2016 SUNSET REVIEW REPORT

PHYSICAL THERAPY BOARD OF CALIFORNIA

SUBMITTED TO THE SENATE BUSINESS, PROFESSIONS, AND ECONOMIC DEVELOPMENT COMMITTEE

Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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December 1, 2016

Honorable Senator Jerry Hill
Senate Committee on Business,
Professions and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

Dear Senator Hill:

I am honored to present to you and the Senate Committee on Business, Professions and Economic Development, the 2016 Sunset Review Report for the Physical Therapy Board of California (PTBC). The report provides current information on the statistics, concerns and achievements of the PTBC as well as the activities and efforts of the PTBC in public protection.

The preparation of this report has provided the opportunity to review our accomplishments, assess our progress and chart our course for continuing the mission of consumer protection.
Included in the report is evidence of a high functioning board. It has been a pleasure to serve on a board supported by the dedicated and diligent staff who uphold the responsibilities and duties of the PTBC in meeting consumer protection through effective regulation of physical therapy.

The efforts of the PTBC are consistently evolving with many significant changes and challenges in this Sunset review period. We believe you will find a high level of professionalism and competence within our responses to these issues.

We have identified some current and potential challenges facing the regulation of physical therapy in California. They are contained within our New Issues section of the report. The Physical Therapy Board of California welcomes the Sunset review process as an opportunity to improve our activities and services to the consumers of physical therapy and the citizens of California.

Respectfully submitted,

Katarina V. Eleby, MA
President
Physical Therapy Board of California

The Physical Therapy Board of California

Sunset Review Report

2016

BOARD MEMBERS

Katarina V. Eleby, President

Alicia K. Rabena-Amen, MPT, Vice President

Debra J. Alviso, PT, DPT

Jesus Dominguez, PT, DPT

Daniel Drummer, PT, DPT

Tonia McMillian

TJ (Eserick) Watkins

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Section 1
Background and Description of the Board and Regulated Profession

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

History of the Board

The Physical Therapy Practice Act (Act) was established in 1953, Chapter 1823 (AB 17) and Chapter 1826 (AB 1001), Statutes of 1953, creating the Physical Therapy Examining Committee (PTEC) under the auspices of the Medical Board of California (MBC). The Act mandated the regulation of physical therapy by the Physical Therapy Examining Committee. A "practice act" safeguards the public by regulating a defined scope of practice vs. a "title act," which merely restricts action to revoking a title with no restriction of practice.

Legislative amendments occurred between 1971 and 1996 transferring administrative oversight from MBC to the PTEC. Chapter 829, Statutes of 1996 (AB 3473), renamed the "Physical Therapy Examining Committee" the "Physical Therapy Board of California" (PTBC).

The current composition of the Board is four physical therapist members, one of whom must be involved in physical therapy education, and three public members. The Governor appoints all professional members as well as one public member; the Senate Rules Committee appoints one public member; and the Speaker of the Assembly appoints one public member.

Function of the Board

The PTBC protects the public from the incompetent, unprofessional, and fraudulent practice of physical therapy. The PTBCs mission is "*to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act*." To meet this mission, the PTBC ensures that:

- Applicants meet the necessary education, examination, and experience qualifications to obtain licensure;
- Licensees comply with continuing competency requirements to maintain licensure;
- Consumers are informed of their rights and how complaints may be filed with the Board;

- Consumer complaints are processed efficiently;
- Appropriate action is imposed on licensees who are found in violation of the Act; and
- Laws and regulations uphold the PTBCs mandate, mission, and vision.

Profession of Physical Therapy

Physical therapists provide services to individuals and populations, across the lifespan, to develop, maintain and restore movement to maximize functional ability. This includes circumstances where movement and function are threatened by aging, injury, diseases, disorders, conditions or environmental factors.

The art and science of physical therapy identifies and maximizes quality of life and movement potential within the spheres of promotion, prevention, treatment/intervention, habilitation and rehabilitation. This encompasses physical, psychological, emotional, and social well-being. Physical therapy involves the interaction between the physical therapist, patients/clients, other health professionals, families, care givers and communities in a process where movement potential is assessed and goals are agreed upon, using knowledge and skills unique to physical therapists.

Physical therapists are professionally qualified and required to:

- perform a comprehensive examination/assessment of the patient/client or needs of a client group
- evaluate the findings from the examination/assessment to make clinical judgments regarding patients/clients
- formulate a prognosis and treatment plan
- provide consultation within their areas of knowledge and experience and determine when patients/clients need to be referred to another healthcare professional
- implement a physical therapy intervention/treatment program
- determine the outcomes of any interventions/treatments
- make recommendations for self-management

Physical therapists practice independently of other health care providers and also within interdisciplinary rehabilitation/habilitation programs, aiming to prevent movement disorders or maintain/restore optimal function and quality of life.

In 2014, Chapter 620, Statutes of 2013 (AB 1000), authorized a person (patient) to have direct access to and initiate physical therapy treatment from a licensed physical therapist without first obtaining a medical diagnosis for up to 45 calendar days or 12

visits, whichever occurs first. If treatment continues beyond 45 calendar days or 12 visits, the patient must undergo an in-person examination from a physician who must also sign off on the physical therapist's plan of care.

Occupations licensed by the Board

In 1953 when the Act was created, PTEC regulated two forms of licensure -- one required a physical therapist to work under the direction of a physician and was designated as a licensed physical therapist (LPT), while the other permitted a physical therapist to work independently and was designated as a registered physical therapist (RPT). SB 1006 (Chapter 1284, Statutes of 1968) unified the two forms of licensure resulting in the physical therapist (PT) license. This licensure permitted all physical therapists to work independently without the direction of a physician.

The PTBC has regulated physical therapist assistants (PTA) since 1971, and has licensed PTAs since 1997. A physical therapist assistant is licensed and provides physical therapy care under the supervision of a physical therapist.

In 1973, physical therapists were also granted authority to utilize the services of a physical therapy aide, who is not required to be licensed. A physical therapy aide performs physical therapy tasks under the direct and immediate supervision of a physical therapist.

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

   In prior years, the PTBC established two committees -- a Licensing Committee, and a Practice Issues Committee. The Licensing Committee was delegated the authority to make decisions on qualifications of applicants (i.e., appeals, application extensions, and credential reports). The Practice Issues Committee was delegated the authority to address all practice related issues. However, both committees were abolished at the May 2006 PTBC board meeting due to the number of Board member vacancies. The PTBC has not identified the need to establish any permanent committees but may establish a temporary committee as needed.

Table 1a. Board Member Meeting Attendance

Board Meetings	08/01/12 - Sacramento	11/06/12 - Sacramento	12/12/12 - Teleconf.	02/13/13 - Sacramento	05/08/13 - Sacramento	08/07/13 - Sacramento	11/06/13 - Oakland	12/10/13 - Teleconf.	02/19/14 - Sacramento	05/14/14 - Los Angeles	08/20/14 - Sacramento	10/02/14 - Teleconf.	11/05/14 - Stockton	12/01/14 - Teleconf.	02/11/15 - Sacramento	03/16/15 - Teleconf.	05/13/15 - Loma Linda	08/19/15 - Sacramento	11/04/15 - Newark	02/10/16 - Sacramento	05/18/16 - Visalia	08/24/16 - Sacramento	09/22/16 - Sacramento	10/25/16 - Sacramento	11/16/16 - Los Angeles	11/28/16 - Sacramento
NAME	FY 12/13					FY 13/14					FY 14/15							FY 15/16				FY 16/17				
Debra J. Alviso*	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Donald A. Chu*	Attended	Attended	Attended	Attended	Attended	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Jesus Dominguez*	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Absent	Attended	Attended	Attended	Attended	Attended	Attended	Absent	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Daniel Drummer*	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Katarina Eleby*	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Martha J. Jewell*	Absent	Attended	Attended	Attended	Attended	Absent	Attended	Attended	Absent	Attended	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Tonia McMillian**	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Attended	Attended	Attended	Attended	Attended	Attended
Alicia Rabena-Amen*	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Sara Takii*	Attended	Absent	Attended	Attended	Attended	Absent	Attended	Attended	Attended	Attended	Attended	Attended	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
James E. Turner***	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Carol Wallisch**	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Absent	Attended	Absent	Attended	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
TJ (Eserick) Watkins***	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Attended	Attended	Attended	Attended	Attended	Attended
Vacancy Governor Appointed Public Member	Vacant	Vacant	Vacant	Vacant	Vacant	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Vacancy Governor Appointed Professional Member	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Vacant	Vacant	Vacant	Vacant	Not Applicable	Vacant	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Attended | Absent | Not Applicable | Vacant

*Governor Appointed
**Senate Rules Committee Appointed
***Speaker of the Assembly Appointed

Table 1b. Board Member Roster

NAME	DATE FIRST APPOINTED	DATE RE-APPOINTED	DATE TERM EXPIRES	APPOINTING AUTHORITY	TYPE (Public or Professional)
Debra J. Alviso	October 2006	February 2014	June 2017	GOVERNOR	PROFESSIONAL
Donald A. Chu	October 2010	N/A	June 2012	GOVERNOR	PROFESSIONAL
Jesus Dominguez	September 2014	N/A	June 2018	GOVERNOR	PROFESSIONAL
Daniel Drummer	October 2014	N/A	June 2018	GOVERNOR	PROFESSIONAL
Katarina Eleby	May 2013	June 2016	June 2020	GOVERNOR	PUBLIC
Martha J. Jewell	October 2006	October 2010	June 2014	GOVERNOR	PROFESSIONAL
Tonia McMillian	March 2016	N/A	June 2019	SENATE RULES	PUBLIC
Alicia Rabena-Amen	February 2014	June 2016	June 2020	GOVERNOR	PROFESSIONAL
Sara Takii	October 2006	December 2010	June 2014	GOVERNOR	PROFESSIONAL
James E. Turner	June 2007	October 2011	June 2015	ASSEMBLY SPEAKER	PUBLIC
Carol Wallisch	September 2011	N/A	June 2016	SENATE RULES	PUBLIC
TJ (Eserick) Watkins	March 2016	N/A	June 2019	ASSEMBLY SPEAKER	PUBLIC

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?**

   The PTBC has had a quorum at all meetings over the past four years.

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.**
   - **All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.**

   Reorganization/Change in Leadership

   In December 2012, after over 30 years of serving the PTBC in various positions, the PTBCs Executive Officer retired. The PTBC appointed an Interim Executive Officer and in May 2013 appointed the Interim Executive Officer as the Executive Officer. The PTBC also gained the appointment of three new public members; one appointed by the Governor in 2013; one appointed by the Senate Rules Committee; one appointed by the Assembly Speaker in 2016. The PTBC also gained three new professional members appointed by the Governor in 2014. In 2015, the Board nominated and elected a public member as Board President.

   Relocation

   The PTBC was slated to relocate in 2007; however, the move was delayed until 2008 by which time staff had already grown near capacity of the new space at Evergreen Street. As reported in PTBCs 2012 Sunset Review, the PTBC continued to expand and out of necessity began seeking additional office space. Due to budget constraints, the PTBC determined relocating was not feasible at that time.

   Currently, the PTBC is working with the Department of Consumer Affairs (DCA) to establish an Architecture Revolving Fund (ARF). The ARF will allow the PTBC to reserve anticipated costs (funds) for construction, alteration, repair, improvements, including those costs incurred with relocating. The PTBC may use these funds within three fiscal years from establishing the ARF account, upon various levels of approval, including the Department of Finance and Department of General Services.

The PTBC anticipates obtaining office space that meets operational needs within the next two fiscal years.

Strategic Planning

In 2014, the PTBC established and adopted a multi-year strategic plan identifying goals and objectives to address issues and trends impacting the profession of physical therapy and business practices. This strategic plan systematically charts the Board's course by establishing its goals and objectives. These goals and objectives are the framework that will tactically guide activities and focus resources to uphold the PTBCs mandate in the most efficacious manner possible. The PTBC typically establishes a strategic plan every four to five years and anticipates revisiting its Strategic Plan no later than 2018.

Legislative Actions

The following legislative actions were submitted and/or enacted since the last Sunset Review. For each bill, only the affected sections contained within the Physical Therapy Practice Act [commencing with Business and Professions Code (BPC) §2600], General Provisions of the BPC, or sections of other Codes pertaining to the PTBC are listed.

1. Bill Number: SB 1348 (Cannella), Chapter 174, Statutes of 2016

Subject Matter:	Licensure Applications: Military experience
Sections Affected:	BPC §114.5
Effective Date:	January 1, 2017
Summary:	This law requires each Board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to post information on the board's Internet Web site about the ability of veteran applicants to apply their military experience and training towards licensure requirements.

2. Bill Number: AB 2744 (Gordon), Chapter 360, Statutes of 2016

   Subject Matter: Healing Arts: Referrals

   Sections Affected: BPC §650

   Effective Date: January 1, 2017

   Summary: This law provides that the payment or receipt of consideration for advertising, wherein a licensed healing arts practitioner offers or sells services on an internet platform, does not constitute a referral of patients.

3. Bill Number: AB 2859 (Low), Chapter 473, Statutes of 2016

   Subject Matter: Professions and Vocations: Retired Category: Licenses

   Sections Affected: BPC §464

   Effective Date: January 1, 2017

   Summary: This law authorizes all of the boards within the department to establish, by regulation, a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, with specific limitations.

4. Bill Number: SB 800 (Committee on Business, Professions and Economic Development), Chapter 426, Statutes of 2015

   Subject Matter: Healing Arts

   Sections Affected: BPC §2650

   Effective Date: January 1, 2016

   Summary: This law eliminates the 18-week clinical experience requirement for physical therapist assistants programs. Previously, SB 198 (Lieu, 2013) amended BPC §2650 to include both physical therapist and physical therapist assistant education requirements. BPC §2650 was drafted with the intent to conform the PTA educational requirements language to the physical therapist educational requirements language, as appropriate. However, a provision was unintentionally added requiring physical therapy assistant education programs to include at least 18 weeks of full-time clinical experience and physical therapy assistant education

programs are not required to include 18 weeks of full-time clinical experience.

5. Bill Number: AB 1352 (Eggman), Chapter 646, Statutes of 2015

   Subject Matter: Deferred Entry of Judgment: Withdrawal of Plea

   Sections Affected: Penal Code §1203.43

   Effective Date: January 1, 2016

   Summary: This law requires a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, to withdraw a prior plea and enter a plea of not guilty if the charges were dismissed after the defendant performed satisfactorily during the deferred entry of judgment program.

6. Bill Number: AB 186 (Maienschein), Chapter 640, Statutes of 2014

   Subject Matter: Professions and Vocations: Military Spouses: Temporary Licenses

   Sections Affected: BPC §115.6

   Effective Date: January 1, 2015

   Summary: This law requires a board within the department to issue a temporary license to an applicant who qualifies for, and requests, expedited licensure if he or she meets specified requirements. This law requires the temporary license to expire 12 months after issuance, upon issuance of the expedited license or upon denial of the application for expedited licensure by the board, whichever occurs first.

7. Bill Number: SB 1159 (Lara), Chapter 752, Statutes of 2014

   Subject Matter: Professions and Vocations: License Applicants: Individual Tax Identification Number

   Sections Affected: BPC §30, §135.5, §2103, §2111, §2112, §2113, §2115, §3624, §6533, Family Code §17520, Revenue and Taxation Code §19528

   Effective Date: January 1, 2015

Summary: This law permits an applicant to use an Individual Tax Identification Number (ITIN) in lieu of a Social Security Number (SSN) to apply for licensure. This law also specifies that no board shall deny licensure to an applicant based on his or her citizenship status or immigration status.

8. Bill Number: SB 1226 (Correa), Chapter 657, Statutes of 2014

Subject Matter: Veterans: Professional Licensing

Sections Affected: BPC §115.4 & §7574.18

Effective Date: January 1, 2015

Summary: This law on or after July 1, 2016, requires all boards within the department to expedite the initial licensure process for an applicant who has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

9. Bill Number: SB 1243 (Lieu), Chapter 395, Statutes of 2014

Subject Matter: Professions and Vocations

Sections Affected: BPC §101.7, §149, §154.1, §201, §211, §312, §312.1, §4800, §4804.5, §4836.2, §4841.5, §4844, §11506 & §22259

Effective Date: January 1, 2015

Summary: Among other provisions, this law expands boards' authority to issue a citation for false advertising by deleting the requirement that the advertising appear in a telephone directory; requires the DCA to submit a report of pro rata accounting to the appropriate committees of the Legislature by July 1, 2015 and annually thereafter; and, requires the DCA to develop and make available training for employees who perform enforcement functions.

10. Bill Number: SB 1256 (Mitchell), Chapter 256, Statutes of 2014

Subject Matter: Medical Services: Credit

Sections Affected: BPC §654.3

Effective Date: January 1, 2015

Summary: This law extends existing consumer protections regarding lines of credit for dental services to all types of medical or healing arts services by requiring a licensee to provide a patient with a treatment plan, a disclosure form, and information about third-party payment coverage, and also establishes language and competency requirements.

11. Bill Number: SB 2396 (Bonta), Chapter 737, Statutes of 2014

Subject Matter: Convictions: Expungement: Licenses

Sections Affected: BPC §480

Effective Date: January 1, 2015

Summary: This law prohibits boards from denying a license based solely on a conviction that has been dismissed pursuant to Penal Code §1203.4, §1203.4(a), or §1203.41.

12. Bill Number: AB 809 (Logue), Chapter 404, Statutes of 2014

Subject Matter: Healing Arts: Telehealth

Sections Affected: BPC §2290.5

Effective Date: September 18, 2014

Summary: This urgency law requires that the health care provider initiating the use of telehealth must obtain verbal or written consent from the patient for the use of telehealth, as specified, and the health care provider must document the consent.

13. Bill Number: SB 198 (Lieu), Chapter 389, Statutes of 2013

Subject Matter: Physical Therapy Board of California

Sections Affected: BPC §2601, §2602, §2603, §2603.5, §2604, §2604.5, §2605, §2607, §2607.5, §2608, §2608.5, §2609, §2611, §2612, §2614, §2615, §2620.7, §2622, §2623, §2630, §2630.3, §2630.4, §2630.5, §2633.5, §2632, §2633.5, §2633.7, §2636, §2636.5, §2638, §2639, §2639.1, §2640, §2650, §2650.1, §2650.2, § 2651, §2652, §2653, §2654, §2660, §2660.2, §2660.3, §2660.4, §2660.5, §2660.8, §2661, §2661.7, §2663, §2664, §2665, §2666, §2667, §2668, §2669, §2672, §2676, §2682, §2683, §2684, §2685, Government Code §12529 & §12529.5

Effective Date: January 1, 2014

Summary: This law repealed, revised and recast the Physical Therapy Practice Act. This law also authorized the PTBC to enforce and administer the Act and extended the Sunset to January 1, 2018.

14. Bill Number: AB 258 (Chávez), Chapter 227, Statute of 2013

Subject Matter: State Agencies: Veterans

Sections Affected: Government Code §11019.11

Effective Date: January 1, 2014

Summary: This law requires, on or after July 1, 2014, every state agency that requests on any written form or written publication, or through its internet website, whether a person is a veteran, to request that information in a specified manner.

15. Bill Number: SB 304 (Lieu), Chapter 515, Statutes of 2013

Subject Matter: Healing Arts: Boards

Sections Affected: Government Code §12529

Effective Date: January 1, 2014

Summary: This law extends the sunset date for various boards, and specifically, adds the Board to the provision which sets forth that the Board's cases are investigated and prosecuted by

Attorney Generals in the Health Quality Enforcement Section of the Department of Justice.

16. Bill Number: AB 1000 (Wieckowski), Chapter 320, Statutes of 2013

Subject Matter: Physical Therapists: Direct Access to Services: Professional Corporations

Sections Affected: BPC §2620.1 & §2660

Effective Date: January 1, 2014

Summary: This law specifies that patients may access physical therapy treatment directly and would, in those circumstances, require a physical therapist to refer his or her patient to another specified healing arts practitioner if the patient is not progressing, to disclose to the patient any financial interest he or she has in treating the patient, and, with the patient's written authorization, to notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient. This law contains other related provisions and other existing laws.

17. Bill Number: AB 1057 (Medina), Chapter 693, Statutes of 2013

Subject Matter: Professions and Vocations: Military Service

Sections Affected: BPC §114.5

Effective Date: January 1, 2014

Summary: This law requires each board, commencing January 1, 2015, to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

18. Bill Number: SB 1099 (Wright), Chapter 295, Statutes of 2012

Subject Matter: Regulations

Sections Affected: Government Code §11343, §11343.4, §11344, Health & Safety Code §116064

Effective Date: January 1, 2013

Summary: This law provides that under the Administrative Procedure Act (APA), a regulation or order of repeal is effective on January 1, April 1, July 1, or October 1, as specified, with certain exemptions. In addition, the regulatory filing agency must provide notification of newly adopted and repealed regulations, as specified.

19. Bill Number: AB 1588 (Atkins), Chapter 742, Statutes of 2012

Subject Matter: Professions and Vocations: Reservist Licensees; Fees and Continuing Education

Sections Affected: BPC §114.3

Effective Date: January 1, 2013

Summary: This law requires boards under the Department of Consumer Affairs, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. This law prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect and requires a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. A licensee or registrant is required to notify the board of his or her discharge from active duty within a specific time period.

20. Bill Number: AB 1904 (Block), Chapter 399, Statutes of 2012

Subject Matter: Professions and Vocations: Military Spouses: Expedited Licensure

Sections Affected: BPC §115.5

Effective Date: January 1, 2013

Summary: This law requires a board within the Department of Consumer Affairs to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to, or in a legal

union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

21. Bill Number: AB 2343 (Torres) Chapter 256, Statutes of 2012

Subject Matter: Criminal History Information

Sections Affected: Penal Code §11105 & 11105.2

Effective Date: January 1, 2013

Summary: This law requires that when state and federal summary criminal history information is furnished to an agency, organization or individual, a copy of the information shall be provided to the person to whom the information relates if there is an adverse employment, licensing or certification decision.

22. Bill Number: AB 2570 (Hill), Chapter 561, Statutes of 2012

Subject Matter: Licensees: Settlement Agreements

Sections Affected: BPC §143.5

Effective Date: January 1, 2013

Summary: This law prohibits a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from withdrawing a complaint from the department, board, bureau, or program except as specified. A licensee in violation of these provisions is subject to disciplinary action by the board, bureau or program. Additionally, a board, bureau, or program is prohibited from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional monies to the benefit of any plaintiff in the civil action.

Regulatory Actions

The following regulatory changes were enacted by the Board since the last Sunset Review and/or are currently in progress:

1. Subject Matter: Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)

   Sections Affected: CCR 1398.25 & 1398.26.3

   Effective Date: The proposed regulatory language is currently in process.

   Summary: Business and Profession Code (BPC) §2653 was amended by Chapter 389, Statutes of 2013 (SB 198, Lieu), which added a provision requiring applicants who graduated from non-accredited physical therapist programs to demonstrate English proficiency by achieving a score specified by the Board on the TOEFL. This regulation will set passing scores that must be met within a single administration of the TOEFL. The proposed language also requires approved credential evaluation services (CES) to report on the evaluation of the applicant's compliance on the TOEFL examination.

2. Subject Matter: Fee Increase

   Sections Affected: CCR 1399.50 & 1399.52

   Effective Date: December 23, 2015

   Summary: Increases fees assessed to physical therapists and physical therapist assistants for application, initial licensure and biennial renewal fees.

3. Subject Matter: Required Email Filing

   Sections Affected: CCR 1398.6

   Effective Date: January 1, 2014

   Summary: This regulation adds an e-mail filing requirement for licensees and applicants. This requirement is not used for punitive purposes but rather to assist the PTBC in communicating and locating licensee in cases of an investigation.

4. Subject Matter: Notice to Consumers

   Sections Affected: CCR 1398.14

   Effective Date: October 1, 2013

   Summary: This regulation requires physical therapists to notify consumers that physical therapists and physical therapist assistants are licensed and regulated by the PTBC. This regulation makes the consumer receiving physical therapy services aware of the regulatory agency (PTBC) and where and how to file a complaint with the PTBC.

5. Subject Matter: Guidelines for Issuing Citations and Imposing Discipline, and Uniform Standards Regarding Substance-Abusing Healing Arts Licensees

   Sections Affected: CCR 1399.15

   Effective Date: April 1, 2013

   Summary: The revision to this regulation added violations and revised existing violations to be consistent with the Practice Act. The revision also incorporated by reference SB 1441 (Chapter 548, Statutes of 2008), Uniform Standards Regarding Substance-Abusing Healing Arts Licensees. The Model Guidelines are recommended disciplinary actions for the Board to consider when taking action against an applicant or licensee.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

- **Feasibility of Establishing a State Position to Perform the Duties of the In-House Consultant**
  As a result of the audit requested by the Joint Legislative Audit Committee in 2011, the PTBC conducted a study on the feasibility of establishing a state position to perform the duties of an in-house expert consultant. PTBC staff met with DCA's Office of Human Resources (OHR) staff to explore the process and viability of establishing a civil service position for the in-house expert consultant. OHR determined that this is not feasible due to the difficulty of establishing a new classification as the State is actively working to reduce the number of state

classifications and that a new civil service classification could not support a salary that would attract qualified candidates.

- **Wellness**
  In 2013, the Quality Practice Committee (QPC) of the California Physical Therapy Association (CPTA) submitted a letter requesting that the PTBC clarify practice issues related to physical therapy wellness services. QPC's concern was that physical therapists may be subject to discipline by the PTBC for failing to follow the law and regulations in providing wellness services. In October 2013, a Wellness Symposium was held and included the PTBC members and staff and QPC members to discuss 1) defining patient vs. client/customer, 2) differentiating treatment from health/wellness, 3) public protection and public perception of physical therapy, and 4) the potential impact of overregulation. After careful and thorough review and discussion, the group determined that the issues are already addressed with current laws and regulation.

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 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?**

The PTBC is a member of the Federation of State Boards of Physical Therapy (FSBPT). The FSBPT consists of member boards from each of the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The mission of FSBPT *"is to protect the public by providing service and leadership that promote safe and competent physical therapy practice*." In order to accomplish its mission, the FSBPT develops, maintains and administers the National Physical Therapy Examinations for physical therapists and physical therapist assistants.

Each year the PTBC Board elects a member to be the California Delegate to the FSBPT Assembly of Delegates, which consists of delegates elected by each state/jurisdictional board. The delegate attends the FSBPT annual meeting as a voting member of the FSBPT Assembly. Each delegate has the right to attend, speak, make motions, nominate, and vote at the annual meeting. Delegates and Associate Members may also be asked to serve on committees and task forces of the FSBPT. The annual meeting consists of the convening of the Assembly of Delegates' where policy of the FSBPT is determined. The meeting also includes educational sessions pertinent to the regulation of practice. The Executive Officer of

the PTBC attends the meetings and may serve on committees and task forces and run for office on the FSBPT Board of Directors.

The following chart demonstrates the PTBC Board members' participation in FSBPT activities in the last four fiscal years:

Board Member	Event	Location
Katarina Eleby, MA	FSBPT 2016 Annual Meeting: Delegate FSBPT 2015 Annual Meeting: Delegate FSBPT 2014 Annual Meeting: Alt. Delegate	Columbus, OH Orlando, FL San Francisco, CA
Alicia Rabena-Amen, PT, MPT	FSBPT 2016 Annual Meeting: Alt. Delegate FSBPT 2015 Annual Meeting: Alt. Delegate	Columbus, OH Orlando, FL
Sara Takii, PT, DPT	FSBPT 2014 Annual Meeting: Delegate FSBPT 2013 Annual Meeting: Alt. Delegate	San Francisco, CA San Antonio, TX
Debra J. Alviso, PT, DPT	FSBPT 2013 Annual Meeting: Delegate	San Antonio, TX

The PTBC is currently using the national licensure examinations required by BPC §2636, which are developed, scored, analyzed, and administered by the FSBPT. The PTBC is involved in the development, analysis, score setting, validation and administration of the National Physical Therapy Examination (NPTE) through its participation in the FSBPT committees, task forces, summits and Delegate Assembly.

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.

See Attachment E.

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.

The PTBC collects consumer satisfaction surveys at the conclusion of consumer complaint cases against licensees. Upon notice of the closure of the case, the consumer is encouraged to provide feedback regarding the PTBCs complaint process and is provided the survey by postcard and the online format. Although the PTBC receives a small number of responses, they provide sufficient data to evaluate areas of concern for improvement.

For FYs 2013/2014 and 2014/2015 (partial results of FY 2014/2015), the survey responses did not provide adequate statistics since several questions were unanswered and minimal responses were received. For FYs 2013/2014 and 2014/2015, approximately 337 consumer satisfaction surveys were included with the notice of the closure of the case. Of those 337, the PTBC received 22 responses to the consumer survey. The low number of responses along with the low response to individual survey questions (indicated by 0% in Table A) provided a limited view of the consumer experience. In order to provide PTBC staff with a better assessment of the staffs' handling of consumer complaints, in December 2014, the consumer satisfaction survey was revised to assess staff handling of each step of the complaint process. The survey was also shortened from 12 questions to 9 questions.

For FYs 2014/2015 (partial results of FY) and 2015/2016, the revised survey provided better metrics to measure the quality and performance of the PTBCs enforcement program (Table B). For FYs 2014/2015 and 2015/2016, approximately 230 consumer satisfaction surveys were included with the notice of the closure of the case. Of those 230, the PTBC received 16 responses to the consumer survey. The results of the 16 surveys received indicated 38% were satisfied with the explanation of the complaint process and 33% indicated staff was courteous and helpful.

The tables below reflect the results of the PTBCs consumer satisfaction surveys. The first table includes the results of FY 2013/2014 and FY 2014/2015. The second table includes results with revised questions for FY 2015/2016.

Table A. CONSUMER SATISFACTION SURVEY (Old Format)

	FY 2013/2014	FY 2014/2015 (Through end of March 2015)
1. How did you contact the Board?		
Email	8%	44%
In person	0%	0%
Declined to respond	0%	0%
Phone	8%	0%
Regular mail	15%	33%
Website	23%	11%
2. How satisfied were you with the format and navigation of our website?		
Very satisfied	0%	0%
Satisfied	0%	0%
Somewhat satisfied	8%	0%
Dissatisfied	0%	0%
Very dissatisfied	0%	0%
Neither satisfied nor dissatisfied	0%	0%
3. How satisfied were you with information pertaining to your complaint available on our website?		

Very Satisfied	0%	0%
Satisfied	0%	0%
Somewhat satisfied	8%	0%
Dissatisfied	0%	0%
Very dissatisfied	0%	0%
Neither satisfied nor dissatisfied	0%	0%
4. How satisfied were you with the time it took to respond to your initial correspondence?		
Very satisfied	0%	1%
Satisfied	0%	0%
Somewhat Satisfied	8%	0%
Dissatisfied	0%	0%
Very dissatisfied	0%	22%
Neither satisfied nor dissatisfied	8%	0%
5. How satisfied were you with our response to your initial correspondence?		
Very satisfied	0%	11%
Satisfied	0%	0%
Somewhat satisfied	8%	0%
Dissatisfied	0%	0%
Very dissatisfied	0%	22%
Neither satisfied nor dissatisfied	8%	0%
6. How satisfied were you with the time it took to speak to a representative of our Board/Bureau?		
Very Satisfied	0%	0%
Satisfied	0%	0%
Somewhat Satisfied	0%	0%
Dissatisfied	0%	0%
Very Dissatisfied	8%	0%
Neither satisfied nor dissatisfied	0%	0%
7. How satisfied were you with our representative's ability to address your complaint?		
Very satisfied	0%	0%
Satisfied	0%	0%
Somewhat satisfied	0%	0%
Dissatisfied	0%	0%
Very dissatisfied	8%	0%
Neither satisfied nor dissatisfied	8%	0%
8. How satisfied were you with the time it took for us to resolve your complaint?		
Very satisfied	15%	11%
Satisfied	0%	0%
Somewhat satisfied	8%	0%
Dissatisfied	0%	0%
Somewhat dissatisfied	8%	33%
Very dissatisfied	54%	44%
Neither satisfied nor dissatisfied	15%	11%
9. How satisfied were you with the explanation you were provided regarding the outcome of your complaint?		
Very satisfied	15%	11%
Satisfied	0%	0%
Somewhat satisfied	8%	0%
Dissatisfied	0%	11%
Very dissatisfied	77%	56%
Neither satisfied nor dissatisfied	0%	2%
10. Overall, how satisfied were you with the way in which we handled your complaint?		
Very satisfied	15%	11%
Satisfied	0%	0%

Somewhat satisfied	8%	22%
Dissatisfied	0%	0%
Somewhat dissatisfied	15%	22%
Very dissatisfied	62%	44%
Neither satisfied nor dissatisfied	0%	0%
11. Would you contact us again for a similar situation?		
Definitely	31%	22%
Maybe	23%	22%
Probably	8%	11%
Probably not	8%	22%
Absolutely not	31%	22%
12. Would you recommend us to a friend or family member experiencing a similar situation?		
Definitely	15%	33%
Maybe	31%	22%
Probably	0%	0%
Probably not	23%	11%
Absolutely not	38%	22%
Total Surveys Received	13	9

Table B. CONSUMER SATISFACTION SURVEY (Current Format)	
FY 2014/2015 (April – June, 2015) FY 2015/2016	
1. Choose Board	
PTBC	
2. Provide Complaint Number	
3. How well did we explain the complaint process to you?	
Very poor	25%
Poor	6.25%
Good	31.25%
Very good	37.50%
Total Answered	16
4. How clearly was the outcome of your complaint explained to you?	
Very poor	43.75%
Poor	12.5%
Good	12.5%
Very good	31.25%
Total Answered	16
5. How well did we meet the time frame provided to you?	
Very poor	25%
Poor	37.5%
Good	31.25%
Very good	6.25%
Total Answered	16
6. How courteous and helpful was staff?	
Very poor	26.67%
Poor	0%
Good	40%
Very good	33.33%
Total Answered	15
7. Overall, how well did we handle your complaint?	
Very poor	31.25%
Poor	25%
Good	12.5%
Very good	31.25%
Total Answered	16
8. If we were unable to assist you, were alternatives provided to you?	
Yes	0%
No	37.5%
N/A	62.5%
Total Answered	16
9. Did you verify the provider's license prior to service?	
Yes	37.5%
No	37.5%
N/A	25%
Total Answered	16

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.

