



## District/SIG PAC Advocacy Chairpersons Advocacy Guide (Updated 11/12/18)

### **Major Issues from 2018**

CPTA enjoyed a solid legislative year this past session. The good news is that the Athletic Trainers attempt to license their profession with an overly broad scope of practice in California did not pass. The bad news is that they will undoubtedly be back in 2019. Again, the biggest point of contention will be around the question of whether athletic trainers should be working as athletic trainers with both athletes and more generalized “patient” populations or staying in the traditional zone of athletic trainers where they are highly regarded and prepared.

Two areas in which CPTA enjoyed success were the following:

- *Gov. Brown signed AB 2423 by Assembly Member Chris Holden (D-Pasadena)/PT Services in Schools to Children with IEPs.* Our direct access/treatment legislation of 2013 required patients to see their physician after 45 days or 12 visits, whichever comes first, but this contradicts a lot of the work being done with kids in school environments. They are entitled to PT, OT, Speech and many other services under federal law, but the 45-day limitation is unrealistic with kids who have an IEP in place, as services often run throughout the year. This bill provides a narrow but important exception to the PT practice act for these types of services.
- *Non-Public Agencies/Non-Public Schools.* The California Department of Education determined that PTs and OTs providing services as NPA/NPS contract providers should undergo some level of audit. A full audit would require an unusual level of expensive scrutiny, but we worked in coalition with others to eliminate this audit requirement altogether via the State Budget process.

### **Issues Likely to Carry Over to 2019**

- *Scope of Practice development/expansion by Athletic Trainers.* This will require substantial effort by CPTA and its grassroots to keep this legislation to a reasonable outcome.
- *Payment Policy Regulatory Actions and Legislation.* Infringement into patient care by third party administrators/managed health networks are causing implications and restrictions upon care delivery, access and provider payments, and we will be looking toward a strategy for 2019. We developed some inroads for support both through coalition development and interactions with regulators, legislators and legislative staff, and will build upon this with the intent of sponsoring legislation.
- *AB 3013 by Assembly Member Kansen Chu (D-San Jose)/Animal Rehabilitation.* Legislation on this topic essentially calling for a special credential for PTs treating animals and allowing veterinarians to hold discretion over how much supervision they would like to have over that

process moved through the Assembly B&P Committee but was held in the Assembly Appropriations Committee. It is unclear whether this will come up again in 2019.

- *Title 22 Regulations.* Many regulations governing the provision of physical therapy in health facility settings are outdated and inconsistent with the passage of AB 1000 (Direct Access) in 2013. CPTA members, staff and lobbyists has worked with Sen. Bob Wieckowski (D-Fremont), the author of AB 1000, in formally requesting that regulations be corrected to comply with the language of the statute.
- *AB 2386 by Assembly Member Blanca Rubio (D-Azusa)/Credentialing of PTs (and OTs) working in educational settings.* A high percentage of CPTA members working in schools providing services to children through their IEPs would like the opportunity to obtain a credential, which would open leadership roles in administration and potential salary increases. This bill moved through the Assembly Education Committee but was held in the Assembly Appropriations Committee. We are working closely with the Occupational Therapy Association of California on the possibility of bringing this back in 2019.
- *EMG fees in Medi-Cal.* A few years back, PTs that are certified to perform EMG or KEMG services were barred from billing Medi-Cal for such services. The original target of this restriction focused on “EMG mills” being run by physicians, but PTs were caught in the ban. The Department of Finance scored this fix at \$1 Million (!), which stalled the solution. If an opportunity to address this issue rises, CPTA will move on it.
- *Training Opportunities/National Council for State Authorization Reciprocity (NC-SARA).* California is one of a small number of states that have NOT joined a compact of states designed to provide consistency for out-of-state and distance learning experiences, because of concerns that consumer protections within the compact are not strong enough as compared to the state’s and over the capacity of the Bureau of Private Postsecondary Education to serve as the entity responsible for governing compact-related issues. CPTA is facing a growing concern over how this is compounding the problem associated with finding viable training opportunities for PT program students.

### **Grassroots Goals**

At this point, our immediate objective is to conduct a grassroots campaign to fend off the expansive scope of practice effort by Athletic Trainers. They have identified what they call problems in California: 1) That CA is the last state in the U.S. to have some kind of statute in place regarding Athletic Trainers; 2) There is no protection against people in CA calling themselves “Athletic Trainers” without having any specific skills; 3) Student-Athletes are being left unprotected by school programs not having an appropriate level of Athletic Trainers available; and 4) There are other state laws that may prohibit CA-based Athletic Trainers from traveling with the sports teams with which they’re employed.

