



PHYSICAL THERAPY
BOARD OF CALIFORNIA

October 15, 2021
BOARD MEETING

Department of Consumer Affairs
2005 Evergreen St.
Sacramento, CA 95815

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

October 15, 2021 9 a.m.

Department of Consumer Affairs
2005 Evergreen St.
Sacramento, CA 95815

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.



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

Friday, October 15, 2021

NOTE: Pursuant to the provisions of provisions of Government Code section 11133, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

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 Friday, October 15, 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=mf83334d1417f5751bf2ef057bc909156>

Event number: 2492 762 6595

Event password: PTB10152021

If joining by audio conference (phone):

Call, +1-415-655-0001 (US toll)

Enter Access code: 249 276 26595, followed by #
Enter password: 78210152, followed by #

As an alternative, members of the public who wish to observe the meeting on October 15, 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 – Friday, October 15th

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, Discussion and Possible Board Action on Sunset Review Report Pursuant to BPC Section 2602 – Jason Kaiser**
6. **Discussion and Possible Board Action Regarding Sunset Review Subcommittee’s Recommendation on Issues to be Identified on the Sunset Review Report Pursuant to Business and Professions Code (BPC) Section 2602 – Jason Kaiser**
7. **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).)

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

9. 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

10. 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 via WebEx in accordance with the instructions provided above and attached hereto. 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.

HOW TO – Join – DCA WebEx Event

The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window with the URL <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>. The page header includes the DCA logo and the text "California Department of Consumer Affairs". Below the header, the event information is displayed: "Event Information: 3/26", "Event status: Started", "Date and time: Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00)", "Duration: 1 hour", and "Description:". To the right of the event information is a "Join Event Now" section. It contains a form with fields for "First name:", "Last name:", "Email address:", and "Event password:". Below the form are links for "Join Now", "Join by browser NEW!", and "If you are the host, start your event".

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

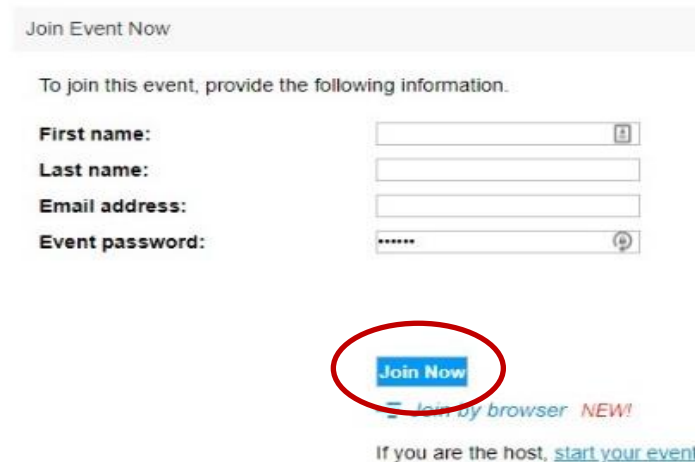
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

This screenshot is identical to the one above, but with a red arrow pointing to the "First name:" input field in the "Join Event Now" section. The arrow originates from the left side of the page and points directly to the text box for the first name.

HOW TO – Join – DCA WebEx Event

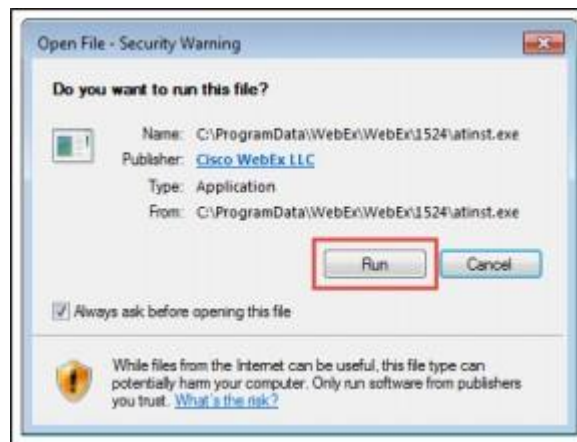
3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.



