 and 1398.3.

13. Administrative Services Quarterly Update

- (A) Budget Report
- (B) Outreach Report

14. Application Services Quarterly Update

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

15. Licensing Services Quarterly Update

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

16. Continuing Competency Services Quarterly Update

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

17. Consumer Protection Services Quarterly Update

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

18. Probation Monitoring Services Quarterly Update

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

19. 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).)

20. Agenda Items for Future Meeting – December 9-10, 2021 Department of Consumer Affairs

21. 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

22. Adjournment

Informational Notes:

Action may be taken on any agenda item. Agenda items may be taken out of order. Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Total time allocated for public comment on particular issues may be limited. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available.

If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

The meeting is accessible to the disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting Brooke Arneson at (916) 561-8260, e-mail: brooke.arneson@dca.ca.gov, or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

DEPARTMENT OF CONSUMER AFFAIRS
PHYSICAL THERAPY BOARD

PROPOSED REGULATORY LANGUAGE REGARDING RETIRED LICENSE STATUS

Legend: Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Add Article 1.5 and Section 1399.18 to Article 1.5 of Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

Article 1.5 License Status

§ 1399.18. Retired License Status

- (a) For the purposes of this section, “disciplinary reasons” means that the applicant’s practice was restricted by order of the Board for violations of the Physical Therapy Practice Act, Physical Therapy Regulations, or Section 822 of the Code, including orders resulting from:
- (1) an accusation filed pursuant to the Administrative Procedure Act (Government Code section 11550 et seq.) seeking to revoke, suspend or place the license on probation; or,
 - (2) an interim suspension order filed pursuant to Section 494 of the Code.
- (b) A physical therapist or physical therapist assistant licensee (“applicant”) may apply for and, upon compliance with the requirements in subdivision (d), be issued a license by the Board in retired status (“retired license”).
- (c) A holder of a retired license is not required to renew that license or meet the continuing competency requirements of section 1399.91.
- (d) In order to be eligible for a retired license, an applicant shall:
- (1) Submit a completed form to the Board titled “Application for Retired License (RS (New 09/2021)),” which is hereby incorporated by reference;
 - (2) Pay the nonrefundable retired license application fee as set forth in 1399.50 or 1399.52, as applicable;
 - (3) Have an active or inactive license issued by the Board,
 - (4) Not have been placed on inactive status by the Board due to disciplinary reasons; and,
 - (5) Not be actively engaged in practice as a physical therapist or physical therapist assistant or engaged in any activity that requires them to be licensed by the Board.
- (e) A holder of a retired license issued pursuant to this section shall not engage in any activity for which an active license is required.
- (f) To be eligible to restore a retired license to active status within five years of being issued a retired license, an applicant shall:

- (1) Complete and submit a form to the Board titled "Application to Restore Retired License to Active Status (RS2 (New 09/2021))" which is hereby incorporated by reference;
 - (2) Pay the nonrefundable biennial renewal fee for a physical therapist or physical therapist assistant, as applicable, and as set forth 1399.50 or 1399.52, as applicable;
 - (3) Have completed a minimum of thirty (30) hours of continuing competency within the last two years prior to applying to restore the license to active status in compliance with Article 13 (commencing with Section 1399.90); and,
 - (4) If an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database and on written request of the board, furnish to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to Section 144 of the Code.
- (g) If a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license in accordance with Section 2647 of the Code.

Note: Authority cited: Sections 464 and 2615, Business and Professions Code. Reference: Sections 118, 144, 464, 2647, 2649, 2660, and 2688, Business and Professions Code; Sections 11500 et seq., Government Code.

Amend sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.50. Physical Therapist Fees.

Pursuant to section 2688 of the code physical therapist fees are fixed as follows:

- (a) The application fee shall be \$125.00. For applications electronically submitted or postmarked on or after January 1, 2016, the application fee shall be \$300.
- (b) The application fee for foreign graduates under section 2653 of the code shall be \$200.00. For applications electronically submitted or postmarked on or after January 1, 2016, the application fee for foreign graduates under section 2653 shall be \$300.00.
- (c) The initial license fee shall be \$100.00. For those initial license fees electronically submitted or postmarked on or after January 1, 2016 the initial license fee shall be \$150.00.
- (d) The biennial renewal fee shall be \$200.00. For licenses that expire on or after January 1, 2016, the biennial renewal fee shall be \$300.00.
- (e) The delinquency fee shall be \$100.00. For those delinquent after January 1, 2016 the delinquency fee shall be \$150.00.
- (f) The retired license application fee shall be \$100.00.

Note: Authority cited: Section 2615, Business and Professions Code.
Reference: Sections 163.5, 464, 2644, and 2688, Business and Professions Code.

§ 1399.52. Physical Therapist Assistant Fees.

Pursuant to section 2688 of the code physical therapist assistant fees are fixed as follows:

- (a) The application and initial license fee shall be \$125.00. For application and initial license fees electronically submitted or postmarked on or after January 1, 2016, the application and initial license fee shall be \$300.00.
- (b) The application and initial license fee for foreign graduates under section 2653 of the code shall be \$200.00. For the application and initial license fee electronically submitted or postmarked on or after January 1, 2016, the application and initial license fee for foreign graduates under section 2653 shall be \$300.00.
- (c) The biennial renewal fee shall be \$200.00. For licenses that expire on or after January 1, 2016, the biennial renewal fee shall be \$300.00.
- (d) The delinquency fee shall be \$150.00.
- (e) The retired license application fee shall be \$100.00.

Note: Authority cited: Section 2615, Business and Professions Code.

Reference: Sections 163.5, 464, 2644, and 2688, Business and Professions Code.



Application for Retired License

To be eligible for a retired license, you must have an active or inactive license issued by the Board, complete this form and submit it to the Board by mail to the above address with a check or money order payable to the Physical Therapy Board of California for \$100. Failure to provide any requested information or fee may prevent, or significantly delay, the processing of your request. Upon approval, your current license will be replaced with a retired license. You can verify your updated license status on the PTBC's website under "Verify a License." Licensees who are inactive for disciplinary reasons do not qualify for a retired license.

Licensees issued a retired license are prohibited from engaging in the practice of, or assisting in the provision of, physical therapy or physical therapy assistant services. Such licensees are exempt from the renewal fee and continuing competency requirements. For full information on retired license status requirements, refer to Section 1399.18 of Title 16 of the California Code of Regulations (CCR).

SECTION A: Personal Information			
License Type: <input type="checkbox"/> PT <input type="checkbox"/> PTA		License Number	
First Name	Middle Name	Last Name	
Last Four Digits of SSN		Date of Birth	
Work Phone	Daytime Phone	Email Address	
*ADDRESS OF RECORD (include City, State, Zip):			
Confidential Street Address:			

*Current public/ mailing address. If using a P.O. Box, you must also provide a confidential street address. This address is displayed on the Board's website.

Section B: Qualification for Retired License Status
Are you actively engaged in practice as a physical therapist or physical therapist assistant or engaged in any activity that requires you to be licensed by the Board? <input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C: Declaration (See Attachment A before signing)
By signing below, I am requesting Retired License Status. I declare under penalty of perjury under the laws of the State of California that the information given above is true and correct, and that I am the person who was issued the license by the Physical Therapy Board of California.
Signature: _____ Date: _____

ATTACHMENT A

PERSONAL INFORMATION COLLECTION NOTICE:

The information provided in this form will be used by the Physical Therapy Board of California (“Board”) to process your request to change your license status to retired. Section 464 of the Business and Professions Code and Section 1399.18 of Title 16 of the California Code of Regulations authorizes the collection of this information. Failure to provide any of the required information (except the email address) is grounds for rejection of the form as being incomplete. Information provided may be transferred to the Department of Justice, a District Attorney, a City Attorney, or to another government agency as may be necessary to permit the Board, or the transferee agency, to perform its statutory or constitutional duties, or otherwise transferred or disclosed as provided in Civil Code Section 1798.24. Each individual has the right to review his or her file, except as otherwise provided by the Information Practices Act. The Custodian of Records of the Board is responsible for maintaining the information in this form, and may be contacted at 2005 Evergreen St., Suite 2600, Sacramento, CA 95815, telephone number (916) 561-8200, regarding questions about this notice or access to records.



Application to Restore Retired License to Active Status

To restore your retired license to active within five years of your retired license being issued, complete this form and submit it to the Board at the address above by mail with a check or money order for the renewal fee made payable to the Physical Therapy Board of California for \$300.