No, the PTBCs fund[1] is not continuously appropriated. The PTBCs fund appropriation is developed annually and is subject to Legislative approval.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

The PTBC has a current reserve[2] level of 3.3 months (FY 2015/16).

Historically, the PTBC has had to over-expend its personnel services and enforcement budgets. These over-expenditures are a result of increases in program requirements due to changes in laws and workload. As program requirements increase, the PTBCs program costs increase. To mitigate these costs, the PTBC has been required to continuously redirect existing resources in efforts to meet its program responsibilities effectively. The PTBC continues to address its resource deficiencies through the Budget Change Proposal process.

The PTBC has no statutory reserve level requirement.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The PTBC is funded solely by revenues received from its applicants and licensees through licensing, renewal, endorsements (license verifications) and administrative actions, i.e., citations, cost recovery, and probation monitoring.

[1] Fund: A legal entity that provides for the segregation of moneys or other resources in the State Treasury for specific activities or obligations in accordance with specific restrictions or limitations. A separate set of accounts must be maintained for each fund to show its assists, liabilities, reserves, and fund balance as well as its income and expenditures.

[2] Reserve: Amount set aside in a fund balance to provide for expenditures from the unencumbered balances of continuing appropriations, pending salary or price increase appropriations and appropriations for capital outlay projects.

In FY 2014/15, the PTBC identified a structural fund imbalance. The PTBCs operational costs exceeded the amount of fees being collected. The PTBC determined the fees charged to applicants and licensees for licensure would not sustain ongoing program operations beyond FY 2017/18. As a result, the PTBC pursued a licensing fee increase, effective FY 2015/16.

The PTBC projects a reserve level of 4.8 months, ending FY 2017/18, and does not anticipate an increase or reduction in fees charged by the PTBC.

Table 2. Fund Condition

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17*	FY 2017/18*
Beginning Balance	$915	$949	$898	$304	$1,453	$1,859
Revenues and Transfers	$3,240	$3,316	$3,340	$3,691	$5,635	$5,649
Total Revenue	$4,155	$4,265	$4,237	$5,495	$7,098	$7,508
Budget Authority	$3,456	$3,527	$4,176	$4,326	$5,229	$5,328
Expenditures	$3,233	$3,388	$3,934	$4,042	$5,229	$5,328
Loans to General Fund	-	-	-	-	-	-
Accrued Interest, Loans to General Fund	-	-	-	$23	-	-
Loans Repaid From General Fund	-	-	-	$1,500	-	-
Fund Balance	$922	$877	$303	$1,453	$1,859	$2,180
Months in Reserve	3.3	2.7	0.9	3.3	4.2	4.8

*Assumes workload and revenue projections are realized, including an appropriation growth of 2% and a 1% growth in income from surplus money investments (workload and revenue projections are based on FY 2015/16 DCA's Calstars Report - Fiscal Month 13).

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?

In FY 2011/12, the General Fund (GF) borrowed $1.5 million dollars from PTBCs fund. At that time, the PTBC projected a decrease in reserves to unsafe levels by FY 2013/14. In due course, the PTBCs reserve levels continued to decline resulting in budget constraints and operational deficiencies as resources became increasingly limited.

In FY 2015/16, the PTBC received a payment of $1.5 million for the GF loan and an additional $23,000 interest payment. Accordingly, the PTBC loan to the GF has been paid in full and there is no remaining balance due.

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.

Since the 2012 Sunset Review, the PTBC had annually over-expended its AG budget an average of $149,000 for three consecutive fiscal years (FY 2012/13, FY 2013/14 and FY 2014/15). The increased AG expenditures were a direct result of the increased costs for enforcement cases processed by the AG's office.

The PTBC program expenditures are comprised of the expenditure amounts and percentages, by program component: (1) Enforcement; (2) Examination; (3) Licensing; and (4) Administration for the following fiscal years.

In FY 2012/13, the PTBC had a total of $3,215,367 in program expenditures and spent 99.79% of its authorized budget of $3,222,000. The PTBC exhausted its Attorney General (AG) budget of $285,688 by mid-year. As a result, the PTBC received a one-time budget augmentation of $170,000 authorized through Budget Bill Language Item 1110-402 (BL-1110-402) [3] to accommodate for increased AG costs. The Consumer Protection and Continuing Competency (Enforcement) spent $1,737,061 or 53.91% of total expenditures; Examination $48,379 or 1.50%; Application & Licensing (Licensing) $726,579 or 22.55%; and Administrative (Administration) $703,348 or 21.83%.

In FY 2013/14, the PTBC had a total of $3,407,765 in program expenditures and spent 100% of its authorized budget of $3,160,000. The PTBC exhausted its Attorney General (AG) budget of $285,688 by mid-year. As a result, the PTBC received a one-time budget augmentation of $320,000 authorized through Budget Bill Language (item 1110-402) (BL-1110-402) to accommodate for AG costs. The Enforcement program spent $2,281,587 or 72.20% of total expenditures, the Examination program spent $46,192 or 1.46%, the Licensing program spent $453,165 or 14.34%, and the Administration program spent $626,821 or 19.84%.

[3] BL-1110-402: it is recognized that programs within the Department of Consumer Affairs (DCA) are incurring enforcement costs for Attorney General and Office Administrative Hearing services that could have a fiscal impact beyond the amounts appropriated in their respective budget act items. Therefore, notwithstanding any other provision of law, upon the request of the DCA, the Department of Finance may augment the amount available for expenditure to pay enforcement costs. If an augmentation exceeds 20 percent of a program's Attorney General budget, it may be made no sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations and the Chairpersons of the Joint Legislative Budget Committee, or no sooner than whatever lesser time the chairperson of the joint committee may in each instance determine. This provision shall apply to all Budget Act items for the DCA that have an appropriation for enforcement costs.

In FY 2014/15, the PTBC had a total of $4,007,189 in program expenditures and spent 100% of its authorized budget of $3,805,000. The PTBC exhausted its AG budget of $427,668 by mid-year. As a result, the PTBC received a one-time budget augmentation of $155,000 to accommodate for AG costs (BL-1110-402). The Enforcement program spent $2,554,100 or 67.12% of total expenditures, the Examination program spent $45,794 or 1.20%, the Licensing program spent $596,308 or 15.67%, and the Administration program spent $810,983 or 21.31%.

In FY 2015/16, the PTBC had a total of $4,115,156 in program expenditures and spent 99.28% of its authorized budget of $4,145,000. The PTBC completed an organization restructure to improve its licensing business process and redirected its Continuing Competency Services Program (CCS) from Enforcement to its Licensing Services Program. The Enforcement program spent $2,288,662 or 55.22% of total expenditures, the Examination program spent $47,854 or 1.15%, the Licensing program spent $863,303 or 20.83%, and the Administration program spent $915,335 or 22.08%.

Currently, the PTBCs total program expenditures have increased by $899,786 or 27.98% from FY 2012/13. The PTBCs expenditures in Personnel Services increased by 23.26% and its Operating Expenses & Equipment (OE&E) expenditures increased by 63.88%.

The PTBCs primary source of expenditures was its Enforcement program, which spent 55.22% of PTBCs authorized budget, followed by the Administration program, which spent 22.08%.

Table 3. Expenditures by Program Component

	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$446,848	$1,168,276	$631,150	$1,438,998	$732,780	$1,542,781	$663,795	$1,302,218
Examination	$27,928	$12,830	$22,557	$15,901	$23,640	$12,971	$25,531	$9,914
Licensing	$478,818	$118,203	$287,119	$68,062	$378,653	$70,733	$520,318	$90,658
Administration *	$478,999	$120,194	$400,141	$120,961	$507,944	$143,874	$557,722	$142,514
DCA Pro Rata	N/A	$363,271	N/A	$422,877	N/A	$593,810	N/A	$802,484
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	**$1,432,594**	**$1,782,774**	**$1,340,967**	**$2,066,798**	**$1,643,016**	**$2,364,168**	**$1,767,366**	**$2,347,788**

* Administration includes costs for executive staff, board, administrative support, and fiscal services.
** FY 2015/16, expenditures for the CCS are no longer reported under Enforcement and are reported in Licensing.

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

The PTBC has contributed $610,138 to the BreEZe program for FY 2012/13 through FY 2015/16.

The PTBC anticipates contributing $322,262 to the BreEZe program in FY 2016/17.

The DCA is currently finalizing the PTBCs anticipated BreEZe costs for FY 2017/18 through FY 2019/20; however, the DCA estimates the PTBC will contribute approximately $810,722 (table below).

Costs Contributed to BreEZe Program							
FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18*	FY 2018/19*	FY 2019/20*
$39,928	$81,262	$155,951	$332,997	$322,262	$317,000	$306,000	$187,722

* Costs represent the PTBCs preliminary costs received from the DCA (as of October 2016).

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.

The PTBCs licenses are issued on a biennial renewal cycle. The expiration date is the last day of the licensee's birth month (BPC §2644 (a)).

Over the past 10 years, the PTBC has increased its application and license renewal (Licensing) fees twice, once in FY 2008/09, and once in FY 2015/16.

In FY 2008/09, the physical therapist application fee increased from $75 to $125, the foreign educated physical therapist application fee increased from $125 to $200, the physical therapist initial license fee increased from $75 to $100, the biennial renewal fee increased from $150 to $200, and the delinquent fees increased from $75 to $100 (BPC §2688).

The physical therapist assistant application and initial license fee increased from $75 to $125, the foreign educated physical therapist assistant application and initial license fee increased from $125 to $200, the biennial renewal fee increased from $150 to $200, and the delinquent fees increased from $75 to $100 (BPC §2688).

In addition, the duplicate wall certificate fee increased from $15 to $50, and the endorsement or letter of good standing fee increased from $30 to $60 (BPC §2688(h), (i)).

In FY 2015/16, the physical therapist application fee increased from $125 to $300, the foreign educated physical therapist application fee increased from $200 to $300, the physical therapist initial license fee increased from $100 to $150, the biennial renewal fee increased from $200 to $300, and the delinquent fees increased from $100 to $150 (BPC §2688 and 16 CCR §1399.50).

The physical therapist assistant application and initial license fee increased from $125 to $300, foreign educated physical therapist assistant application and initial license fee increased from $200 to $300, biennial renewal fee increased from $200 to $300; and, delinquent fees increased from $100 to $150 (BPC §2688 and 16 CCR §1399.52).

In FY 2012/13 the PTBC collected $3,043,270 in licensing revenue, $3,266,400 in FY 2013/14, and $3,316,690 in FY 2014/15.

In FY 2015/16, the PTBC collected $3,616,380, which represents an 18.83% increase in licensing revenue compared to FY 2012/13.

The primary source of revenue for FY 2015/16 was physical therapist and physical therapist assistant license renewal fees in the amount of $2,930,300 or 81.02% of the total revenue, followed by physical therapist application fees in the amount of $220,450 or 6.09% of total revenue received.

Currently, the PTBCs licensing fees are set at the statutory limit.

Table 4. Fee Schedule and Revenue (dollars)								
Fee	**Previous Fee Amount**	**Current Fee Amount (As of 05/2016)***	**Statutory Limit**	**FY 2012/13 Revenue**	**FY 2013/14 Revenue**	**FY 2014/15 Revenue**	**FY 2015/16 Revenue**	**% Total Revenue****
Physical Therapist Application	125	300	300	140,875	152,750	163,000	220,450	4.16%
Physical Therapist Application (foreign educated)	200	300	300	54,400	63,800	46,400	48,200	1.61%
Physical Therapist Initial License	100	300	300	125,400	139,500	140,700	211,600	4.66%
Physical Therapist Biennial Renewal	200	300	300	2,173,300	2,209,050	2,255,600	2,334,600	67.75%
Physical Therapist Delinquent Renewal	100	150	150	14,600	13,950	13,200	13,200	0.41%
Physical Therapist Assistant Application & Initial License	125	300	300	51,625	53,500	66,750	96,100	2.02%
Physical Therapist Assistant Application & Initial License (foreign educated)	200	300	300	9,600	14,200	13,800	13,800	0.39%
Physical Therapist Assistant Biennial Renewal	200	300	300	525,250	542,800	545,200	595,700	16.68%
Physical Therapist Assistant Delinquent Renewal	100	150	150	4,925	4,500	5,000	6,800	1.16%
Electroneuromyographer Specialty Certification Application	100	100	200	1,000	1,000	0	100	0.02%
Electroneuromyographer Examination	500	500	500	500	0	0	500	0.01%
Electroneuromyographer Biennial Renewal	50	50	200	550	550	400	650	0.02%
Electroneuromyographer Delinquent Renewal	25	25	100	0	25	0	0	0.0002%
Kinesiological Electromyographer Specialty Certification Application	100	100	200	100	0	0	0	0.0008%
Kinesiological Electromyographer Examination	500	500	500	500	500	0	0	0.01%
Kinesiological Electromyographer Biennial Renewal	50	50	200	550	1,000	650	850	0.02%
Kinesiological Electromyographer Delinquent Renewal	25	25	100	25	25	0	0	0.0004%
Duplicate License Application	50	50	100	9,250	12,250	11,450	12,750	0.35%
Endorsement Application (Letter Of Good Standing)	60	60	100	56,820	57,000	54,540	61,080	1.73%

*FY 2015/16, the PTBC increased its physical therapist and physical therapist assistant license fees to the statutory limits, effective May 6, 2016.
**The total percentage amounts reflect the percentage of the total amount of revenue collected for all fiscal years.

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

The PTBC has submitted five BCPs in the past four fiscal years (FY 2012/13 – FY 2015/16).

In FY 2013/14, the PTBC received authority to establish two Staff Services Analyst (SSA) positions and one Office Technician (Typing) (OT) position within its Consumer Protection Services Program (CPS) (Enforcement) and Application and Licensing Services Program (Licensing) (BCP-1110-05). The PTBC relied heavily on Temporary Help Blanket (Temp Help) resources to manage ongoing workload and alleviate excessive backlogs. The PTBC requested position authority to redirect resources being used to support Temp Help staff members who were performing permanent duties. This request allowed the PTBC to true-up its authorized positions to address its permanent ongoing workload.

In FY 2014/15, the PTBC received a special fund augmentation for two Associate Governmental Program Analyst (AGPA) positions within its Enforcement program (BCP- 1110-31) for the purpose of meeting the DCA Consumer Protection Enforcement Initiative (CPEI)[4]. Prior to this augmentation, the PTBCs CPEI funding and position authority had been abolished on September 30, 2012. The PTBC requested to increase its staffing resources in order to manage the ongoing workload for processing desk investigations and probation monitoring.

The PTBC also received a budget augmentation of $142,000 for its AG budget to meet its mandated enforcement responsibilities (BCP-1110-32). Previously, the PTBC had annually over-expended its AG budget by approximately $149,000 for three consecutive years (FY 2011/12, FY 2012/13 and FY 2013/14). The PTBC requested a permanent budget augmentation to provide the appropriate expenditure authority for processing enforcement cases in accordance with the Physical Therapy Practice Act (Act), which provides for the licensure and regulation of physical therapists.

Further, the PTBC received a special fund augmentation for one two-year limited term Associate Governmental Program Analyst (AGPA) position to promulgate

[4] CPEI: An initiative implemented in FY 2010/11 by the DCA. In July 2009, Governor Schwarzenegger issued a policy statement regarding concerns with the DCA's enforcement program with the expectation that the DCA and its healing arts boards would overhaul the enforcement process and implement one that would achieve complaint and disciplinary case processing and resolution/closure within a 12-18 month period, which would ultimately provide a greater level of consumer and public protection. In response, the DCA established the CPEI to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and decrease the average processing time for complaint intake, investigation, and prosecution from 3 years to 12-18 months by FY 2012/13.

regulations following enactment of SB 198 (Chapter 389, Statutes of 2013), which repealed, revised, and recast the Practice Act (BCP-1110-03L).

In FY 2015/16, the PTBC requested a special fund augmentation for five positions: one Associate Governmental Program Analyst (AGPA), two Staff Services Analyst (SSA), and one Office Technician (OT) within its Application & Licensing Services Program (Licensing) and one SSA within its Administrative Services Program to address the voluminous ongoing workload resulting from PTBCs increasing licensing applications. As a result, the PTBC received a budget augmentation to establish three positions within its Licensing Program in the 2016/17 Governor's Budget (BCP-1111-024-BR-2016-GB).

Table 5. Budget Change Proposals (BCPs) (dollars in thousands)

Fiscal Year	BCP ID #	Description of Purpose of BCP	Personnel Services				OE&E	
			#Staff Requested (include classification)	#Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
2016/17	1111-024-BCP-BR-2016-GB	To address increased workload in Licensing and Administrative programs.	1.0 AGPA 3.0 SSA 1.0 OT (T)	1.0 AGPA 1.0 SSA 1.0 OT (T)	371	226	70	42
2014/15	1110-31	To meet increased workload in Enforcement program due to CPEI requirements.	2.0 AGPA	2.0 AGPA	179	179	10	10
	1110-32	To increase AG budget in efforts to meet enforcement responsibilities.	N/A	N/A	0	0	142	142
	1110-03L	To manage increased workload for the promulgation of regulations following enactment of SB 198.	1.0 AGPA	1.0 AGPA	83	83	8	8
2013/14	1110-05	To address permanent workload being performed by Temp Help.	2.0 SSA 1.0 OT (T)	2.0 SSA 1.0 OT(T)	0	0	0	0

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.

Historically, the PTBC has relied heavily on Temporary Help Blanket (Temp Help) resources to manage permanent workload.

Prior to FY 2012/13, the PTBC was authorized 16.1 positions and 8.8 (11) Temp Help positions, for a total of 27 staff members, with no vacancies.

In FY 2012/13, the PTBC was authorized 14.3 positions and 4.8 (6) Temp Help positions, for a total of 20 positions, with one vacancy at the AGPA level within its Enforcement Program. The PTBC was successful in its recruitment efforts and filled its vacancy within 30 days. The PTBCs staffing resources had decreased as a result of several directives. On August 31, 2012, the PTBC separated two Student Assistant (Temp Help) positions within its Licensing program in order to comply with a side letter agreement with the Local 1000 Service Employees International Union (SEIU), which directed all departments to discontinue working and separate all non-represented positions that were performing SEIU bargaining unit work. Those Student Assistants were processing examination scores for applicants applying for licensure, which is typically considered permanent workload rather than temporary.
On September 30, 2012, the PTBC lost its position and funding authority for 3.5 positions that were previously authorized through the DCA's CPEI BCP (BCP-1110-1A). In addition, on December 1, 2012, the PTBC was directed to separate three Office Technician (Temp Help) positions as part of the Department of Finance Budget Letter (BL-12-03)[5] requirements. These Office Technician positions were responsible for conducting permanent workload in processing complaint intake and issuing citations within the Enforcement program, as well as processing applicant examination scores for the both the National Physical Therapy Exam (NPTE) and the California Law Exam (CLE).

[5] BL-12-03: A directive to make necessary adjustments to accurately reflect budget expenditures and positions for a more transparent budget. The adjustment eliminated budgeted salary savings and allocated that amount to accurately reflect how state operation funds are being expended. Each department was directed to rebase current funding for state operations by performing an analysis of its funding in prior years and reallocating funds to expenditure categories in which they were actually being expended. It was expected to result in the elimination of positions historically held vacant to support operational needs of departments.

Due to the volume of workload and staffing reductions, backlogs continued to increase within Enforcement, Licensing and Administrative (cashiering) Services.
To avoid excessive backlogs, the PTBC redirected workload among existing staff. The PTBC also addressed its staffing deficiencies through the BCP process for FY 2013/14.

In FY 2013/14, the PTBC was authorized 16.4 positions and 1.6 (2) Temp Help positions, providing a total of 18 staff to meet program requirements. The increase in authorized positions resulted from the PTBC receiving position authority to establish three (3.0) permanent positions through an approved BCP (BCP-1110-05) within its Enforcement and Licensing programs in efforts to manage the increased workload in those program areas. Consequently, the PTBCs Temp Help resources decreased as existing staff members in temporary positions were redirected to those permanent positions.

Meanwhile, the PTBCs program requirements continued to increase. On January 1, 2014, the PTBC implemented its revised Physical Therapy Practice Act (Practice Act), which resulted in increased workload. For example, the PTBC projected an additional 3,704 work hours solely for the promulgation of the regulations to comply with the revised Practice Act, beginning FY 2014/15 through FY 2015/16. In addition, the PTBC experienced a 10% increase in total applications received. Further, the PTBCs enforcement expenditures increased significantly, particularly its AG costs, which were directly attributed to the increased enforcement efforts (workload) from the CPEI.

Due to the staffing deficiencies and increased workload requirements, combined with the budget constraints, the PTBCs backlogs were exacerbated to unmanageable levels within the Enforcement and Administrative services. The PTBC continued to operate within these constraints and redirected workload among existing staff and addressed its staffing and budget deficiencies through the BCP process for FY 2014/15.

In FY 2014/15, the PTBC was authorized 19.4 positions and 3.2 (4) Temp Help positions, for a total of 23 staff. The PTBC had one SSA vacant position within its Enforcement Program; however, the PTBC was successful in its recruitment efforts and filled this vacancy within 30 days. The increase in authorized positions resulted from the PTBC receiving a budget augmentation to establish three (3.0) positions within its Enforcement and Administrative programs to manage the increased workload. The PTBC designated two positions within its Enforcement Program and one (two-year limited term) position within its Administrative Program (BCP-1110-03L and BCP-1110-31). The enforcement positions were filled promptly while the

administrative position remained vacant for several months. The PTBC struggled with its recruitment efforts as minimal applications were received resulting in a low candidate pool. As a result, the PTBC redirected existing resources (Retired Annuitant) from its Licensing Program to fill the vacant Administrative Program position. This action allowed the PTBC to accommodate the workload and minimize its blanket expenditures (Temp Help). The PTBCs Temp Help positions increased by two and were directed to the Administrative and Licensing programs to alleviate the excessive backlogs.

Due to the staffing deficiencies, increased workload, and budget constraints, the PTBCs backlogs continued within its licensing and cashiering services. The PTBC continued to operate within these constraints and redirected workload among existing staff.

In FY 2015/16, the PTBC was authorized 19.4 positions and 2.4 (3) Temp Help positions, for a total of 22 staff tasked with meeting program requirements. The Temp Help resources had decreased as a result of redirecting one Temp Help staff member to a permanent position within the Licensing Program. This position had become vacant as the previous incumbent had retired from the PTBC. The PTBC was unable to address its staffing deficiencies through the BCP process for FY 2015/16 as its fund had decreased to unsafe levels.

Although the total authorized positions increased by 5.1, the total staffing resource change equates to only a 2.7 position increase. This 12% increase, was outpaced by the vast workload.

Due to the continued staffing deficiencies and increased workload, the PTBCs backlogs continued within the Administrative and Licensing programs. The PTBC continued to operate within these constraints and redirected workload among existing staff and addressed its staffing deficiencies through the BCP process for FY 2016/17.

Program		FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Administrative Services	Authorized Positions	4.10	4.10	5.20	5.20
	Temp Help*	0.80	0.80	0.80	0.80
	Vacancies	-	-	-	-
	TOTAL	**4.90**	**4.90**	**6.00**	**6.00**
Application/Licensing	Authorized Positions	5.10	3.80	4.80	4.80
	Temp Help*	0.80	0.80	1.60	1.60
	Vacancies	-	-	-	-
	TOTAL	**5.90**	**5.40**	**6.40**	**6.40**
Continuing Competency	Authorized Positions	1.30	1.30	1.30	1.30
	Temp Help*	-	-	-	-
	Vacancies	-	-	-	-
	TOTAL	**1.30**	**1.30**	**1.30**	**1.30**
Enforcement	Authorized Positions	3.50	6.80	7.80	7.80
	Temp Help*	2.40	-	-	-
	Vacancies	1.00	-	1.00	-
	TOTAL	**5.90**	**6.90**	**7.80**	**7.80**
Examination	Authorized Positions	0.30	0.30	0.30	0.30
	Temp Help*	0.80	0.80	0.80	
	Vacancies	-	-	-	-
	TOTAL	**1.10**	**1.10**	**1.10**	**0.30**
Total Authorized Positions		**14.30**	**16.40**	**19.40**	**19.40**
Total Temp Help		4.80	3.20	3.20	2.40
TOTAL STAFFING RESOURCES		**19.10**	**19.60**	**22.60**	**21.80**

*Temp Help: Positions authorized through blanket expenditures (Permanent Intermittent, Retired Annuitant, and Student Assistant)

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Due to significant budget constraints and state travel restrictions (Executive Order S-01-08), the PTBC has reserved training and development expenditures to only those required by law. The PTBC relies heavily on its internal training efforts. The PTBC management staff added a training component to the agenda of monthly staff meetings. This training component is either delivered by management or another staff member. Internal training options have enhanced staff capabilities in accomplishing their established goals and objectives within the Individual Development Plan (IDP) process and overall have increased staff development. In addition, internal training provides management the opportunity to assess staff's

knowledge, skills, strengths, and opportunities for improvement to enhance business processes, career development, etc.

The PTBC also utilizes training services provided by the DCA, Strategic Organization, Leadership and Individual Development (SOLID) Training Solutions. The SOLID training provides a wide variety of courses, i.e., Microsoft Outlook, PowerPoint, Excel, Budget process, Effective Writing, Customer Service, BreEZe processes, etc. These efforts provide the opportunity for staff to polish their existing skills or develop new skills in other program areas.

In FY 2012/13, the PTBC had no expenditures on outsourced training and development.

In FY 2013/14, the PTBC spent $988 and $430 in FY 2014/15 on outsourced training and development.

In FY 2015/16, the PTBC had no expenditures on outsourced training and development. However, the PTBC staff participated in internal training and development throughout the entire year. Particularly, the staff received extensive training for the development of implementing the BreEZe program (new online enforcement and licensing system). The PTBC estimated its BreEZe training, testing and implementation was approximately 20% of staff work-hours within all program areas, a total of $88,944 (amount represents 20% of participating staff salary x 6 months) in training and development expenditures alone.

The PTBC will continue to explore avenues to enhance staff's training and development in support of its efforts to achieve the best business practices to better serve its applicants, licensees and consumers.

Section 4 – Licensing Program

18. What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Since the PTBCs 2012 Sunset Review, the PTBC has taken steps to significantly improve its application and licensing procedures, which has greatly impacted its development of performance targets.

History of Performance Targets

The Permit Reform Act of 1981, among other things, enacted Government (GOV) Code §15376 and required each licensing agency to adopt regulations for the determination and issuance of licenses. In accordance with this directive, in 1983, the PTBC set forth in regulation physical therapist and physical therapist assistant application and licensing processing time guidelines. (*See* 16 CCR §1398.24, §1398.27, and §1398.42.) In 2002, GOV Code §15376 was repealed. [*See* AB 2973 (Chapter 405, Statutes of 2002)] However, the processing time guidelines remained in regulation. Although the PTBC has consistently stayed within the processing time guidelines in regulation, the guidelines are no longer a valid standard through which the PTBC can measure its performance; they do not take into account the rapidly evolving use of computerized application and testing procedures.

2012 Sunset Review

Given the outdated nature of the regulatory guidelines, the PTBC heavily relied on its 2009 Strategic Plan goals and objectives to measure application and licensing performance. The PTBCs 2012 Sunset Review included those performance targets for each aspect of its application and licensing programs.

In November 2014, the PTBC updated its Strategic Plan and, again, set forth specific application and licensing objectives to enhance program performance. However, the Strategic Plan objectives did not provide a clear means to measure processing performance data. Accordingly, the PTBC continued to search for ways to modernize and improve its development of performance measures.

Performance Targets through BreEZe

As a result of Executive Order B-13-11 issued December 8, 2011, the PTBC participated in the Department of Consumer Affairs' department-wide effort to establish licensing performance targets in the BreEZe system. Since application processing times are board-specific, the PTBC identified its own processing time targets. Targets were established for each BreEZe transaction type for applications that are complete upon receipt.

In the PTBCs 2012 Sunset Review, only completed application processing times were included. On June 16, 2016, a new BreEZe system configuration was released that allows the PTBC to identify and record whether or not an application is complete or incomplete at the time of initial review. As a result, both complete and incomplete applications are now tracked by the PTBC. Since the PTBC has not previously

collected data to evaluate incomplete application processing times, the performance targets for incomplete application processing will be established following a year of data collection.

The PTBCs new performance targets for processing completed applications by BreEZe transaction type are as follows:

License Type	Transaction Description	Target Board Processing Time for Completed Application
PT/PTA	**Examination application –** Graduate from an accredited or non-accredited physical therapist or physical therapist assistant program	45 days to examination determination
PT/PTA	**Licensure application –** 1) Graduate from an accredited physical therapist program 2) Graduate from an accredited physical therapist assistant program 3) Graduate from a non-accredited physical therapy program applying for physical therapist assistant licensure	45 days to licensure determination
PT	**Licensure application –** Graduate from a non-accredited physical therapist program applying for physical therapist licensure	90 days to licensure determination

These processing time targets are significantly lower than the guidelines that were established in regulation because, as stated above, application processes have changed, and these targets are for applications complete upon receipt or transaction generated.

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?

From FY 2011/12 to FY 2015/16, the PTBC had a 32% increase in the number of applications received, and the application processing time increased as well. There are a number of factors that contributed to this, primarily, the increase in the number of applications received, resource deficits, and process inefficiencies. The PTBC

recognized this trend and was preparing for major changes impacting application processing: development of and preparation for implementation of BreEZe; changes in the preparation of new exam eligibility process; and restructuring of the application and licensing programs.

Changes to Application Processing and License Issuance through BreEZe Implementation

BreEZe functions that increase efficiency for applicants and licensees include the ability to submit initial and renewal applications and pay fees online. The online feature requires the applicant or licensee to enter key data which assists PTBC staff with the increased data collection and record keeping in BreEZe. Increased efficiency will likely be most notably reflected in the reduced license renewal processing time with BreEZe compared to Legacy systems previously used by the PTBC. For example, a license renewal submitted using Breeze can be processed instantaneously versus 6-8 weeks with Legacy systems.

Examination Processing Improvement through Alternate Approval Pathway

During BreEZe design development, the PTBC identified examination and licensure inefficiencies. Currently, an applicant must first register with the Federation of State Boards of Physical Therapy (FSBPT). The FSBPT is the administrator of the National Physical Therapy Exam (NPTE) and the California Law Exam (CLE) that applicants are required to take and pass for California licensure. Next, the applicant applies to the PTBC for examination *and* licensure. Once the applicant applies, the PTBC determines examination eligibility and communicates eligibility status to the FSBPT electronically.

Following discussions between the PTBC and FSBPT, the FSBPT began developing the Alternate Approval Pathway through which applicants will be able to sit for the NPTE and CLE examinations prior to applying to the PTBC for licensure. Once a student is registered, the FSBPT will verify NPTE and CLE examination eligibility using specific *automated* system checks, which are the eligibility requirements established by the FSBPT in consultation with the state licensing jurisdictions.

Alternate Approval Pathway will separate the examination process from the licensure process, providing greater efficiency for applicants and streamline the licensure evaluation process for the PTBC. Another benefit of the Alternate Approval Pathway is that the students' education information will be provided by one source – the applicant's physical therapy education program (for those approved by

the Commission on Accreditation for Physical Therapy Education (CAPTE). As a result, the FSBPT data will be more accurate.