The screenshot shows a web form titled "Join Event Now". Below the title, it says "To join this event, provide the following information." There are four input fields: "First name:", "Last name:", "Email address:", and "Event password:". The "Event password:" field has a masked password "*****" and a small icon to its right. Below the input fields, there is a blue "Join Now" button, which is circled in red. To the right of the button, there is a link "Join by browser NEW!". Below the button, there is a link "If you are the host, start your event."

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

5. To bypass step 4, click 'Run a temporary application'.

Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

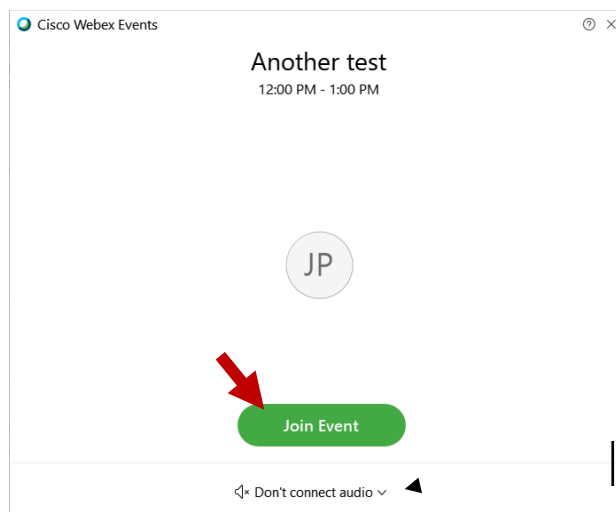
6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

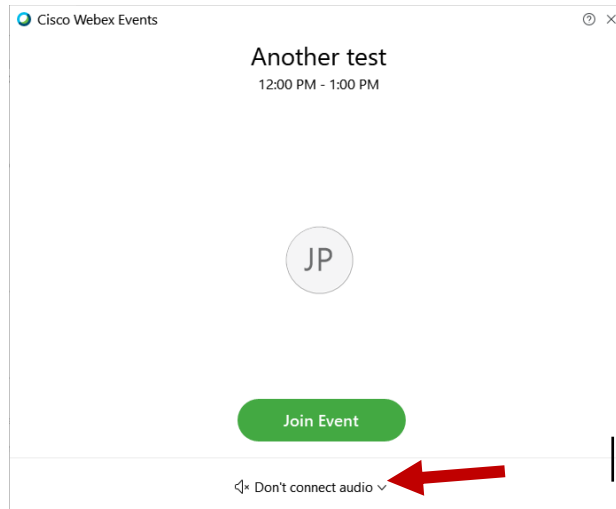
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

7. If using a headset plugged into your computer, click the 'Join Event' button.

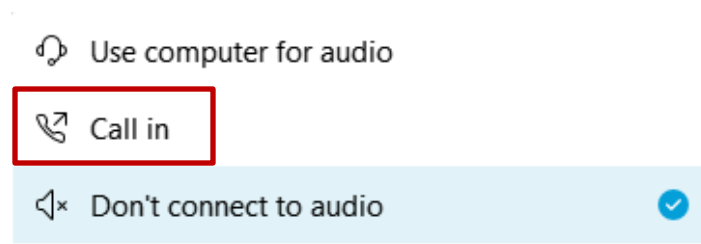


HOW TO – Join – DCA WebEx Event

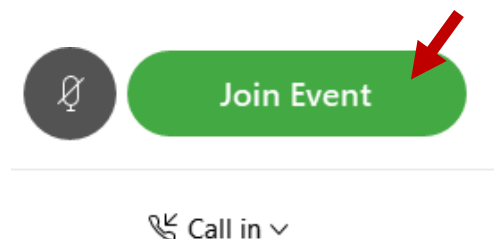
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