Failure to provide any requested information may prevent or significantly delay the processing of your request. You can verify your updated license status on the PTBC's website under "Verify a License." You are not authorized to practice as a physical therapist or physical therapist assistant until your license has been restored to active status.

For full information on requirements to restore a retired license to active, refer to Section 1399.18 of Title 16 of the California Code of Regulations (CCR).

SECTION A: Personal Information			
License Type:		<input type="checkbox"/> PT	<input type="checkbox"/> PTA
			License Number
First Name	Middle Name		Last Name
Last Four Digits of SSN		Date of Birth	
Work Phone	Daytime Phone	Email Address	
*ADDRESS OF RECORD (include City, State, Zip):			
Confidential Street Address:			

*Current public/ mailing address. If using a P.O. Box, you must also provide a confidential street address. This address is displayed on the Board's website.

SECTION B: Mandatory Conviction and License Disciplined Disclosure Question
<p>1. Since you placed your license in Retired status, have you had any license disciplined by a licensing board in or outside of California, a state, or agency of the federal government? For the purposes of this question, "disciplined" means revoked, suspended, placed on probation, reprovved, reprimanded, or otherwise restricted from practicing physical therapy or another business or profession.</p> <p style="text-align: center;"><input type="checkbox"/> *Yes <input type="checkbox"/> No</p>
<p>2. Have you been convicted of or pled guilty or <i>nolo contendere</i> to any felony, misdemeanor, or other criminal offense under the laws of any state, the United States, or a foreign country, including any conviction which has been dismissed under Section 1203.4 of the Penal Code? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.</p> <p style="text-align: center;"><input type="checkbox"/> *Yes <input type="checkbox"/> No</p>
<p>*If you answered yes to this question please provide details. If you have had a license disciplined, provide copies of the disciplinary order and any documentation of rehabilitation to the PTBC. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the PTBC. Mail all documents within 30 days of the date you submitted this application to: PTBC 2005 Evergreen Street, Suite 2600, Sacramento, CA 95815.</p>

If you had a license disciplined, list the state(s) in which your license was disciplined:

SECTION C: Continuing Competency Requirements:

Physical therapist and physical therapist assistant licensees must certify they have completed all continuing competency requirements required to restore a Retired license to Active. Continuing competency activity must be completed within the last two years prior to application and must be in compliance with Article 13 (commencing with Section 1399.90) ("Board's continuing competency requirements"). Do not submit proof of completion of continuing competency activity with this request. Retain proof of completion for your records and provide to the PTBC only if requested.

Continuing Competency Compliance Statement:

By signing below, I certify that I have completed at least 30 hours of the Board's continuing competency requirements within the last two years.

SECTION D: Declaration (See Attachment A before signing)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature: _____ Date: _____

FOR PTBC USE ONLY

Date: _____ Initials: _____ RECEIPT #: _____ ATS#: _____ Amount: \$ _____ Check #: _____

ATTACHMENT A

PERSONAL INFORMATION COLLECTION NOTICE:

The information provided in this form will be used by the Physical Therapy Board of California ("Board") to process your request to change your license status to retired. Section 464 of the Business and Professions Code and Section 1399.18 of Title 16 of the California Code of Regulations authorizes the collection of this information. Failure to provide any of the required information (except the email address) is grounds for rejection of the form as being incomplete. Information provided may be transferred to the Department of Justice, a District Attorney, a City Attorney, or to another government agency as may be necessary to permit the Board, or the transferee agency, to perform its statutory or constitutional duties, or otherwise transferred or disclosed as provided in Civil Code Section 1798.24. Each individual has the right to review his or her file, except as otherwise provided by the Information Practices Act. The Custodian of Records of the Board is responsible for maintaining the information in this form, and may be contacted at 2005 Evergreen St., Suite 2600, Sacramento, CA 95815, telephone number (916) 561-8200, regarding questions about this notice or access to records.



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Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

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

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

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

September 16, 2021 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

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Thursday, September 16, 2021

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1. Call to Order

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10 The Physical Therapy Board of California (Board) meeting was called to order by
11 President Dr. Rabena-Amen at 9:08 a.m. and adjourned at 4:10 p.m. on
12 September 16, 2021.

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2. Roll Call and Establishment of Quorum

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Armstrong - Present

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Dominguez- Present

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Drummer - Absent

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Eleby - Present

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Ervin - Present

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McMillian - Present

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Rabena-Amen - Present

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All members were present with the exception of Dr. Drummer, and a quorum was
25 established. Also present at the meeting were: Michael Kanotz, PTBC Legal
26 Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Assistant Executive
27 Officer; Brooke Arneson, Board staff, and David Bouilly, and Trisha St. Clair,
28 DCA SOLID Webcast Moderators.

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32 **12. (C) Rulemaking Report – Discussion and Possible Board Action regarding**
33 **License Renewal Exemption: Retired License Status Regulation – Heather**
34 **Hoganson, Regulatory Attorney, Department of Consumer Affairs**

35 **i. Proposed Addition of regulation as 16 CCR section 1399.14.1 or**
36 **other placement as needed – Retired License Status**

37 **ii. Proposed Amendments to 16 CCR section 1399.50 Physical**
38 **Therapist Fees and CCR section 1399.52 Physical Therapist Assistant**
39 **Fees regarding Establishing a Retired License Application Fee**
40

41 Mr. Kaiser reported that new proposed language was presented for Board
42 consideration regarding retired license status and the language had been
43 through the second level of DCA Legal review. Mr. Kaiser stated that DCA Legal
44 identified a few issues regarding the authoritative statute and what would be
45 required for the Office of Administrative Law (OAL) approval. Mr. Kaiser stated
46 that BPC 464 states that the Board shall promulgate through regulation and shall
47 include specific requirements and the previous retired license proposed
48 language presented to the Board did not include the same outline as the statute
49 and was not as easily interpreted. Mr. Kaiser added that DCA Legal reviewed
50 the proposed language and edited it to help ease the process of approval
51 through OAL and this will prevent a delay later in the rulemaking process.
52

53 Ms. Heather Hoganson, Regulatory Attorney at the Department of Consumer
54 Affairs, reported that there were two new forms for Board consideration which
55 will allow licensees to either place their licenses in retired status or restore a
56 retired license to active status within 5 years of retirement. Ms. Hoganson
57 added that the revised regulatory text also specifies that the application fee for
58 retired license status will be \$100, which was determined in consultation with
59 DCA's Budget Office based on the actual cost to process the retired application
60 which is new compared to the previous proposed language.
61

62 Ms. Hoganson stated that DCA Legal has revised the proposed text to mirror
63 the enabling statute more closely and the proposed text specifies that the retired
64 licenses do not have to meet continuing competency requirements and there is
65 a five-year window to restore a retired license before having to submit a new
66 initial license application which mirrors the Board's inactive license status. Ms.
67 Hoganson added that this proposed regulatory change would create a new
68 article 1.5 for license status regulations and DCA Legal recommended that the
69 CCR be 1399.18 rather than the previous draft which was CCR 1399.14.1.

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Mr. Kaiser stated staff agreed with the creation of the new article which would make the code more consistent and easier to understand. Mr. Kaiser added that the changes to the proposed language are for legal compliance and the proposed language is operational and functional and allows PTBC to start issuing retired licenses again for those that need it while still recovering some of the administrative costs.

Mr. Kaiser stated that the proposed language also solves the issue about how long a license can be in retired license status as the language specifies that if a retired license remains in retired status for longer than five years, they would need to reapply for licensure, and if they returned to active status before the five years, they would need to pay the existing renewal fee, and attest that they have 30 hours of continuing competency pursuant to the continuing competency regulations.

Ms. Eleby asked why the application form to apply for retired status was an attestation versus submitting proof of completion of continuing competency. Mr. Kaiser responded that it is similar to the renewal process where PTBC asks a licensee, when they return to active status, to attest under penalty of perjury, that they have completed their continuing competency but do not need to provide it unless it is asked for. Mr. Kaiser added that this was for ease of use and to get the licensee back into the profession and not create an unnecessary barrier to licensure. Mr. Kaiser added that when PTBC returns to doing continuing competency audits, retired licensees returning to active status could be audited at a higher percentage level to ensure compliance if need be.

Mr. Kaiser added that the information on the forms would be incorporated by reference and that the forms design would change so they were consistent with other PTBC forms. Mr. Kaiser stated that PTBC staff also recommends the motion to proceed with the proposed language and incorporate the forms by reference.