This eligibility method is an alternative to traditional eligibility processing for those applicants who meet the criteria to use it; Alternate Approval Pathway will be available in addition to the existing traditional eligibility process. If an applicant does not qualify for eligibility using the FSPBT's automated criteria, but may qualify to sit for the examination based upon State provisions, the PTBC may manually grant the applicant examination eligibility. Applicants who are otherwise eligible to sit for an examination will not be denied access.

Restructuring of Programs

In the PTBCs assessment of its programs during the BreEZe design development, the PTBC also recognized structural weaknesses within its Application and Licensing program. Historically, the PTBC had one program that provided both application and license maintenance services. Because the PTBC had few staff members, staff was required to be well-versed in all facets of applications and licensing processes and issues so they could serve both programs. As part of its most recent Strategic Plan, the PTBC has worked to address staffing deficiencies, and the PTBCs efforts have been successful with the assistance of its oversight agencies. Additional staff has allowed the PTBC to focus resources to the benefit of its stakeholders. Staff members now serve as subject matter experts in either the areas of application processing or license maintenance, which led the PTBC to separate the single Application and Licensing program into two programs – Application Services and License Maintenance Services.

As part of the restructure, the PTBC established a Manager position to oversee the operations of Application Services and License Maintenance Services programs. Prior to this restructure, the PTBC had one Manager to oversee the Application and Licensing Services program, as well as the Administrative Services program, which proved to be insufficient.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6 below provides the licensee population, by fiscal year since the 2012 Sunset Review.

Table 6. Licensee Population

		FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Physical Therapist	Active	21754	22190	22705	23472
	Inactive	1418	1396	1592	1475
	Out-of-State[6]	2507	2436	2450	2492
	Out-of-Country	79	61	58	61
	Delinquent	3340	3530	3667	3657
Physical Therapist Assistant	Active	5267	5404	5696	5956
	Inactive	406	381	420	393
	Out-of-State	427	397	390	400
	Out-of-Country	3	4	3	2
	Delinquent	941	1030	1018	1011
Electroneuromyographer (ENMG)[7]	Active	21	24	23	21
	Out-of-State	3	3	2	2
	Out-of-Country	0	0	0	0
	Delinquent	5	5	5	7
Kinesiological Electromyographer (KEMG)	Active	30	30	31	30
	Out-of-State	3	3	3	2
	Out-of-Country	0	0	0	0
	Delinquent	3	3	1	1

[6] Out-of-state and out-of-country is determined by a licensee's Address of Record. The licensee can have a license status that is Active, Inactive, Delinquent or Retired.

[7] As of January 2016, with the conversion to BreEZe, licensees with Electroneuromyography and/or Kinesiological Electromyography specialty certifications are no longer issued a separate license; this certification is now reflected on the physical therapist license.

Tables 7a and 7b below provide the number of licenses and certifications issued by the PTBC since the 2012 Sunset Review.

Table 7a. Licensing Data by Type

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times			
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out	
											Accredited	Non-Accredited
FY 2013/14	Exam/ License											
	PT	1536	1193	178	1193	1395	*	*	*	*	133	272
	PTA	500	355	86	355	492	*	*	*	*	175	222
	ENMG	0	0	0	0	0	*	*	*	*	*	*
	KEMG	0	0	0	0	0	*	*	*	*	*	*
	Renewal											
	PT	11043	11135	N/A	11135	*	*	*	*	*	*	*
	PTA	2714	2739	N/A	2739	*	*	*	*	*	*	*
	ENMG	11	9	N/A	9	*	*	*	*	*	*	*
	KEMG	21	16	N/A	16	*	*	*	*	*	*	*
FY 2014/15	Exam/ License											
	PT	1536	1226	234	1226	1471	*	*	*	*	148	328
	PTA	603	461	108	461	526	*	*	*	*	193	391
	ENMG	3	3	0	3	0	*	*	*	*	*	*
	KEMG	0	0	0	0	0	*	*	*	*	*	*
	Renewal											
	PT	11278	11384	N/A	11384	*	*	*	*	*	*	*
	PTA	2726	2735	N/A	2735	*	*	*	*	*	*	*
	ENMG	8	9	N/A	9	*	*	*	*	*	*	*
	KEMG	13	13	N/A	13	*	*	*	*	*	*	*
FY 2015/16	Exam/ License											
	PT	1787	1487	497	1487	1274	*	*	*	*	189	505
	PTA	759	530	194	530	332	*	*	*	*	266	429
	ENMG	1	1	0	1	0	*	*	*	*	*	*
	KEMG	1	0	1	0	0	*	*	*	*	*	*
	Renewal											
	PT	11643	11886	N/A	11886	*	*	*	*	*	*	*
	PTA	2971	3047	N/A	3047	*	*	*	*	*	*	*
	ENMG	13	*	N/A	*	*	*	*	*	*	*	*
	KEMG	17	*	N/A	*	*	*	*	*	*	*	*

* Data not available.

Table 7b. Total Licensing Data						
	FY 2013/14		FY 2014/15		FY 2015/16	
Initial Licensing Data:						
Initial License/Initial Exam Applications Received	2036		2139		2546	
Initial License/Initial Exam Applications Approved	1548		1687		2017	
Initial License/Initial Exam Applications Closed	264		342		691	
License Issued	1548		1687		2017	
Initial License/Initial Exam Pending Application Data:						
Pending Applications (total at close of FY)	1887		1997		1606	
Pending Applications (outside of board control)*	*		*		*	
Pending Applications (within the board control)*	*		*		*	
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE)**:**						
	Accredited	Non-Accredited	Accredited	Non-Accredited	Accredited	Non-Accredited
Average Days to Application Approval (All - Complete/Incomplete)	154	247	171	360	228	467
Average Days to Application Approval (incomplete applications)*	*		*		*	
Average Days to Application Approval (complete applications)*	*		*		*	
License Renewal Data:						
License Renewed	13899		14141		14933	

* Data not available.

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

a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The PTBC requires applicants to declare under penalty of perjury: whether they have ever been convicted of, pled guilty to, or pled no contest to any misdemeanor or felony; whether they have been denied a professional license or had license privileges suspended, revoked or disciplined; and whether they have ever voluntarily surrendered a professional license in California or any other jurisdiction.

These declarations are checked against the applicants' Criminal Offender Record Information (CORI) reports from the Federal Bureau of Investigation (FBI) and

the Department of Justice (DOJ) fingerprinting, Megan's Law website, the National Practitioner Data Bank, and license verifications from other licensing jurisdictions.

b. Does the board fingerprint all applicants?

Applicants are required to submit fingerprints at the time of initial application for CORI reports from both the DOJ and FBI; an applicant cannot obtain a license until CORI reports are received from both the DOJ and FBI. Once an applicant has been fingerprinted and subsequently approved for licensure, the PTBC continues to receive CORI subsequent arrest notifications at the state level only. The PTBC does not receive CORI subsequent arrest notifications from the FBI. FBI results are only issued once at the time of application.

c. Have all current licensees been fingerprinted? If not, explain.

All applicants have been required to submit fingerprints since the PTBC (previously titled the Physical Therapy Examining Committee) was under the Medical Board of California.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

During the application process, the PTBC receives National Practitioner Databank information on disciplinary action taken in other states via the FSBPT.

Following licensure, actions taken against a licensee holding a license in another jurisdiction are reported to the PTBC by the National Practitioner Databank via email.

e. Does the board require primary source documentation?

The PTBC requires the following primary source documents:

- education verification from the an accredited program or credential evaluating agency
- CORI Reports
- score reports for the NPTE and CLE
- license verifications from other jurisdictions
- clinical service evaluations

- verification of work experience

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

Pursuant to the Practice Act, at the time of application, all applicants are statutorily required to:

- be a person over 18 years of age
- not be addicted to alcohol or any controlled substance
- have successfully completed education and training as established by the PTBC and submit verification of such
- not have committed acts or crimes constituting grounds for denial of licensure under BPC §480
- possess a valid Social Security Number (SSN) or Individual Tax Identification Number (ITIN)
- submit the PTBCs application form
- pay applicable application and licensing fees
- submit fingerprints to DOJ and FBI for CORI reports

An out-of-state applicant is also required to submit:

- verifications of licensure in all jurisdictions in which the applicant held a license
- resume of work experience
- NPTE Score Transfer Report from the FSBPT

In addition to meeting the general application requirements, a physical therapist applicant who graduated from a non-accredited physical therapist education program not located in the United States is required to:

- submit proof of completion of education equivalent to that issued by an accredited program at the time of graduation
- demonstrate English proficiency by achieving a passing score on the Test of English as a Foreign Language (TOEFL)
- complete a period of clinical service under the supervision of a licensee of the PTBC

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.

Physical Therapists

Military personnel must attend an accredited physical therapist program to practice in the military. Therefore, an alternate qualification method for applicants with military training and experience is unnecessary because they have satisfied the CAPTE-accredited program requirements.

Physical Therapist Assistants

Pursuant to regulation, the PTBC will consider a physical therapist assistant license applicant's military training and experience, which must include satisfactory completion of a basic hospital corps member course and a formal physical therapist assistant course that includes a minimum of 550 hours of technical courses relating to physical therapy and 350 hours of supervised clinical experience. That applicant is also required to complete specified general education requirements. (*See* 16 CCR §1398.47.)

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?

As of November 16, 2016, the PTBC inquires on initial licensure and renewal applications, both online and hard copy, whether the applicant is serving, or has served, in the military. This data is tracked electronically in BreEZe.

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?

Since FY 2011/12, the PTBC received five physical therapist assistant license applications offering military education, training, or experience towards meeting licensing requirements. All of those applications were accepted by the PTBC.

c. What regulatory changes has the board made to bring it into conformance with BPC §35?

Physical Therapists

Military personnel must attend an accredited physical therapist program to practice in the military. Therefore, an alternate qualification method for applicants with military training and experience is unnecessary because they have satisfied the CAPTE-accredited program requirements.

Physical Therapist Assistants

For physical therapist assistant license applicants, the PTBC is in compliance with BPC §35 and authorizes physical therapist assistant license applicants to use military training to satisfy the licensure training/experience requirements. (*See* 16 CCR §1398.47.)

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?

The PTBC has not waived fees or requirements pursuant to BPC §114.3, so there has been no impact on the PTBCs revenues.

e. How many applications has the board expedited pursuant to BPC §115.5?

The PTBC has expedited applications pursuant to BPC §115.5 and has extended this privilege to members of the military themselves as well. Although the PTBC has expedited processing, no efficient method existed to record this data; therefore, the PTBC does not have data to report. Recent BreEZe updates have allowed the PTBC to record and track this data.

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.

The PTBC sends *No Longer Interested* notifications to DOJ electronically. This ongoing, automated process is facilitated by a BreEZe interface between DOJ and the PTBC. The PTBC does not have a backlog.

Examinations

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?

National Physical Therapy Examination (NPTE)

The NPTE for physical therapists consists of 250 multiple choice questions; 200 questions are actually scored. The NPTE for physical therapist assistants consists of 200 multiple choice questions; 150 questions are actually scored. For each examination, the 50 questions not scored are beta test questions. Both NPTE exams are developed and administered by the FSBPT. The national licensure examinations measure the knowledge and skills required for safe and effective practice as an entry-level PT or PTA.

According to the FSBPT, *"The national licensure examinations measure the knowledge and skills required for safe and effective practice as an entry-level PT or PTA. The validity of the test results for indicating competence to provide safe and effective physical therapy services is contingent upon the degree to which (1) questions on each examination measure important knowledge and skills required for safe practice, and (2) the proportion of questions measuring various knowledge and skill areas is commensurate with the importance of these areas to physical therapy practice. A formal, systematic process referred to as an "analysis of practice" exists for determining the contents of a licensure examination (other names for this process include occupational analysis, task analysis, job analysis, and role delineation study). This process begins with the identification of work requirements for entry-level practitioners and ends with the development of a formal set of test specifications that delineates the knowledge and skills related to safe and effective entry-level practice."*
(FSBPT, Keeping the National Licensure Examinations Current<https://www.fsbpt.org/Portals/0/documents/free-resources/PA2011_2011PracticeAnalysisInformation.pdf> (Jan. 2012) p.1 [as of Nov. 23, 2016].)

The NPTE is offered four times per year at Prometric testing centers nationwide.

California Law Examination (CLE)

The CLE is a one-hour jurisprudence examination with 50 multiple choice questions. The examination tests candidates' knowledge of the laws and regulations governing the practice of physical therapy in California. It is developed and maintained by the

PTBC in conjunction with DCA's Office of Professional Examination Services (OPES) and administered by the FSBPT.

The CLE is offered continuously at Prometric testing centers nationwide.

Test of English as a Foreign Language (TOEFL)

Effective January 1, 2014, pursuant to an amendment to BPC §2653, applicants who have graduated from a non-accredited school located outside the United States are required to demonstrate English proficiency by achieving a passing score on the TOEFL. The TOEFL measures an applicant's ability to use and understand English at the university level. It evaluates how well an applicant combines listening, reading, speaking and writing skills to perform academic tasks. The TOEFL is developed, administered, scored, and maintained by the Educational Testing Service (ETS).

The PTBC does not offer examinations in any other language 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?

Table 8. Examination Data					
California Examination (include multiple language) if any:					
License Type		**PT**	**PTA**	**ENMG[8]**	**KEMG[9]**
Exam Title		**CLE**	**CLE**		
FY 2012/13	# of 1st Time Candidates	1088	324	0	0
	Pass %	87%	69%	N/A	N/A
FY 2013/14	# of 1st Time Candidates	1294	393	3	0
	Pass %	63%	30%	100%	N/A
FY 2014/15	# of 1st Time Candidates	1255	477	0	0
	Pass %	71%	42%	N/A	N/A
FY 2015/16	# of 1st time Candidates	1469	507	1	0
	Pass %	70%	44%	100%	N/A
Date of Last OA		2012	2012	1990	1994
Name of OA Developer		DCA OPES	DCA OPES	PTBC	PTBC
Target OA Date		2016	2016		
National Examination (include multiple language) if any:					
License Type		**PT**	**PTA**		
Exam Title		**NPTE**	**NPTE**		
FY 2012/13	# of 1st Time Candidates	730	234		
	Pass %	82%	70%		
FY 2013/14	# of 1st Time Candidates	706	323		
	Pass %	83%	77%		
FY 2014/15	# of 1st Time Candidates	615	390		
	Pass %	83%	79%		
FY 2015/16	# of 1st time Candidates	778	408		
	Pass %	86%	80%		
Date of Last OA		2011	2011		
Name of OA Developer		FSBPT	FSBPT		
Target OA Date		2016	2016		

The PTBC does not offer examinations in any other language than English.

[8] Electroneuromyography specialty certification for physical therapists pursuant to BPC §2620.5
[9] Kinesiological Electromyography specialty certification for physical therapists pursuant to BPC §2620.5

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?

Both the NPTE and the CLE are computer-based examinations administered by the FSBPT at Prometric testing centers nationwide.

Prior to July 1, 2011, the NPTE was continuously administered; however, the FSBPT has since implemented fixed-date testing. The FSBPT administers the NPTE quarterly for each license type – PT and PTA; the examinations offered twice in July due to the increased volume of test takers at that time.

No change has been made to the CLE administration schedule; it is still continuously administered.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

BPC §2653 requires all applicants who graduated from a non-accredited physical therapist program outside the United States to demonstrate English proficiency. The PTBC has identified that this requirement does not provide an exemption for applicants who graduated from a physical therapist education program in a country whose principally-spoken language is English. For these applicants, the requirement of BPC §2653 may create a delay to licensure and hinder the efficient and effective processing of those applications. To address this concern, the PTBC has included a recommendation on this issue in Section 11.

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?

Pursuant to BPC §2650 and §2651, physical therapist and physical therapist assistant programs that are accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or the Physiotherapy Education Accreditation Canada (PEAC) are deemed approved by the PTBC. Additionally, the PTBC has the authority to approve schools other than those recognized by these accrediting bodies; however, it has not exercised this authority. Currently, all PTBC-recognized schools are CAPTE accredited.

Unless an educational institution is exempt from the BPPE's oversight pursuant to California Education Code (CEC) §94874 or §94874.1, it must be approved by the BPPE. Physical therapy programs are offered at both exempt and non-exempt institutions.

30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

CAPTE requires all programs to submit an annual compliance report that tracks information that may indicate the program is no longer in compliance; every third year, the annual report is expanded to ask more detailed questions about continued compliance. Based on these reports, CAPTE may conduct a three-day on-site inspection of the program to determine what accreditation status to award at its next meeting. CAPTE meets twice a year, typically in late April and late October/early November. Currently, there are 233 physical therapist and 340 physical therapist assistant CAPTE-accredited programs nationwide; there are 15 physical therapist and 15 physical therapist assistant programs in California.

Pursuant to BPC §2651, the PTBC may remove its approval of a school.

31. What are the board's legal requirements regarding approval of international schools?

Pursuant to BPC §2651, physical therapist and physical therapist assistant education programs accredited by CAPTE and PEAC are deemed approved by the PTBC. Otherwise, the PTBC has not approved any 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.

Pursuant to §1399.90 et seq. of Title 16 of the California Code of Regulations (CCR), all physical therapists and physical therapist assistants renewing their licenses are required to complete 30 hours of continuing competency activity. Of these 30 hours, two hours shall be in ethics, laws and regulations and four hours in life support for health care professionals.

a. How does the board verify CE or other competency requirements?

At the time of renewal, licensees are required to certify under penalty of perjury that they have complied with the PTBCs continuing competency requirements. (BPC §2649.) Licensees must also maintain proof of each continuing competency activity for five years and agree to supply supporting documents upon the PTBCs request. (16 CCR §1399.97.)

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The PTBC conducts random continuing competency audits. The percentage of the licensee population chosen for audit is dependent upon the pass rate of the completed audits. The PTBC determines the percentage to ensure sufficient compliance. If a large number of audited licensees fail, the PTBC will increase the percentage of licensees audited. As the number of licensees that demonstrate compliance increases, the PTBC decreases the percentage of licensees audited.

If a licensee demonstrates sufficient compliance with the continuing competency requirement, the licensee passes the audit. If a licensee is unable to demonstrate compliance with the continuing competency requirement, the licensee fails the audit. Reasons licensees may fail an audit include failure to provide proof of hours completed in compliance with the requirements set forth in CCR, Title 16, Division 13.2, §1399.91, §1399.92, §1399.93, §1399.94 and failure to respond to the PTBCs audit request.

c. What are consequences for failing a CE audit?

If a licensee fails a continuing competency audit, he or she may be issued a warning letter or referred for enforcement action. Enforcement action may range from citation to formal discipline taken against the license. The level of consequence is determined by the degree of the violation.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

In the past four fiscal years, the PTBC conducted 595 continuing competency audits with an 18% audit failure rate.

Due to resource constraints, staff was redirected from license maintenance program to the Application Services program to sustain application operations. Therefore, continuing competency audits were temporarily suspended in the early part of 2014. With additional staffing authority granted July 1, 2016, the PTBC has resumed continuing competency audit activities.

e. What is the board's course approval policy?

The PTBC does not approve individual continuing competency courses or providers. Continuing competency courses must be offered by an approved provider (having met the requirements in 16 CCR §1399.96) or by a PTBC Recognized Approval Agency.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The PTBC established a continuing competency model in which the PTBC recognizes agencies that approve individual providers and courses; the PTBC does not directly approve providers or courses. Recognized Approval Agencies must meet and comply with criteria established by the PTBC in regulation.

g. How many applications for CE providers and CE courses were received? How many were approved?

The PTBC does not directly approve courses or providers. However, as of the last Continuing Competency program records update, the PTBC logged 143 Recognized Approval Agencies, 301 providers and 3,951 courses.

h. Does the board audit CE providers? If so, describe the board's policy and process.

As explained above, the PTBC does not directly approve providers or courses, but rather recognizes approval agencies to approve providers and courses. Recognized Approval Agencies are required to audit at least 10% of the providers and courses they approve. Since initiating audits of Recognized Approval Agencies, the PTBC has removed recognition of two approval agencies for lack of compliance.

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.**

The PTBC has not reviewed its continuing competency policy for the purpose of moving towards performance-based assessment of licensees' continuing competency.

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?

As part of the DCA's CPEI, the enforcement performance measures (PM) of the Physical Therapy Board of California (PTBC) were developed to monitor and assist in determining the effectiveness of efforts to streamline enforcement processes, reduce backlogs, and achieve the overall goal to process complaints within 12-18 months.

The enforcement process is comprised of several phases: complaints received (Performance Measure 1); intake (Performance Measure 2); intake and investigations (Performance Measure 3); formal discipline (Performance Measure 4); probation intake (Performance Measure 7); and probation violation response (Performance Measure 8).

The enforcement process is monitored by the assigned PTBC analyst at all phases and intervals. The targets serve as a tool to improve case management at each interval of the enforcement process. The PTBCs performance targets are reflected in the tables below by quarter and fiscal year (FY). Included after each table below are comments on the PTBC performance for these targets.

The PTBC is currently meeting its performance targets with the exception of Performance Measure (PM) 3 (Cycle Time for cases not resulting in formal discipline) and PM 4 (Cycle Time for cases resulting in formal discipline).

Performance Measure 1: Complaints Received

PM 1 is the total number of complaints and convictions received, which do not have target and performance standards.

Complaints Received by FY	
Fiscal Year	**Complaints Received**
FY 2013/14	1309
FY 2014/15	1006
FY 2015/16	703

Performance Measure 2: Intake

PM 2 is the time from complaint receipt until the complaint is assigned to an analyst to begin the investigation. Complaints are received by telephone, mail, email, or by filing a complaint via the PTBC Web site and, as of January 19, 2016, through the BreEZe Licensing and Enforcement System (BreEZe).

Target: PTBC set the performance target for PM 2 at 9 days.

Intake Process Target Performance			
FY 2013/14	**Average Days**	**Target # of Days**	**Target Met**
1st Quarter	9	9	Yes
2nd Quarter	10	9	No
3rd Quarter	28	9	No
4th Quarter	15	9	No
Intake Process Target Performance			
FY 2014/15	**Average Days**	**Target # of Days**	**Target Met**
1st Quarter	4	9	Yes
2nd Quarter	4	9	Yes
3rd Quarter	5	9	Yes
4th Quarter	3	9	Yes
Intake Process Target Performance			
FY 2015/16	**Average Days**	**Target # of Days**	**Target Met**
1st Quarter	3	9	Yes
2nd Quarter	7	9	Yes
3rd Quarter	2	9	Yes
4th Quarter	2	9	Yes

Comment: The target was met with the exception of FY 2013/14 - Q1. Although the target of assigning the case to an analyst was not met during this FY, the 10-day mandate to provide acknowledgement to the complainant was met.

Since the last Sunset Review (2012), the PTBC increased its target from five days to nine calendar days in order to allow sufficient days to process complaints received during holidays, weekends, etc.

Performance Measure 3: Intake and Investigation

PM 3 is the average time from complaint receipt to closure of the investigation process. The investigative process includes desk investigations conducted by the PTBC analysts, and formal investigations conducted by the DCA, Division of Investigation (DOI).

Target: PTBC set the performance target for PM 3 at 90 days.

Intake and Investigation Target Performance			
FY 2013/14	Average Days	Target # of Days	Target Met
1st Quarter	88	90	Yes
2nd Quarter	75	90	Yes
3rd Quarter	97	90	No
4th Quarter	157	90	No
Intake and Investigation Target Performance			
FY 2014/15	Average Days	Target # of Days	Target Met
1st Quarter	209	90	No
2nd Quarter	96	90	No
3rd Quarter	114	90	No
4th Quarter	197	90	No
Intake and Investigation Target Performance			
FY 2015/16	Average Days	Target # of Days	Target Met
1st Quarter	132	90	No
2nd Quarter	193	90	No
3rd Quarter	148	90	No
4th Quarter	139	90	No

Comment: Intake and Investigation measures were not met with the exception of Q3 and Q4 for FY 2013/14.

Analysts constantly monitor their cases by sending information and investigation status requests to the appropriate person at every level of the process, e.g., the expert consultant, DOI investigator, or outside agency. As the cases became more complex and required formal investigation from DOI, the performance measures of 90 days became difficult to meet. The PTBC has implemented changes to its internal procedures that will assist in meeting its performance measures. Specifically, the PTBC

revised its procedures related to arrest notifications and implemented periodic reviews of case aging to identify any barriers to complete the case.

Performance Measure 4: Formal Discipline

PM 4 is the average number of days to complete the entire enforcement process for cases resulting in formal discipline. This includes intake, investigation by the PTBC analysts and DOI, and prosecution by the AG.

Target: DCA set the performance target for PM 4 at 540 days (18 months)

Formal Discipline Target Performance			
FY 2013/14	Average Days	Target # of Days	Target Met
1st Quarter	680	540	No
2nd Quarter	429	540	No
3rd Quarter	938	540	No
4th Quarter	857	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 82 cases pending with the AG at the end of FY 2012/13. In FY 2013/14, 41 cases resulted in final disposition. Of those 41 cases for FY 2013/14:

- 3 were completed within 1 year
- 16 were completed within 1-2 years
- 12 were completed within 2-3 years
- 10 were completed within 3-4 years

The remaining 47 cases were carried over to the following FY and will have an influence on future FY performance targets.

Formal Discipline Target Performance			
FY 2014/15	Average Days	Target # of Days	Target Met
1st Quarter	835	540	No
2nd Quarter	975	540	No
3rd Quarter	890	540	No
4th Quarter	933	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 78 cases pending with the AG at the end of FY 2013/14. In FY 2014/15, 54 cases resulted in final disposition. Of those 54 cases for FY 2014/15:

- 1 was completed within 1 year
- 24 were completed within 1-2 years
- 10 were completed within 2-3 years
- 19 were completed within 3- 4 years

The remaining 12 cases were carried over to the following FY and will have an influence on future FY performance targets.

Formal Discipline Target Performance			
FY 2015/16	Average Days	Target # of Days	Target Met
1st Quarter	785	540	No
2nd Quarter	870	540	No
3rd Quarter	873	540	No
4th Quarter	806	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 66 cases pending with the AG at the end of FY 2014/15. In FY 2015/16, 54 cases resulted in final disposition. Of those 54 cases for FY 2015/16:

- 2 were completed within1 year
- 24 were completed within 1-2 years
- 17 were completed within 2-3 years
- 11 were completed within 3-4 years

The remaining 12 cases were carried over to the following FY and will have an influence on future FY performance targets.

Comment: Achieving PM 4 is dependent upon the staffing and workload of outside agencies, such as the AG and the Office of Administrative Hearings (OAH). Any workload and/or staffing issues at the AG and the OAH are not within the PTBCs control. Despite this constraint, the PTBC continues to evaluate its internal process in an effort to meet PM 4.

Although the AG is not currently required to participate in the CPEI, it has made improvements in processing older cases while keeping up with new case performance timeframes.

Performance Measure 7: Probation Intake

PM 7 is the average number of days from probation monitor assignment to the date the probation monitor makes first contact with the probationer by phone or letter.

Target: PTBC set the performance target for PM 7 at 10 days.

Since the last Sunset Review, the PTBC Probation Monitor has met this goal averaging 4 days to make first contact with the probationer.

The PTBC has one probation monitor currently monitoring all 104 licensees on probation throughout California. Since the last Sunset Review, the number of probationers has increased by 73%. At the end of FY 2011/12, the average number of probationers was 55-60. However, at the end of FY 2015/16, there were 104 probationers throughout California, which reflects an increase in disciplinary actions resulting from the CPEI. With the increase of probationers, the probation monitor has

had to decrease face-to-face interviews. When appropriate, the probation monitor travels for those cases where a face-to-face interview is necessary and/or when a concern arises that requires closer attention. On cases where a face-to-face interview is not conducted, quarterly interviews via telephone are scheduled with each probationer and a written report is prepared by the probation monitor. Due to the increase of probationers, the PTBC anticipates performing a work load study to review and address the increase in workload of the probation monitor.

Performance Measure 8: Probation Violation Response

This is the average number of days from the date a violation of probation is reported, to the date the probation monitor initiates action.

Target: PTBC set the performance target for PM 8 at 7 days. The PTBC has met its target since the last Sunset Review.

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?

Enforcement Trends

In the past three FYs, as evidenced below in Table 9a Enforcement Statistics, the number of complaints has decreased each year. This decrease is partially a result of the PTBC reassessing its priorities and redirecting its resources to cases of a higher level of concern. For instance, the total number of complaints filed in FY 2013/14 included actions initiated by the PTBC against licensees who had failed to alert the PTBC of changes in the licensees' addresses. Although a licensee's current address is vital for record management and is a critical part of the PTBCs mission of consumer protection, it required a considerable amount of staff time to investigate each potential address violation. Instead, the PTBC has found other ways to communicate and locate its licensees through the required email address regulation and social media. However, should an address change violation arise in the course of an investigation, the PTBC will address the violation appropriately.

Accordingly, the PTBC redirected its investigative resources to more critical areas, such as the high volume of convictions of licensees. As evidenced in Table 9a Enforcement Statistics, conviction cases make up 42% of the total complaints initiated.

Performance Barriers

One performance barrier is that the PTBC may experience major delays when outside agencies are involved. For example, when determining if a violation exists, the PTBC obtains various documents related to each case, such as court documents, arrest records and written responses from the licensee. However, this can be a lengthy process as response times of outside agencies to the PTBCs document requests can vary greatly and can be difficult to obtain, especially out of state criminal conviction documents. In many cases, multiple documents are needed from other agencies and repeated requests are required. Further delays can be caused when processing fees are required by courts and arresting agencies.

Also, although the AG has persistently worked PTBC cases, there continues to be delays on cases when scheduling settlement conferences and administrative hearings with OAH. These cases can become sedentary for six months to one year before a settlement conference and/or hearing is scheduled. This in turn affects the PTBC Formal Discipline performance measure (PM 4).

Improvement Plan

The PTBC continues to evaluate workload data and internal procedures to improve the enforcement program. For instance, cases at DOI and the AG's office are monitored closely by the PTBC staff to ensure cases do not remain stagnant. Also, settlement terms are provided to the Deputy Attorney General at the time a case is referred to the AG.

The following identifies budget change proposals, legislative changes and improvements within the PTBCs enforcement program.

Budget Change Proposals – Consumer Protection Services

In FY 2013/14, the PTBC requested and received a staffing augmentation to re-establish two Staff Services Analyst (SSA) positions within the Consumer Protection Services that were positions previously granted under the CPEI but abolished on September 30, 2012. (See BCP #1110-05.)

In preparation and development of BreEZe, one of the established SSA positions was temporarily assigned to serve as a Subject Matter Expert (SME). Although BreEZe has been implemented, the SME continues to serve in this role to assist with the continued system enhancements.

In FY 2014/15, the PTBC requested and received a budget augmentation to establish two permanent Associate Governmental Program Analysts to manage the increasing workload associated with meeting CPEI requirements (BCP #1110-31).

In FY 2014/15, the PTBC requested and received a budget augmentation to its AG Line-Item (budget) of $142,000 to meet its mandated enforcement responsibilities (BCP #1110-32). The PTBC had exhausted its AG budget for the previous three consecutive fiscal years.

Legislation Affecting Enforcement Procedures

Senate Bill 198 (Lieu, 2013) repealed, revised, and recast the Physical Therapy Practice Act (Practice Act). This bill also authorized the PTBC to enforce and administer the Practice Act and extended the Sunset until January 2018.

Regulatory Actions Affecting Enforcement Procedures

- 16 CCR 1399.15 Guidelines for Issuing Citations and Imposing Discipline (Disciplinary Guidelines)

  The Disciplinary Guidelines establish recommended disciplinary actions for the PTBC to consider when taking action against an applicant or licensee. In April 2013, this regulation was revised to be consistent with the Practice Act and incorporated by reference the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees established by SB 1441 (Chapter 548, Statutes of 2008).

- 16 CCR 1398.6 Filing of Addresses

  Effective January 2014, this regulation adds an e-mail filing requirement for licensees and applicants. This requirement is not used for punitive purposes but rather to assist the PTBC in communicating and locating a licensee in the event of an investigation.

- 16 CCR 1398.15 Notice to Consumers

  Effective October 2013, this regulation requires physical therapists to notify consumers that physical therapists and physical therapist assistants are licensed and regulated by the PTBC. This regulation makes the consumer receiving physical therapy services aware of the regulatory agency (PTBC) and where and how to file a complaint with the PTBC.

Improvements within the Consumer Protection Services Program

- BreEZe Participation – PTBC staff participated throughout the development of the BreEZe program and transitioned to the BreEZe online database system on January 19, 2016. PTBC staff continues to participate and assist the DCA with system enhancements. Although the database system is new, PTBC staff have adapted extremely well and continue to learn the functionality.

- Subject Matter Expert (SME) Training – SMEs are qualified licensed Physical Therapists who serve a vital role in assisting PTBC staff with complaints involving patient care. SMEs provide consultation to staff, review case materials, and provide an impartial opinion of the care provided by the subject licensee. To become an expert consultant, the licensee must attend the PTBC Expert Consultant Training. This training, which includes a mock trial, is conducted with the assistance of the AG's office and a retired Administrative Law Judge. The PTBC recently held two expert training sessions, the first in Southern California (November 2015) and the second in Northern California (February 2016).