9. When the audio menu appears click 'Call in'.



10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

11. Call into the audio conference with the details provided.

Call In

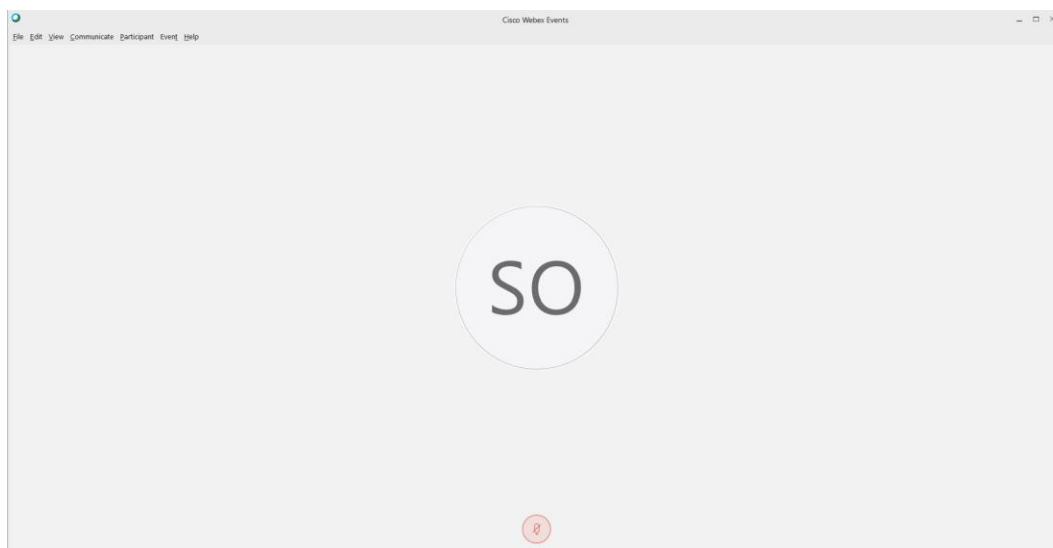
Call in from another application ⓘ

- Call**
US Toll
[REDACTED]
[Show all global call-in numbers](#)
- Enter**
Access code [REDACTED] #
Attendee ID [REDACTED] #

NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!



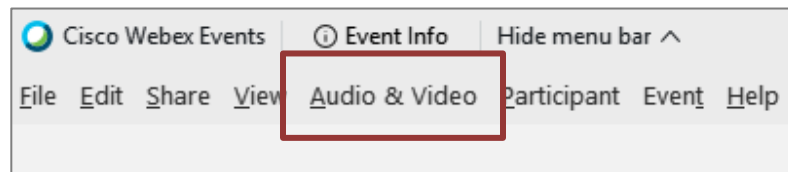
NOTE: Your audio line is muted and can only be unmuted by the event host.

HOW TO – Join – DCA WebEx Event

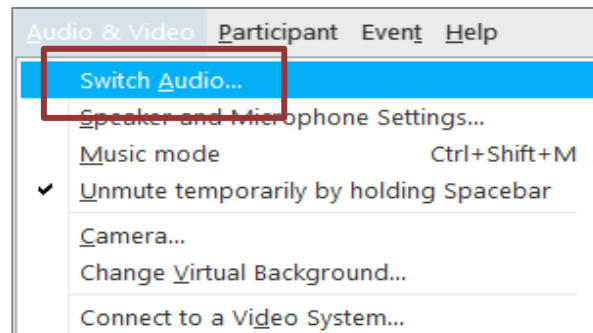
Selecting Audio Connection After Joining

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

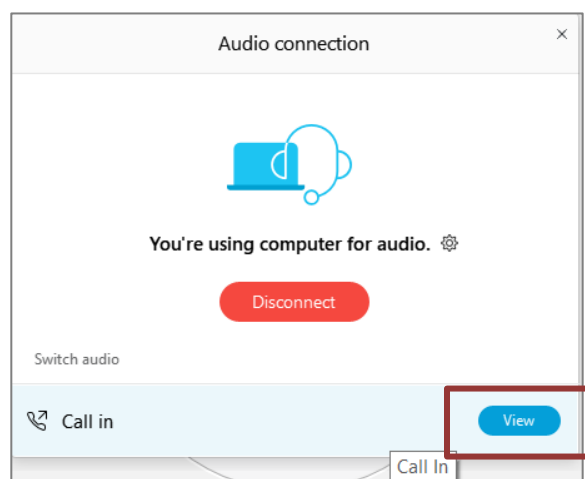
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.