MOTION: Approve the proposed regulatory changes and direct the Executive Officer to take all steps necessary to reinstate the rulemaking process and authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice

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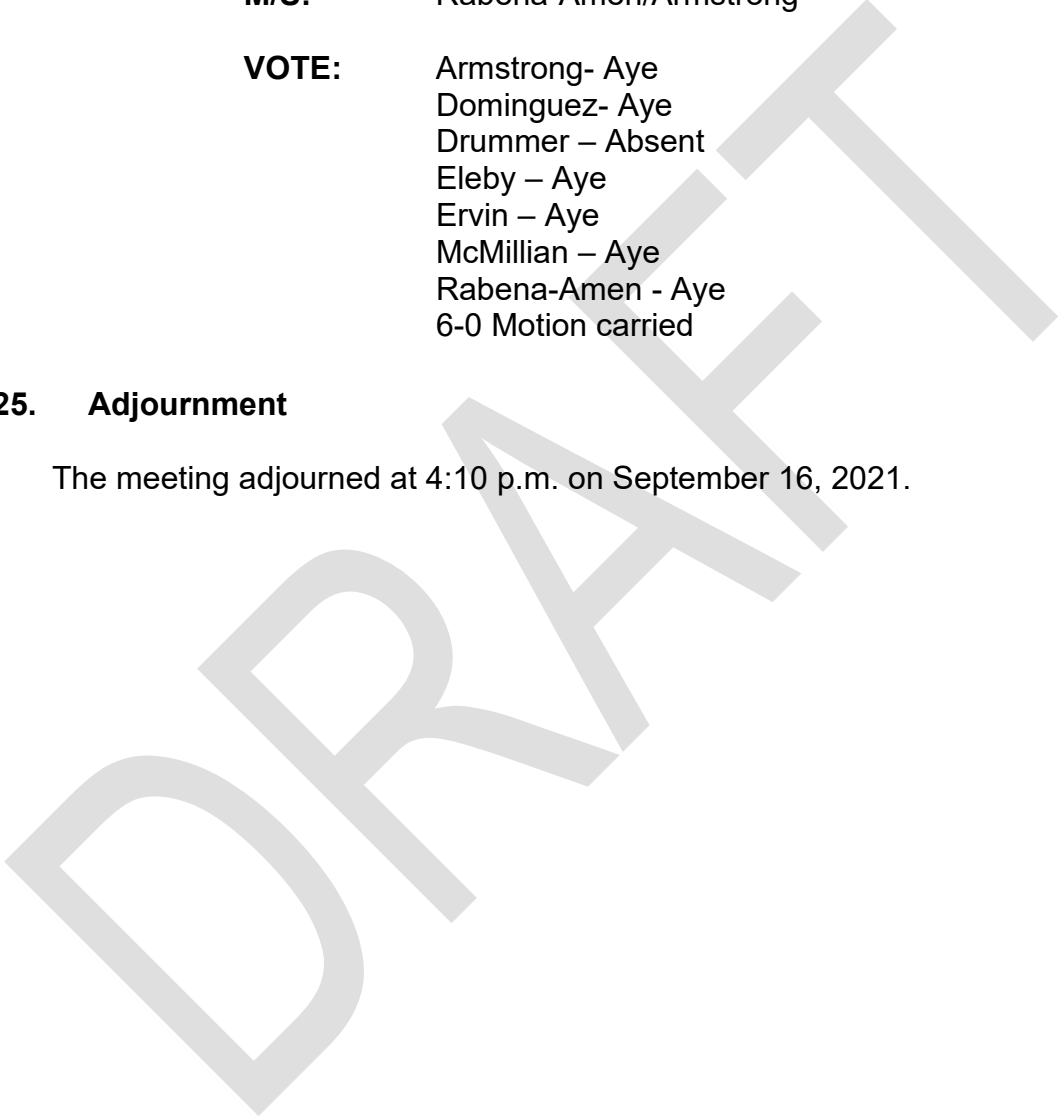
the proposed text for a 45-day comment period and if no adverse comments are received, and no hearing is requested, adopt the proposed regulatory changes and delegate to the Executive Officer the completion of the rulemaking file.

M/S: Rabena-Amen/Armstrong

VOTE: Armstrong- Aye
Dominguez- Aye
Drummer – Absent
Eleby – Aye
Ervin – Aye
McMillian – Aye
Rabena-Amen - Aye
6-0 Motion carried

25. Adjournment

The meeting adjourned at 4:10 p.m. on September 16, 2021.



Underlying Data / Technical,
theoretical or empirical studies,
reports, or documents relied upon

3. Retired License Workload
Table- Office Technician

Physical Therapy Board of California Retired License Workload - Office Technician			
Workload Tasks	Per Application	Minutes Per Application	OT
Receive, log, and file application	1	30	30
Cashiering - Data entry	1	10	10
Respond to inquiries, monitor applications & other support duties	1	30	30
Update status in Breeze IT system	1	20	20
Notify licensee	1	5	5
Minutes per Application			95
Hours per Application			1.6
Workload Costs per Application:			\$101

Office Technician - \$64 per hour

Statement
re
Mailing

STATEMENT OF SERVICE BY MAIL

I certify that the Physical Therapy Board of California of the Department of Consumer Affairs has complied with the requirements of Government Code Section 11346.4(a)(1) through (4).

The original notice was mailed on June 17, 2022. It was then discovered that the electronic version was not sent accordingly. Therefore, a Notice of Extension was mailed June 20, 2022.

Pursuant to Government Code Section 11340.85, the original notice and the Notice of Extension were sent by electronic communication, on June 20, 2022.

DATED: 10/7/2022

Brooke Arneson

Brooke Arneson
Legislation and Regulation Manager
Physical Therapy Board of California

Updated
Informative
Digest

PHYSICAL THERAPY BOARD OF CALIFORNIA

UPDATED INFORMATIVE DIGEST

No changes have been made which would warrant a change to the Informative Digest contained in the original notice for sections 1398.18, 1399.50, and 1399.52.

While the section number of 1399.18 was corrected to 1398.18, this was a placement change for placement in the California Code of Regulations and does not materially affect the implementation of this proposal.

Final Statement Of Reasons

PHYSICAL THERAPY BOARD OF CALIFORNIA

FINAL STATEMENT OF REASONS

Hearing Date: The Board did not schedule a public hearing, nor was one requested.

Subject Matter of Proposed Regulations: Retired License and Fees

Section(s) Affected: Add section 1398.18 to new Article 1.5 and amend sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations (CCR).

Request for Effective Date on Filing:

The Physical Therapy Board (Board) requests that this regulatory proposal become effective January 1, 2023, to implement the provisions of Business and Professions Code (BPC) section 464 which benefits licensees and the public as it provides a consistent and simple process for obtaining retired license status. In addition, this regulation would eliminate barriers for those that wish to retire or restore their retired license to active status. Therefore, it would be of public benefit to hasten the effective date of these regulations.

Updated Information:

The Initial Statement of Reasons is included in the rulemaking file and is incorporated as if set forth herein and is updated as follows: in the Board's 45-day comment period, the Board received two categories of comments: the first being dissatisfaction with paying a \$100 fee for retired status; and the second expressing confusion if current licensees in retired status would need to pay to remain retired. The comments are more fully summarized and responded to below. No request for public hearing was received, and none was held. The Board, at its September 22, 2022 meeting, considered all comments and determined that the text would not be altered in response to those comments. The Board then adopted the text.

Subsequent to adoption, within the parameters of the Board's delegation to the Executive Officer, the text has been non-substantively amended as follows:

- The section number has been corrected from 1399.18 to 1398.18, in order to properly be placed in new Article 1.5.
- In 1398.18 (a)(1), the legal citation has been adjusted for clarity. While accusations are filed pursuant to the formal hearing procedures of the

Administrative Procedure Act's Chapter 5, the technical update is more consistent with how the legislature references those procedures.

- In 1398.18 (f)(4), the text was corrected to capitalize “board” to “Board” for consistency with the Board’s regulatory conventions.
- In 1399.50, a comma has been placed after “Code” for grammatical accuracy and to ensure consistency with 1399.52.

Local Mandate: A mandate is not imposed on local agencies or school districts.

Small Business Impact: The Board has determined that the proposed regulations would have no significant statewide adverse economic impact directly affecting small businesses, including the ability of California businesses to compete with businesses in other states.

Benefits:

This proposal would establish a consistent and simple process for obtaining retired license status and would eliminate barriers for those who wish to retire and have the option of placing their license in a retired status. It would also save costs for those licensees who select this status by not being required to pay renewal or other fees associated with continuing competency should they wish to restore their license, as specified. This proposal further alleviates confusion to the public regarding the true status of an individual who does not wish to abandon their license by entering into delinquent status but would rather simply retire from practice.

