



**2021 SUNSET REVIEW REPORT**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
SUBMITTED TO THE SENATE COMMITTEE ON BUSINESS AND PROFESSIONS



**PHYSICAL THERAPY**  
BOARD OF CALIFORNIA

# The Physical Therapy Board of California

## Sunset Review Report

2021

---

### BOARD MEMBERS

Alicia Rabena-Amen, P.T., DPT, President

Katarina Eleby, M.A., Vice President

Dayle Armstrong, PhD., P.T., M.S., DPT

Jesus Dominguez, P.T., PhD

Daniel Drummer, P.T., DPT

Johnathon Ervin

Tonia McMillian

### EXECUTIVE OFFICER

Jason Kaiser

### ASSISTANT EXECUTIVE OFFICER

Elsa Ybarra

PHYSICAL THERAPY BOARD OF CALIFORNIA  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
Phone: 916.561.8200 Fax: 916.263.2560  
Web site: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)

# Table of Contents

## Acronym Key

### Section 1: Background and Description of the Board and Regulated Profession

History of the Physical Therapy Board of California (PTBC).....	4
Function of the PTBC.....	4
Profession of Physical Therapy.....	4
Occupations Licensed by the PTBC.....	5
Table 1a. Attendance.....	6
Table 1b. Board Member Roster.....	7
Legislative Actions.....	8
Regulatory Actions.....	14
Major Studies.....	15
Status of All National Associations.....	16
Board Member FSBPT Participation Chart.....	17

### Section 2: Performance Measures and Customer Satisfaction Surveys

DCA Performance Measure Reports.....	19
Complainant Satisfaction Survey Result.....	19
Complainant Satisfaction Survey Chart.....	20
Applicant Survey Results Chart.....	22
FSBPT Applicant Satisfaction Survey for California 2019 Chart.....	24
FSBPT Applicant Satisfaction Survey for California 2020 Chart.....	25

### Section 3: Fiscal and Staff

#### Fiscal Issues

Fund Appropriation.....	26
Fund Reserve Level.....	26
Fund Deficit.....	26
Table 2. Fund Condition.....	27
General Fund Loans.....	27
Program Expenditures.....	27
Table 3. Expenditures by Program Component.....	29
BreEZe Expenditures.....	29
Costs Contributed to BreEZe Program Chart.....	29
License Renewal Cycles and Fee Changes.....	29
Table 4. Fee Schedule and Revenue.....	30
Budget Change Proposals.....	30
Table 5. Budget Change Proposals.....	32

#### Staffing Issues

Staffing Issues and Challenges.....	33
Executive Officer, Exempt Level Change.....	34
Exempt Category Chart.....	34
Staff Development.....	35

### Section 4: Licensing Program

Table 6. Licensee Population.....	37
Performance Targets and Expectations.....	37
Table 7a. Licensing Data by Type.....	38
Processing Times.....	39
Licensing Population and Licenses Issued.....	40
Criminal Conviction Denials Chart.....	40

Table 7b. License Denials.....	42
Verifying Applicant Information.....	42
Out-of-State Applicants.....	44
Military Education, Training and Experience for Licensure.....	44
No Longer Interested Notifications (DOJ).....	45
<b>Examinations</b>	
Examinations Required for Licensure.....	45
Examinations Pass Rates.....	46
Table 8. Examination Data.....	47
Computer Based Testing.....	48
Statutory Barriers.....	48
<b>School Approvals</b>	
Legal Requirements.....	49
School Approvals.....	49
International School Approvals.....	49
<b>Continuing Education/Competency Requirements</b>	
Continuing Competency Requirements.....	50
Table 8a. Continuing Competency.....	50
<b>Section 5: Enforcement Program</b>	
Performance Measures.....	53
Complaints Received Chart.....	53
Intake Process Target Performance Chart.....	54
Intake and Investigation Target Performance Chart.....	55
Formal Discipline Target Performance Chart.....	57
Probation Intake Chart.....	59
Probation Violations Chart.....	60
Enforcement Trends.....	60
Complaints Received Chart.....	60
Table 9a. Enforcement Statistics.....	62
Table 10 Enforcement Aging.....	65
Increase or Decrease in Disciplinary Actions.....	65
Case Prioritization.....	66
Mandatory Reporting.....	66
Settlements.....	68
Number of Settlements Chart.....	68
Statutes of Limitations.....	68
Unlicensed Activity.....	69
<b>Cite and Fine</b>	
Cite and Fine Authority.....	69
How Citation and Fines are Used.....	70
Informal Conferences and Appeals.....	70
Number of Informal Conferences and Administrative Appeals Hearings Chart.....	70
5 Most Common Violations.....	70
Average Fine Pre and Post Appeal.....	71
Franchise Tax Board Intercept Program.....	71
<b>Cost Recovery and Restitution</b>	
Collection Efforts.....	71
Amount Collected/Ordered.....	71
Table 11. Cost Recovery.....	72
Seeking Cost Recovery.....	72
Use of Franchise Tax Board Intercepts to Collect Cost Recovery.....	72
Restitution.....	72
Table 12. Restitution.....	72