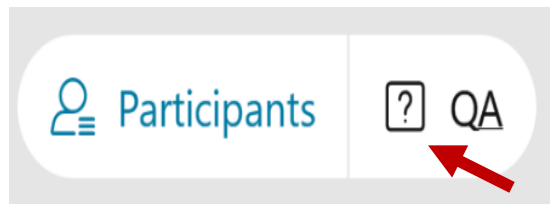
HOW TO – Join – DCA WebEx Event

Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

Using the Question & Answer feature (Q&A):

If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

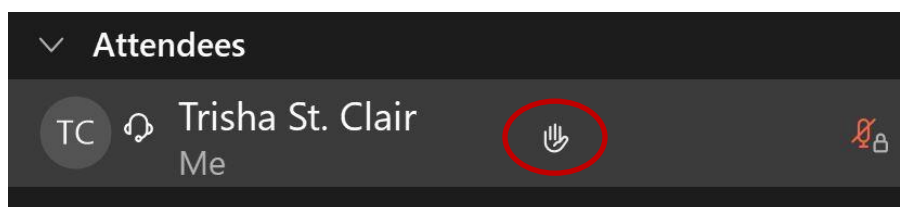
Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Ask: ▼

Select a panelist in the Ask menu first and then type your question

Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.

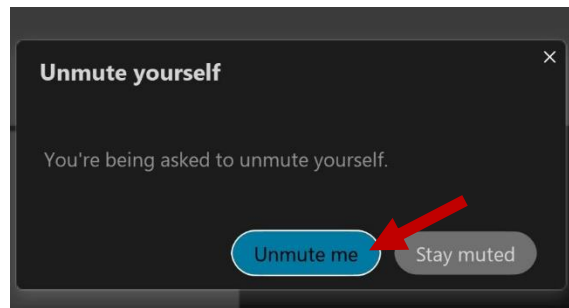


Please click on the hand icon again once your comment has been presented to lower your hand.

HOW TO – Join – DCA WebEx Event

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.

ROLL CALL

October 15, 2021

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
Katarina Eleby, Vice-President		
Dayle C. Armstrong, Ph.D., PT, MS, DPT		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Johnathon Ervin		
Tonia McMillian		



Briefing Paper

Agenda Item 5

Date: September 30, 2021

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Sunset Review Process Timeline and Sunset Overview Report Template

Purpose:

To provide the Board an overview of the Sunset timeline and process. In addition, the 2021 Sunset Overview Report Template is included in the meeting materials. The below attachment also includes a link to the [2016 Sunset Review Report](#).

Attachments:

1. [2016 Sunset Review Report Link](#)
 2. [2021 Sunset Review Report Template](#)
-

Sunset Report:

About a year and a half before the Board's statutory sunset date, the Senate Committee on Business, Professions, and Economic Development will send out a template for the Sunset Report; however, for 2021 the Board received the Sunset Review Report Template on September 14, 2021. The report can be drafted a few ways; the Board can delegate to staff or appoint a committee to handle the report. This report must be reviewed and approved by the full Board before it is submitted to the Legislature.

Between the Report and the Background Paper:

Before Committee sends out the background paper and issue documents, the Board should determine who will testify at the hearing and begin to work on generic testimony about the Board. This is essentially the introductory statement. Here are some general topics that are usually covered in this portion of testimony. In general, brevity is desirable.

- History
- Function/Role
- Activities of the Board
- Composition/activities of advisory committee(s)
- Who you license and # of licensees
- Description of your budget

Background Paper/Issue Doc:

The Committee will set a date for the Background Papers to come out, which is generally two weeks before your Board's scheduled hearing date. Board staff will review this document for technical correctness; if the Board has a committee designated to respond on this, they may also review the document and work with the Board's legal representative to ensure compliance. Generally, the Board only has a couple of days to respond or suggest any corrections.