Incorporation by Reference – 1 CCR 20

The incorporation by reference method was used because it would be impractical and cumbersome to publish Form RS1- Application for Retired License and Form RS2 – Application to Restore Retired License to Active Status in the California Code of Regulations (CCR) due to the layout format for processing. The Forms were made available to the public and were posted on the board’s website from June 20, 2022 until August 5, 2022 as proposed text, and will continue to be available to the public once approved.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal, including those listed in the Initial Statement of Reasons or provided by public comment, would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Summary and Responses to Comments Received During the Notice Period – June 20, 2022, to August 5, 2022.

The following recommendations and/or objections were made regarding the proposed action:

The Board received eight emailed comments in two categories – the first being dissatisfaction with paying a \$100 fee for retired status, and the second expressing confusion if current licensees in retired status would need to pay to remain retired.

Dissatisfaction Regarding the \$100 Fee for Retired Status:

- 1) Alan, via email, stated “I think a practitioner should be able to retire their license without a fee. There is a fee everywhere for everything nowadays (software fees, convenience fees, regulatory fees, maintenance fees etc.) People are struggling and the PT board can set an example of goodwill if they want to be leaders and role models.”
- 2) Ms. Galvan, via email, stated “Personally, I do not care at all if my license is shown as “inactive” or anything else. Charging \$100.00 to label my license as “retired” is a very creative (though transparent) way for the APTA to make more money with which they will continue to not do anything constructive for the profession of physical therapy. I can’t believe that the APTA would think that anyone wouldn’t see through this scheme. I would like the option to NOT pay the fee and just have my license labeled as inactive or delinquent or whatever. After being a Physical Therapist for 35 years I personally am way too old and have contributed way too much to the profession to have to deal with this kind of nonsense. It is insulting to have to pay more money along with a well-deserved retirement.”
- 3) Ms. Dean, via email, stated “I do not believe there should be a fee to retire a license. I can understand charging a fee to reinstate a license, but not on the occasion of someone requesting to retire their license.”
- 4) Ms. Freyder, via email, stated “I completely disagree with the proposed legislation to charge a fee to retire a Physical Therapy license. There is no way it should take 95 minutes to process the application for retirement. The application is only 2 pages long, and assuming everything is computerized, it should take a few minutes. I am no longer working as a Physical Therapist and planned to retire my license at the end of 2022. However, I will not be paying this fee. California already overcharges for a license, costing \$300, when my other Physical Therapy license in Pennsylvania costs \$90, both for a 2-year period. I will simply put my license on inactive status. You have gotten enough money from me.”

- 5) Ms. O'Neill, via email, stated "I will keep this brief. I find the board's new decision to levy a "fee for retirement" simply abhorrent. This is nothing more than yet another tax on the American people. A click of the mouse to remove my license number from active listing in no way warrants \$100! Offensive. I hope the board will consider it's thievery and rescind this order from consideration."
- 6) Mr. Monroy, via email, stated "Please do not add a \$100 retirement fee. If this fee will be added, the board should explain how a person electing to go into retirement creates a task that justifies a \$100 fee."

Board's Response to the above comments:

At the September 2021 Board meeting, the Board approved the \$100 fee based upon the time spent processing such applications. After conducting a desk audit and based upon prior experience in processing prior retirement applications, the time to process was determined to be 95 minutes. This number was listed in the Initial Statement of Reasons, page 5, and in the Underlying Data listed. While, based on current costs, this results in a charge of \$101, the Board set the fee at a rounded-down \$100.

The 95 minutes is broken down as follows:

Physical Therapy Board of California Retired License Workload - Office Technician			
Workload Tasks	Per Application	Minutes Per Application	OT
Receive, log, and file application	1	30	30
Cashiering - Data entry	1	10	10
Respond to inquiries, monitor applications & other support duties	1	30	30
Update status in Breeze IT system	1	20	20
Notify licensee	1	5	5
Minutes per Application			95
Hours per Application			1.6
Workload Costs per Application:			\$101

Office Technician - \$64 per hour

According to the State Administrative Manual (SAM), the state must recover costs unless those costs are otherwise limited by statute. SAM section 8752 was renumbered to 9210 in January 2022, but the onus on state to recover "all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided" remains unchanged.

BPC 464, subdivision (b)(4) states that a board “shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.”

The Board does not receive General Fund money from the state; it collects fees to offset the costs of its activities. Therefore, not charging for work done for licensees in one category would require licensees in another category to shoulder that burden, such as through increased renewal fees. To be equitable, only those who are requesting a specific work product, such as a retired license, should bear the burden of that specific cost.

Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for retired status under BPC 464, recognized that many licensees disfavor becoming simply delinquent. However, as the Board noted in its Initial Statement of Reasons, choosing to request a retired license is an option for licensees. If a licensee does not want to pay for and receive a retired status, they could simply not renew their license and show as “delinquent” until the license automatically cancels after five years.

Confusion Regarding Current Licensees in Retired Status and Would They Need to Pay the \$100 Fee to Remain Retired:

- 7) Ms. Langfeld, via email, stated “I’m writing to you to let you know I did receive the Notice of New Proposed Rulemaking Regarding the Retired License and Fees. I am a retired PT and my PT license is on Retired Status. Here is the email string I have had with Justin Silva from License Maintenance Services in PTBC . I’m a little confused and don’t know if I need to do anything. As you can see from this email string, I have been pro-active in maintaining my retired status for the last few years. So please let me know if I have been “grandfathered” in since I’ve been on this Retired Status for almost 3 years and am not a “new” retiree. It was not clear from reading the “proposed regulatory action and other pending regulations” whether I need to do anything since my license is already in the Retired Status. I understand the new rules regarding re-instating my PT License.
- 8) Ms. Lewis, via email, stated “I just received the email about the proposed changes for retirement status in California for physical therapists and physical therapy assistants. When I moved to Oregon, I requested retirement status even though I am still working in the state of Oregon as a physical therapist. My question is since they are going to be charging \$100 for retirement status does that exclude those who already have that status or would anybody who has retirement status now be required to pay that?”

Board’s Response to the above comments:

For those that currently hold a license in retired status and have inquired if they would need to pay a fee and complete the new application form: The Initial Statement of

Reasons, page 1, stated that by the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees. Those 537 licenses have already been processed as retired; therefore, those licensees would be exempt from the provisions of this regulatory proposal and no additional form or fee would be required. Because those licenses need nothing further, the Board has determined that no text changes are required in response to these comments. To the extent that the comment implies that the regulatory text is vague, the Board notes that the regulation, once enacted, is prospective only, so would not affect any status already in effect.

Meeting
Minutes
September
21-22, 2022
Agenda Item
16



1

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Tonia McMillian

Members

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

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A

Johnathon Ervin

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

September 21-22, 2022 9:00 a.m.

San Diego Mesa College
7250 Mesa College Dr, Room MC211A
San Diego, CA 92111

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Erika Calderon, Manager

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Specialist

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

6

Wednesday, September 21, 2022

7

8

1. Call to Order

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The Physical Therapy Board of California (Board) meeting was called to order by
11 President Dr. Rabena-Amen at 9:13 a.m. and recessed at 5:29 p.m. on September
12 21, 2022.

13

14

2. Roll Call and Establishment of Quorum

15

16

Armstrong - Present

17

Dominguez- Present

18

Drummer - Present

19

Eleby - Present

20

Ervin – Present

21

McMillian - Present

22

Rabena-Amen - Present

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24

All members were present, and a quorum was established. Also present at the
25 meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive
26 Officer; Erika Calderon, Manager; Sarah Conley, Manager; Liz Constancio,
27 Manager; Brooke Arneson, Regulation Specialist; April Beauchamps; Kim Rozakis
28 and Valerie Kearney, Board staff.

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3. Reading of the Board’s Mission Statement

Mr. Ervin 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.

16. Consideration of Public Comments, Discussion, and Possible Adoption of Proposed Regulatory Text to Amend Title 16, California Code of Regulations, Sections 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees

Ms. Arneson reported that the Retired License Status Regulation's 45-day public comment period commenced on August 5th and a number of comments were received which were provided in the meeting materials for the Board's consideration. She added that according to the Administrative Procedure Act's requirements for enacting regulations, the Board must consider each comment and in the final rulemaking package a final statement of reasons is prepared, wherein comments are summarized and responded to.