- Focus Group for the Enforcement Academy Redesign – In 2015, the PTBC participated in the Focus Group for the redesign of the Enforcement Academy.

- DCA Meetings – PTBC staff participate in the DCA's Enforcement Users Group, BreEZe Report User Group, and the DCA's Enforcement Managers round table meetings, increasing opportunities for networking and communication of information and procedures. With the implementation of BreEZe, this also serves as a tool for improvements.

- Since the last Sunset Review, the Consumer Protection Services program (CPS) has held monthly CPS staff meetings to provide direction, monthly meetings with the DCA's Legal Counsel, and bi-monthly meetings with the PTBC Deputy Attorney General Liaison.

- Outreach to consumers by posting disciplinary actions and information on Facebook and Twitter.

Table 9a. Enforcement Statistics

This table provides three fiscal years of data showing the Enforcement program workload as it relates to complaints processed from intake to filing of an Accusation.

Table 9a. Enforcement Statistics			
Fiscal Year	FY 2013/14	FY 2014/15	FY 2015/16
COMPLAINT			
Intake[1]			
Received	1309	1006	703
Closed without assignment	97	12	4
Referred to INV[2]	1216	995	682
Average Time to Close (days)	18	4	4
Pending (close of FY)	4	4	4
SOURCE OF COMPLAINT			
Public	126	118	79
Licensee/Professional Groups	41	105	98
Governmental Agencies	1109	756	422
Other	33	27	83
Conviction / Arrest[3]			
CONV Received	289	336	294
CONV Closed	296	338	316
Average Time to Close (days)	6	3	2
CONV Pending (close of FY)	113	117	108
LICENSE DENIAL			
License Applications Denied[4]	1	3	1
Statement of Issues (SOI) Filed	6	8	3
SOIs Withdrawn	0	1	1
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	0	226	223
ACCUSATION			
Accusations Filed	44	52	20
Accusations Withdrawn	2	3	0
Accusations Dismissed	0	0	0
Accusations Declined	5	3	1
Average Days Accusations	813	874	496
Pending (close of FY)	68	60	14

[1] Complaint intake includes receipt of complaints alleging incompetence, unprofessional conduct (multiple violations fall under unprofessional conduct), fraud, other (any issue that would not fall under any of the other categories), convictions, sexual misconduct, unlicensed activity, and other discipline.

[2] Complaints received by the PTBC that are within its jurisdiction are first assigned to an analyst to begin the desk investigation. Complaints are investigated by in-house staff analysts who conduct "desk" investigations by gathering data and documents via written communication. Desk investigations do not include field work or interviews. Investigations requiring field work, interviews, service of subpoenas, or involvement of a sworn peace officer due to safety concerns or criminal activity, are referred to DOI.

[3] Conviction/Arrest: The workload associated with conviction cases is extensive and time consuming. To conduct these reviews, enforcement staff must:

- Review criminal history and subsequent arrest and conviction reports
- Request and review court documents and police reports
- Correspond with the applicant or licensee to obtain additional information relative to compliance with criminal penalties and rehabilitation efforts
- Request to DOI to locate the licensee if he/she is not responding to requests from the PTBC
- Make a final recommendation on whether or not to license an applicant or pursue disciplinary action against a licensee based upon his/her conviction history and evidence of rehabilitation
- Process the Notice of Defense if the applicant or licensee requests an administrative hearing
- Prepare and transmit the case to the AG to prepare the pleading
- Review and consider settlement terms with the applicant or licensee, his/her legal counsel, executive officer, and AG
- Review the Administrative Law Judge's Proposed or Stipulated Decision
- Process and monitor mail ballots along with the Proposed or Stipulated Decisions to board members for consideration
- Process and mail the final decision to the applicant or licensee

[4] Reviewing applicant cases is an important enforcement function and critical to consumer protection. BPC §480 authorizes the PTBC to deny an applicant licensure based on convictions substantially related to the license. After thorough review of an applicant's criminal history and rehabilitation efforts, a determination must be made as to whether denial of licensure is warranted. The PTBC fully realizes the importance of the proper evaluation of an applicant, and proper evaluation at this level reduces the risk to California consumers seeking physical therapy services. The applicant has due process rights to safeguard against error in denial and can request a hearing to contest the decision. This is all part of the disciplinary process that must be handled by staff.

Table 9b. Enforcement Statistics

This table provides three fiscal years of data showing the Enforcement program workload related to final discipline, probation and diversion.

Table 9b. Enforcement Statistics (continued)			
	FY 2013/14	FY 2014/15	FY 2015/16
DISCIPLINE			
Disciplinary Actions[1]			
Proposed/Default Decisions	12	23	4
Stipulations[2]	29	31	50
Average Days to Complete	883	932	806
AG Cases Initiated[3]	52	60	25
AG Cases Pending (close of FY)	78	66	28
Disciplinary Outcomes			
Revocation	6	13	8
Voluntary Surrender	6	8	3
Suspension	0	0	0
Probation with Suspension	0	0	0
Probation[4]	15	27	36
Probationary License Issued	1	1	0
Other	13	5	7
PROBATION			
New Probationers	16	28	36
Probations Successfully Completed	8	4	22
Probationers (close of FY)	74	88	104
Petitions to Revoke Probation	2	1	0
Probations Revoked	2	1	0
Probations Modified	7	1	4
Probations Extended	0	0	0
Probationers Subject to Drug Testing[5]	7	10	22
Drug Tests Ordered[6]	487	648	487
Positive Drug Tests[6]	38	49	30
Petition for Reinstatement Granted	0	0	2
DIVERSION[7]			
New Participants	8	12	21
Successful Completions	3	5	2
Participants (close of FY)	13	11	22
Terminations	4	9	7
Terminations for Public Threat	0	0	1
Drug Tests Ordered	456	547	869
Positive Drug Tests	8	19	26

[1] Disciplinary Actions: The PTBC refers unresolved cases either through internal desk or formal investigation to the AG for prosecution through the OAH. These referrals can also lead to delays in the enforcement process because of

requests for clarification or additional data, and excessive caseload of the AG. Part of the delay also includes the OAH backlogs resulting in cases taking six months to one year to schedule for hearings.

[2] Stipulations: The PTBC may settle a case when the licensee is willing to stipulate to revocation or voluntary surrender of the license. The PTBC may also consider settlement terms when the violation does not necessarily warrant license revocation. The PTBC may consider settling if there is insufficient evidence to support discipline, e.g., a key witness is no longer available, a witness gives conflicting/contradicting statements to the PTBCs Deputy Attorney General as compared to the DOI investigator during the investigation, or evidence problems that may compromise the outcome. Another cause for settlement may be that the licensee submits sufficient rehabilitation material to support rehabilitation and probation discipline that would still ensure protection of the public (i.e., drug abuse related cases where there was no patient harm and the licensee has taken substantial steps towards recovery/rehabilitation or conviction cases where the licensee may still be trying to comply with the criminal penalties but is not fully rehabilitated).

[3] AG Cases Initiated: The number of cases the PTBC transmits to the AG for the preparation and filing of an accusation or statement of issues fluctuates each year. During the past three fiscal years, the PTBC received 3,018 complaints and 137 of those complaints were sent to the AG. These account for approximately 5% of the total complaints received that were transmitted to the AG. The PTBC filed for disciplinary action on 133 of the cases transmitted to the AG.

[4] Probation: Approximately 52% of the PTBCs disciplinary actions result in probation. The average term of probation is 4 years. When a licensee on probation violates the terms of his/her probation, the PTBC transmits the case to the AG for the preparation and filing of a petition to revoke probation and subsequent discipline.

[5] A probationer who is determined not to be a candidate for the PTBCs Alcohol/Drug Recovery Monitoring Program (Maximus) following clinical assessment is still under a bodily fluid test (BFT) requirement. The BFT for probationers not in Maximus is administered through the PTBC contract with FirstLab.

[6.] Drug Tests Ordered: The PTBC obtained the following data from Phamatech.

- 2013/2014 449 negative, 38 positive tests, 487 total tests ordered
- 2014/2015 599 negative, 49 positive tests, 648 total tests ordered
- 2015/2016 457 negative, 30 positive tests, 487 total tests ordered

- 2013/2014 25 total testers
- 2014/2015 30 total testers
- 2015/2016 25 total testers

[7.] The PTBC does not divert licensees from discipline because of participation in a recovery program; instead, the probationer is required to participate in the Maximus program as per the terms and conditions of their probationary order. A clinical assessment of addiction is performed upon intake to the Maximus program to determine if the licensee is a candidate for participation in the program. BFT is required of probationers enrolled in Maximus.

Table 9c. Enforcement Statistics

This table provides three fiscal years of data showing the Enforcement program workload related to investigations, compliance actions, citations, and criminal actions.

Table 9c. Enforcement Statistics (continued)			
	FY 2013/14	FY 2014/15	FY 2015/16
INVESTIGATION			
All Investigations			
First Assigned	1216	995	682
Closed	1285	1131	755
Average days to close	118	167	156
Pending (close of FY)	483	343	414
Desk Investigations[1]			
Closed	1205	1044	762
Average days to close	97	139	148
Pending (close of FY)	365	231	371
Non-Sworn Investigation	n/a	n/a	n/a
Closed	n/a	n/a	n/a
Average days to close	n/a	n/a	n/a
Pending (close of FY)	n/a	n/a	n/a
Sworn Investigation (DOI)			
Closed	80	88	78
Average days to close[2]	440	495	532
Pending (close of FY)	118	112	43
COMPLIANCE ACTION			
ISO & TRO Issued	2	1	1
PC 23 Orders Requested	0	0	2
Other Suspension Orders	0	0	0
Public Letter of Reprimand	9	10	8
Cease & Desist/Warning	393	233	[3]
Referred for Diversion	7	10	22
Compel Examination	0	1	1
CITATION AND FINE			
Citations Issued	249	99	79
Average Days to Complete	141	204	368
Amount of Fines Assessed	$53,450	$24,300	$30,000
Reduced, Withdrawn, Dismissed	$0	$1,300	$0
Amount Collected	$49,950	$22,967	$34,649
CRIMINAL ACTION			
Referred for Criminal Prosecution	2	2	1

1. Desk Investigations: Complaints received by the PTBC that are within its jurisdiction are first assigned to PTBC staff, who conduct desk investigations by gathering data and documents via written communication. Desk investigations do not include field work or interviews. Any investigation that requires field work, interviews, service of subpoenas, or involvement of a sworn peace officer due to safety concerns or criminal activity, is referred to DOI.

[2] Sworn Investigations - Average days to close: The average number of pending cases decreased by 43% in the last three fiscal years. However, the average number of days to close an investigation has increased, which contributes to the complexity of the case.

[3] This data is not available.

Table 10. Enforcement Case Aging

Table 10 illustrates that of the cases investigated and closed with formal disciplinary action taken, 73% are finalized within the three-year PM 4 goal. Of the cases investigated and closed without disciplinary action, 84% are finalized within the 18-month PM 3 goal.

Table 10. Enforcement Aging

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	Cases Closed	Average %
Attorney General Cases (Average %) Closed Within:						
1 Year	5	3	1	2	11	6%
2 Years	14	16	24	24	80	43%
3 Years	5	12	10	17	44	24%
4 Years	10	10	19	11	50	27%
Over 4 Years	0	0	0	0	0	0
Total Cases Closed	34	41	54	54	184	
Investigations (Average %) Closed Within:						
90 Days	1010	864	682	414	2970	64%
180 Days	134	216	168	94	612	13%
1 Year	99	82	89	40	310	7%
2 Years	239	109	155	31	534	12%
3 Years	92	10	23	16	141	3%
Over 3 Years	15	4	14	21	54	1%
Total Cases Closed	1589	1285	1131	616	4621	

35. What do overall statistics show as to increases or decreases in disciplinary action since last review?

Since the last Sunset Review, the overall statistics show a 55% increase in the total number of final disciplinary actions. The increase in disciplinary actions is a result of improved case management, allowing staff to ensure that cases do not become stagnant at any phase of the investigation.

In FY 2015/16, the total number of cases transmitted to the AG decreased. This is a result of fewer complaints received and fewer cases transmitted to the AG from previous FYs.

36. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

PTBC cases are prioritized in accordance with the DCA's Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009). There are three levels of prioritization: "Urgent" (requiring the most immediate resources); "High" (the next highest priority); and "Routine" (minimal/no risk to the consumer). Each case is evaluated at the time of receipt to determine its initial priority. Cases may be re-prioritized during the course of the investigation, if warranted.

Cases alleging sexual misconduct, patient death, patient injury and other urgent matters are immediately assigned to an analyst to review for an Interim Suspension Order, Penal Code §23, or other interim action as warranted. All other cases are opened in the order received, assigned, and distributed to the designated analyst. Analysts review the case and continue the investigative process with respect to case priority and CPEI targets.

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?

Yes, the mandatory reporting requirements are as follows:

- BPC §801(a) requires every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency specified in §800(a) to send a complete report to that agency as to any settlement or arbitration award over $3,000 of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report has to be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- BPC §802(a) requires PTBC licensees, or his/her attorney, and the licensee's professional liability insurer to report any settlement, judgment, or arbitration award over $3,000 of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services. This report must be submitted to the PTBC within 30 days after the written settlement agreement has been reduced in writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties.

- BPC §803(a) requires a California court clerk to report, within 10 days after judgment made by the court, any person who holds a license from the PTBC who has committed a crime or is liable for any death or personal injury resulting from a judgment for an amount in excess of $30,000 caused by his or negligence, error or omission in practice or by rendering of unauthorized professional services.

- BPC §803.5 requires a district attorney, city attorney or other prosecuting agency to report to the PTBC any filing against a licensee of felony charges and the clerk of the court must report a conviction within 48 hours.

- BPC §803.6 requires the clerk of the court to transmit any felony preliminary hearing transcript where the total length of the transcript is under 800 pages and notify the PTBC of any proceedings where the transcript exceeds that length.

- Penal Code §11105 establishes a protocol whereby the AG reports to the PTBC whenever applicants, registrants or licensees are arrested or convicted of crimes. In such instances, the Department of Justice (DOJ) notifies the PTBC of the identity of the arrested or convicted applicant, registrant or licensee in addition to specific information concerning the arrest or conviction.

- Upon renewal, BPC §2644 requires licensees to self-report criminal convictions and disciplinary actions taken since their last renewal or issuance of license.

- Federation of State Boards Physical Therapy (FSBPT) Disciplinary Database reports disciplinary actions from other State Boards.

- CCR, Title 16, Division 13.2, §1399.24 requires licensees to self-report within 30 days: an indictment or information charging a felony; arrest of the licensee; conviction of a licensee; disciplinary action taken by another licensing entity or authority of this state or another state or an agency of the federal government or the Unites States military; any report required pursuant to BPC §802.

Even though these provisions require mandatory reporting, the PTBC continues to experience difficulties receiving the mandatory court reports. In the event that the required reports are not provided, the PTBC would have to rely on the licensee to self-report.

Although the DOJ reports notices received from arresting agencies and court jurisdictions to the PTBC, not all agencies report to the DOJ. This means some reports do not enter the DOJ system to be reported to the PTBC. The PTBC receives Subsequent Arrest Reports and Subsequent Conviction Reports from DOJ that provide important information in order to pursue disciplinary action if necessary. The PTBC also works with DOI to obtain the missing information at additional cost to and resource use by the PTBC.

a. What is the dollar threshold for settlement reports received by the board?

The dollar threshold for settlement reporting is $3,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the PTBC the last three FYs are:

FY 2013/14:	$54,900
FY 2014/15:	$147,750
FY 2015/16:	$41,750

38. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

As an alternative to an administrative hearing, licensees may opt to settle his or her disciplinary case through a stipulated settlement that provides the disciplinary terms and conditions and may include probation, license revocation, surrender of the license, or public reprimand. Settlement negotiations are initiated by the AG with terms and conditions of discipline as set forth in the PTBCs Disciplinary Guidelines under CCR Title 16, Division 13.2, §1399.15.

a. 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?

The PTBC does not settle cases prior to the filing of a formal accusation. However, in lieu of filing or prosecuting a formal accusation against a licensee, the PTBC has authority, pursuant to BPC §2660.3, to issue a Public Letter of Reprimand (PLR) after

the PTBC has conducted an investigation. The PTBC may use a PLR for minor violations that warrant a higher level of action than a citation but not necessarily probation. The PTBC issued 13 in-house PLRs within the last four years.

b. 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?

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Stipulations Post Accusation	25	33	51	50
Hearings	7	3	14	4

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Overall, 85% of cases for the past four years resulted in settlement rather than 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?

The PTBC does not operate with a statute of limitations. All complaints received are investigated.

40. Describe the board's efforts to address unlicensed activity and the underground economy.

The PTBC provides information to consumers on its Web site relating to verification of an individual's license status. Any complaint received by the PTBC related to unlicensed activity is investigated. Investigations confirming unlicensed activity may result in the PTBC issuing a citation and fine up to $5,000 to the unlicensed individual. Unlawful advertising of physical therapy services or assistance may be handled by sending a Cease and Desist letter to inform unlicensed persons to remove or correct the advertisement. The PTBC may refer unlicensed activity cases to DOI for formal investigation and work with the local District Attorney for criminal prosecution.

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?

Intent of Cite and Fine Authority

The PTBC may issue an administrative citation and fine pursuant to BPC §125.9 and CCR, Title 16, Division 13.2, §1399.25, which authorize the PTBC to issue citations and fines to physical therapists and physical therapist assistants. The PTBC exercises this authority on a case-by-case basis when violations are not necessarily cause for discipline and a lesser form of action is warranted. Pursuant to CCR, Title 16, Division 13.2, §1399.25, citation fines range from $100 to $5,000, and the specific fine per violation is determined by the PTBC based on the following factors as stated in the PTBC Disciplinary Guidelines: 1) the degree of bad faith of the cited person; 2) the nature and severity of the violation; 3) evidence that the violation was willful; 4) a history of violations of the same or similar nature; 5) the extent to which the cited person has cooperated with the PTBC; and 6) the extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

In the PTBC last Sunset Review, it reported that less egregious cases, e.g. address change, continuing competency, documentation, and supervision violations, were relegated to a lower priority in accordance with the complaint priority guidelines. The PTBC continues to direct its resources to more critical cases which resulted in the decrease of citation and fines for the less egregious cases.

There have been no changes to the PTBC cite and fine regulations since the last Sunset Review. The last regulatory change was made in December 2008, prior to the last Sunset Review, when the PTBC 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?

A citation and fine is an alternative means by which the PTBC can address minor violations that would not warrant more stringent discipline.

CCR §1399.25 gives the Executive Officer the authority to issue citations, with or without fines, for violations of the Practice Act, violations of the CCR adopted by the PTBC, or other statutes or regulations for which the PTBC has authority to issue a citation. Section 1399.25 sets fine amounts of $100 up to $2,500 for the least egregious violations. However, §1399.25(d) sets forth larger fine limits for the more substantial violations. For instance, a citation may include a fine up to $5,000 for violations that present a threat to health and safety or another person, involve multiple violations of the Practice Act, or involve a violation or violations against a disabled person or senior citizen.

A large number of citations and fines are issued for minor criminal convictions. Such citations are typically issued for failure to disclose a conviction to the PTBC, recent minor convictions, and first offense convictions. Fines assessed for such violations typically range from $200 to $500, depending upon factors as enumerated in CCR §1399.25. Factors considered when determining a fine amount are the nature and severity of a crime, evidence that the violation was willful, extent to which the licensee has cooperated with the PTBC, and whether the licensee is remorseful.

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?

The PTBC does not have a Disciplinary Review Committee. In the last four fiscal years, the PTBC held 105 informal conferences, and 4 administrative procedure act appeal hearings. The following table breaks this down by fiscal year.

Fiscal Year	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Informal Conferences	46	30	13	16
Administrative Appeals Hearings	3	0	0	1

44. What are the 5 most common violations for which citations are issued?

The five most common violations for which the PTBC issues citations are as follows:

1. Criminal Convictions - First offense conviction of a crime that is substantially related to the practice of physical therapy that may not have a direct effect on public protection or patient care.

2. Practice Issues - Related violations, such as a single violation of documentation, regulations, supervision violations, and aiding & abetting of unlicensed activity or violations of the Practice Act.

3. Continuing Competency (CC) Violations - Failure to accumulate the required CC hours, and/or a false statement on renewal form signed under penalty of perjury that the completed CC requirements were met.

4. Discipline by Another State Board – Discipline taken in another State and the violation offense is a citable violation in California.

5. Address Change Reporting Requirement – Failure to report a change of mailing and/or residence address.

45. What is the average fine pre- and post- appeal?

The average fine pre-appeal is $250. Citations issued in the last four fiscal years have been issued with a fine ranging from $100 to $1000. The final citation fine amount post-appeal averaged $250 over the last four fiscal years.

46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Upon failure to pay a citation fine within the time required, the licensee's information is submitted to the Franchise Tax Board (FTB) for inclusion in the FTB Offset Program. Prior to submitting the licensee's information to the FTB for intercept, the PTBC is required to send a series of three notices of failure to pay in an attempt to collect the fine amount due. Since July 1, 2012, the PTBC has collected $917 in outstanding fines through the FTB Offset Program, and currently has 46 cases on file with the FTB, totaling $7,462 in fines due. A case remains on the Offset Program list until the funds due are intercepted.

Cost Recovery and Restitution

47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

Pursuant to BPC §2661.5, the PTBC has authority to seek cost recovery through the resolution of disciplinary proceedings before the PTBC and may request the Administrative Law Judge to direct the licensee to pay a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case. These costs

incurred include DOI investigations, subject matter expert review and testimony, and AG prosecution. If the case goes to hearing, the Administrative Law Judge may order full or partial cost recovery or decline the request for cost recovery all together.

As part of the negotiation for settlement purposes, cost recovery is determined on a case-by-case basis between the Executive Officer and the licensee. The PTBC will consider the licensee's financial hardship and may reduce the total costs to be paid within a certain timeframe. If the reduced cost recovery is not paid on time, the full amount becomes due immediately. Regardless of whether the case is settled by stipulation or proceeds to an administrative hearing, the PTBC will seek cost recovery.

There have not been any statutory changes regarding the PTBC authority to recover costs since the last Sunset 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.

There is no specific amount of cost recovery ordered for revocations, surrenders, and probationers (BPC §2661.5). As mentioned in #47, cost recovery amounts are determined based on investigation and prosecution costs incurred. The determining factors include expert consultant reviews, investigative (DOI), and prosecutorial (AG) costs, and the ability of the respondent to fulfill his/her cost recovery obligation. The amount of cost recovery owed is sometimes reduced if the amount is paid within a certain period of time. If the reduced amount is not paid in full by the licensee during that time period, the full amount of cost recovery is due. This incentive generally motivates the licensee to pay the reduced amount on time. There is greater compliance of paying the reduced amount in a specified time frame. The overall result is an improved cost recovery for the PTBC.

The following table shows the PTBCs cost recovery amounts from FY 2012/13 to FY 2015/16.

Table 11. Cost Recovery

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Total Enforcement Expenditures[1]	$1,083,960	$1,252,027	$1,411,903	$1,200,239
Potential Cases for Recovery [2]	58	52	60	25
Cases Recovery Ordered	19	21	34	36
Amount of Cost Recovery Ordered	$70,323	$151,013	$204,912	$234,156
Amount Collected	$39,502	$78,424	$115,188	$151,810

[1] Figure represents the PTBC Enforcement budget and does not include staff expenditures.
[2] "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the Practice Act.

49. Are there cases for which the board does not seek cost recovery? Why?

Based on case law, the PTBC cannot collect cost recovery for default revocation of a license. In cases of extreme financial hardship where cost recovery becomes a barrier in negotiations of settlement, the PTBC may consider waiving cost recovery to expedite a Stipulated Decision, which is in the best interest of consumer protection.

50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The PTBC may collect costs through the FTB if the licensee fails to pay cost recovery. In cases where cost recovery is not paid, the licensee is considered to be in violation of the terms of probation, and the PTBC may seek additional disciplinary action based on violation of probation. In addition, probationers must pay cost recovery in full prior to the completion of their probation term. The PTBC does not currently have pending cases with FTB 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.

The PTBC does not have statutory authority to order restitution to the consumer.

Table 12. Restitution

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Amount Ordered	N/A	N/A	N/A	N/A
Amount Collected	N/A	N/A	N/A	N/A

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?

The PTBC uses the standard State of California Web site design and maintains both Facebook and Twitter accounts to provide updated information to current patrons and to capture new ones as well. The primary source of information for consumers is the PTBC Web site. The following is a summary of the Web site content:

"Home" contains news flashes, recent developments, upcoming changes and alerts. It also has a "Quick Hits" menu of most frequently sought after and most important information. "Alerts" are posted on the home page and provide PTBCs most recent and impactful information, such as changes in laws and regulations, examination dates, recent industry news, and opportunities to participate in PTBC workshops, taskforce groups, and upcoming certification examinations.

"Consumers" provides consumers access to the complaint process, general practice protocols, patient privacy issues, frequently asked questions (FAQs) about patient medical records, citations, disciplinary actions, and the status of a license on the license look-up function provided through BreEZe.

"Applicants" provides California Physical Therapist (PT) and Physical Therapist Assistant (PTA) applicants information regarding the application process, a list of the accredited PT and PTA programs, a list of the approved credential evaluation services, the appeal process for license denial, and FAQs.

"Licensees" provides continuing competency requirements, information on license renewal, how to submit an address change, how to request a duplicate/replacement wall or wallet certificate, how to provide verification of his/her license to another state, and information regarding the PTBC Substance Abuse Rehabilitation Program. Information on how to become an Expert Consultant or Practice Monitor for PTBC is also on this page.

"Law/Regulations" contains laws and regulations, rulemaking processes and addresses common physical therapy practice issues.

"Forms" contains all applicant and licensee forms, including forms for continuing competency, the inactive status and exemption application, consumer protection forms, and instructions for petitions for penalty relief, reinstatement, modification and/or termination of probation.

"Publications" contains newsletters from 2004 to 2014, the Strategic Plan, Administrative Manual, and Sunset Review reports, laws and regulations publications, consumer protection services publications, and licensing publications.

"About Us" provides the history, vision, and mission, meeting dates and materials, archived meeting materials, and pictures and biographies of Board Members, PTBC staff, and DCA Leadership.

"Contact Us" contains information on how to contact the PTBC and all its programs.

Facebook/Twitter - The homepage also features other links to direct users to social networking pages, such as Facebook and Twitter. Having accounts with these social networks allows the PTBC to disseminate information directly and immediately to all interested parties.

BreEZe – The homepage also features a link to direct users to the DCA's license look-up function provided through BreEZe.

The PTBC posts the following meeting materials:
Agendas – Meeting agendas from 2001 to current are posted online. Meeting agendas are posted at least 10 days prior to the date of the meeting, and a subscriber alert advisory is sent via email when an agenda is posted.

Meeting Materials – Meeting materials are posted online prior to the date of meeting.

Meeting Minutes – Finalized minutes are available to the public after being approved at the subsequent board meeting. The minutes from 2004 to current are then archived on the Web site.

53. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?

The PTBC provides webcasts of its current and past meetings e, beginning with the August 2011 board meeting. The PTBC will continue to provide webcast of its future board meetings. The PTBC relies upon the DCA's Office of Public Affairs to provide

regular webcasting services. In addition to posting webcasts on the PTBCs Web site, the PTBC has a YouTube channel where webcasted meetings are available. PTBC has no plans to remove webcasts from the Web site or YouTube.

54. Does the board establish an annual meeting calendar, and post it on the board's web site?

The PTBC establishes an annual meeting calendar, which is adopted at the Fall board meeting and then posted on the Web site. Periodically, if the PTBC needs to schedule additional meetings, the meeting dates are posted online as soon as the dates are confirmed. The PTBC sends out a subscriber alert to ensure interested parties are provided with changes to the meeting schedule. Any changes or additions to the meeting schedule are posted in accordance with the Bagley-Keene Open Meeting Act and the Administrative Procedure Act.

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)?

The PTBC complaint disclosure policy is consistent with the DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure.* The chart below outlines the type of complaint disclosure information the PTBC provides to the public upon request.

COMPLAINT DISCLOSURE POLICY		
Type of Information Provided	**YES**	**NO**
Complaint Filed		✓
Citation	✓	
Fine	✓	
Letter of Reprimand	✓	
Pending Investigation*		✓
Investigation Completed**		✓
Arbitration Decision	**N/A**	
Referred to AG: Pre-Accusation		✓
Referred to AG: Post-Accusation	✓	
Settlement Decision	✓	
Disciplinary Action Taken	✓	
Civil Judgment	**N/A**	
Malpractice Decision	**N/A**	
Criminal Violation: Felony or Misdemeanor**		✓

* Details of the complaint/investigation are not disclosed while the case is pending.
** Information disclosed only if included in the disciplinary action decision.

Accusations and final disciplinary action documents are posted on the license look-up function provided through BreEZe, and final disciplinary actions are provided quarterly in the board meeting materials. To supplement the information that is available on the Web site, the PTBC also responds to requests for information in writing.

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.)?

The homepage provides a link to licensure verification through BreEZe that was implemented in January 2016. This system enables consumers, employers, and licensees to verify the status of a physical therapist or physical therapist assistant license, including a licensee's specialty certification issued by the PTBC and any citation or disciplinary action taken by the PTBC. This service is available 24 hours a day, 7 days a week. The public may obtain a licensee's address of record and the physical therapy program completed by the licensee upon written request to the PTBC.

57. What methods are used by the board to provide consumer outreach and education?

The PTBC considers consumer protection paramount and therefore has recently shifted its limited resources to enhance its outreach program in an effort to meet the objectives in the PTBC 2014 Strategic Plan. The following are the outreach and education resources:
Internet – The Web site includes a Web page designated for consumers. On this page, the public can access general practice protocols, the complaint process, privacy rights of a patient, and/or verify a license status. The PTBC not only uses its Web site to educate and connect with the public, but it also utilizes Facebook, YouTube, and Twitter.

Newsletter – In an effort to reduce printing expenses and lessen the impact on the environment, in 2011, the PTBC discontinued the printed version of its newsletter. The PTBC has offered an electronic version of the newsletter on the Web site since 2004. The PTBC posted the most recent edition of the newsletter online in the Fall of 2014. Additionally, the PTBC provides the newsletter to interested parties in the form of E-blasts.

Public Speaking Engagements – PTBC staff attended the California Physical Therapy Association's 2015 Student Conclave at California State University,

Sacramento and gave a presentation on the application process, as well as the laws and regulations that govern the practice of physical therapy in California. Typically, the PTBC would participate when asked, in public speaking engagements that require travel; however, with the enactment of Executive Order B-06-11 (a restriction of all non-mission critical travel), sending a PTBC representative is not feasible.

Location of Board Meetings – Pursuant to Business and Professions Code §2611, the PTBC is required to meet at least three times per year, meeting at least once each calendar year in Northern California and once each calendar year in Southern California. Whenever possible, the PTBC holds its board meetings on the campuses of PT/PTA schools to facilitate the attendance of students and faculty and give them a better opportunity to address issues critical to PT/PTA education, consumer protection, and licensure at these meetings.

Multi-media – The possibility of offering webinars and video logs is being explored. If webinars and video logs are used by the PTBC, they could educate students as well as the general public about the application process, complaint process, and general updates for the PTBC.

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?

As reported in our last Sunset Review, the PTBC has no evidence of online practice of physical therapy, but still acknowledges it as a possible developing area of practice. If there becomes cause for regulation, the PTBC will take action accordingly.

Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

The PTBC continues to informally monitor workforce needs through input from licensees and employers. Until the PTBC has concrete, current information on the actual size and distribution of the workforce, determining a need for action by the PTBC is difficult.

If requested, the PTBC provides consultation to existing and developing educational programs, in addition to participating in discussions related to workforce issues on the national level.

Although the PTBC does not currently conduct studies to monitor national data and trends, it looks to other organizations that do. However, the PTBC will explore additional methods to evaluate workforce trends.

60. Describe any assessment the board has conducted on the impact of licensing delays.

The PTBC has not conducted an assessment on the impact of licensing delays on job creation.

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

Due to the State's travel restrictions (Executive Order B-06-11), the PTBC travel is limited to mission critical travel or travel that has no cost to the state. These travel restrictions include, attending conferences, networking opportunities, professional development courses, continuing education classes and seminars, non-essential meetings that can be conducted by phone or video conference, and events for the sole purpose of making a presentation unless approved by the Department Director.

In efforts to keep its potential licensees apprised of existing, new or upcoming changes regarding licensing requirements and licensing process, the PTBC relies heavily on networking through social media, such as Facebook, YouTube and Twitter; and, other mediums of communication, the PTBC continues its efforts to enhance its relationship with physical therapy educational programs.