The bill passed both the Assembly and the Business & Professions Committee in the Senate before being held in the Appropriations Committee with a price tag of \$1.6 Mil. Link to the final version of the bill: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB3110](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3110).

This legislation has been pursued for many years by the Athletic Trainers. In the last iteration, CPTA helped negotiate legislation that would restrict use of the title “Athletic Trainer” or “Certified Athletic Trainer” to only those with appropriate credentials granted by the National Athletic Trainers Association (NATA), long-considered the gold standard of that profession.

The secondary issue of Athletic Trainers not being able to travel with their teams seems to be a bit of a ruse, and inconsistent with the bill, which does not limit activities of Athletic Trainers to sports teams,

athletes or schools. We're also unaware of a single instance in which another state has restricted a team's Athletic Trainers from entering their state from a sporting event.

Finally, the issue of Athletic Trainers and availability is more of a funding question than a question of whether a new license category is necessary.

Our broader objective is to improve upon existing relationships and cultivate new ones with elected officials and candidates, prioritizing those in positions to affect the success of the physical therapy profession in California. Most legislators, their staff and others have little or no specific knowledge regarding the education, training and scope of practice of physical therapy. We must work to change this. When an issue comes up in the Legislature regarding health care or Physical Therapy, the level of relationships we have will determine our level of success. The simple fact is that "friends hear information differently," and our overall goal is to have the type of relationships in which our friends see physical therapists as credible, well-educated, and highly-trained health professionals with a significant contribution to make in the overall health care delivery system.

### **General Election Outcomes**

Election Day and the subsequent processing of ballots shows an ongoing landslide moving toward Republicans being placed on the "endangered species" list in California. CA's Secretary of State website still shows over 4 million ballots to be processed, which could swing even more races in Democrats' favor. Key updates are highlighted below.

## **2018 California General Election Summary**

**11/12/18, 8:39 a.m.**

### STATEWIDE

As expected, former San Francisco Mayor/current Democratic Lt. Governor Gavin Newsom will be the next Governor of California by winning the race by **60% to 40%** margin. Other statewide race results include:

- Lt Governor: Eleni Kounalakis (D)
- Secretary of State: Alex Padilla (D) (incumbent)
- Controller: Betty T. Yee (D) (incumbent)
- Treasurer: Fiona Ma (D)
- Attorney General: Xavier Becerra (D) (incumbent)
- Insurance Commissioner: Ricardo Lara (D)
- Superintendent of Public Instruction: Tony Thurmond (D); this race recently switched and, for now, remains on the Secretary of State's "Close Contests" list, but if it holds, it completes the clean sweep by Democrats of EVERY statewide office.
- US Senate: Diane Feinstein (D) (incumbent)

### LEGISLATIVE

Results for legislative races are still coming in for a couple counties. As of now, Democrats pick up two seats in the State Senate:

- Senate District 12 – current Assembly Member Anna Caballero (D) takes termed-out moderate Republican/Senator Anthony Cannella's (R) seat **by over 4%**.
- Senate District 14 – current Senator Andy Vidak (R) lost to challenger Melissa Hurtado (D) **by over 8%**.

Democrats will eventually have 28 votes in the Senate, one more than 2/3 necessary for a supermajority. However, in the short-term, the Democrats are losing Democratic Senator Ricardo Lara, who was elected Insurance Commissioner yesterday. His Los Angeles seat will be filled by a Democrat in a special election in early 2019.

In another note, CalPT-PAC participated in Senate District 22 in support of Democrat Susan Rubio, who won this race over fellow Democrat and former Assembly Member Mike Eng.

In the Assembly, it looks like the Democrats have for sure picked up two seats, giving them 57 votes, three more than the 2/3 necessary for a supermajority, and more may be coming.

- Assembly District 40 – James Ramos (D) easily wins the seat vacated by Assembly Member Mark Steinorth (R).
- Assembly District 76 – Tasha Horvath (D) won the seat lost by current Assembly Member Rocky Chavez (R), who gave up his seat to run for Congress and didn't make it past the top two Primary in June.

WATCH: AD 16, currently held by Republican Catharine Baker (R-Dublin), shows the gap closing daily as ballots are processed---now less than 400 votes separate Baker and her Democratic challenger.