Ms. Arneson stated that the Board received two categories of comments: the first was dissatisfaction with paying a \$100 fee for retired status; and the second was expressing confusion if current licensees in retired status, would need to pay the fee to remain retired. Ms. Arneson referred members to the prepared potential responses by staff and DCA’s regulatory attorney for each of the categories of comments for the Board's consideration and approval. Ms. Arneson added that both of the draft responses provided were from the Initial Statement of Reasons, which is part of the rulemaking package. Ms. Arneson stated that also included in the meeting materials was a potential motion to continue this rulemaking package onto the final phase of the regulatory process which includes filing with OAL for approval.

Dr. Rabena-Amen suggested that the Board address the second category of comments received during the public comment period first, which was individuals expressing confusion if current licensees in retired status would need to pay the \$100 fee to remain in retired license status.

Ms. Arneson read the potential response to these comments from the meeting materials: “The Initial Statement of Reasons, page 1, stated that by the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees. Those 537 licenses have already been processed as retired; therefore, those licensees would be exempt from the provisions of this regulatory proposal and

71 no additional form or fee would be required. Because those licenses need
72 nothing further, the Board has determined that no text changes are required in
73 response to these comments. To the extent that the comment implies that the
74 regulatory text is vague, the Board notes that the regulation, once enacted, is
75 prospective only, so would not affect any status already in effect.”
76

77 Dr. Rabena-Amen solicited the Board for their feedback on the potential
78 response to the grandfather comments received. Dr. Drummer stated that one
79 of the biggest challenges with this regulation is a licensee’s lack of
80 understanding of what license status means. Dr. Drummer added that
81 delinquent status has a negative connotation, however it simply means that
82 the licensee has not paid or renewed and/or is done practicing. Mr. Kaiser
83 added that if a licensee chooses, they can stay in delinquent status for up to 5
84 years and if not renewed within that time, the license would change to
85 cancelled status.
86

87 Dr. Drummer added that many licensees do not understand what retired
88 license status means as it has its own definition and that is a piece of the
89 challenge. He stated that we need to address educating the licensee
90 population so that licensees understand the different license status terms,
91 potentially in the next newsletter, or provide a license status table on the
92 website.
93

94 Dr. Armstrong asked what happens to continuing education requirements
95 when a license is in delinquent status for up to 5 years. Mr. Kaiser responded
96 that when a license is in delinquent status and they go to renew their license,
97 they attest under penalty of perjury, that they are in compliance with the
98 continuing education regulations.
99

100 Mr. Kaiser clarified that retired license status is not new to PTBC and that
101 previously PTBC did have its own statutory language regarding retired license,
102 however, it was decided by the Board to utilize the department-wide statute of
103 BPC 484. Mr. Kaiser added that this regulation affects a small number of
104 licensees (around 500) and that licensees can apply for retired license status
105 during the promulgation of this regulation. He stated that no further action is
106 required for those that are currently in retired license status and that they do
107 not need to pay a fee.
108

109 Mr. Kaiser stated that in the Final Statement of Reasons, staff will clarify that
110 once this regulation is promulgated, for licensees in retired license status, a 5-
111 year clock starts, and they will have 5 years of retired license status once the
112 regulation goes into effect, and after 5 years’ time, the license will switch to

113 retired cancelled status. Mr. Kaiser added that retired license status is an
114 option, however it is not something that licensees are mandated to use.
115

116 Dr. Alicia Rabena-Amen asked how inactive license status fits into this
117 discussion. Mr. Kaiser responded that when a licensee receives their renewal
118 notice and they must complete continuing education under penalty of perjury,
119 they are saying they are in compliance. Mr. Kaiser stated that if the licensee
120 does not have the 30 hours of continuing competency, they can choose
121 inactive status, they would have to pay the \$300 renewal fee, however they
122 are prohibited from practicing and they are exempt from the continuing
123 education requirements. He added that if a licensee wanted to return to
124 practice, they would have to file an application going from inactive to active
125 status and they would have to attest to having the 30 hours of continuing
126 competency in the previous two years.
127

128 Mr. Kaiser added that PTBC would educate licensees and stakeholders via the
129 newsletter, Board's website, and social media channels to help educate the
130 licensing population and consumers of this new regulation. Dr. Dominguez
131 agreed that it is important to educate the public. He stated that there is not a
132 place on the DCA or the Board's website where one can go and figure out all
133 the different license statuses. Mr. Kaiser stated that this would be added to
134 PTBC's website and PTBC could possibly include a FAQ to help licensees.
135 He added that a definition is provided on the DCA license verification website
136 by hovering over the license status.
137

138 Board members were comfortable with the response provided by staff
139 regarding the grandfather comment for those that hold a license in retired
140 status and have inquired if they would need to pay a fee and complete the new
141 application form and had no changes to the response language provided.
142

143 Ms. Arneson provided the members with the proposed response to the
144 commenters that expressed dissatisfaction at a \$100 fee for a retired license:
145

146 "At the September 2021 Board meeting, the Board approved the \$100 fee
147 based upon the time spent processing such applications. After conducting a
148 desk audit and based upon prior experience in processing prior retirement
149 applications, the time to process was determined to be 95 minutes. This
150 number was listed in the Initial Statement of Reasons, page 5. While, based
151 on current costs, this results in a charge of \$101, the Board set the fee at a
152 rounded-down \$100." Ms. Arneson referred members to the Retired License
153 Workload for an Office Technician, provided in the materials.
154

155 Ms. Arneson continued reading the proposed response: “according to the
156 State Administrative Manual (SAM), the state must recover costs unless those
157 costs are otherwise limited by statute. SAM section 8752 was renumbered to
158 9210 in January 2022, but the onus on state to recover “all costs attributable
159 directly to the activity plus a fair share of indirect costs which can be ascribed
160 reasonably to the good or service provided” remains unchanged. BPC 464,
161 subdivision (b)(4) states that a board “shall establish an appropriate
162 application fee for a retired license to cover the reasonable regulatory cost of
163 issuing a retired license.” The Board does not receive General Fund money
164 from the state; it collects fees to offset the costs of its activities. Therefore, not
165 charging for work done from licensees in one category would require licensees
166 in another category to shoulder that burden, such as through increased
167 renewal fees. To be equitable, only those who are requesting a specific work
168 product, such as a retired license, should bear the burden of that specific cost.
169 Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for
170 retired status under BPC 464, recognized that many licensees disfavor
171 becoming simply “inactive” or delinquent. However, as the Board noted in its
172 Initial Statement of Reasons, choosing to request a retired license is an option
173 for licensees. If a licensee does not want to pay for and receive a retired
174 status, they could simply not renew their license and show as “inactive” until
175 the license automatically cancels after five years.”
176

177 Mr. Kaiser and members agreed to amend the last paragraph of the suggested
178 response to the comments received regarding the \$100 fee, they agreed to
179 strike inactive from the first sentence to read “delinquent” and change the last
180 line of the paragraph from “inactive” to “delinquent.” The last paragraph
181 amended would read: “Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016),
182 which provided for retired status under BPC 464, recognized that many
183 licensees disfavor becoming simply ~~“inactive”~~ or delinquent. However, as the
184 Board noted in its Initial Statement of Reasons, choosing to request a retired
185 license is an option for licensees. If a licensee does not want to pay for and
186 receive a retired status, they could simply not renew their license and show as
187 ~~“inactive”~~ delinquent” until the license automatically cancels after five years.”
188

189 Dr. Drummer added that for some of the comments concerning the fee, it is
190 important to educate licensees that they are not required to pay anything to
191 retire, and that retired license status is a choice.

192
193 Mr. Kaiser stated that establishing any fee has some pushback from the
194 licensee population and the retired license fee workload audit was provided to

195 members, is part of the rulemaking package and DCA Budgets reviewed and
196 approved it. He added that retired license status is still a renewable license,
197 within 5 years and can save a licensee money should they change their mind
198 on retirement and want to return to practice.

199
200 Dr. Rabena-Amen stated that a licensee in retired license status is still under
201 the oversight of the PTBC and that burden cannot lie on the licensees that are
202 renewing or joining the profession, therefore she felt that the retired license fee
203 is justified.

204 **MOTION:** Adopt the regulatory text as noticed, approve the
205 proposed responses to the retired license status
206 regulatory comments with the edits made in the
207 meeting today, and direct PTBC staff to take all steps
208 necessary to complete the rulemaking process.
209 Authorize the Executive Officer to make any technical
210 or non-substantive changes to the rulemaking package
211 and delegate authority to the Executive Officer to
212 finalize the regulatory package.