The PTBC communicates with schools and various agencies in efforts to keep potential licensees informed. The PTBC conducts an annual survey of California physical therapy education programs and provides various hand-outs, such as frequently asked questions and answers, application process, licensing requirements, etc.

In compliance with current state travel restrictions, the PTBC staff participates in various events, such as speaking engagements at PT and/or PTA education programs. The PTBC addresses various topics of discussion, including application requirements, licensing process, presentations on how to navigate its Web site, how to verify a license online, or register for BreEZe. For example, the PTBC staff

participates in the Annual CPTA Student Conclave, an event that brings approximately 150 PT and PTA students representing over 25 schools.

The PTBC continues to work with schools by performing valuable outreach to PT and PTA academic programs by holding its Board meetings at these institutions. This presents an opportunity for the students to discuss application requirements, licensing process, etc., directly with the PTBC staff.

Since the last Sunset Review, the PTBC has met at a number of schools including, College of the Sequoias in Visalia, Loma Linda University in Loma Linda, Ohlone College in Newark, Samuel Merritt University in Oakland, UCLA in Los Angeles, and University of the Pacific in Stockton.

62. Describe any barriers to licensure and/or employment the board believes exist.

Effective January 1, 2014, pursuant to an amendment to the Physical Therapy Practice Act (Act) (BPC §2653), applicants who have graduated from a non-accredited school located outside the United States are required to demonstrate English proficiency by achieving a passing score on the TOEFL. The TOEFL measures an applicant's ability to use and understand English at the university level. It evaluates how well an applicant combines listening, reading, speaking and writing skills to perform academic tasks.

This additional requirement by California for foreign-educated physical therapy applicants, who have already demonstrated English proficiency by graduating from a program in a primarily English-speaking country, to demonstrate English proficiency by passing the TOEFL may be construed as an unnecessary barrier to licensure in California. To address this problem, the PTBC was pursuing such an exemption through the regulatory process; however, the Office of Administrative Law has determined that establishing such a regulatory exemption is outside the scope of the PTBCs authority. Accordingly, the PTBC recommends adding to the statute an exemption from the TOEFL requirement for foreign-educated applicants that is consistent with the exemption provided by the United States Citizenship and Immigration Service.

63. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

The PTBC does not have the statutory authority to collect data on workforce status. However, according to the U.S. Bureau of Labor Statistics (Bureau), employment of physical therapists is projected to grow by 34% and physical therapist assistants and physical therapist aides by 40% from 2014 to 2024. The Bureau further reported that the physical therapy employment growth ratio is much faster than the average for all occupations.

b. Successful Training Programs

Currently, there are 15 accredited Doctor of Physical Therapy education programs and 15 accredited Physical Therapist Assistant education programs in California. The average pass rate for U.S. graduate physical therapist and physical therapist assistants taking the National Physical Therapy Examination (NPTE) was 83.9% for physical therapist and 81.8% for physical therapist assistants. California's NPTE pass rates are consistent with the national average pass rates.

Section 9 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

In April 2013, the PTBC implemented the Uniform Standards regarding Substance-Abusing Healing Arts Licensees under 16 CCR 1399.15, known as the 5th Edition - Guidelines for Issuing Citations and Imposing Discipline.

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The PTBC implemented the DCA Consumer Protection Enforcement Initiative (CPEI) in CCR 1399.24, which became effective August 2012.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

As reported in the last Sunset Review, the PTBC dedicated a number of staff to serve as subject matter experts (SME) in the development, implementation and launch of the BreEZe project to ensure the PTBCs business requirements were met. To prepare for the implementation of the BreEZe system, PTBC staff attended in-house training and DCAs Office of Strategic Organization, Leadership and Individual Development (SOLID) training. The SMEs continue to work with the DCA BreEZe project as needed, working on a number of system enhancements to further efficiency for both PTBC stakeholders and staff. Due to the new implementation and resource availability, a schedule of maintenance releases was established to implement system enhancements. Unscheduled emergency system enhancements may be implemented if requested.

67. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The PTBC was part of the DCA Release 2.0 for the new BreEZe data system. PTBC successfully launched BreEZe on January 19, 2016. As designed, all the applications for licensure can now be submitted online. In addition, the PTBC is able to process the majority of transactions online (e.g., name change, address change, duplicate request, citation payments and cost recovery). Since the implementation of Release 2.0, the project has seen 6 major system enhancement releases, in which the PTBC has made a number of configuration changes.

BreEZe has replaced the Legacy tracking systems for licensees and applicants, (Consumer Affairs System (CAS), Applicant Tracking System (ATS)), and multiple "workaround" systems with an integrated, licensing and enforcement system for a number of the DCA's Boards and Bureaus. BreEZe has improved the licensees' and license applicants' ability to conduct business with the PTBC electronically, and allows greater access for consumers to interact with the PTBC. BreEZe improves data quality, replaces old technology and brings the PTBCs services to the Internet, providing for customer self-service.

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. **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.**

In the 2012 Sunset Review, the PTBC reported several new issues impacting program operations. The issues that were specifically addressed by the Senate Committee on Business, Professions and Economic Development (Committee) are identified below as Issue #1, Issue #2 and Issue #3.

ISSUE #1: (LACK OF STAFF AND FISCAL SOUNDNESS CONTINUE TO HAMPER THE PTBCs PRODUCTIVITY.) The PTBC currently has inadequate staffing and will incur a budget deficit within two years.

The PTBC identified staffing deficiencies within all its program areas: Administrative, Application and Licensing (Licensing), Continuing Competency (CC) and Consumer Protection (CPS) that had resulted in operational deficiencies. Particularly, the CPS program suffered significant backlogs in processing consumer complaints, administrative citations, and disciplinary enforcement cases.

The CPS program is a core function of the PTBC and is mandated to protect the public by enforcing the Physical Therapy Practice Act (Act). In FY 2010/11, the DCA implemented its Consumer Protection Enforcement Initiative (CPEI), which required all healing arts boards to decrease the average processing time for complaint intake, investigation, and prosecution from 3 years to 12-18 months by FY 2012/13 and thereafter. As a result, the PTBC was approved an additional 5.0 positions: 3.5 AGPAs (limited-term), 1.0 SSMI and 0.5 Special Investigator (SI) (non-sworn), effective FY 2010/11. However, the PTBCs 3.5 AGPA positions were limited-term and were abolished September 30, 2012 (FY 2012/13). Further, the (0.5) SI (non-sworn) position was reduced to 0.1 pursuant to BL-12-03 (FY 2013/14).

The PTBC had 4.3 CPS staff to process complaints, administrative citations, disciplinary cases and probation monitoring in addition to other administrative enforcement-related duties. In FY 2011/12, the number of cases assigned to each analyst was extremely high, an average caseload of 500 cases per analyst.

In addition, the PTBC had a budget deficiency for its Attorney General (AG) costs. The PTBC had exhausted its AG budget allotment mid-year resulting in a one-time budget augmentation of $150,000 (BL-111-04) in FY 2011/12. Prior to FY 2011/12, the PTBC was required to redirect $120,902 from its OE&E budget to accommodate its increased AG costs.

Due to the increased workload, staffing deficiencies, and budget constraints, the CPS program backlogs continued to escalate. The PTBC was required to redirect the staff to the highest priority cases. This allowed staff to focus on the more egregious cases that put the consumer at a higher risk. This directive would remain in effect until the PTBC could obtain adequate staffing and budget resources.
To correct its staffing deficiency within the CPS program, the PTBC recommended adding three additional positions to meet its ongoing workload for processing complaint intake, administrative and disciplinary actions, and probation monitoring within its CPS program. In response, the Senate Committee on Business, Professions and Economic Development (Committee) recommended to reinstate the PTBCs CPEI positions that were previously abolished on September 30, 2012. As a result, the PTBC requested and received four (4.0) positions through the Budget Change Proposal (BCP) process: two Staff Service Analysts in FY 2013/14 (BCP-1110-05) and two Associate Governmental Program Analyst positions in FY 2015/16 (BCP-1110-31).

To correct its budget deficit, the PTBC requested its loan to the General Fund (GF) be repaid prior to the PTBCs insolvency, which the Committee subsequently recommended. As a result, the PTBC was paid in full in FY 2015/16. The PTBC received a payment of $1.5 million for the GF loan and an additional $23,000 interest payment.

The PTBC also requested approval for an additional $266,000 (budget augmentation) to correct its budget deficiency for its AG costs associated with enforcement caseload. In response, the Committee recommended that the PTBCs AG budget be augmented to accurately reflect the PTBCs actual AG costs. As a result, the PTBC requested and received a budget augmentation to its AG budget of $142,000 through the BCP process effective FY 2014/15 (BCP-1110-32).

ISSUE #2: (NEED FOR FICTITIOUS NAME PERMIT.) Should the PTBC be granted the authority to require a fictitious name permit for physical therapists similar to the Medical Board?

The PTBC recommended that authority be granted to require a fictitious name permit for physical therapists similar to that which is required by the Medical Board

for the Committee's consideration. Particularly, the PTBC was seeking direction from the Committee as to whether the concept was reasonable for the PTBC to pursue. In response, the Committee determined there did not appear to be any reason why the PTBC should not be authorized to require a fictitious name permit. As a result, the PTBC conducted an in-depth analysis of the implementation of the concept and concluded that a fictitious name permit was unnecessary.

ISSUE #3: (MAJOR CHANGES TO PHYSICAL THERAPY PRACTICE ACT.) Does the Practice Act for Physical Therapist need to be substantially revised?

In the 2012 Sunset Review the PTBC recommended revising the Physical Therapy Practice Act (Act) in its entirety to provide an Act that was consistent with the current role of the physical therapy profession.
At the recommendation of the Committee, the Act was repealed, revised, and recast under the last PTBC Sunset bill, SB 198, effective January 1, 2014. SB 198 represented the PTBCs 10-year efforts of working with stakeholders to make the Act less complex and easier to use.

Section 11 – 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 that were raised under prior Sunset Review that have not been addressed.**

   The mission of the Physical Therapy Board of California (PTBC) is "to promote and protect the interests of the people of California by the effective and consistent administration and enforcement of the Physical Therapy Practice Act". In order to fulfill its mission, the PTBC must have a workforce consistent with the workload resulting from its mandate. Specifically, the PTBC Administrative Services Program (Administrative) does not have adequate position authority to maintain the volume of workload, and continuously struggles to complete work requirements, resulting in continuous backlogs within its cashiering, mail desk and outreach services.

During the 2012 Sunset Review, the PTBC identified staffing deficiencies within all program areas that were negatively impacting overall program operation, which included the Administrative program. Since then, the PTBC has attempted to obtain adequate staffing resources, with no success.

The Administrative program is an essential component of the PTBC. These services provide effective and efficient administrative and technical support in the implementation of all PTBC programs. The administrative staff provide support through processing all incoming mail; cashiering; personnel; budget; legislative and regulatory administration; and, other administrative support functions, such as outreach, travel, training, procurement, computer/technology, etc.

The Administrative program is comprised of 4.0 authorized positions and one Temp Help: (1.5) AGPA, (1.0) SSA, (1.0) two-year, limited term AGPA (expires 6/30/16), (0.5) two-year, limited term SSA (expires 6/30/17), and one (equivalent to 0.8) permanent intermittent OT (Temp Help).

The Administrative staff members are responsible for different functions throughout the program and tasked with a high volume of workload that is time sensitive in nature. Particularly, functions such as processing mail, cashiering, and outreach functions must be processed timely.

Cashiering

The cashier workload relies on the mail processed by the PTBC receptionist (mail desk). The cashier is responsible for processing all checks, money orders and cash received for applications for licensure and/or examination, license renewals; cost recovery for administrative citations and disciplinary actions; refunds for over-payments; dishonored checks; endorsement requests; duplicate license requests and fingerprint cards for licensure. In addition, the cashier is required to maintain cashier logs, reports, reconcile discrepancies and report cashiering statistics on a monthly basis.

There is currently one permanent intermittent OT (Temp Help) position tasked with completing all cashiering workload, including acting as the Subject Matter Expert for BreEZe cashier functions and business practices. The OT supports an annual applicant population of approximately 2,100 and a license population of 37,000. The OT is limited to 6.80 work hours per day, not to exceed 1,500 total hours per calendar year (including paid holidays, sick leave, vacation, etc.). On average, a permanent intermittent staff member provides 1,400 work hours per calendar year.

Currently, the cashiering workload alone equates to 1,636 work hours (annual). The cashiering workload has increased by approximately 10.5% equivalent to 714 work hours from FY 2012/13. Due to the increased workload and limited staffing resources, the PTBC suffers continuous backlogs.

The PTBC is requesting one permanent full time position in efforts to complete its cashiering functions timely and comply with the SAM requirements.

Receptionist

The receptionist workload relies on the volume of workload within all program areas as the receptionist is tasked with processing all incoming mail, which includes receipting, opening, sorting, date stamping, reviewing, distributing to appropriate staff, etc. In addition, the receptionist responds inquiries by phone, correspondence and in person regarding various program requirements and processes.

There is currently one permanent part time (0.6) OT position that is tasked with performing the receptionist workload. The OT supports all PTBC staff, board members, and an annual applicant population of approximately 2,100 and a license population of 37,000. The OT is limited to working 4.80 hours a day providing an average of 1,100 work hours per year.

Currently, the mail process workload alone equates to 1,464 work hours (annual). The mail workload has increased by 56.68% or 529.67 work hours per year from FY 2012/13. Due to the increased workload and limited staffing resources, the PTBC is unable to process incoming mail timely and suffers continuous backlogs. These mail processing backlogs create delays within all program areas as numerous business processes rely upon timely receipt of the mail.

The PTBC is requesting one permanent part time position in efforts to complete its mail process requirements timely and comply with the SAM requirements.

Outreach

The outreach program provides PTBC the unique opportunity to reach out to consumers and licensees either face to face or by way of online communication, i.e., social networking. The outreach staff is responsible for representing the PTBC at events, monitoring trends within the profession and developing

presentations in accordance with the Physical Therapy Practice Act and PTBC business practices, creating publications (i.e. newsletters, etc.), responding to incoming inquiries from consumers and licensees and maintaining the PTBC Web site to ensure the most current information is available.

Over the past several years, the PTBC has experienced a vast increase in online communication and the PTBC has been required to rely heavily on online communication. In efforts to address this increasing workload, the PTBC began enhancing its social networking through the PTBC Outreach program. The PTBCs goal is to ensure that outreach and communication is efficient and effective. This goal directly relates to PTBCs Strategic Plan 2014-2017 (Goal 6).

Online communication is an essential and critical part of PTBCs outreach program to educate consumers and licensees regarding all program areas, including administration; application; licensing; continuing competency; examination and enforcement. The outreach staff is responsible for monitoring and maintaining the public email, maintaining the Twitter and Facebook accounts, processing all inquiries, and posting updates and news alerts, i.e., regulatory hearing notices, disciplinary actions, board meetings, etc. In addition to the PTBC email address, Twitter and Facebook, the outreach staff is responsible for PTBCs “Email List” registry and quarterly newsletter, “Progress Notes”. The Email List allows the public to register to receive updates via email. When registering individuals are given the option of selecting the type of information they would like to receive, such as General [includes board activities, i.e., meeting agendas, advisory notices and special bulletins]; Citation and Disciplinary Actions; and Rulemaking [i.e., proposed regulations and regulatory updates]. The newsletter provides a snap shot of PTBCs current issues as well as upcoming issues and events. It also includes articles related to the profession and provides pertinent information related to rules and regulations, etc. The newsletter receives a significant number of viewers each year.

The SSA is also responsible for other tasks, such as training, travel administration, and serves as the PTBCs Personnel Liaison. As part of these responsibilities, the SSA is required to process, track and maintain all travel and training requests for staff and Board Members. As the Personnel Liaison, the SSA is also responsible for processing personnel transactions, such as classification and pay, equal employment, health and safety, labor relations, conflict of interest, and selection services.

The PTBC is authorized one (0.6) SSA position tasked with maintaining the workload equivalent of two permanent full time positions. As a result, the PTBC

was approved a 0.4 position authorized in the blanket through BL-12-03. However, this still does not accommodate the volume of workload. Due to increased workload and limited staffing resources, outreach functions have been distributed to existing resources within the Administrative program.

The PTBC is requesting one permanent full time position in efforts to establish an outreach program in efforts to comply with BCP §2605 (i).

The PTBC respectfully request the Committee to reconsider its request for additional staffing resources in order to effectively fulfill its mandates within its Administrative program.

2. New issues that are identified by the board in this report.

Issue #1: Updating Fee Statute

The PTBCs current application and licensing fees are set at the statutory caps; therefore, should the PTBC need to increase its fees to sustain ongoing operational costs, the PTBC will not have the statutory authority to do so.

In an effort to avoid an operational deficiency within the next 5 years or prior to PTBCs next Sunset Review (FY 2022/23), the PTBC suggests amending the licensing caps under Business and Professions Code §2688 to appropriate amounts that would sustain the ongoing operations of the PTBC. It should be noted, should this action be approved through the Sunset Review process, the outcome will increase the licensing fee caps *only*. Should the PTBC require the need to increase its licensing fees to sustain ongoing operations, the PTBC would require a regulatory change through the rulemaking process which includes various approvals, including board members.

Issue #2: Clarifying Revisions to Retired License Status

SB 198 (Lieu, 2013) added BPC §2648.7 to the Physical Therapy Practice Act and provides that a licensee is exempt from payment of the renewal fee and from meeting the continuing education requirements if he or she has applied to the PTBC for retired license status. That statute also prohibits a holder of a retired license from engaging in the practice of, or assisting in the provision of, physical therapy unless the licensee applies for renewal and meets all of the license renewal requirements. There are currently 143 PTBC licensees in retired license status.

However, BPC §2648.7 does not adequately provide a system for applying for the retired license, or procedures for reactivating a license from retired license status. Accordingly, this past year, the PTBC pursued clarifying regulations that would have established requirements for qualification and procedures for the licensee to apply for retired license status, as well as procedures for reactivating a license to active status. During this process, AB 2859 (Low, 2016) was introduced and subsequently signed by the Governor to authorize a board to establish regulations for a retired license system. However, that bill exempts a board that has other statutory authority to establish a retired license.
Because BPC §2648.7 exempts a licensee from payment of renewal fees, but does not specifically authorize the PTBC to establish a retired license, it is unclear whether the PTBC would be exempt from the provisions of AB 2859.

Accordingly, the PTBC recommends addressing this issue by repealing BPC §2648.7, effective at a future date (i.e., July 1, 2019). This repeal would remove the existing, unclear retired license statute and allow the PTBC to rely on the new retired license status statute, BPC §464, established in AB 2859. The PTBC recommends a delay in the repeal of the PTBCs existing retired license statute so that licensees who currently have retired license status are not left in limbo while the PTBC promulgates regulations to satisfy the requirements to establish regulations pursuant to BPC §464.

Issue #3: Technical Corrections to a Cross Reference

SB 198 (Lieu, 2013) changed BPC §2683 to BPC §2644; however reference to BPC §2683 still remains in BPC §2689; therefore, it needs to be corrected to reference BPC §2644.

Issue #4: English Proficiency Exemption

SB 198 (Lieu, 2013) added subdivision (b) to BPC §2653 and requires an applicant for a license as a physical therapist who has graduated from a physical therapist education program that is not approved by the PTBC and is not located in the United States to demonstrate proficiency in English by achieving a score specified by the Board on the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Services (ETS) or such other examination as may be specified by the PTBC by regulation. BPC §2653 contains no exemption for foreign licensure applicants, who have graduated from a physical therapy program in a country whose primary language is English. Notably, foreign-educated individuals seeking a work visa in the United States are exempt from the TOEFL requirement if they have graduated from a college,

university, or professional training school located in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States. (Title 8, Code of Federal Regulations, §212.15, subsection (i)(3).) This exemption recognizes that the foreign worker has demonstrated English proficiency because he or she has graduated from a program in a country whose primary language spoken is English.

The existing statutory requirement may be construed as an unnecessary barrier to licensure in California. Currently, foreign-educated physical therapy applicants, who have already demonstrated English proficiency by graduating from a program in a primarily English-speaking country, must also demonstrate English proficiency by passing the TOEFL. To address this problem, the PTBC pursued an exemption through the regulatory process; however, the Office of Administrative Law determined that establishing such a regulatory exemption is outside the scope of the PTBCs authority. Accordingly, the PTBC recommends adding to the statute an exemption from the TOEFL requirement for foreign-educated applicants that is consistent with the exemption provided by the United States Citizenship and Immigration Service. The PTBC has determined that the balance between maintaining consumer protection and promoting physical therapist licensure in California can be achieved by providing applicants who are proficient in English with this exemption, but requiring that the qualifying degree must be in a physical therapist education program. The Board's recommended statutory amendments are proposed below.

Proposed Revisions to Business and Professions Code §2653

An applicant for a license as a physical therapist who has graduated from a physical therapist education program that is not approved by the board and is not located in the United States shall do all of the following:

(a) Furnish documentary evidence satisfactory to the board, that he or she has completed a professional degree in a physical therapist educational program substantially equivalent at the time of his or her graduation to that issued by a board approved physical therapist education program. The professional degree must entitle the applicant to practice as a physical therapist in the country where the diploma was issued. The applicant shall meet the educational requirements set forth in paragraph (2) of subdivision (a) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.

(b) (1) Demonstrate proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language administered by the Educational Testing Services or such other ~~examination~~ means as may be specified by the board by regulation.

(2) An applicant is exempt from the requirements under paragraph (1) if the applicant has been awarded a bachelor's degree or higher in a physical therapist educational program from a college, university or professional training school in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States.

(c) Complete nine months of clinical service in a location approved by the board under the supervision of a physical therapist licensed by a United States jurisdiction, in a manner satisfactory to the board. The applicant shall have passed the written examination required in §2636 prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service, the applicant shall be identified as a physical therapist license applicant. If an applicant fails to complete the required period of clinical service, the board may, for good cause shown, allow the applicant to complete another period of clinical service.

Issue #5: Treatment plan of care for children covered under the Individuals with Disabilities Education Act (IDEA)

According to California Physical Therapy Association (CPTA), Business and Professions Code §2620.1 should contain an exemption to the current 45-day/12 visit requirement. Under BPC 2620.1, physical therapists are prohibited from providing direct treatment beyond 45 calendar days or 12 visits, whichever occurs first without receiving a documented medical diagnosis, or a dated physician's signature on the physical therapist's plan of care. For a child covered by the IDEA, which entitles the child to receive appropriate services to meet the child's education need, this medical diagnosis requirement in some cases delays the child's ability to receive proper medical treatment or medical equipment.

CPTA presented this issue to the PTBC at the end of its Sunset Review Report process, which did not give the PTBC sufficient time to consider this complex issue. The PTBC recognizes that children with disabilities are part of our most vulnerable population. Further, the PTBC recognizes the overlay of federal law on this complex issue and respects the statutory safeguards that currently exist. Although PTBC voted to include this issue in the Sunset Review Report, the PTBC does not have any particular position on this issue at this time. The PTBC respectfully informs the Committee of this issue.

PHYSICAL THERAPY BOARD OF CALIFORNIA

Physical Therapy Board of California

Board Member Administrative Manual

November 2014

2005 Evergreen Street, St 1350, Sacramento, CA 95815

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This manual is a general reference including laws, regulations and basic Board policies to guide the actions of Board members to ensure Board effectiveness and efficiency.

This administrative procedure manual, regarding Board policy, can be amended by a majority of affirmative votes of any current or future Board. The Board delegates authority to staff to make non-substantive changes as necessary.[1]

[1] Delegation approved at the May 2014 Board Meeting.

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Chapter 1. Introduction

Acronyms/ Definitions	ALJ	Administrative Law Judge
	BPC	Business and Professions Code
	CPS	Consumer Protection Services
	DOI	Division of Investigation
	DCA	Department of Consumer Affairs
	GC	Government Code
	Board	Physical Therapy Board of California
	SAM	State Administrative Manual

Mission Statement The mission of the Physical Therapy Board of California is to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

Overview In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the legislature has always been protecting the public from the incompetent, unprofessional and criminal practice of physical therapy since its inception. The Board is one of over 40 regulatory entities which exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

The Board consists of seven members, four licensed physical therapists and three public members, who serve a maximum of two four-year terms. The Governor appoints the four licensed physical therapists and one public member, and the Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

The Board appoints an Executive Officer as its administrator who oversees the board's staff and ensures all of its programs function efficiently and effectively.

The Board is funded through license and application fees; therefore, the board does not receive monies from State of California.

General Rules of Conduct

Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without proper authorization.

Board members shall maintain confidentiality of information received in closed session.

Board members shall commit time to prepare for Board meeting responsibilities. This includes reviewing Board meeting minutes, administrative cases, and any other materials provided to the Board members by staff that are related to official Board business.

Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or professional.

Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall uphold the Board's primary mission – protection of the public.

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with Executive Order 66-2.

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times.

Chapter 2. Board Meeting Procedures

Frequency of Meetings
(B&P § 2611)

The Board shall meet at least three times each year, meeting at least once in northern California and once in southern California.

(Open Meeting Act[2])

Special meetings of the Board may be held at such times and locations as the Board deems necessary.

(Open Meeting Act)

Due notice of each meeting and the time and place thereof shall be given in the manner provided by the law.

Board Member Attendance at Board Meetings
(Board Policy and BPC § 106)

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused from the meeting for a specific reason. The Governor has the power to remove from office any member appointed by him for continued neglect of duties, which may include unexcused absences from meetings.

Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

Public Attendance at Board Meetings
(G. C. §11120 et. seq.)

Meetings are subject to all provisions of the Open Meeting Act. This act governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters which are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

[2] Bagley-Keene Open Meeting Act

Quorum
(B&P § 2611)

Four members of the Board shall constitute a quorum for the transaction of business.

The concurrence of a majority of those members of the Board present and voting at a duly noticed meeting at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items
(Board Policy)

Any Board member may submit items for a meeting agenda during the "Future Agenda Items" section of a Board meeting or directly to the Executive Officer not fewer than 30 days prior to the meeting with the approval of the Board President or chair of the committee or task force.

The public may submit an item for consideration for a future meeting agenda. The item shall be submitted not fewer than 30 days prior to the meeting and must be approved by the Board President to be added to a future meeting agenda.

Notice of Meetings
(G. C. §11120 et seq.)

In accordance with the Open Meeting Act, meeting notices (including agendas for Board, committee, or task force meetings) shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include the name, work address, e-mail address, and work telephone number of a staff person who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet
(Government Code section 11125 et seq.)

Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

Record of Meetings
(G.C. § 6254 (a))

The Board and each committee or task force shall keep an official record of all their proceedings. The minutes are a summary, not a transcript, of each Board, committee or task force meeting. They shall be prepared by staff and submitted to members for review before the next meeting. Minutes shall be submitted for approval at the next scheduled meeting of the Board, committee or task force. Draft minutes are not public documents until approved by the Board. When approved, the minutes shall serve as the official record of the meeting.

Electronic Recording
(Board Policy)

The meeting may be electronically recorded, whether by video or audio. Electronic recordings will be disposed of upon approval of the minutes in accordance with the Board's record retention schedule.

(G.C. § 11124.1 (b))

Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

Meeting Rules
(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g. Open Meeting Act), as a guide when conducting its meetings.

Public Comment
(Open Meeting Act & Board Policy)

Public comment is always encouraged and allowed; however, if time constraints mandate, the comments may be limited to a time specified by the Board President per person.

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive

information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:

   a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.

   b. Where the allegation involves significant staff misconduct, the Board may request the person to put the allegation in writing and send it to the Executive Officer of the Board or the Director of DCA who may forward the allegation to Division of Investigation (DOI) or CHP for investigation.

3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at

the Board meeting.

(G.C. § 11125.7 (a), (b), (c))

4. At the discretion of the Board President or chair of the committee, speakers may be limited in the amount of time to present to give adequate time to everyone who wants to speak. In the event the number of people wishing to address the Board exceeds the allotted time, the Board President or chair of the committee may limit each speaker to a statement of his/her name, organization, and whether they support or do not support the proposed action.

Chapter 3. Travel & Salary Policies & Procedures

Travel Approval
(DCA Memorandum 96-01)

The Board President's approval is required for all Board members' for travel, except for travel to regularly scheduled Board, committee, or task force meetings to which the Board member is assigned.

Approval of Unscheduled Travel
(Board Policy)

The President of the Board will be responsible for approving all unscheduled travel plans submitted by Board members and staff. Unscheduled travel plans will be submitted in writing to the Executive Officer for perspective and feasibility. The Executive Officer will seek the approval of the President.

Travel Arrangements
(Board Policy)

Board members should make their own travel arrangements but are encouraged to coordinate with Board staff on lodging accommodations.

Out-of-State Travel
(SAM section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled by and must be approved by the Governor's Office.

Travel Claims
(SAM section 700 et seq. and DCA Memorandum 96-01)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms or through CalATERS (California Automated Travel Expense Reimbursement System). If Board members use paper claims, Board staff maintain these forms and complete them as needed. Board members should submit their travel expense forms or information in CalATERS immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Travel Guide, which are periodically disseminated by the Administrative Services Manager, or his or her designee.

Salary Per Diem
(BPC § 103, 2606 & Board Policy)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by BPC section 103, which states:

> Each such member shall receive a per diem of one hundred dollars ($100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, committee, or task force meetings, in which a substantial official service is performed, shall be approved in advance by the Board

President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to Board member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board, committee, or panel meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave a meeting early, the Board President shall determine if the member has provided a substantial service during the meeting, and if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences. It includes preparation time for Board, committee, or task force meetings.

(Board Policy HR 08-11) It is the Board's intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.

Chapter 4. Selection of Officers and Committees

Officers of the Board
(BPC § 2604)

The Board shall select a President and a Vice-President annually.

Election of Officers
(Board Policy)

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year beginning the next calendar year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies
(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice-President shall assume the office of the President. Elected officers then shall serve the remainder of the term.

Committee or Task Force Appointments
(Board Policy)

The Board President shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice-President, and the Executive Officer. committees may include the appointment of non-Board members.

Attendance at Committee or Task Force Meetings
(G. C. §11120 et seq.)

If a Board member wishes to attend a meeting of a committee or task force of which he or she is not a member, the Board member should notify the committee or task force chair and staff. Board members who are not members of the Committee or task force that is meeting cannot vote during the committee or task force meeting and may participate only as observers if a majority of the Board is present at a committee meeting.

Chapter 5. Board Administration & Staff

Board Administration
(DCA Reference Manual)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Executive Officer
(B & P Code § 2607.5 & Open Meeting Act)

The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Open Meeting Act.

Executive Officer Evaluation
(Board Policy)

Board members shall evaluate the performance of the Executive Officer at least on an annual basis.

Board Staff
(DCA Reference Manual)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

Experts - Consultants
(Board Policy)

The Board requires special services, certain content experts, or consultants for specific project and problems. Such services are arranged by means of state approved contracts established in the standard ways. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as (e.g.,) ex officio members of the Board.

Board Budget
(Board Policy)

The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Business Cards
(Board Policy)

Business cards will be provided to each Board member with the Board's name, address, telephone number, fax number, website address and e-mail address.

Strategic Planning
(Board Policy)

The Board will conduct periodic strategic planning sessions.

Projects/Approval for New Projects
(Board Policy)

The Board President will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the Executive Officer for perspective and feasibility.

Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation
(Board Policy)

The Board adopted the following positions regarding pending or proposed legislation.

Oppose: The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

Oppose, unless Amended: The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

Neutral: The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

Watch: The watch position adopted by the Board will indicate concern regarding the proposed legislation. Board staff and members will closely monitor the progress of the proposed legislation and amendments.

Support, if Amended: The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

Support: The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

(Board Policy LEG 05-12)

The Board President has the authority to take interim positions on pending legislation on behalf of the Board, if necessary. The interim position taken by the Board President is the interim position of the Board until the next meeting of the Board at which the Board will decide to either ratify the interim position or reject it.

Chapter 6. Enforcement and Disciplinary Actions

Priority of Complaints
(Board Policy)

The Board adopted DCA's *Complaint Prioritization Policy* to assist staff in determining how to manage incoming complaints in light of available resources. The policy is found in Appendix A.

Investigative Staff and Services
(Board Policy)

The Executive Officer is responsible for directing the course of any investigation into the conduct of an applicant or licensee. The Board utilizes the Department's Division of Investigation for its formal investigative services.

The Executive Officer may determine the resources to be expended on any given case, including whether a subject matter expert should be consulted, and who may act as a subject matter expert.

Discipline and Citations
BPC § 125.9, BPC § 2660 et. Seq., and 16 CCR §

The Board is authorized to take enforcement action against a licensee for any violation of the Physical Therapy Practice Act (Act). There are two types of license enforcement actions: 1) discipline and 2) citations.

Discipline is a formal action against the license that becomes a permanent part of the licensing record. Disciplinary actions may result in revocation of the license (and the loss of the ability to practice physical therapy) or the contingent loss of the license (a stayed revocation) with probationary conditions for a specified term.