The issues laid out in the Background Paper are the basis for testimony. The Committees will likely provide the Board with direction on which issues they expect testimony on but considering potential responses to some of the other issues would be appropriate, since any member of the Committees can ask any question they like during the hearing. The Board will want to ensure that any spoken testimony will align with the Board's anticipated written responses.

Hearing Date:

A staff member of the Board should be designated to watch the hearing and take notes. If there are requests made or if an answer was not available at the time of the hearing, these notes will be helpful in identifying those issues. If something is asked, and the Board does not have a ready answer, let the Committee know the Board is not prepared to answer, but will get back to them with more information.

After the Hearing:

The Board has 30 calendar days from the date of the sunset hearing to prepare written responses to all of the issues and recommendations as well as any additional questions that may have come up during the hearing. The Board must approve these written responses because it is the work product of the Board and its official response to the questions.

The Bill:

A bill will be introduced with amendments to extend the date of the Board's sunset. This bill will likely change dramatically from this simple date extension to include more substantive policy. The Board should take an active role in ensuring that all the necessary dates are being extended and that any policy proposals can be implemented by the Board and are appropriate.

Action Requested:

No action is requested on the Sunset Review Process and Timeline; however, staff are requesting action on the Sunset Review Report Template which will be presented at the October 15, 2021 meeting.

[BOARD NAME]

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of [date]

Section 1 – Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

Table 1a. Attendance

[Enter board member name]			
Date Appointed:	[Enter date appointed]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Meeting 1	[Enter Date]	[Enter Location]	[Y/N]
Meeting 2	[Enter Date]	[Enter Location]	[Y/N]
Meeting 3	[Enter Date]	[Enter Location]	[Y/N]
Meeting 4	[Enter Date]	[Enter Location]	[Y/N]

Table 1b. Board/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:
 - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
 - All legislation sponsored by the board and affecting the board since the last sunset review.

¹ The term "board" in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

- All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.
4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).
 5. List the status of all national associations to which the board belongs.
 - Does the board's membership include voting privileges?
 - List committees, workshops, working groups, task forces, etc., on which the board participates.
 - How many meetings did board representative(s) attend? When and where?
 - If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website
7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

Section 3 – Fiscal and Staff Fiscal Issues

8. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.
9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.
10. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Beginning Balance						
Revenues and Transfers						
Total Revenue	\$	\$	\$	\$	\$	\$
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
Fund Balance	\$	\$	\$	\$	\$	\$
Months in Reserve						

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?
12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component (list dollars in thousands)								
	FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration *								
DCA Pro Rata								
Diversion (if applicable)								
TOTALS	\$	\$	\$	\$	\$	\$	\$	\$
*Administration includes costs for executive staff, board, administrative support, and fiscal services.								

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?
14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2017/18 Revenue	FY 2018/19 Revenue	FY 2019/20 Revenue	FY 2020/21 Revenue	% of Total Revenue

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.
17. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment D).

Section 4 – Licensing Program

18. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?
20. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

² The term "license" in this document includes a license certificate or registration.

Table 6. Licensee Population					
		FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
[Enter License Type]	Active ³				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other ⁴				
[Enter License Type]	Active				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other				
[Enter License Type]	Active				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other				
[Enter License Type]	Active				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other				
[Enter License Type]	Active				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other				
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

³ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁴ Other is defined as a status type that does not allow practice in California, other than retired or inactive.

Table 7a. Licensing Data by Type

Application Type	Received	Approved /Issued	Closed	Pending Applications			Cycle Times		
				Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2018/19	(Exam)			-	-	-	-	-	-
	(License)			-	-	-	-	-	-
	(Renewal)		n/a	-	-	-	-	-	-
FY 2019/20	(Exam)								
	(License)								
	(Renewal)		n/a						
FY 2020/21	(Exam)								
	(License)								
	(Renewal)		n/a						

* Optional. List if tracked by the board.