213
214 **M/S:** Drummer/Rabena-Amen

215
216 **VOTE:** Armstrong - Aye
217 Dominguez- Aye
218 Drummer - Aye
219 Eleby - Aye
220 Ervin - Aye
221 McMillian - Aye
222 Rabena-Amen – Aye
223 7-0 Motion Carried

224
225 **18. Recess**

226
227 The meeting recessed at 5:29 p.m. on September 21, 2022.



Briefing Paper

Date: August 18, 2022

Agenda Item 16

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Consideration of Public Comments for Retired License Status and Physical Therapist and Physical Therapist Assistant Fees

Attachments: [1. Retired License Status Comments Received During Public Comment Period](#)

Background and Update:

In 2013, Senate Bill (SB) 198 (Lieu, Ch. 389, Stats. 2013) was chaptered into law, adding BPC section 2648.7 to the Physical Therapy Practice Act. The amendment to the Act exempted a licensee from paying the renewal fee and from meeting the requirements set forth in BPC section 2649 (continuing competency) if the licensee applied to the Board for retired license status. However, SB 198 failed to adequately include a provision for application or reactivation, or a fee for administrative costs.

At the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees since the Board was mandated to do so even though there was no means to support the program in terms of funding or specified requirements for exemption. In 2015, the Board was pursuing clarifying regulations to establish retired license status requirements when Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016,) was introduced and signed into law. AB 2859 authorized a board to establish regulations for a retired license system; however, the statute excluded a board that had other statutory authority to establish a retired license status. Because BPC section 2648.7 exempted a licensee from payment of renewal fees but did not specifically authorize the Board to establish a retired license, it was unclear whether the Board would be exempt from the provisions of AB 2859. Accordingly, during its 2016 Sunset Review, the legislature addressed this issue by repealing BPC section 2648.7, which enabled the Board to rely on the new retired license status statute, BPC section 464.

After a fee study of the costs involved was conducted, at the Board's September 17, 2021, meeting, the Board discussed and approved the proposed addition of 16 CCR 1399.18 and the amendment of 16 CCR 1399.50 and 1399.52 to implement BPC section 464. A review of other board charges for retired license status applications is not inconsistent with the amount set by this Board.

Board staff prepared this rulemaking and, after review by the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency, submitted it to the Office of Administrative Law (OAL) on June 7, 2022. It was noticed for public comment from June 17 to August 5, 2022. No public hearing was requested nor held.

A number of comments were received, which are provided for the Board’s consideration. According to the Administrative Procedure Act’s requirements for enacting regulations, the Board must consider each comment and prepare a Final Statement of Reasons, wherein comments are summarized and responded to. The Board received two categories of comments – the first being dissatisfaction with paying a \$100 fee for retired status, and the second expressing confusion if current licensees in retired status would need to pay to remain retired.

Staff has prepared potential responses to the two categories of comment for the Board’s review, consideration, and approval.

Board’s Potential Response to Fee comment:

For those commenters that have expressed dissatisfaction at a \$100 fee for a retired license:

“At the September 2021 Board meeting, the Board approved the \$100 fee based upon the time spent processing such applications. After conducting a desk audit and based upon prior experience in processing prior retirement applications, the time to process was determined to be 95 minutes. This number was listed in the Initial Statement of Reasons, page 5. While, based on current costs, this results in a charge of \$101, the Board set the fee at a rounded-down \$100.

The 95 minutes is broken down as follows:

Physical Therapy Board of California Retired License Workload - Office Technician			
Workload Tasks	Per Application	Minutes Per Application	OT
Receive, log, and file application	1	30	30
Cashiering - Data entry	1	10	10
Respond to inquiries, monitor applications & other support duties	1	30	30
Update status in Breeze IT system	1	20	20
Notify licensee	1	5	5
Minutes per Application			95
Hours per Application			1.6
Workload Costs per Application:			\$101

Office Technician - \$64 per hour

According to the State Administrative Manual (SAM), the state must recover costs unless those costs are otherwise limited by statute. SAM section 8752 was

renumbered to 9210 in January 2022, but the onus on state to recover “all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided” remains unchanged.

BPC 464, subdivision (b)(4) states that a board “shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.”

The Board does not receive General Fund money from the state; it collects fees to offset the costs of its activities. Therefore, not charging for work done from licensees in one category would require licensees in another category to shoulder that burden, such as through increased renewal fees. To be equitable, only those who are requesting a specific work product, such as a retired license, should bear the burden of that specific cost.

Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for retired status under BPC 464, recognized that many licensees disfavor becoming simply “inactive.” However, as the Board noted in its Initial Statement of Reasons, choosing to request a retired license is an option for licensees. If a licensee does not want to pay for and receive a retired status, they could simply not renew their license and show as “inactive” until the license automatically cancels after five years.”

Board’s Potential Response to Grandfather comment:

For those that currently hold a license in retired status and have inquired if they would need to pay a fee and complete the new application form:

“The Initial Statement of Reasons, page 1, stated that by the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees. Those 537 licenses have already been processed as retired; therefore, those licensees would be exempt from the provisions of this regulatory proposal and no additional form or fee would be required. Because those licenses need nothing further, the Board has determined that no text changes are required in response to these comments. To the extent that the comment implies that the regulatory text is vague, the Board notes that the regulation, once enacted, is prospective only, so would not affect any status already in effect.”

Action:

Proposed Motion: “Adopt the regulatory text as noticed, approve the proposed responses to the retired license status regulatory comments, and direct PTBC staff to take all steps necessary to complete the rulemaking process. Authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and delegate authority to the Executive Officer to finalize the regulatory package.”

PTBC Retired License Status Regulation Public Comments Received

1. Received 6/20/2022

I think a practitioner should be able to retire their license without a fee. There is a fee everywhere for everything nowadays (software fees, convenience fees, regulatory fees, maintenance fees etc.) People are struggling and the PT board can set an example of goodwill if they want to be leaders and role models.

2. Received 6/20/2022

I'm writing to you to let you know I did receive the Notice of New Proposed Rulemaking Regarding the Retired License and Fees.

I am a retired PT and my PT license is on Retired Status. Here is the email string I have had with Justin Silva from License Maintenance Services in PTBC .

I'm a little confused and don't know if I need to do anything. As you can see from this email string, I have been pro-active in maintaining my retired status for the last few years. So please let me know if I have been "grandfathered" in since I've been on this Retired Status for almost 3 years and am not a "new" retiree. It was not clear from reading the "proposed regulatory action and other pending regulations" whether I need to do anything since my license is already in the Retired Status. I understand the new rules regarding re-instating my PT License.

Thank you, and looking forward to receiving a response from you.

PTBC's Response on 6/28/2022:

Good Morning XXXX,

Thank you for contacting the Physical Therapy Board of California regarding the proposed rulemaking.

As you are already a retired licensee, you are not required to pay the \$100 retired license fee proposed in this regulation. The \$100 fee would be applicable for licensees entering into new retired license status once the regulation goes into effect.

I hope the above addresses your below concerns. If you have any further questions, please let me know.

3. Received 6/20/2022

I just received the email about the proposed changes for retirement status in California for physical therapists and physical therapy assistants. When I moved to Oregon I requested retirement status even though I am still working in the state of Oregon as a physical therapist. My question is since they are going to be charging \$100 for retirement status does that exclude those who already have

that status or would anybody who has retirement status now be required to pay that?

Thank you very much for the information

PTBC's Response on 6/28/2022:

Good Morning XXXX,

Thank you for contacting the Physical Therapy Board of California regarding the proposed rulemaking.

Licenses that are already in retired license status would not be required to pay the \$100 fee. The \$100 fee would be applicable for licenses entering into retired license status once the regulation goes into effect. If a licensee decided to return to Active license status, they would be required to pay the renewal fee.

4. Received 6/20/2022

Hello.

Personally, I do not care at all if my license is shown as "inactive" or anything else. Charging \$100.00 to label my license as "retired" is a very creative (though transparent) way for the APTA to make more money with which they will continue to not do anything constructive for the profession of physical therapy. I can't believe that the APTA would think that anyone wouldn't see through this scheme.

I would like the option to NOT pay the fee and just have my license labeled as inactive or delinquent or whatever. After being a Physical Therapist for 35 years I personally am way too old and have contributed way too much to the profession to have to deal with this kind of nonsense. It is insulting to have to pay more money along with a well-deserved retirement.

5. Received 6/20/2022

I do not believe there should be a fee to retire a license. I can understand charging a fee to reinstate a license, but not on the occasion of someone requesting to retire their license.