A citation, which may be issued with or without a fine, is an enforcement tool by which the Board may address relatively minor violations of the Act that do not necessarily warrant disciplinary consequences in order to protect the public. A citation is not a disciplinary action. Citations are purged and destroyed after five years.

All enforcement actions are available to the public for as long as they exist. Both citations and discipline may be appealed, and may result in a matter coming to the Board itself for decision.

Administrative Proceedings
(BPC, §§ 2608, 2614)

Unless otherwise specified in the Business and Professions Code, administrative proceedings against a license are conducted in compliance with Chapter 5 of the Administrative Procedure Act (Gov. Code, § 11500 *et seq.*).

An administrative proceeding refers to any action to deny, restrict or revoke a license. The proceeding begins when the Executive Officer files a charging document – usually a Statement of Issues (to deny a license) or an Accusation (to restrict or revoke a license).

If the licensee fails to respond to a charging document, a default decision is prepared and submitted the Board members for vote. If the licensee and the Executive Officer agree to a particular enforcement outcome, a stipulation is prepared and presented to the Board members for vote. If neither of the above occurs, the case is sent to a formal hearing before an administrative law judge (ALJ). After considering the evidence from the hearing (usually documents and witness testimony), the ALJ issues a proposed decision (a recommended resolution), which is then presented to the Board members for vote.

Review of Decisions
(Gov. Code § 11500, et seq.; BPC § 2602.1; Title 16, C.C.R. § 1399.15)

Board members, by majority vote of a quorum, must approve any decision (proposed decision, stipulation or default) before the decision becomes final and the formal discipline (penalty), if any, can take effect.

Each Board member shall thoroughly review any decision presented for vote. Each case shall be evaluated on a case-by-case basis, considering the following factors:

1. Whether the Board's highest priority, protection of the public, is effected by the decision;
2. Whether the Board's *Guidelines for Issuing Citations and Imposing Discipline* are satisfied or whether variation is warranted;
3. Whether the decision addresses any misconduct in a way consistent with the nature and degree of the violation;
4. Whether the standards of practice in physical therapy and in the community were used as a basis for reaching the decision; and
5. Whether the decision may be reasonably and practically implemented.

Member Questions and Communications about Decisions

Communications with staff concerning pending proceedings, including decisions, are limited by the provisions of the Administrative Procedure Act. There

(Gov. Code § 11430.10, et seq.)

are two parties to any disciplinary proceeding – complainant (the Executive Officer and other staff) and respondent (the licensee). The Board members decide the case and therefore act as judges. To avoid the fact or appearance of bias or impropriety, communications between one party (staff or the licensee) and Board members are limited.

There are two common exceptions to this restriction. First, staff may answer questions of procedure and ministerial questions (*e.g.*, when is a vote due, when will a decision become effective).

Second, staff or the Deputy Attorney General may communicate about stipulated decisions – and only stipulated decisions – only to explain why the stipulated decision should be adopted.

Board members may direct questions about a decision to the Board's legal counsel, who is not involved in the investigative stage of the proceeding. Questions about permissible or impermissible communications should also be directed to legal counsel.

Mail Ballots
(Gov. Code, § 11526 Board policy)

Proposed decisions, stipulations and default decisions are mailed (electronically or otherwise) to each Board member for voting. The Board members may vote to adopt, reject (non-adopt) or seek to hold the case (discussed in detail below).

A 10 calendar day deadline is generally given for a mail ballot to be completed and returned to the Board's office. Board staff reviews the ballots and, if a decision is reached by a majority of the Board, prepares the decision for the President's signature.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on a mail ballot, a Board member may wish to discuss a particular aspect of the decision before voting. If one or more members marks their ballot to "hold for discussion," the case will be

scheduled for the closed session of the Board's next meeting. At the time the ballot is prepared, the Board member should record his or her concern. Recording the concern facilitates the discussion by allowing staff, if permitted to comment, legal counsel and other members an opportunity to prepare to respond to the concern as appropriate. Since there can also be a delay before the next meeting, it can preserve the member's memory.

When a matter is held for closed session, Board legal counsel will be present to advise and assist the Board.

Rejection (non-adoption) of a Proposed Decision
(Gov. Code, § 11517)

If the Board votes to reject a Proposed Decision of an ALJ, absent specific direction to the contrary from the Board, the transcript and exhibits of hearing will be ordered and it will provide an opportunity for written argument. No new evidence will be taken. The Executive Officer will fix the date for submission of written argument to ensure Board members have time to review any materials prior to a Board meeting.

Reconsideration (Gov. Code § 11517 and Board Policy)

The Board, on its own motion or on petition of any party, may order a reconsideration of all or part of a case at any time prior to the effective date of the decision. Board staff may grant any stay of the effective date authorized by law. If no action is taken on a petition for reconsideration y a party prior to the effective date of the decision, the petition is deemed denied by operation of law. After ordering reconsideration, the Board may reconsider the matter, with or without taking additional evidence, or it may assign the matter to an administrative law judge. If oral evidence is introduced before the Board on reconsideration, no member may vote unless he or she heard the evidence.

Petitions for Penalty Relief
(BPC, § 2661.7 Board Policy)

If a licensee files a petition for penalty relief (for modification or termination of existing probation or reinstatement), as long as that petition meets statutory requirements, the matter will be heard by

the Board members themselves at a Board meeting. Absent direction to the contrary, an ALJ sits with the members to preside over the hearing where evidence and argument are taken.

Enforcement Actions – Disclosure to the Public
(Gov. Code, § 6250, et seq.
BPC, §125.9

Enforcement actions, including citations and disciplinary actions, are a matter of public record and shall be provided upon request in accordance with applicable law and Department of Consumer Affairs' *Guidelines for Access to Public Records*.

Department of Consumer Affairs' Guidelines for Access to Public Records)

Disciplinary action against a license shall be disclosed to the public by means of the Board's website (through license look-up features or otherwise). It may also be disclosed through other means of communication, including direct email distribution, newsletter, or through a social media service.

Whenever possible, the actual documents that resulted in the disciplinary action shall also be posted on the Board's website to facilitate consumer access. Disciplinary action documents include the charging document (Statement of Issues or Accusation) and any final decision.

Citations are posted on the Board's website. When citation records are provided to the public, and the licensee paid a fine, the record shall reflect that payment represents satisfactory resolution of the matter.

Policy Variation

In a particular case, action by the Board itself supersedes any general Board policy set forth in this manual.

Chapter 7. Other Policies & Procedures

Board Member Address
(Board Policy)

Board member addresses, email addresses and telephone numbers are confidential and shall not be disclosed to the public without expressed authority of the individual Board member. However, if the Board member is a licensee with the Board, his or her address of record is available to the public upon request in accordance with the Public Records Act. Also, if a teleconference is held from the home of a Board member, the address of where the teleconference occurs must be published. Board issued email addresses are not confidential.

Board Member Written Correspondence and Mailings
(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer.

Communications: Other Organizations/ Individuals/Media
(Board Policy)

All communication relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board President or Executive Officer.

Communication with Interested Parties

Board members are required to disclose at Board meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board minutes shall reflect the items disclosed by the Board members.

Ex Parte Communications (*G. C. §11430.10 et seq.)*

The Government Code contains provisions prohibiting *ex parte* communications. An "*ex parte*" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board's legal counsel or Executive Officer.

Board Member Disciplinary Actions
(Board Policy)

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice-President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

Conflict of Interest
(G. C. §87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Board members should refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Service of Legal Documents

If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Gifts from Candidates
(Board Policy)

Gifts of any kind to Board members from candidates for licensure with the Board shall not be permitted.

Request for Records Access
(Board Policy)

No Board member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

Resignation of Board Members
(G. C. §1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter also shall be sent to the Officer of the Department, the Board President, and the Executive Officer.

Removal of Board Members
(BPC § 106)

The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

Board Member Training Requirements

Upon initial appointment, Board members will be given an overview of Board operations, policies, and procedures by Board Executive Staff.

(BPC § 453)

Every newly appointed or reappointed Board member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This is in addition to the Board orientation given by Board staff.

(G. C. §11146)

All Board members are required to annually file a Form 700 – Statement of Economic Interests. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher every two years thereafter.

(G. C. §12950.1) Board members are required to complete two hours of sexual harassment prevention training every two years.

Outreach/Information/ Complaints
Board Policy)

Outreach and consumer education shall be provided by the Board to applicants, licensees and consumers regarding the role of the Board, laws, and regulations and how to file complaints against licensees. This information shall be provided by the Board through:

1. Board newsletters
2. Speaking engagements by Board members and staff
3. Press releases and public affairs announcements
4. Telephone responses
5. Responses to written, faxed and e-mailed inquires
6. The Board's website

Complaint Prioritization Guidelines for DCA Health Care Agencies

As complaints are received, a staff person should immediately review each compliant to determine the appropriate course of action based on the-complaint prioritization guidelines. The table below represents true guidelines –depending on the facts, a different level of priority may be warranted. For example, a complaint based on a report from a health care practitioner data bank (normally routine) may be re-prioritized to a higher level of response based on the nature of the underlying acts.

Agencies should continue to review complaints warranting urgent or high attention to determine whether to seek an Interim Suspension Order, a Penal Code section 23 'request or other interim action as described in Deputy Director for Legal Affairs Doreathea Johnson's memorandum dated December 15, 2008.

Priority Level	Complaint Category
Urgent (Highest Priority)	• In general, any act resulting in death or serious injury)' • Gross negligence, incompetence or repeated negligent acts that -involve death or serious bodily injury – • Drug or alcohol abuse by the licensee resulting in death or serious bodily injury. • Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances, or repeated acts of prescribing w/o a good faith exam • Sexual misconduct with patient during course of treatment or examination • Practicing while under the influence of drugs or alcohol • Physical or mental abuse with injury. • Unlicensed activity alleged to have resulted in patient injuries • Aiding and abetting unlicensed activity -alleged to have resulted in -patient injuries • Arrests or convictions substantially related to the area of practice (Note: may be re-categorized based on the nature of the underlying acts) • Impairments (mental, physical or as a result of alcohol or -drug abuse including termination from a diversion-program) • Theft of prescription drugs • Furnishing prescription drugs without a prescription

Complaint Prioritization Guidelines for DCA Health Care Agencies (Continued)	
Priority Level	**Complaint Category**
High	• Negligence or incompetence without serious bodily injury • Physical or mental abuse (without injury) • Diversion drop outs • 805 Health Facility reports • Complaints about licensees on probation(whether or not injury) • Prescribing drugs without "good faith" exam(where authority to prescribe exists) • Prescribing or dispensing drugs without authority • Multiple complaints of the same allegation • Complaints with multiple prior complaints • Unlicensed activities (with no apparent harm) • Aiding and abetting unlicensed activity * with no apparent harm) • When evidence will likely be destroyed or unavailable
Routine	• False/misleading advertising • Patient abandonment • Fraud • Failure to release medical records • Record keeping violations • Applicant misconduct • National Practitioner Data bank reports • Workers Compensation Complaints • Non-jurisdictional complaints (fee disputes, billing) • Exam subversion(exam not compromised) • Continuing Education • Breach of confidentiality

Attachment B: Current Organizational Chart Showing Relationship of Committees

The PTBC does not have any Committees; therefore no additional material is provided under this section.

Attachment C: Major Studies

The PTBC does not have additional material to provide on this item under this section. See Question 4 in Section 1.

Department of Consumer Affairs

PHYSICAL THERAPY BOARD OF CALIFORNIA

June 30, 2013

FY 2012-13
Authorized Positions: 14.3
BL 12-03 (999 Blanket):0.4

All Positions CORI

Jason Kaiser
Executive Officer
640-110-8985-001

Elsa Ybarra
Staff Services Manager I
640-110-4800-002

CONTINUING COMPETENCY SERVICES

Staff Services Analyst
Karin Thompson (1.0)
5157-003 (0.8)
Kirsten Salters
5157-007 (0.5)

CONSUMER PROTECTION SERVICES

Special Investigator
Monny Martin
8612-004

Associate Governmental Program Analyst
Cristy Livramento
5393-005 (0.8)
Deborah Nardine
5393-803
VACANT (eff. 6/14/13)
5393-800

Management Services Technician
Beatriz Reynoso
5278-907 (PI)

Staff Services Analyst
Carole Phelps
5157-907 (PI)

Office Technician (T)
Vincent Azar
1139-907 (PI)

Elizabeth Constancio
Staff Services Manager I
640-110-4800-001

ADMINISTRATIVE SERVICES

Associate Governmental Program Analyst
Sarah Conley
5393-006
Carl Nelson
5393-801

Staff Services Analyst
Korey Landry (1.0)
5157-012 (0.6)

Information Systems Technician
David Laxton
1360-907 (PI)

Office Technician (T)
Lita McFaddin (1.0)
1139-002 (0.6)

APPLICATION AND LICENSING SERVICES

Associate Governmental Program Analyst
Sophia Cornejo (1.0)
5393-004 (0.8)

Staff Services Analyst
Veronica Gutierrez
5157-804

Office Technician (T)
Alyasha Crutcher
1139-907 (PI)
Teresa Gutierrez
1139-907 (PI)

Jason Kaiser, Executive Officer — Date

Personnel Analyst — Date

Department of Consumer Affairs

PHYSICAL THERAPY BOARD OF CALIFORNIA

June 30, 2014

FY 2013-14
Authorized Positions: 16.4
BL 12-03 (999 Blanket):0.4

All Positions CORI

Jason Kaiser
Executive Officer
640-110-8985-001

Elsa Ybarra
Staff Services Manager I
640-110-4800-002

Elizabeth Constancio
Staff Services Manager I
640-110-4800-001

CONTINUING COMPETENCY SERVICES

Staff Services Analyst
Karin Thompson (1.0)
5157-003 (0.8)
Kirsten Salters
5157-007 (0.5)

CONSUMER PROTECTION SERVICES

Special Investigator (non-sworn)
Monny Martin
8612-004

Associate Governmental Program Analyst
Cristy Livramento
5393-005
Carole Phelps
5393-800 (0.8)
Deborah Nardine
5393-803

Staff Services Analyst
David Laxton
5157-013*****
Beatriz Reynoso
5157-014*****

ADMINISTRATIVE SERVICES

Associate Governmental Program Analyst
Sarah Conley
5393-006
Carl Nelson
5393-801

Staff Services Analyst
Jacki Maciel (1.0)
5157-015 (0.6)
5157-999 (0.4)

Office Technician (T)
Madison Namba
1139-002 (0.6)

APPLICATION AND LICENSING SERVICES

Associate Governmental Program Analyst
Veronica Gutierrez
5393-004 (0.8)

Staff Services Analyst
Theresa Epps
5157-016

Office Technician (T)
Vincent Azar
1139-005*****
Alyasha Crutcher
1139-907 (PI)
Teresa Gutierrez
1139-907 (PI)

***** Newly established positions, effective July 1, 2013 (BCP-1110-05).

Jason Kaiser, Executive Officer — Date

Personnel Analyst — Date

Department of Consumer Affairs

PHYSICAL THERAPY BOARD OF CALIFORNIA

June 30, 2015

FY 2014-15
Authorized Position: 19.4
BL 12-03 (999 Blanket):0.4

All Positions CORI

Jason Kaiser
Executive Officer
640-110-8985-001

Elsa Ybarra
Staff Services Manager I
640-110-4800-002

Elizabeth Constancio
Staff Services Manager I
640-110-4800-001

CONSUMER PROTECTION SERVICES

Associate Governmental Program Analyst
Carole Phelps
5393-005 (0.8)
Cristy Livramento
5393-007
Karin Thompsen
5393-008*
Monny Martin
5393-009*

Staff Services Analyst
VACANT (eff. 6/1/15)
5157-013
David Laxton
5157-014
Beatriz Reynoso
5157-803

ADMINISTRATIVE SERVICES

Associate Governmental Program Analyst
Brooke Arneson
5393-004
Rebecca Marco (RA)
5393-600 (LT 6/30/16)*
Carl Nelson
5393-801

Staff Services Analyst
Jacki Maciel (1.0)
5157-015 (0.6)
5157-999 (0.4)

Office Technician (T)
Madison Hoang (0.6)
1139-002
Slade Tobey
1139-907(PI)

APPLICATION AND LICENSING SERVICES

Associate Governmental Program Analyst
Sarah Conley (Lead)
5393-006

Staff Services Analyst
Terry Epps
5157-016
Teresa Gutierrez
5157-017 (0.8)
Valerie Kearney
5157-907 (PI)

Office Technician (T)
Vincent Azar
1139-005
Krystyn Lee
1139-907 (PI)
Veronica Hagen
1139-907 (PI)

CONTINUING COMPETENCY SERVICES

Staff Services Analyst
Veronica Gutierrez
5157-003 (0.8)
Alyasha Crutcher
5157-007 (0.5)

Jason Kaiser, Date
Executive Officer

*Newly established positions, effective July 1, 2014
(BCP-1110-31 & BCP-1110-03L).

Personnel Analyst Date

Department of Consumer Affairs

PHYSICAL THERAPY BOARD OF CALIFORNIA

June 30, 2016

FY 2015-16
Authorized Position: 19.4
BL 12-03 (999 Blanket):0.4

All Positions CORI

Jason Kaiser
Executive Officer
640-110-8985-001

Elsa Ybarra
Staff Services Manager I
640-110-4800-002

Elizabeth Constancio
Staff Services Manager I
640-110-4800-001

CONSUMER PROTECTION SERVICES

Associate Governmental Program Analyst
Carole Phelps
5393-005 (0.8)
Cristy Livramento
5393-007
Karin Thompsen
5393-008
Monny Martin
5393-009

Staff Services Analyst
Vincent Azar
5157-013
David Laxton
5157-014
Beatriz Reynoso
5157-803

ADMINISTRATIVE SERVICES

Associate Governmental Program Analyst
Brooke Arneson (0.5)
5393-004
Rebecca Marco (RA)
5393-600 (LT 6/30/16)
Carl Nelson
5393-801

Staff Services Analyst
Jacki Maciel (1.0)
5157-015 (0.6)
5157-999 (0.4)
Araceli Strawmier (LT 9/30/17)
5157-018 (0.5)

Office Technician (T)
Ashley Haan
1139-002 (0.6)
Slade Tobey
1139-907(PI)

APPLICATION AND LICENSING SERVICES

Associate Governmental Program Analyst
Sarah Conley (Lead)
5393-006

Staff Services Analyst
Terry Epps
5157-016
Teresa Gutierrez
5157-017 (0.8)
Valerie Kearney
5157-907 (PI)
Krystyn Lee
5157-907 (PI)

Office Technician (T)
Justin Silva Jr.
1139-007

CONTINUING COMPETENCY SERVICES

Staff Services Analyst
Veronica Gutierrez
5157-003 (0.8)
Alyasha Crutcher
5157-007 (0.5)

Jason Kaiser, Executive Officer — Date

Personnel Analyst — Date

Department of Consumer Affairs

Physical Therapy Board of California

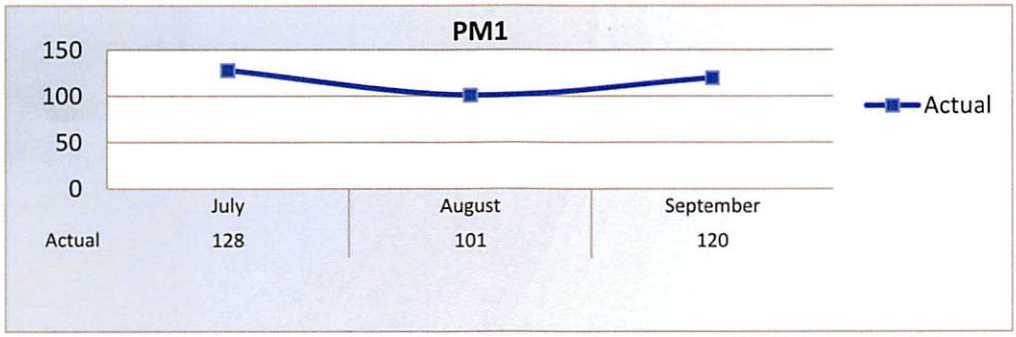
Performance Measures

Q1 Report *(July - September 2013)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

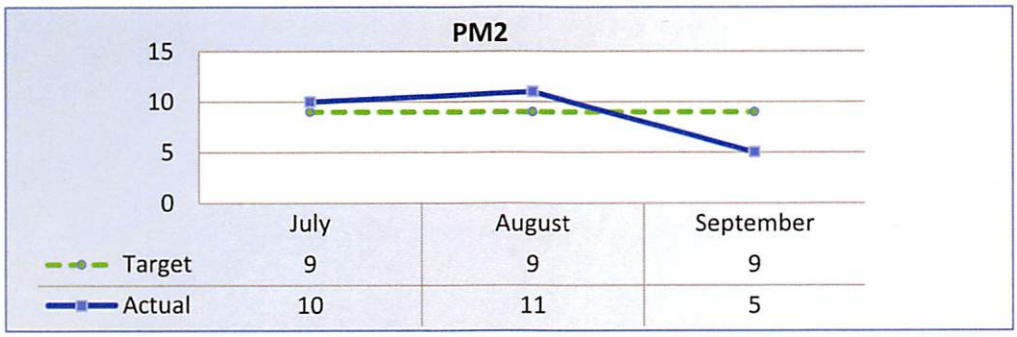


Total Received: 349 Monthly Average: 116

Complaints: 256 | **Convictions**: 93

PM2 | Intake

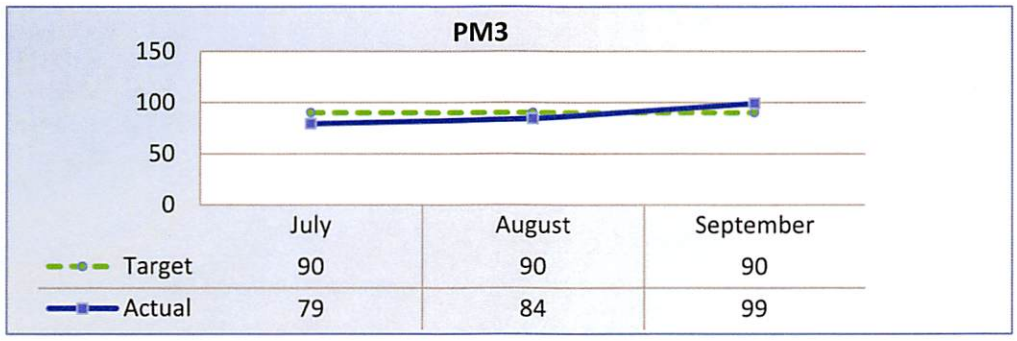
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 9 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

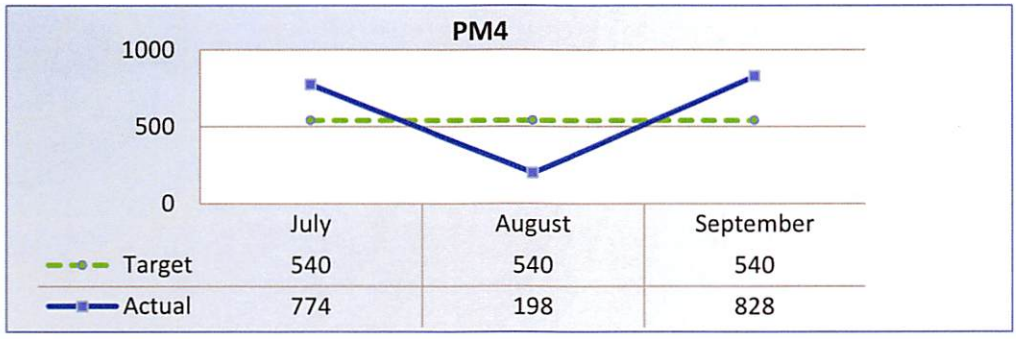


	July	August	September
Target	90	90	90
Actual	79	84	99

Target Average: 90 Days | **Actual Average:** 88 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



	July	August	September
Target	540	540	540
Actual	774	198	828

Target Average: 540 Days | **Actual Average:** 680 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

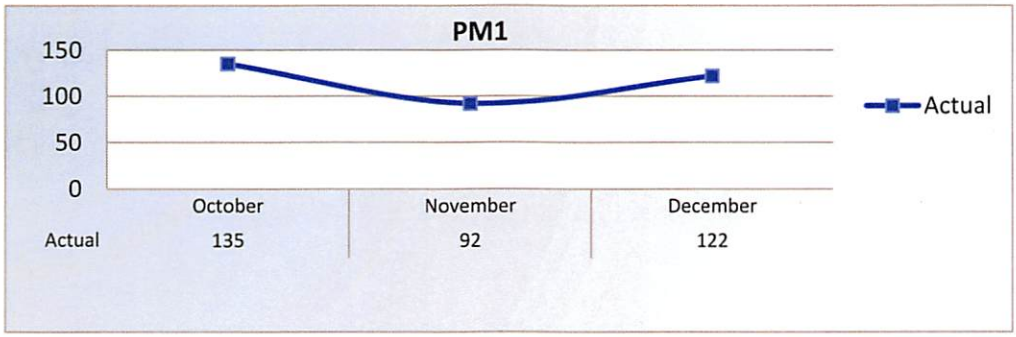
Performance Measures

Q2 Report *(October - December 2013)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

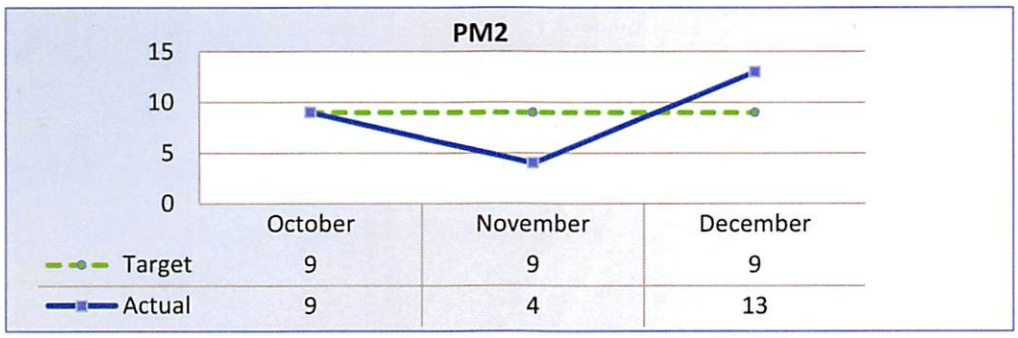


Total Received: 349 Monthly Average: 116

Complaints: 296 | **Convictions**: 53

PM2 | Intake

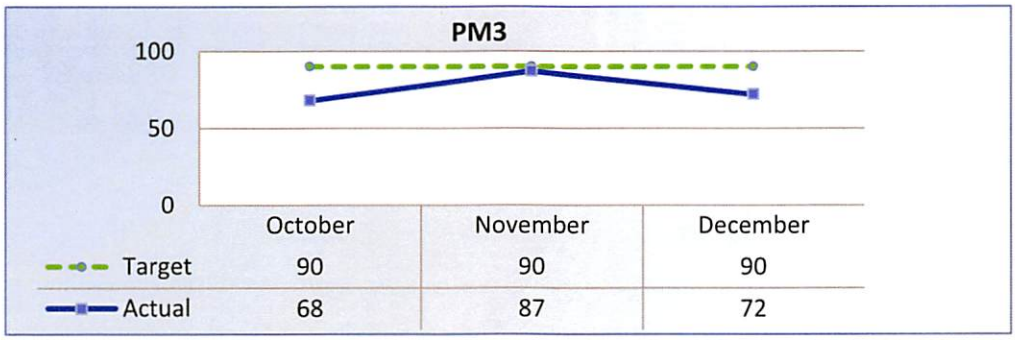
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

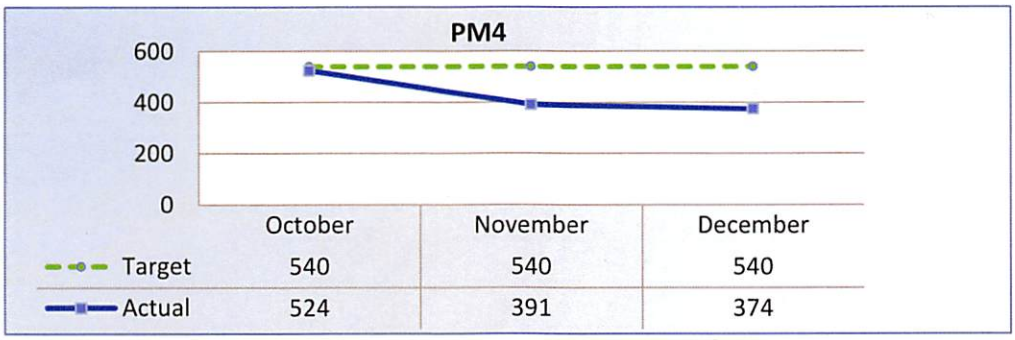


	October	November	December
Target	90	90	90
Actual	68	87	72

Target Average: 90 Days | **Actual Average:** 75 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

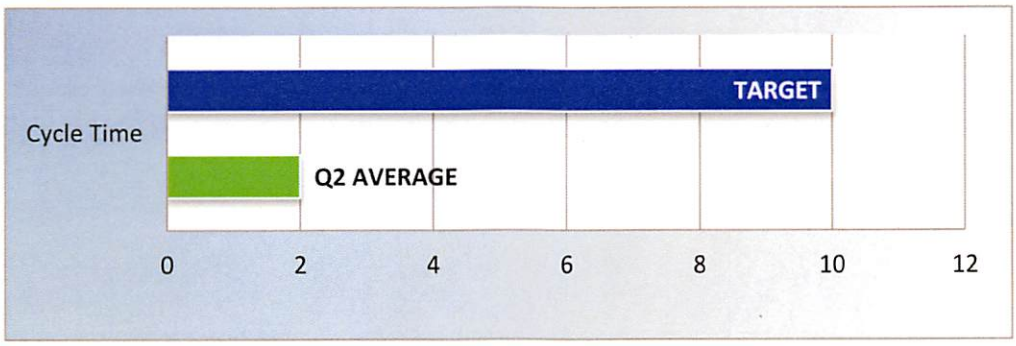


	October	November	December
Target	540	540	540
Actual	524	391	374

Target Average: 540 Days | **Actual Average:** 429 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

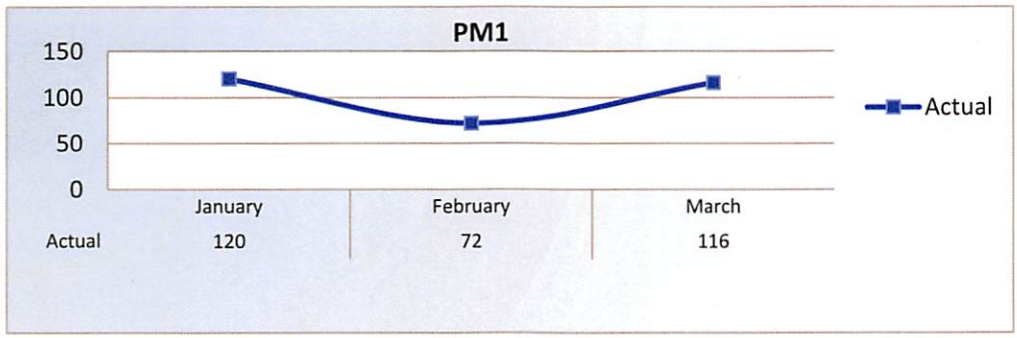
Performance Measures

Q3 Report *(January - March 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

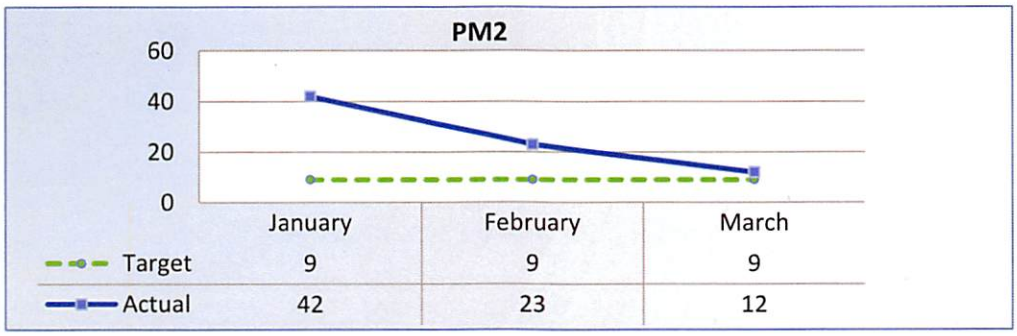


Total Received: 308 Monthly Average: 103

Complaints: 255 | **Convictions**: 53

PM2 | Intake

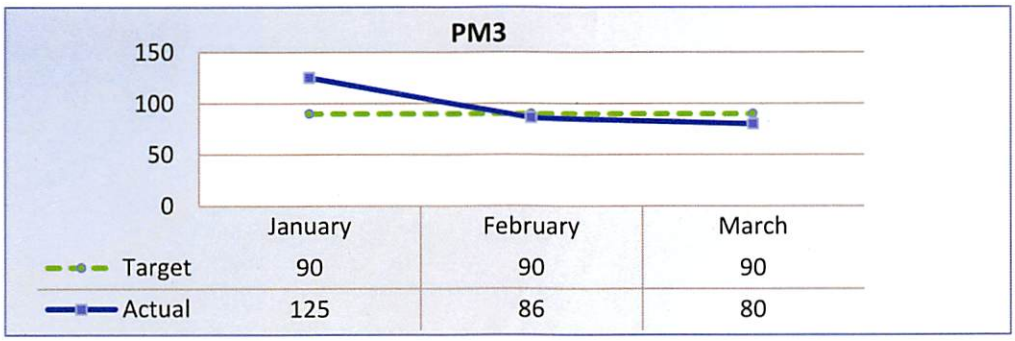
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 28 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