Table 7b. License Denial

	FY 2018/19	FY 2019/20	FY 2020/21
License Applications Denied (no hearing requested)			
SOIs Filed			
Average Days to File SOI (from request for hearing to SOI filed)			
SOIs Declined			
SOIs Withdrawn			
SOIs Dismissed (license granted)			
License Issued with Probation / Probationary License Issued			
Average Days to Complete (from SOI filing to outcome)			

21. How does the board verify information provided by the applicant?

- What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?
- Does the board fingerprint all applicants?
- Have all current licensees been fingerprinted? If not, explain.
- Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
- Does the board require primary source documentation?

22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?
 - b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?
 - c. What regulatory changes has the board made to bring it into conformance with BPC § 35?
 - d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
 - e. How many applications has the board expedited pursuant to BPC § 115.5?
24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Examinations

Table 8. Examination Data ⁵				
California Examination (include multiple language) if any:				
License Type				
Exam Title				
Number of Candidates				
FY 2017/18	Overall Pass %			
	Overall Fail %			
FY 2018/19	Overall Pass %			
	Overall Fail %			
FY 2019/20	Overall Pass %			
	Overall Fail %			
FY 2020/21	Overall Pass %			
	Overall Fail %			
Date of Last OA				
Name of OA Developer				
Target OA Date				

⁵ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

National Examination (include multiple language) if any:			
License Type			
Exam Title			
Number of Candidates			
FY 2017/18	Overall Pass %		
	Overall Fail %		
FY 2018/19	Overall Pass %		
	Overall Fail %		
FY 2019/20	Overall Pass %		
	Overall Fail %		
FY 2020/21	Overall Pass %		
	Overall Fail %		
Date of Last OA			
Name of OA Developer			
Target OA Date			

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?
26. What are pass rates for first time vs. retakes in the past 4 fiscal years? (*Refer to Table 8: Examination Data*) Are pass rates collected for examinations offered in a language other than English?
27. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?
28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?
30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?
31. What are the board's legal requirements regarding approval of international schools?

Continuing Education/Competency Requirements

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.
- How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?
 - Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

- c. What are consequences for failing a CE audit?
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
- e. What is the board's CE course approval policy?
- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
- g. How many applications for CE providers and CE courses were received? How many were approved?
- h. Does the board audit CE providers? If so, describe the board's policy and process.
- i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited

Section 5 – Enforcement Program

- 33. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
- 34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Table 9a. Enforcement Statistics			
	FY 2018/19	FY 2019/20	FY 2020/21
COMPLAINTS			
Intake			
Received			
Closed without Referral for Investigation			
Referred to INV			
Pending (close of FY)			
Conviction / Arrest			
CONV Received			
CONV Closed Without Referral for Investigation			
CONV Referred to INV			
CONV Pending (close of FY)			
Source of Complaint ⁶			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Internal			
Other			
Anonymous			
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)			
Average Time to Closure (from receipt of complaint / conviction to closure at intake)			
Average Time at Intake (from receipt of complaint / conviction to closure for referral for investigation)			
INVESTIGATION			
Desk Investigations			
Opened			
Closed			
Average days to close (from assignment to investigation closure)			
Pending (close of FY)			
Non-Sworn Investigation			
Opened			
Closed			
Average days to close (from assignment to investigation closure)			
Pending (close of FY)			
Sworn Investigation			
Opened			
Closed			
Average days to close (from assignment to investigation closure)			
Pending (close of FY)			