6. Received 6/21/2022

I completely disagree with the proposed legislation to charge a fee to retire a Physical Therapy license. There is no way it should take 95 minutes to process the application for retirement. The application is only 2 pages long, and assuming everything is computerized, it should take a few minutes.

I am no longer working as a Physical Therapist, and planned to retire my license at the end of 2022. However, I will not be paying this fee. California already

overcharges for a license, costing \$300, when my other Physical Therapy license in Pennsylvania costs \$90, both for a 2-year period. I will simply put my license on inactive status. You have gotten enough money from me.

7. Received 6/21/2022

I will keep this brief.

I find the board's new decision to levy a " fee for retirement" simply abhorrent.

This is nothing more than yet another tax on the American people.

A click of the mouse to remove my license number from active listing in no way warrants \$100!

Offensive.

I hope the board will consider it's thievery and rescind this order from consideration.

8. Received 6/26/2022

Please do not add a \$100 retirement fee. If this fee will be added, the board should explain how a person electing to go into retirement creates a task that justifies a \$100 fee.

Written Comments

From: [REDACTED]
To: [PTBC Rulemaking](#)
Subject: Fwd: Notice of New Proposed Rulemaking
Date: Monday, June 20, 2022 1:13:29 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

I think a practitioner should be able to retire their license without a fee. There is a fee everywhere for everything nowadays (software fees, convenience fees, regulatory fees, maintenance fees etc). People are struggling and the PT board can set an example of goodwill if they want to be leaders and role models.

Alan



HOME CONSUMERS LICENSEES APPLICANTS PUBLICATIONS FORMS LAWS

Notice of New Proposed Rulemaking Regarding the Retired License and Fees

The Physical Therapy Board of California (PTBC) is seeking proposed rulemaking. This proposed rulemaking adds Section 1399.18 to new Article 1.5 and amends sections 1399.50 and 1399.52 of Article 10 of Division 13.2 of Title 16 of the California Code of Regulations (CCR).

This proposal would establish minimum eligibility requirements to enter into retired license as well as define requirements for restoring a license to an active status should a licensee with a retired license choose. These proposed regulations will also incorporate by reference the application to enter retired license (RS1 (NEW 09/2021)) and the application to restore a retired license into active status (RS2 (NEW 09/2021)). Additionally, the Board proposes to amend sections 1399.50 and 1399.52 to set a one-time \$100 application fee to enter retired license.

No public hearing will be held unless requested in accordance with the Notice of Proposed Regulatory Action but written public comment will be accepted through 5:00 p.m. on Tuesday, August 2, 2022 pursuant to the Notice.

Please click on the link below to view all documents associated with this proposed regulatory action and other pending regulations.

https://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

Attention: Please do NOT reply to this e-mail. If you have any questions or require further assistance, please contact the Board at PTBCBoardInformation@dca.ca.gov.

----- To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

https://ptbc.ca.gov/webapplications/apps/interested_parties/index.shtml

From: [REDACTED]
To: [PTBC Rulemaking](#)
Subject: \$100.00 fee for "retiring" PT license
Date: Monday, June 20, 2022 3:44:41 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Hello.

Personally, I do not care at all if my license is shown as "inactive" or anything else. Charging \$100.00 to label my license as "retired" is a very creative (though transparent) way for the APTA to make more money with which they will continue to not do anything constructive for the profession of physical therapy. I can't believe that the APTA would think that anyone wouldn't see through this scheme.

I would like the option to NOT pay the fee and just have my license labeled as inactive or delinquent or whatever. After being a Physical Therapist for 35 years I personally am way too old and have contributed way too much to the profession to have to deal with this kind of nonsense. It is insulting to have to pay more money along with a well-deserved retirement.

Sincerely

Jane Galvan, BS, MS, DPT, OCS, retired

From: [Robyn Dean](#)
To: [PTBC Rulemaking](#)
Subject: comments on retired license
Date: Monday, June 20, 2022 4:58:32 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

I do not believe there should be a fee to retire a license. I can understand charging a fee to reinstate a license, but not on the occasion of someone requesting to retire their license.

Robyn Dean

PT11316

From: Sue F
To: [PTBC Rulemaking](#)
Subject: \$100 fee to retire a Physical Therapy license
Date: Tuesday, June 21, 2022 3:05:45 PM

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I completely disagree with the proposed legislation to charge a fee to retire a Physical Therapy license. There is no way it should take 95 minutes to process the application for retirement. The application is only 2 pages long, and assuming everything is computerized, it should take a few minutes.

I am no longer working as a Physical Therapist, and planned to retire my license at the end of 2022. However, I will not be paying this fee. California already overcharges for a license, costing \$300, when my other Physical Therapy license in Pennsylvania costs \$90, both for a 2-year period. I will simply put my license on inactive status. You have gotten enough money from me.

Sincerely,
Susan C Freyder MS PT
License # PT 42432

From: [Peggy Oneill](#)
To: [PTBC Rulemaking](#)
Subject: retired fees
Date: Tuesday, June 21, 2022 4:06:36 PM

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Dear Brooke Ameson,

I will keep this brief.

I find the board's new decision to levy a " fee for retirement" simply abhorrent.

This is nothing more than yet another tax on the American people.

A click of the mouse to remove my license number from active listing in no way warrants \$100!

Offensive.

I hope the board will consider it's thievery and rescind this order from consideration.

Sincerely,
Peggy O'Neill, R.P.T. # 9132

From: [Jorge Monroy](#)
To: [PTBC Rulemaking](#)
Subject: Regarding New Article 1.5 and New Section 1399.18 of Article 1.5
Date: Sunday, June 26, 2022 7:23:46 PM

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Please do not add a \$100 retirement fee. If this fee will be added, the board should explain how a person electing to go into retirement creates a task that justifies a \$100 fee.

Thank you,

Jorge Monroy, PT, DPT OCS

From: [REDACTED]
To: [PTBC Rulemaking](#)
Subject: Inquiries and comments concerning the proposed rule-making action
Date: Monday, June 20, 2022 2:44:35 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

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Brooke Arneson
2005 Evergreen Street, Suite 2600
Sacramento, California 95815
Telephone: (916) 561-8260
Email Address: ptbc.rulemaking@dca.ca.gov

Hello Brooke,

I'm writing to you to let you know I did receive the Notice of New Proposed Rulemaking Regarding the Retired License and Fees.

I am a retired PT and my PT license is on Retired Status. Here is the email string I have had with Justin Silva from License Maintenance Services in PTBC .

I'm a little confused and don't know if I need to do anything. As you can see from this email string, I have been pro-active in maintaining my retired status for the last few years. So please let me know if I have been "grandfathered" in since I've been on this Retired Status for almost 3 years and am not a "new" retiree. It was not clear from reading the "proposed regulatory action and other pending regulations" whether I need to do anything since my license is already in the Retired Status. I understand the new rules regarding re-instating my PT License.

Thank you, and looking forward to receiving a response from you.

Joan Langfeld
[REDACTED]

.....**Previous emails below**.....

From:J Langfeld [REDACTED]
Sent:Wednesday, October 6, 2021 1:41 PM
To:Silva, Justin@DCA <Justin.Silva@dca.ca.gov>
Subject:Re: License

Thank you for the clarification, Justin. And thank you for assuring me that I do not have to renew my retired status every two years. If indeed I want to re-instate my license, I will use the PT renewal form that was recently sent to me.

Best Regards,
Joan Langfeld

From:Silva, Justin@DCA <Justin.Silva@dca.ca.gov>

Sent:Wednesday, October 6, 2021 10:04 AM

To:J Langfeld[REDACTED]

Subject:License

Hello Joan,

I see both of our email inboxes so I am aware of what is going on.

We have eliminated our retired status and it no longer exists. Because you were able to place your license into a retired status before the board eliminated the status, you will still be able to allow your license to remain in the retired status.

You will not be "bumped off", or penalized. At present, your license is in a retired status.

Thank you.



Justin Silva
Department of Consumer Affairs
Physical Therapy Board of California
2005 Evergreen Street, Suite 2600
Sacramento, CA 95815-9924
(916) 561-8272 (desk)
(916) 561-8200 (office)
(916) 263-2560 (fax)



How was your PTBC experience? We want to hear from you... Please click on the link to take a quick survey. <https://www.surveymonkey.com/r/S2XLWYG>

From: J Langfeld [REDACTED]

Sent: Tuesday, October 5, 2021 11:17 PM

To: Justin.Silva@dca.ca.gov <Justin.Silva@dca.ca.gov>

Subject: Fw: Renewal for a Retired PT on this feed from 2 years ago (Re: Retired request form and questions)

Hello, Justin.