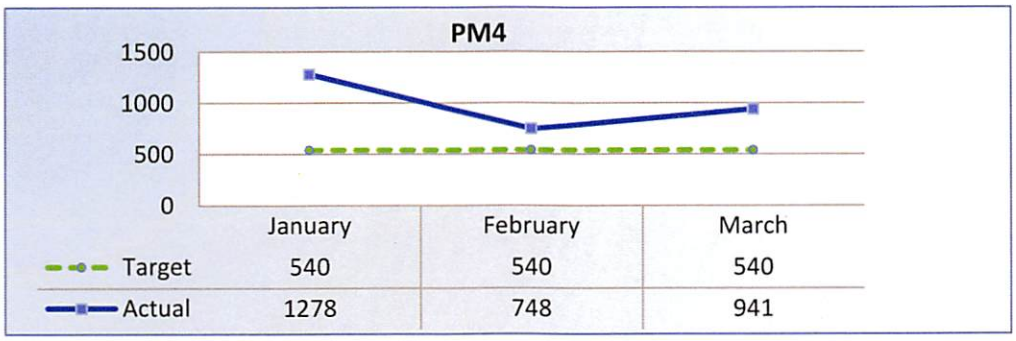


	January	February	March
Target	90	90	90
Actual	125	86	80

Target Average: 90 Days | **Actual Average:** 97 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

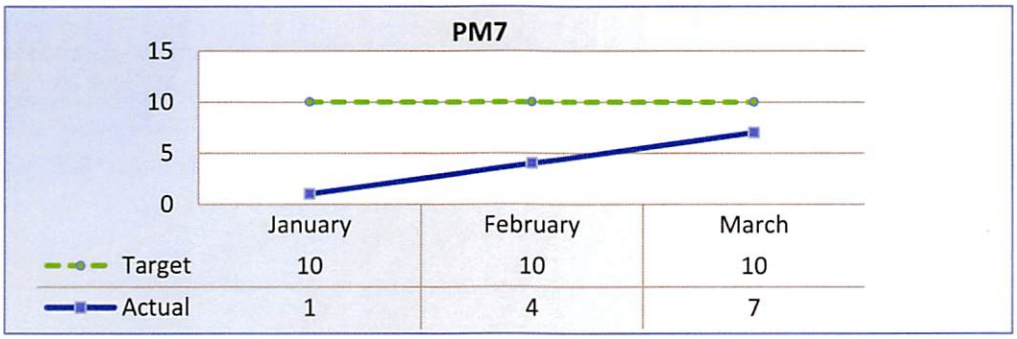


	January	February	March
Target	540	540	540
Actual	1278	748	941

Target Average: 540 Days | **Actual Average:** 938 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

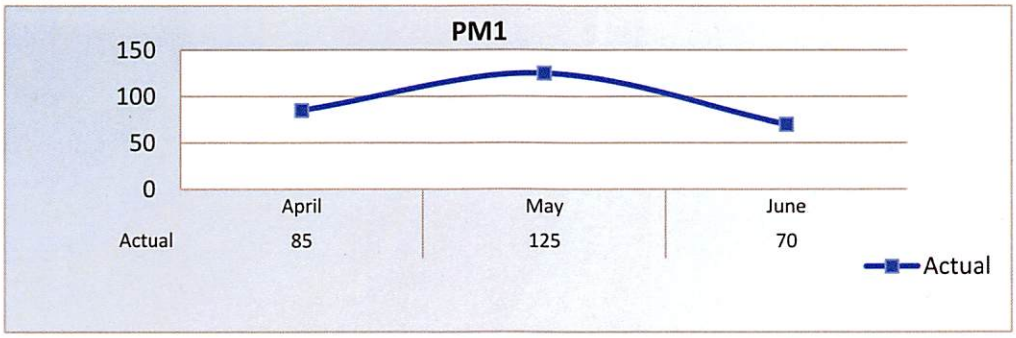
Performance Measures

Q4 Report *(April - June 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

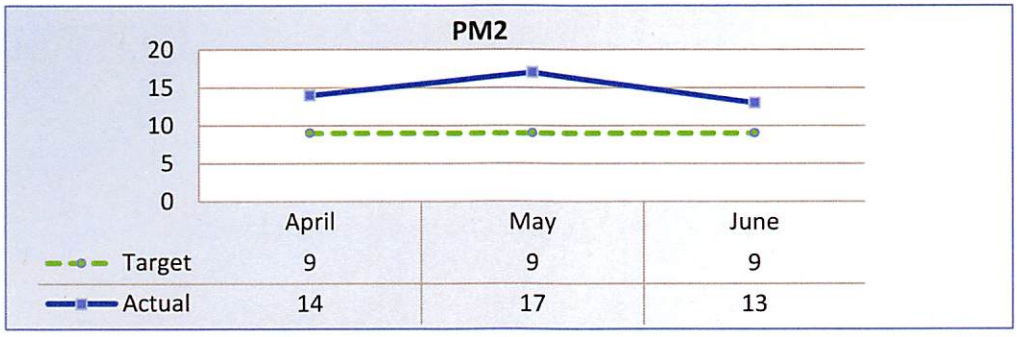


Total Received: 280 Monthly Average: 93

Complaints: 192 | **Convictions**: 88

PM2 | Intake

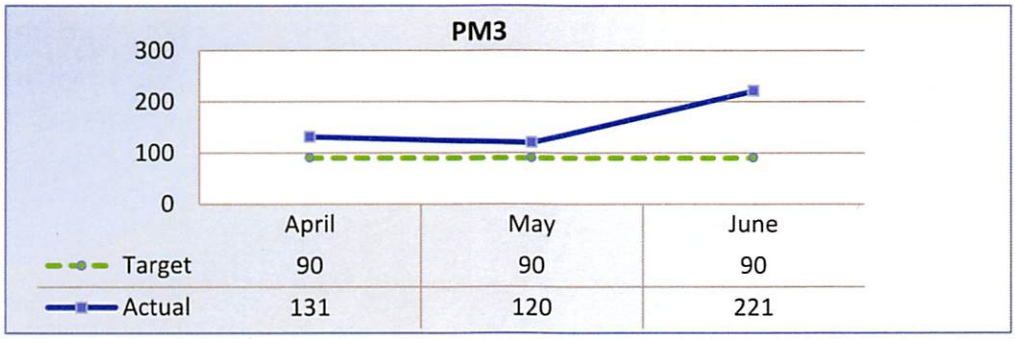
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 15 Days

PM3 | Intake & Investigation

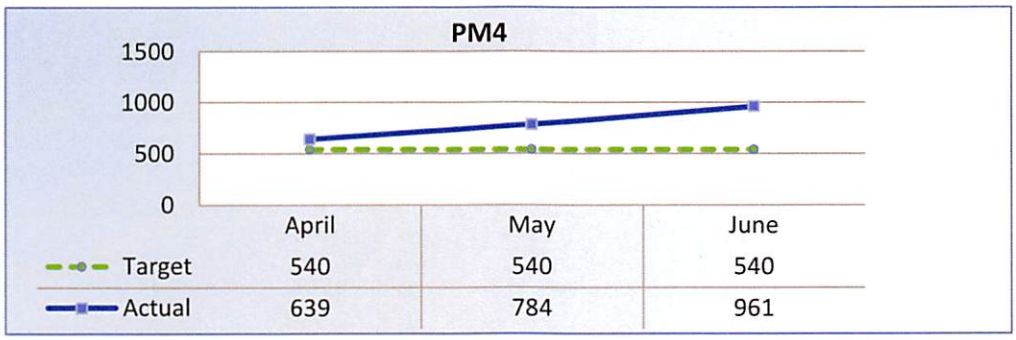
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 90 Days | **Actual Average:** 157 Days

PM4 | Formal Discipline

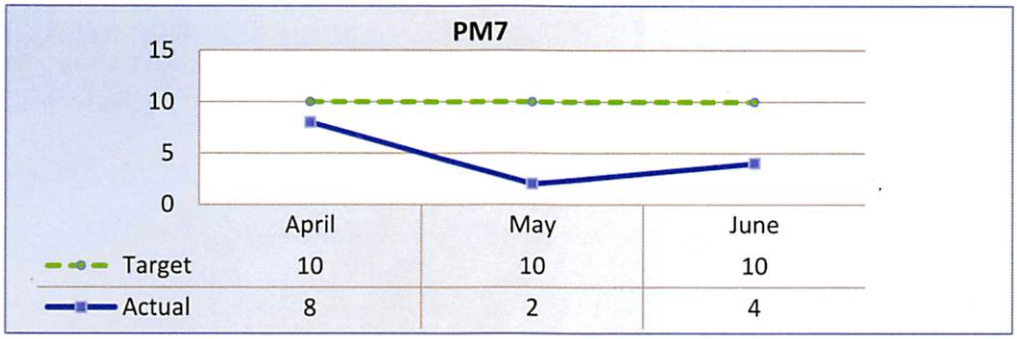
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 857 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



	April	May	June
Target	10	10	10
Actual	8	2	4

Target Average: 10 Days | **Actual Average:** 5 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

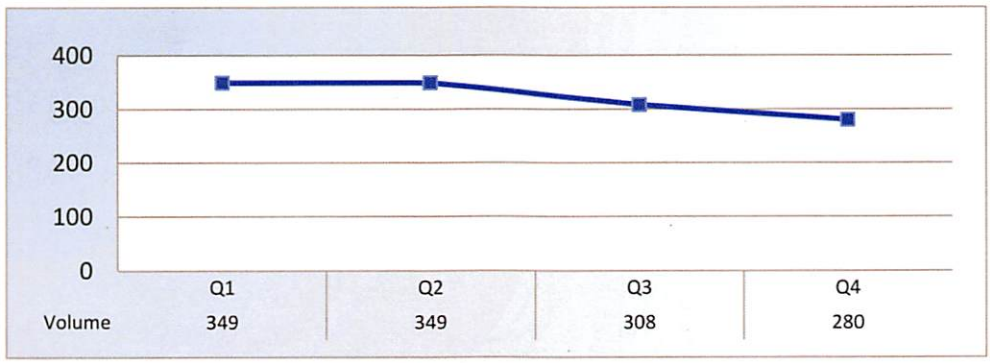
Performance Measures

Annual Report *(2013 – 2014 Fiscal Year)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.

PM1 | Volume

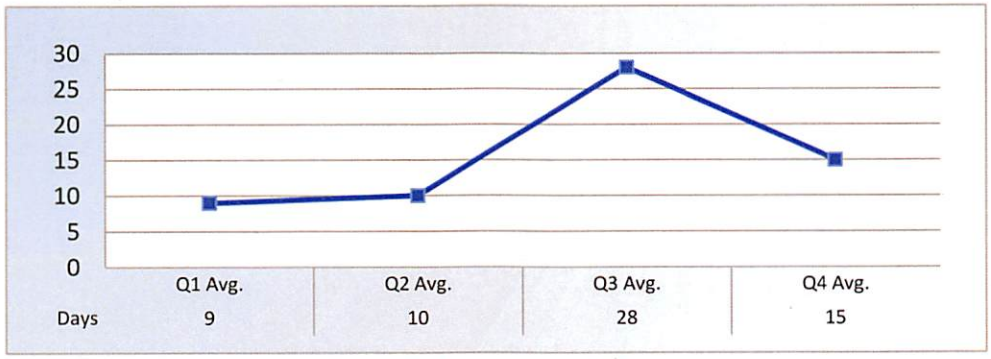
Number of complaints and convictions received.



Fiscal Year Total: 1,286

PM2 | Intake

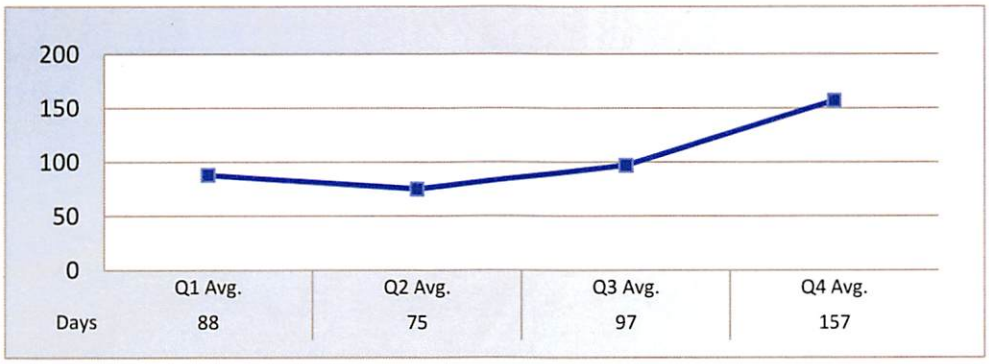
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days

PM3 | Intake & Investigation

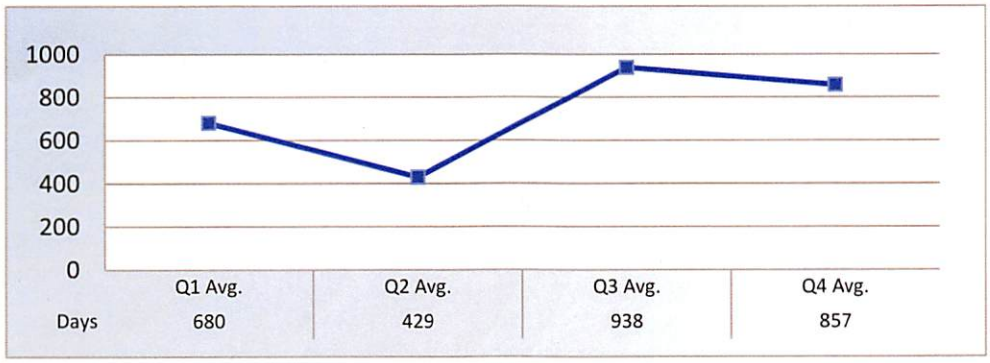
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 90 Days

PM4 | Formal Discipline

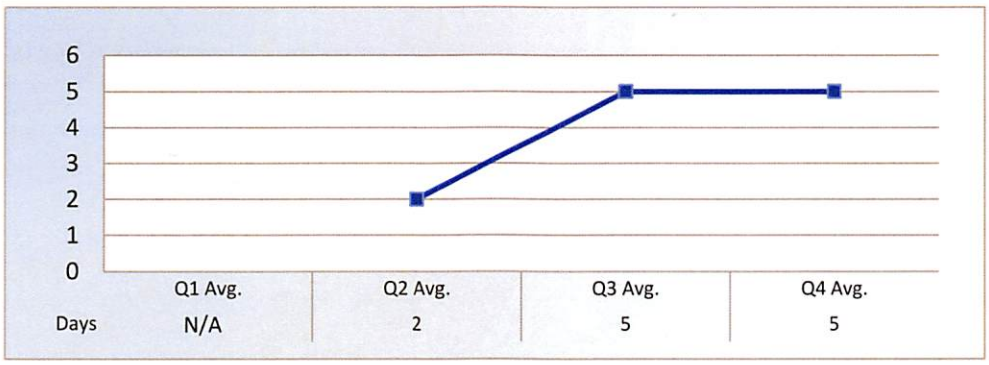
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations reported this year.

Target Average: 7 Days

Department of Consumer Affairs

Physical Therapy Board of California

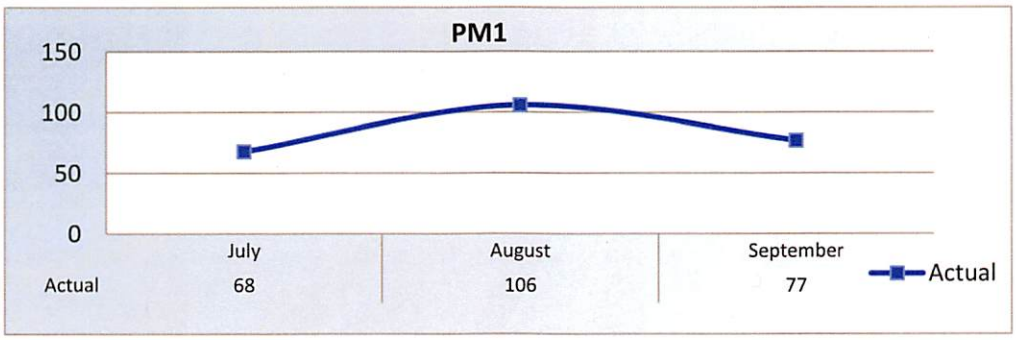
Performance Measures

Q1 Report *(July - September 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

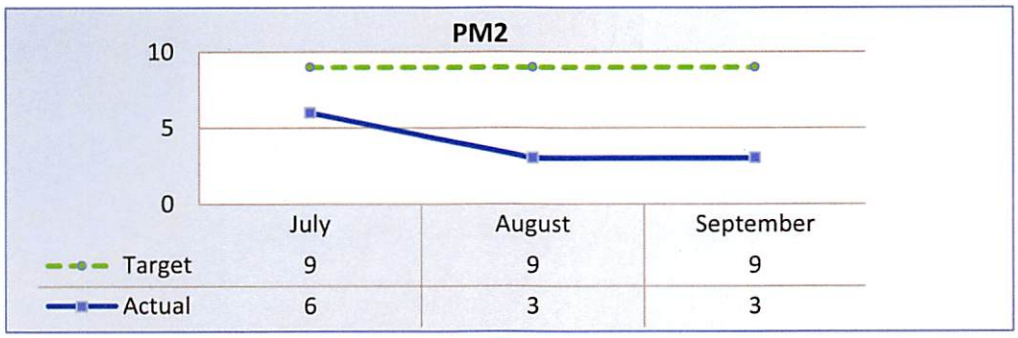


Total Received: 251 Monthly Average: 84

Complaints: 174 | **Convictions**: 77

PM2 | Intake

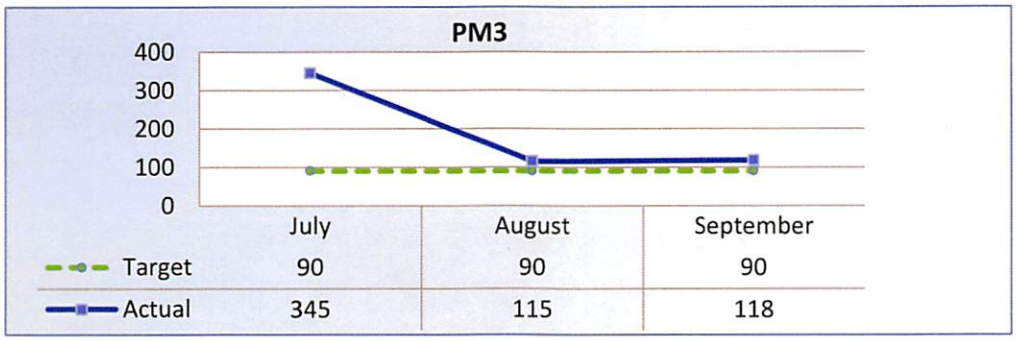
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 4 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

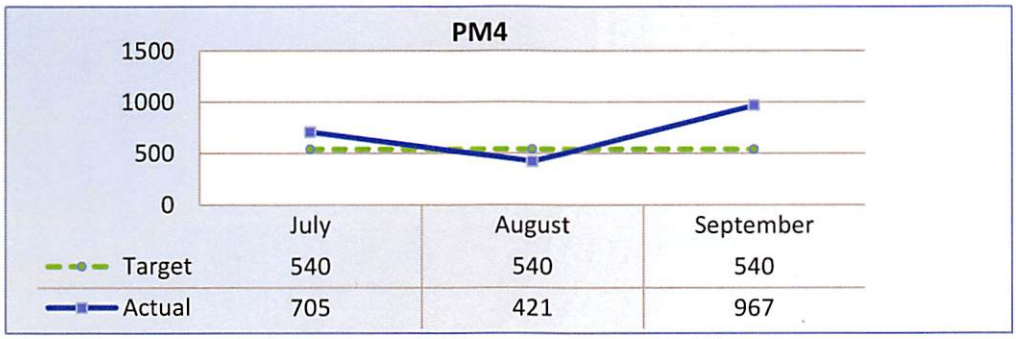


	July	August	September
Target	90	90	90
Actual	345	115	118

Target Average: 90 Days | **Actual Average:** 209 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

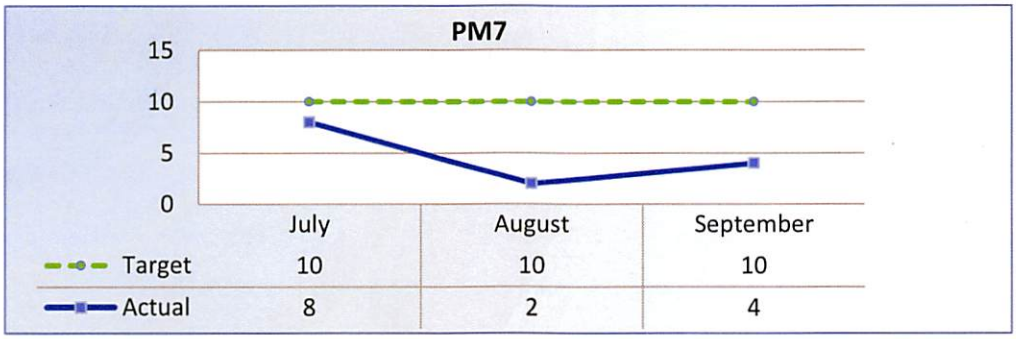


	July	August	September
Target	540	540	540
Actual	705	421	967

Target Average: 540 Days | **Actual Average:** 835 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 4 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

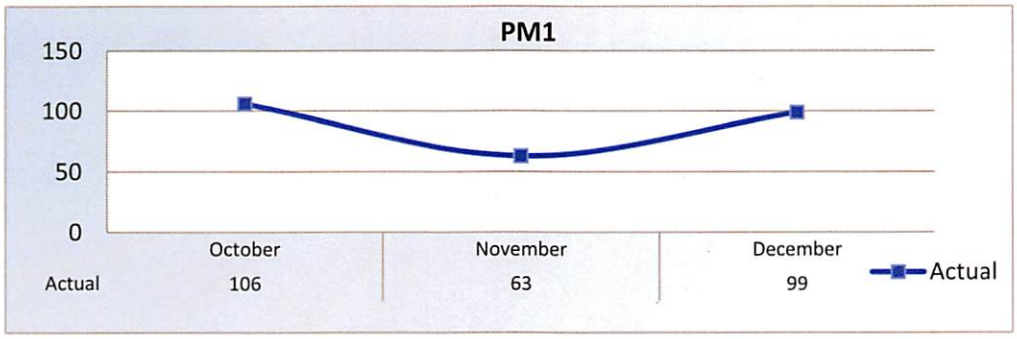
Performance Measures

Q2 Report *(October - December 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

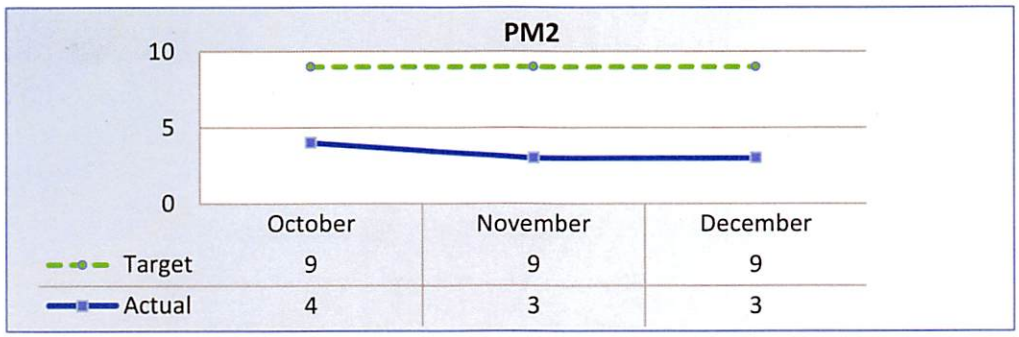


Total Received: 268 Monthly Average: 93

Complaints: 175 | **Convictions**: 93

PM2 | Intake

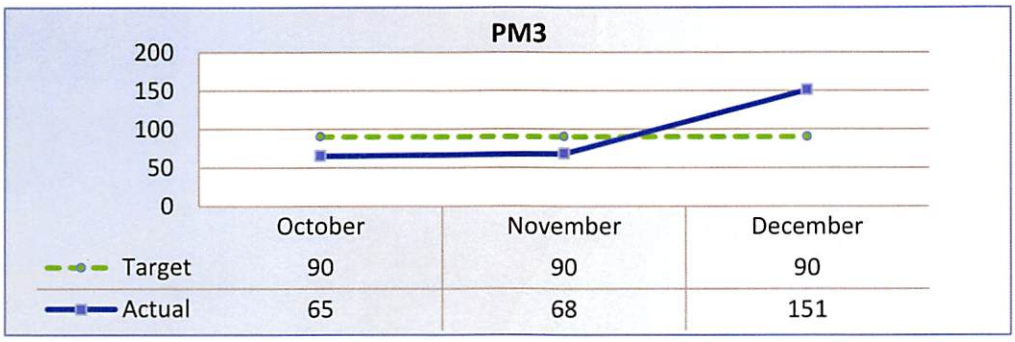
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 4 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

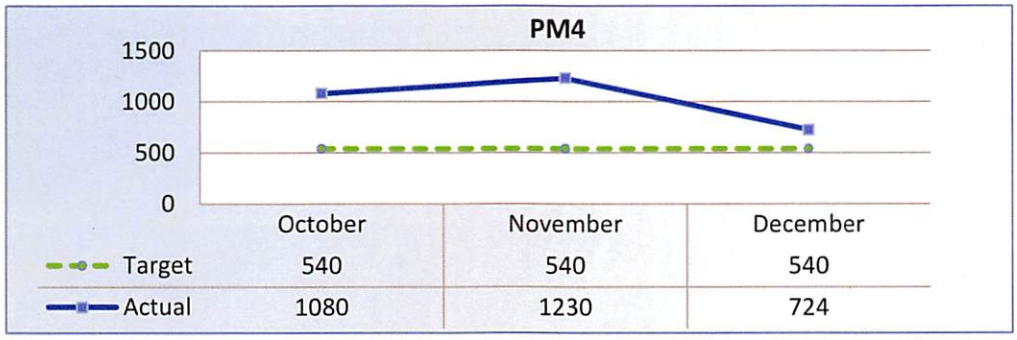


	October	November	December
Target	90	90	90
Actual	65	68	151

Target Average: 90 Days | **Actual Average:** 96 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

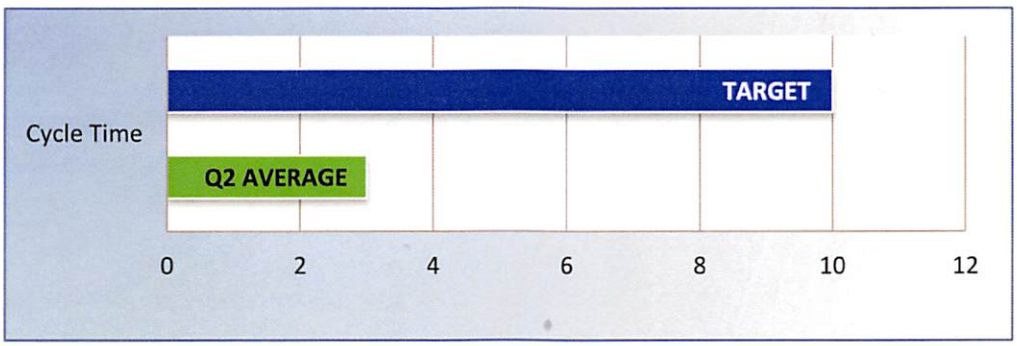


	October	November	December
Target	540	540	540
Actual	1080	1230	724

Target Average: 540 Days | **Actual Average:** 975 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 3 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

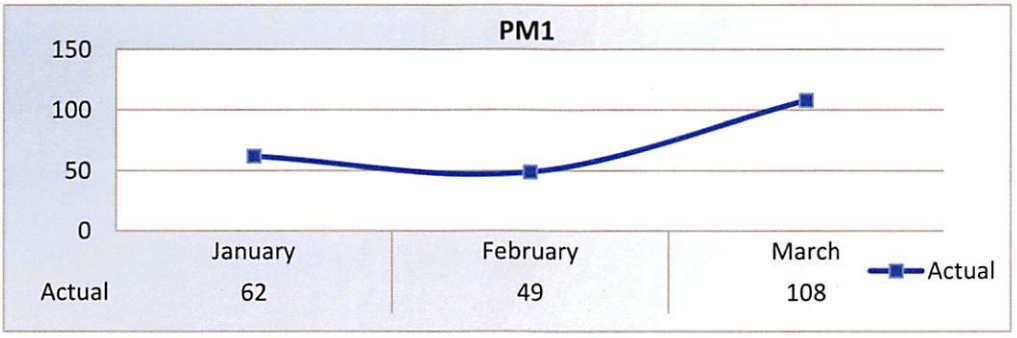
Performance Measures

Q3 Report *(January - March 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

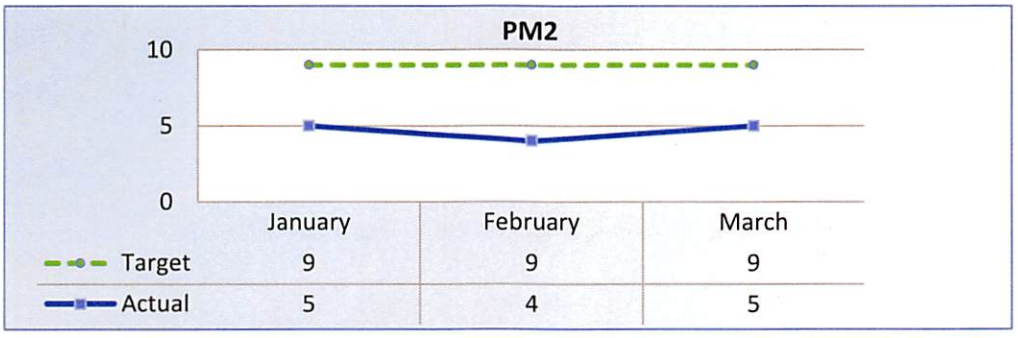


Total Received: 219 Monthly Average: 73

Complaints: 152 | **Convictions**: 67

PM2 | Intake

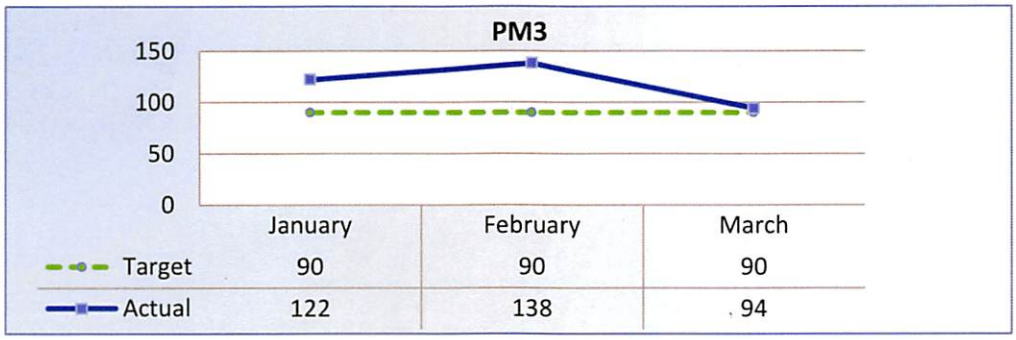
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 5 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