⁶ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

All investigations ⁷			
Opened			
Closed			
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)			
Average days for investigation closures (from start investigation to investigation closure)			
Average days for investigation when referring for prosecution (from start investigation to referral prosecution)			
Average days from receipt of complaint to investigation closure			
Pending (close of FY)			
CITATION AND FINE			
Citations Issued			
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)			
Amount of Fines Assessed			
Amount of Fines Reduced, Withdrawn, Dismissed			
Amount Collected			
CRIMINAL ACTION			
Referred for Criminal Prosecution			
ACCUSATION			
Accusations Filed			
Accusations Declined			
Accusations Withdrawn			
Accusations Dismissed			
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)			
INTERIM ACTION			
ISO & TRO Issued			
PC 23 Orders Issued			
Other Suspension/Restriction Orders Issued			
Referred for Diversion			
Petition to Compel Examination Ordered			
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)			
AG Cases Pending Pre-Accusation (close of FY)			
AG Cases Pending Post-Accusation (close of FY)			
DISCIPLINARY OUTCOMES			
Revocation			
Surrender			
Suspension only			
Probation with Suspension			
Probation only			
Public Reprimand / Public Reprimand / Public Letter of Reprimand			
Other			
DISCIPLINARY ACTIONS			

⁷ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Proposed Decision			
Default Decision			
Stipulations			
Average Days to Complete After Accusation (from Accusation filed to closure of the case)			
Average Days from Closure of Investigation to Imposing Formal Discipline			
Average Days to Impose Discipline (from complaint receipt to final outcome)			
PROBATION			
Probations Completed			
Probationers Pending (close of FY)			
Probationers Tolerated			
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed			
SUBSEQUENT DISCIPLINE⁸			
Probations Revoked			
Probationers License Surrendered			
Additional Probation Only			
Suspension Only Added			
Other Conditions Added Only			
Other Probation Outcome			
SUBSTANCE ABUSING LICENSEES			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
PETITIONS			
Petition for Termination or Modification Granted			
Petition for Termination or Modification Denied			
Petition for Reinstatement Granted			
Petition for Reinstatement Denied			
DIVERSION			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

⁸ Do not include these numbers in the Disciplinary Actions section above.

Table 10. Enforcement Aging						
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days						
91 - 180 Days						
181 - 1 Year						
1 - 2 Years						
2 - 3 Years						
Over 3 Years						
Total Investigation Cases Closed						
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year						
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
Over 4 Years						
Total Attorney General Cases Closed						

35. What do overall statistics show as to increases or decreases in disciplinary action since last review?
36. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.
37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?
- What is the dollar threshold for settlement reports received by the board?
 - What is the average dollar amount of settlements reported to the board?
38. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.
- What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
 - What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
 - What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?
39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?
40. Describe the board's efforts to address unlicensed activity and the underground economy.

Cite and Fine

41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?
42. How is cite and fine used? What types of violations are the basis for citation and fine?
43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?
44. What are the five most common violations for which citations are issued?
45. What is average fine pre- and post- appeal?
46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Cost Recovery and Restitution

47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
49. Are there cases for which the board does not seek cost recovery? Why?
50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.
51. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 11. Cost Recovery⁹ (list dollars in thousands)				
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution (list dollars in thousands)				
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Amount Ordered				
Amount Collected				

⁹ Cost recovery may include information from prior fiscal years.

Section 6 – Public Information Policies

52. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
53. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?
54. Does the board establish an annual meeting calendar, and post it on the board's web site?
55. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?
56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?
57. What methods are used by the board to provide consumer outreach and education?

Section 7 – Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?
60. Describe any assessment the board has conducted on the impact of licensing delays.
61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.
62. Describe any barriers to licensure and/or employment the board believes exist.
63. Provide any workforce development data collected by the board, such as:
 - a. Workforce shortages
 - b. Successful training programs.

Section 9 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?
65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?
66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.
- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?
 - If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

Section 10 – Board Actions and Responses to COVID-19.

67. In response to COVID-19, has the board implemented teleworking policies for employees and staff?
- How have those measures affected board operations? If so, how?
68. In response to COVID-19, has the board utilized any existing state of emergency statutes?
- If so, which ones, and why?
69. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?
- Of the above requests, how many were approved?
 - How many are pending?
 - How many were denied?
 - What was the reason for the outcome of each request?
70. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?
71. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

Section 11 – Board Action and Response to Prior Sunset Issues

Include the following:

- Background information concerning the issue as it pertains to the board.

2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

Section 12 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

Section 13– Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).