I didn't think to add you on these last couple of emails to the main office, which might be you, but thought it best to keep you in the loop.

If you do indeed get this email please respond so I at least know you've been receiving these emails.

Thank you,
Joan Langfeld

From: J Langfeld [REDACTED]

Sent: Tuesday, October 5, 2021 11:08 PM

To: PT@DCA <PT@dca.ca.gov>

Subject: Re: Renewal for a Retired PT on this feed from 2 years ago (Re: Retired request form and questions)

Thank you for responding.

I was told by Justin Silva two years ago (in the below email string) that *"All Licensees receive renewal notices every 2 years. You will receive one also."* I didn't receive one, so I am concerned. As you noted I am a retired licensee as of 10/11/2019.

I don't remember if Justin Silva or a fellow PT told me that if I missed renewing my "retired status" I would no longer be on the retired status and if I wanted to be re-instated as an active PT, I would have to take the PT examination again. I want to be assured that I will not lose my "Retired Status".

Please show me in writing what the rules are for the "Retired Status" or direct me where I can read the rules so in case I have been given inaccurate information mistakenly, I will still do the correct process.

At this time I do not want to be placed back to an active status. I just want to renew as a Retired Status so I am not bumped off of the physical therapy licensure unknowingly.

Thank you.

Joan Langfeld

From: PT@DCA <PT@dca.ca.gov>

Sent: Tuesday, October 5, 2021 5:09 PM

To: J Langfeld [REDACTED]

Subject: RE: Renewal for a Retired PT on this feed from 2 years ago (Re: Retired request form and questions)

Hello Joan,

Our system indicates that your license is in a RETIRED status. You submitted a request to be placed into this status on 10/11/2019.

Please see the link below.

https://www.ptbc.ca.gov/forms/criminal_conviction.pdf

Return this form if you wish to make the change from retired back to active/current.

Thank you.

Sincerely,

Physical Therapy Board of California
Licensing Maintenance Services
2005 Evergreen St. Ste. #2600
Sacramento, Ca 95815

From: J Langfeld [REDACTED]

Sent: Tuesday, October 5, 2021 3:53 PM

To: PT@DCA <PT@dca.ca.gov>

Subject: Fw: Renewal for a Retired PT on this feed from 2 years ago (Re: Retired request form and questions)

[EXTERNAL]: [REDACTED]

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

DO NOT: click links or open attachments unless you know the content is safe.

NEVER: provide credentials on websites via a clicked link in an Email.

Hi,

I'm not sure who I am emailing to, but I have left a message for Justin Silva a couple of times by phone and emailed him earlier this afternoon and have not heard back from him. Maybe he is on vacation?

Anyway, I have not received a renewal form for a retired status and my birthdate is this month.

I want to send in a form to renew my retired status and do not know the proper way to do this and want to make sure it gets done by my birthdate, [REDACTED].

Please advise what I should do. Here is a feed from today's email and from my emails of 2019 regarding my retired status.

I welcome a call at [REDACTED], land line, if that is easier than an email. I can use the initial application form for retired status, but just don't want to do the wrong thing for renewal as a retired physical therapist and not be covered only to find this out too late.

Please at least let me know someone has seen these emails. And if you need my PT license, let me know that as well.

Thank you for your help.

Best Regards,
Joan Langfeld

From: J Langfeld [REDACTED]

Sent: Tuesday, October 5, 2021 1:17 PM

To: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>

Subject: Renewal for a Retired PT on this feed from 2 years ago (Re: Retired request form and questions)

Hi Justin,

I never received a renewal notice for my Retired Status (said I should have - below in your second paragraph).

Please advise me how to renew my retired status without a renewal notice.

- Using the initial form you sent me 2 years ago to renew/change my license to a retired status?
- Send me a different renewal form that I haven't received?

I am following up my 2nd phone call to you with this email thinking it may be easier for you to respond by email vs. phone call.

My birthday is [REDACTED] and want to make sure I have renewed at this retired status properly.

Thank you,
Joan Langfeld
[REDACTED]

From: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>

Sent: Thursday, September 19, 2019 10:22 AM

To: J Langfeld [REDACTED]

Subject: RE: Retired request form and questions

Hello Joan,

Once you place your license into a retired status it will STAY that way until you wish to make it active again. You send the renewal form in with your \$300 renewal payment, attach a short letter explaining why you wish to come out, and catch yourself up on your continuing competency hours.

All licensees receive renewal notices every 2 years. You will receive one also. Inactive status differs from retired status in that going inactive exempts you from your continuing competency

requirement ONLY.

Justin Silva

License Maintenance Services
DCA • Physical Therapy Board of California
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
P: 916.561.8272
F: 916.263.2560
Website: www.ptbc.ca.gov

From: J Langfeld [REDACTED]

Sent: Wednesday, September 18, 2019 1:00 PM
To: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>
Subject: Re: Retired request form and questions

[EXTERNAL]: [REDACTED]
Hi Justin,

Not sure if you got this, but I'm re-sending it. Please look at my questions below and get back to me at your earliest convenience.

Thank you,
Joan

From: J Langfeld [REDACTED]
Sent: Tuesday, September 17, 2019 12:14 PM
To: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>
Subject: Re: Retired request form

Hi Justin,

I have a few questions I would like answered in relation to renewing my license:

- If a person is on the retired status, does the PTBC still send out a license renewal form every two years?
- Is there a time limit for how long a person can be on the retired status and then decide to lift that status, (complete the CEUs, pay the license fee, write a letter to the PTBC) to make the license current again/have the license re-instated?

- If a person fails to renew the retired status every two years, would it be similar or is it different to what is written regarding an inactive status: **Delinquent Status:** If you choose NOT to renew your license, it may remain delinquent for up to 60 months from expiration. Your license will automatically cancel after 60 months. During this period of delinquent status, you may renew your delinquent license by paying all applicable renewal fees and one delinquent fee prior to automatic cancellation. You will be required to reapply for licensure after your original license has canceled.)

I'm only asking these questions because there is nothing I could find written specifically for the retired status on this. And I would like to make the best decision for myself in renewing my license. It is very important to me.

Thank you,
Joan Langfeld

From: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>
Sent: Wednesday, September 11, 2019 3:40 PM
To: J Langfeld [REDACTED]
Subject: RE: Retired request form

Hello Joan,

As explained during our conversation, there is no official form for this. After placing your license into a retired status then requesting to come out to bring your license current again, you simply call the Physical Therapy Board and request a renewal form to be sent to you and you return the renewal form with your \$300 payment. Or, you can go to the Physical Therapy Board website and click on, "forms." The form you'd submit is: "License renewal – Criminal Conviction Disclosure Requirements"

Submit a letter requesting to be taken OUT of the status with the renewal form, and your \$300 payment. (Your continuing competency requirement must be met also.)

Justin Silva

License Maintenance Services
DCA • Physical Therapy Board of California
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

P: 916.561.8272

F: 916.263.2560

Website: www.ptbc.ca.gov

From: J Langfeld[REDACTED]
Sent: Wednesday, September 11, 2019 2:29 PM
To: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>

Subject: Re: Retired request form

[EXTERNAL] [REDACTED]

Hi Justin,

Thank you. I did find this form on the site. If you recall, I was asking you to send me a statement of how to re-instate my license if I want to come out of retirement.

Please send send me a written statement of what I need to do to re-instate my license if I come out of retirement. There are no forms for this.

Thank you.
Joan Langfeld

From: Silva, Justin@DCA <Justin.Silva@dca.ca.gov>

Sent: Wednesday, September 11, 2019 1:31 PM

To: [REDACTED]

Subject: Retired request form

This is the form you'll need to submit If you wish to place your license into a retired status.

Thank You.

From: [Lewis, Clare](#)
To: [PTBC Rulemaking](#)
Subject: Proposed changes to physical therapy retirement status
Date: Monday, June 20, 2022 2:49:18 PM

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Hi Brooke

I just received the email about the proposed changes for retirement status in California for physical therapists and physical therapy assistants. When I moved to Oregon I requested retirement status even though I am still working in the state of Oregon as a physical therapist. My question is since they are going to be charging \$100 for retirement status does that exclude those who already have that status or would anybody who has retirement status now be required to pay that?

Thank you very much for the information,
Clare Lewis DPT

Sent from my iPhone

Std. Form 399
*Economic
And Fiscal
Impact
Statement
Attached*

(see e-paper clip at left)