## District 16

100.0% (345 of 345) precincts partially reporting as of November 13, 2018, 8:58 p.m. [?](#)

Candidate	Votes	Percent
<b>Rebecca Bauer-Kahan</b> (Party Preference: DEM)	83,474	49.9%
<b>Catharine Baker</b> (Party Preference: REP)	83,813	50.1%

WATCH: AD 38, currently held by Republican Dante Acosta (R-Santa Clarita), has flipped, and challenger Christy Smith is now expected to win this seat.

## District 38

100.0% (252 of 252) precincts partially reporting as of November 13, 2018, 8:58 p.m. [?](#)

Candidate	Votes	Percent
<b>Christy Smith</b> (Party Preference: DEM)	76,111	50.6%
<b>Dante Acosta</b> (Party Preference: REP)	74,393	49.4%

There are three Assembly District races where votes are still being counted that could possibly change these numbers. Each district will have thousands of uncounted absentee ballots:

- Assembly District 60 – current Assembly Member Sabrina Cervantes (D) now leads Bill Essayli (R) by **almost 1,000 votes.**
- Assembly District 74 – current Assembly Member Matthew Harper (R) now looks as if he will lose his seat to Democratic challenger, Cottie Petrie-Norris. The race is no longer even on the “Close Contests” list.

## District 74

100.0% (273 of 273) precincts partially reporting as of November 11, 2018, 8:40 p.m. 

Candidate	Votes	Percent
<b>Cottie Petrie-Norris</b> (Party Preference: DEM)	77,094	<b>51.1%</b>
<b>Matthew Harper</b> (Party Preference: REP)	73,664	<b>48.9%</b>

## BALLOT MEASURE RESULTS

	Proposition Title	Yes Votes	%	No Votes	%
<b>Yes</b>	1 Bonds to Fund Veteran & Affordable Housing.	4,923,996	55.1%	4,011,570	44.9%
<b>Yes</b>	2 Amend Existing Housing Program for Mental Illness.	5,589,647	62.3%	3,386,082	37.7%
<b>No</b>	3 Bond for Water and Environmental Projects.	4,264,046	48.1%	4,596,515	51.9%
<b>Yes</b>	4 Bond for Children’s Hospital Construction.	5,506,502	61.4%	3,454,734	38.6%
<b>No</b>	5 Senior Property Reduction.	3,644,708	40.9%	5,264,818	59.1%
<b>No</b>	6 Repeal of Fuel Tax Approved by Voters.	3,959,800	43.5%	5,142,217	56.5%
<b>Yes</b>	7 Change Daylight Saving Time Period.	5,358,335	60.2%	3,548,968	39.8%
<b>No</b>	8 Regulates Kidney Dialysis Treatment Charges.	3,531,918	39.3%	5,465,640	60.7%

		Proposition Title	Yes Votes	%	No Votes	%
<b>No</b>	10	Rental Control on Residential Property.	3,573,343	39.3%	5,511,199	60.7%
<b>Yes</b>	11	Emergency Ambulance Employees on-call.	5,398,657	60.2%	3,566,136	39.8%
<b>Yes</b>	12	Farm Animals Confinement Standards.	5,540,632	61.8%	3,425,048	38.2%

#### CONGRESSIONAL RESULTS

Finally, California was home to 9 targeted seats in the attempt to “Flip the House,” and it looks as if at least four have new Democrats to Washington:

- CA District 29: Katie Hill (D) won over incumbent Rep Steve Knight (R).
- CA District 48: Harley Rouda (D) won over incumbent Rep Dana Rohrabacher (R). Currently, the lead Rouda holds is 4%. See below.
- CA District 49: Mike Levin (D) beat Republican challenger/former Assembly Member and Board of Equalization Member Diane Harkey (R) to take over for retiring Rep Darrell Issa (R).
- CD 10 appears to have flipped, with Democratic challenger Josh Harder now leading incumbent Republican Jeff Denham.

#### **District 10**

[100.0% \( 478 of 478 \) precincts partially reporting as of November 11, 2018, 8:40 p.m.](#) 

	Candidate	Votes	Percent
	<b>Josh Harder</b> (Party Preference: DEM)	90,491	<b>50.9%</b>
*	<b>Jeff Denham</b> (Party Preference: REP)	87,128	<b>49.1%</b>

WATCH: CD 39 could flip. Republican Young Kim currently leads, but the lead is now less than 2%, landing this on the “Close Contests” list. This seat is currently held by retiring Republican Ed Royce.