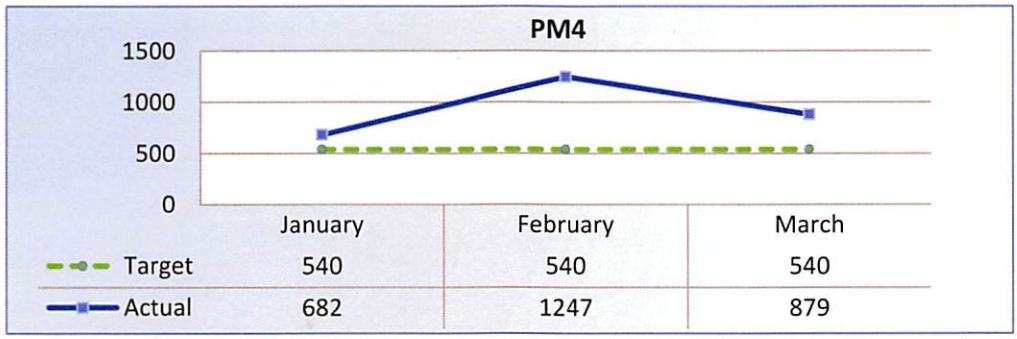


	January	February	March
Target	90	90	90
Actual	122	138	94

Target Average: 90 Days | **Actual Average:** 114 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

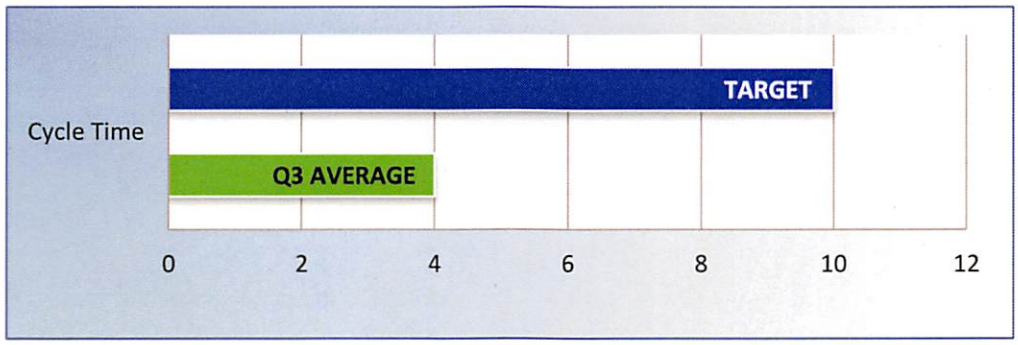


	January	February	March
Target	540	540	540
Actual	682	1247	879

Target Average: 540 Days | **Actual Average:** 890 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 4 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

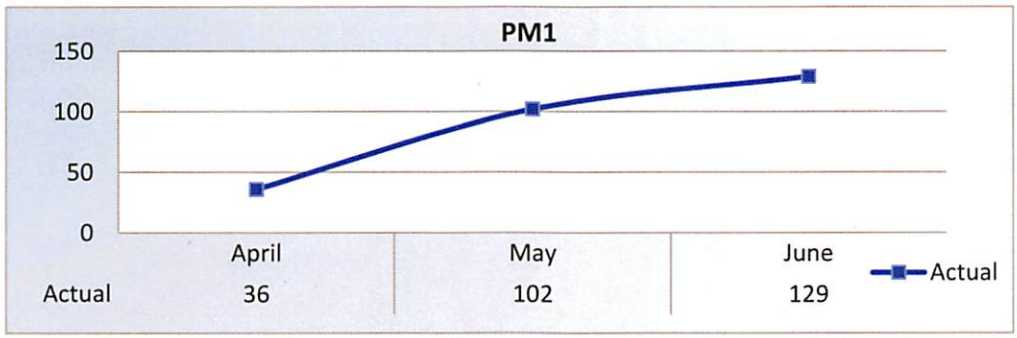
Performance Measures

Q4 Report *(April - June 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

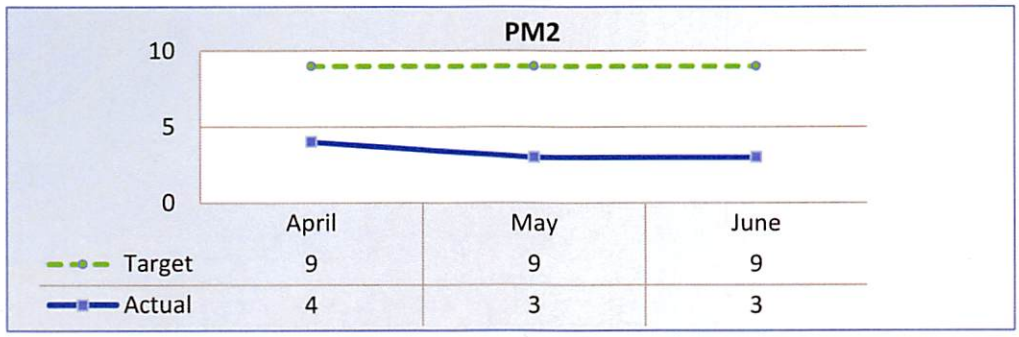


Total Received: 267 Monthly Average: 89

Complaints: 168 | **Convictions**: 99

PM2 | Intake

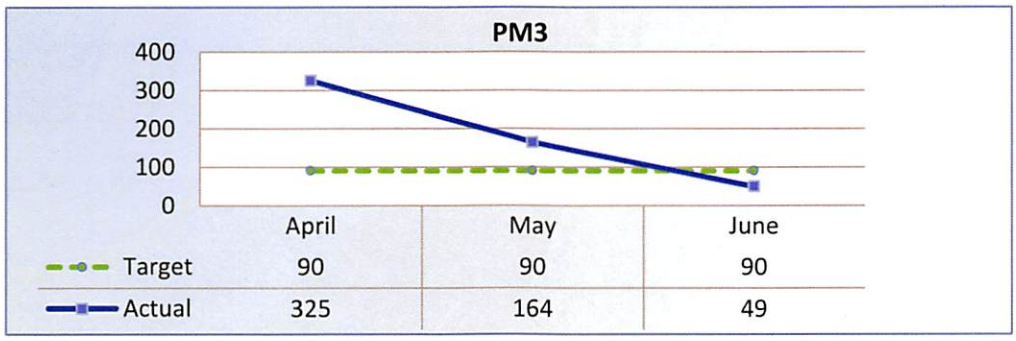
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

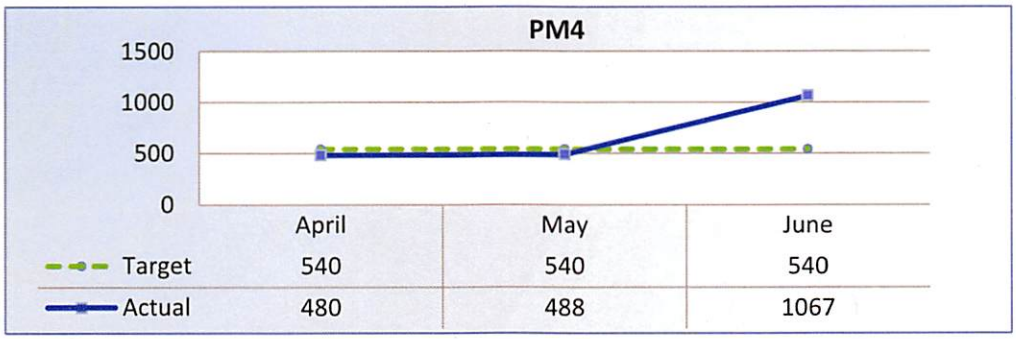
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days | **Actual Average:** 197 Days

PM4 | Formal Discipline

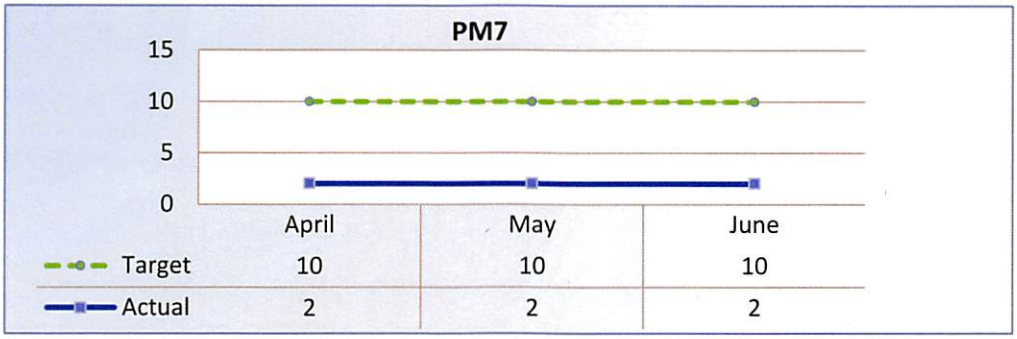
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 933 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

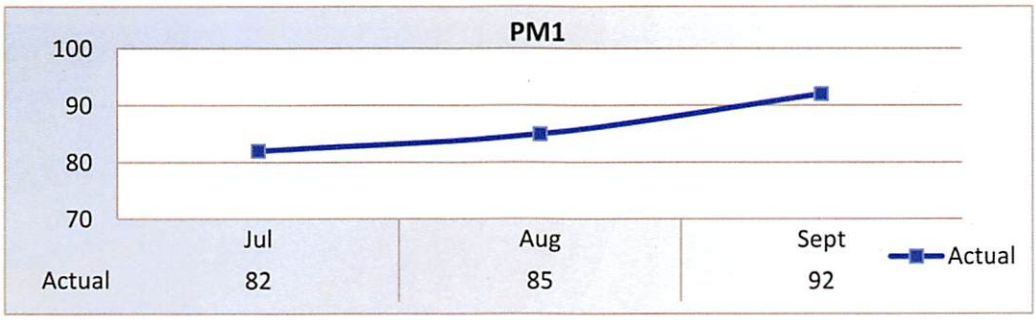
Performance Measures

Q1 Report *(July - September 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

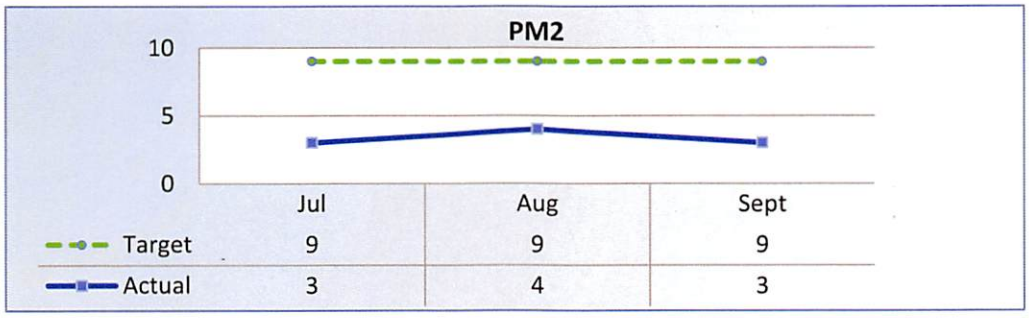


Total Received: 259 **Monthly Average**: 86

Complaints: 196 | **Convictions**: 63

PM2 | Intake

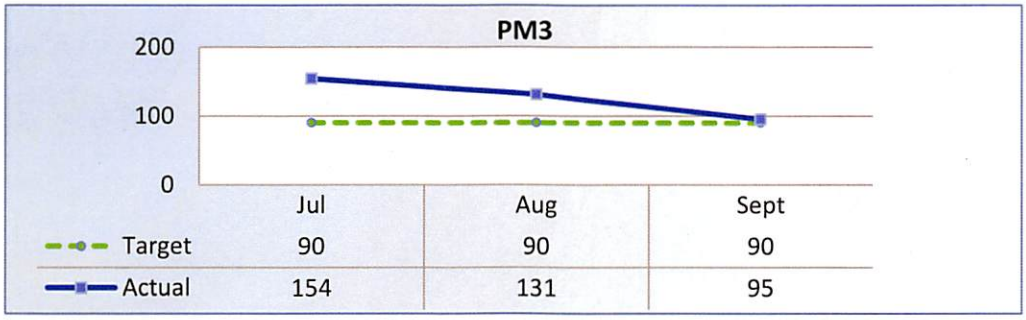
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)

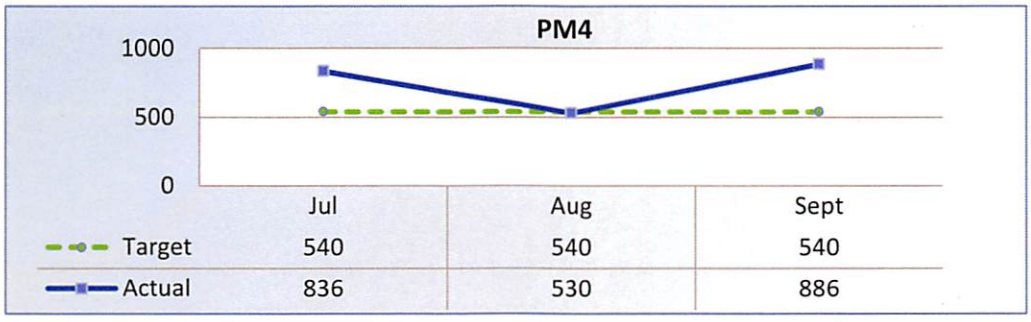


	Jul	Aug	Sept
Target	90	90	90
Actual	154	131	95

Target Average: 90 Days | **Actual Average:** 132 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

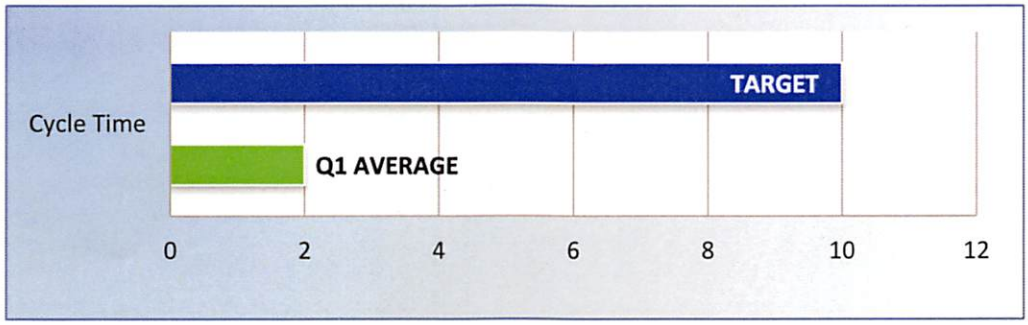


	Jul	Aug	Sept
Target	540	540	540
Actual	836	530	886

Target Average: 540 Days | **Actual Average:** 758 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

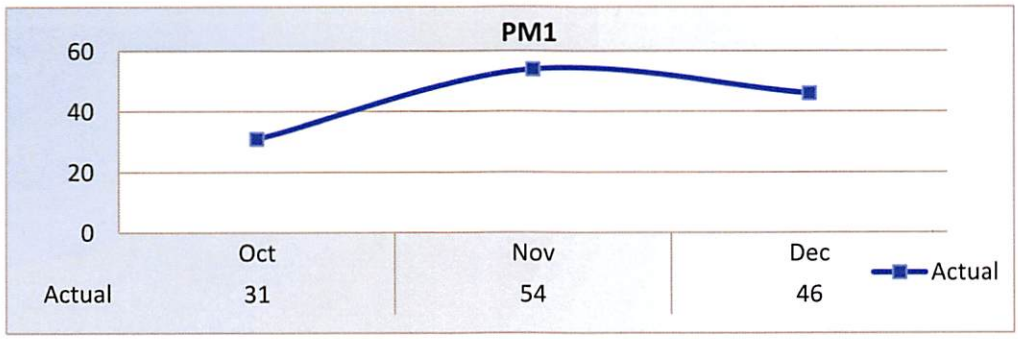
Performance Measures

Q2 Report *(October - December 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

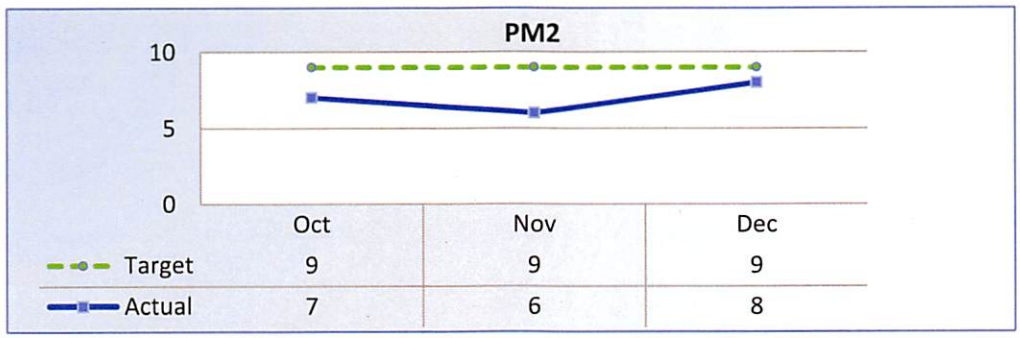


Total Received: 131 **Monthly Average**: 44

Complaints: 56 | **Convictions**: 75

PM2 | Intake

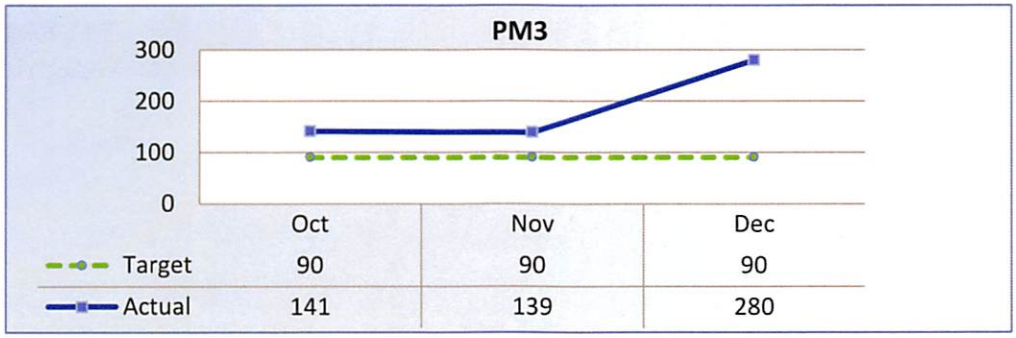
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 7 Days

PM3 | Intake & Investigation

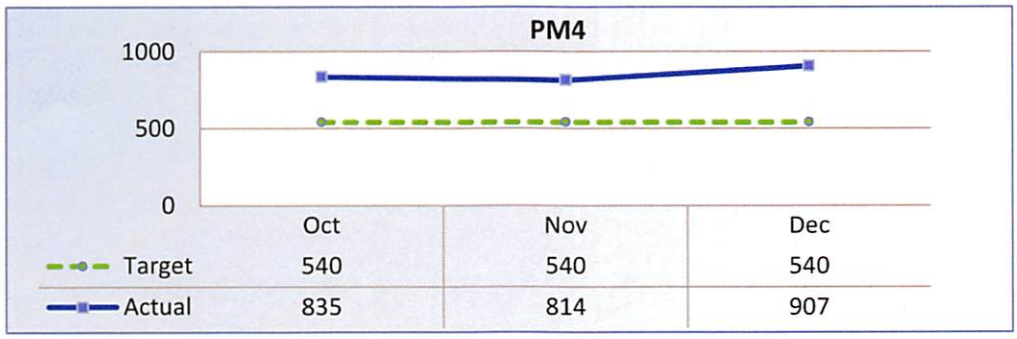
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days | **Actual Average:** 193 Days

PM4 | Formal Discipline

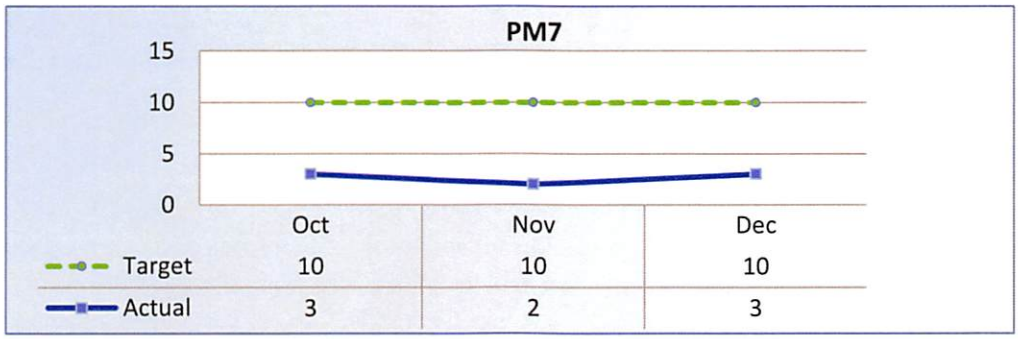
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 870 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 7 Days | **Actual Average:** N/A

Department of Consumer Affairs

Physical Therapy Board of California

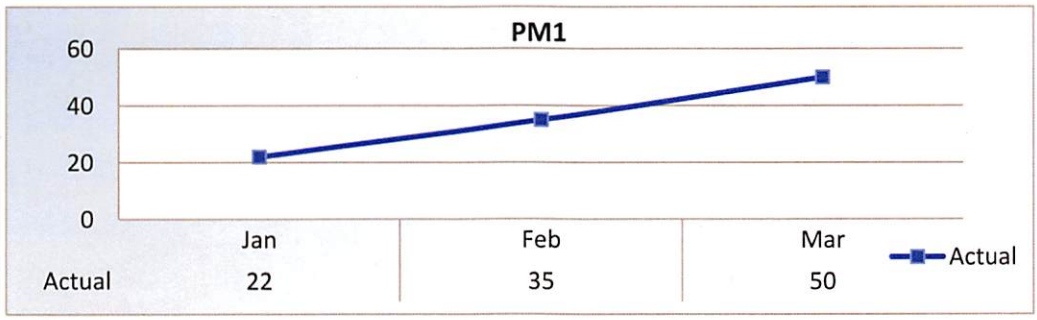
Performance Measures

Q3 Report *(January - March 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

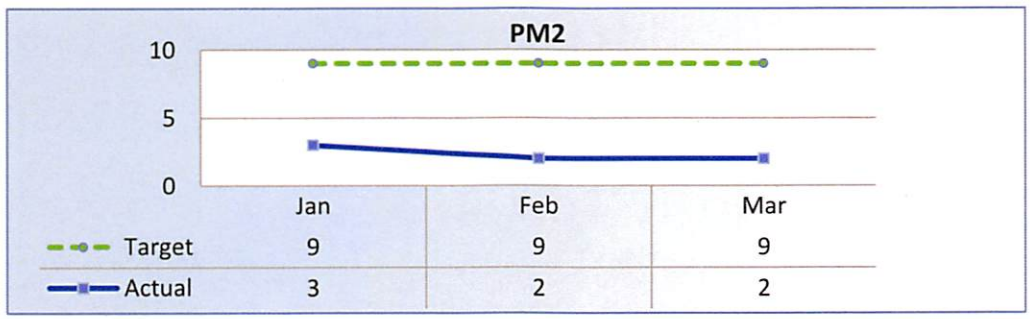


Total Received: 107 **Monthly Average**: 36

Complaints: 49 | **Convictions**: 58

PM2 | Intake

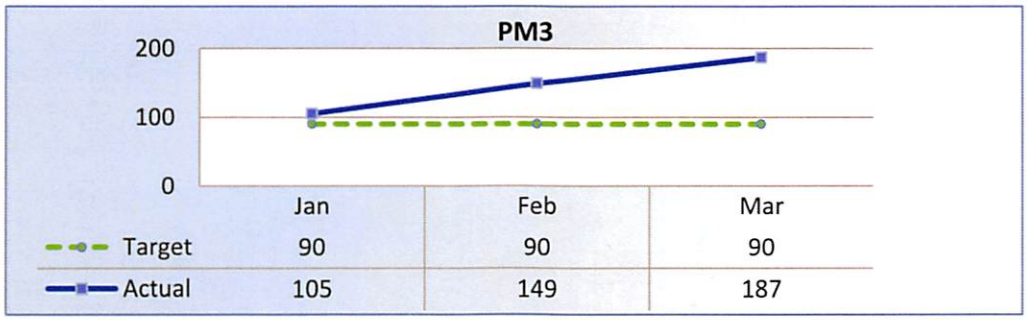
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 2 Days

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)

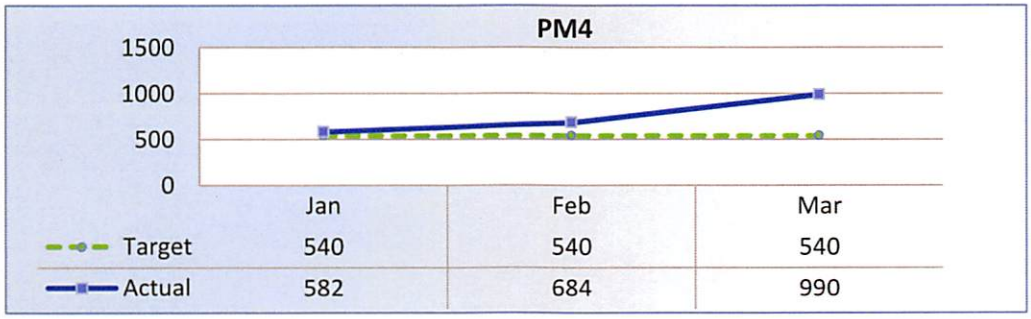


	Jan	Feb	Mar
Target	90	90	90
Actual	105	149	187

Target Average: 90 Days | **Actual Average:** 148 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

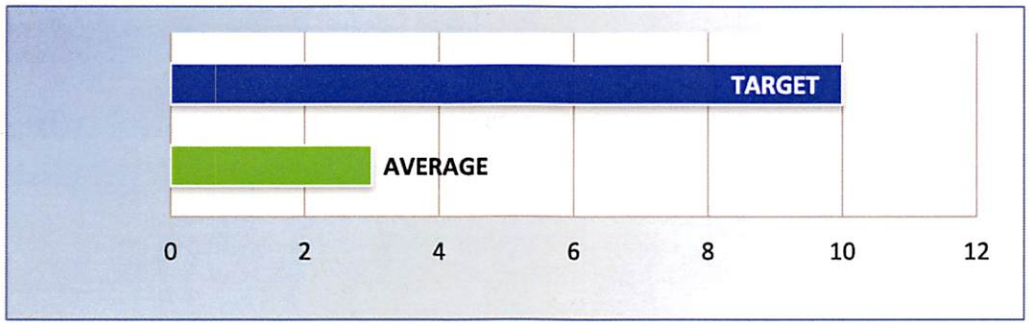


	Jan	Feb	Mar
Target	540	540	540
Actual	582	684	990

Target Average: 540 Days | **Actual Average:** 873 Days

PM7 | Probation Intake

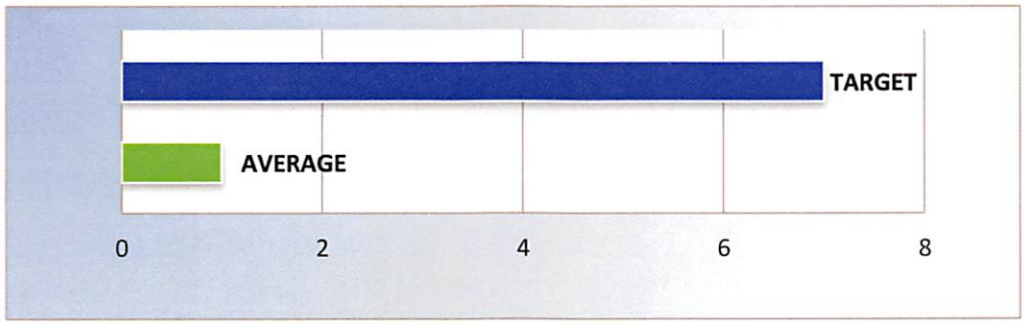
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 3 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 7 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Physical Therapy Board of California

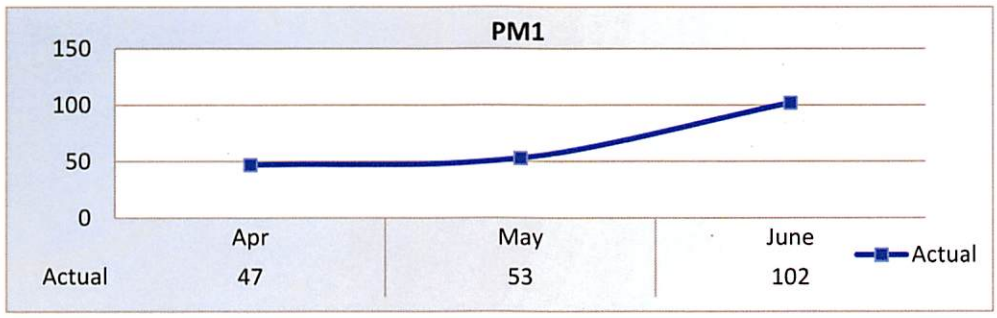
Performance Measures

Q4 Report *(April - June 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

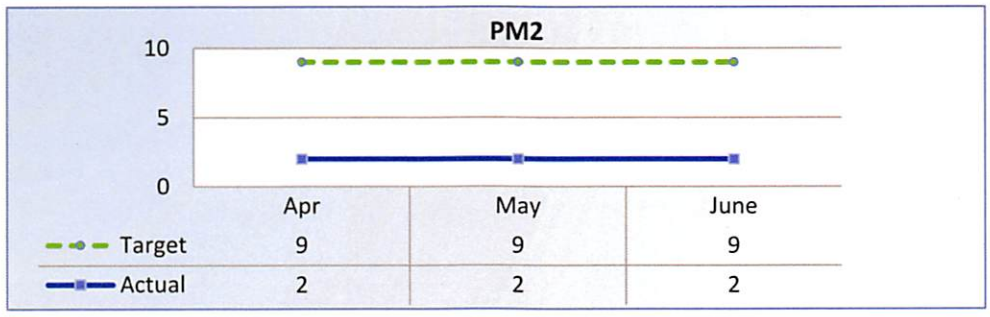


Total Received: 202 **Monthly Average**: 67

Complaints: 114 | **Convictions**: 88

PM2 | Intake

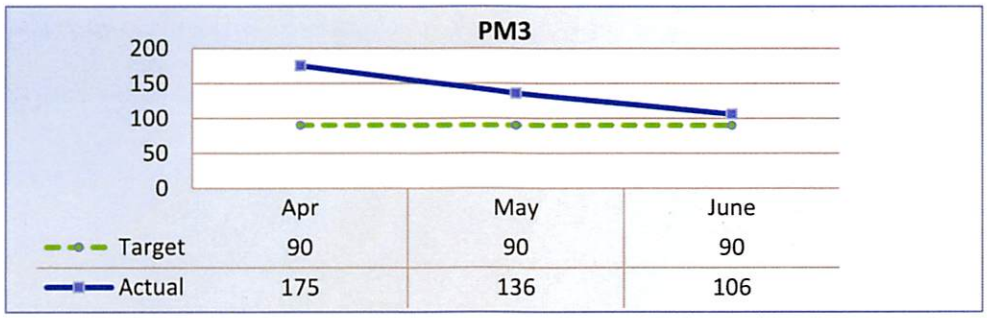
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 2 Days

PM3 | Intake & Investigation

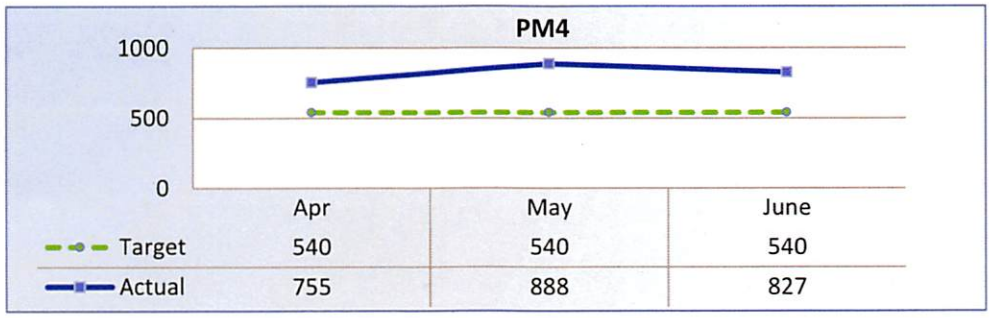
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days | **Actual Average:** 139 Days

PM4 | Formal Discipline

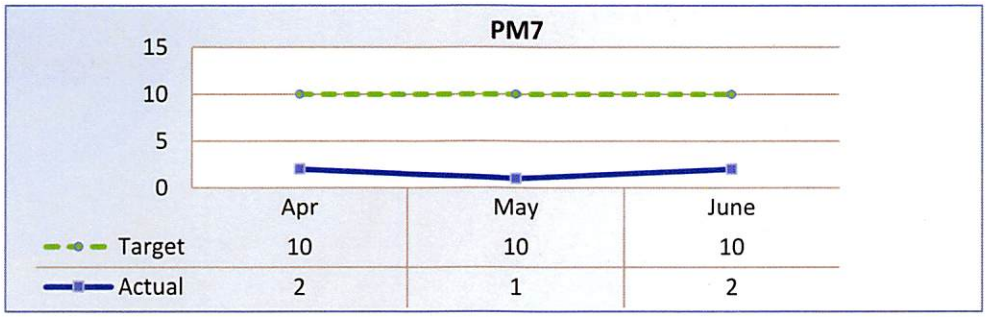
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 806 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 7 Days | **Actual Average:** n/a