#### **District 39 - Districtwide Results**

[100.0% \(387 of 387\) precincts partially reporting as of November 13, 2018, 8:58 p.m.](#) 

	Candidate	Votes	Percent
	<b>Gil Cisneros</b> (Party Preference: DEM)	92,741	<b>49.8%</b>
	<b>Young Kim</b> (Party Preference: REP)	93,452	<b>50.2%</b>

WATCH: The gap in CD 45, currently held by Republican Mimi Walters, now shows Democrat Katie Porter in the lead.

## District 45 - Districtwide Results

100.0% (444 of 444) precincts partially reporting as of November 13, 2018, 8:58 p.m. 

	Candidate	Votes	Percent
	<b>Katie Porter</b> (Party Preference: DEM)	116,732	<b>50.1%</b>
*	<b>Mimi Walters</b> (Party Preference: REP)	116,471	<b>49.9%</b>

## District 48

100.0% ( 395 of 395 ) precincts partially reporting as of November 11, 2018, 8:40 p.m. 

	Candidate	Votes	Percent
	<b>Harley Rouda</b> (Party Preference: DEM)	109,591	<b>52.0%</b>
*	<b>Dana Rohrabacher</b> (Party Preference: REP)	101,081	<b>48.0%</b>

Link to CA's Secretary of State Election Results page: <https://vote.sos.ca.gov/>.

Link to California's "Close Contests" page: <https://vote.sos.ca.gov/returns/close-contests>

### Menu of Possible Activities

Key committees and leadership positions will be announced sometime after the Assembly and Senate are organized, and CPTA will focus its efforts once these are announced. In the meantime, many of the same activities are relevant to cultivate relationships with those that will be voting upon policy affecting Physical Therapists' services in California.

- **Invite legislators and candidates to speak at a district meeting.**
- Host a legislative forum with your representative. Reach out to local consumer, health care, senior groups and other groups, neighbors, friends and colleagues and invite them to the legislative forum.
- **Set up meetings with legislators or staff in their district office.** Invite other physical therapists, especially those who have not participated in a meeting before, to attend. Bring "leave-behind" materials (CPTA staff can assist) and ask who is the best person (probably staff who advises member on Business & Professions or Health Committee issues) to follow up with after the meeting. Check with CPTA staff and lobbyist to get their advice on legislators to prioritize in your area. During meetings and at events, offer yourself as a resource to the legislator and staff regarding physical therapy issues. Do not be dismayed at having to meet with legislative staff. Staff often have more command of individual issues than legislators and are your best bet for direct follow-up to the office following your meetings with them.

- Send a “thank you” notes or emails to legislators or staff following meetings thanking them for the time and reiterating what you spoke about. Please inform CPTA staff and CPTA’s lobbyists of how the meeting went and any issues discussed.
- If you or your colleagues have any personal relationships with legislators and/or legislative staff, please share that information with CPTA staff and lobbyists.
- Go to the websites of all legislators in your area and sign up for their electronic newsletters if available. These newsletters are a great way to hear about open houses, community coffees, office hours, town hall forums, etc., that are being hosted by the legislative offices.
- Attend town hall meetings. Participate in health fairs, coffees and other events in the district. Offer to provide information regarding patients’ ability to directly access physical therapist services at local health fairs.
- Write letters to the editor to make comments regarding relevant news articles online; generate interest/buzz on issues of importance to physical therapist services. For additional information, contact CPTA Staff. Also, consider signing up for Twitter, Facebook and other social media outlets where you can highlight CPTA and APTA announcements, as well as push your own physical therapy stories.
- Bring large delegation of physical therapists, PT Assistants and PT students to PT Legislative Day. Make a special effort to mentor individuals who have never attended before and who are participating in legislative visits for the first time.
- Host events in October as part of National Physical Therapy Month to raise awareness regarding the profession, and our key role as health care professionals. Generate favorable news coverage for events and new stories in general regarding physical therapy in each district.
- Campaigns are a great opportunity to develop and build relationships. Let CPTA leadership and staff know if you participated in local campaign efforts.
- PAC/Advocacy Chairs solicit Assembly of Representatives to fulfill their advocacy requirements by attending district events.
- Host PAC Fundraiser in conjunction with a CEU course.
- Take photographs with legislators or candidates so we may use them in correspondences and publications.

#### **Possible Fundraising Activities**

- Ethics, Law/Regulations Course Fundraiser.
- CAL-PT-PAC Pub Night.
- CAL-PT-PAC Wine Tasting Fundraiser.
- Local DIS/SIG Fundraiser.
- Candidate Forum (During Election Years).
- Continuing Education Course that offers some proceeds to CAL-PT-PAC.