## Section 6: Public Information Policies

Public Information .....	73
Webcasting of Meetings.....	73
Annual Meeting Calendar.....	73
Consumer Complaint Disclosure and Posting of Accusation and Disciplinary Actions.....	74
Public Disclosure.....	74
Consumer Outreach and Education.....	74

## Section 7: Online Practice Issues

Online Practice Issues.....	76
-----------------------------	----

## Section 8: Workforce Development and Job Creation

Workforce Development.....	77
Assessment of Licensing Delays.....	77
Outreach to Schools.....	77
Barriers to Licensure.....	77
Workforce Development Data.....	77

## Section 9: Current Issues

Uniform Standards for Substance Abusing Licensees.....	78
Consumer Protection Enforcement Initiative.....	78
BreEZe.....	78

## Section 10: Board Actions and Responses to COVID-19

COVID-19 Telework Policies for Employees and Staff.....	79
COVID-19 State of Emergency Statutes.....	79
Department Waiver Requests.....	79
Board implemented Policies in Response to COVID-19.....	81
Statutory Revisions due to COVID-19.....	81

## Section 11: Board Action and Response to Prior Sunset Issues

Issue #1: Updating Fee Statute.....	82
Issue #2: Clarifying Revisions to Retired License Status.....	82
Issue #3: Technical Corrections to a Cross Reference.....	83
Issue #4: English Proficiency Exemption.....	83
Issue #5: Treatment Plan Under IDEA.....	84

## Section 12: New Issues

Issue #1: Waiver Extension Permanent.....	85
Issue #2: WebEx Requirement Added to Statutory Authority for Board Meetings.....	85
Issue #3: Executive Officer Exempt Level Increase.....	86
Issues Not Previously Discussed.....	87
New Issues.....	87

## Section 13: Attachments

A: Board Administrative Manual	
B: Current Organizational Chart Showing Relationship of Committees	
C: Major Studies	
D: Year-end Organization Charts for Last Four Fiscal Years	
E: Enforcement Performance Measures Reports	
F: Licensing Performance Measures Reports	
G. Notice to Consumers NTC 12-01	

**Physical Therapy Board of California**  
**BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY**  
**PROGRAM**  
**(As of 2021)**

**Acronym Key**

Act	Physical Therapy Practice Act
AEO	Assistant Executive Officer
AG	Attorney General
AGPA	Associate Governmental Program Analyst
ARF	Architecture Revolving Fund
BCP	Budget Change Proposal
BPC	Business and Professions Code
BPPE	Bureau for Private Postsecondary Education
CalHR	California Department of Human Resources
CAPTE	Commission on Accreditation in Physical Therapy Education
CC	Continuing Competency
CCR	California Code of Regulations
CE	Continuing Education
CEC	California Educational Code
CLE	California Law Exam
CORI	Criminal Offender Record Information
CPEI	Consumer Protection Enforcement Initiative
CPS	Consumer Protection Services
CPTA	California Physical Therapy Association
CWT	Coursework Tools
CY	Current Year

DCA	Department of Consumer Affairs
DOF	Department of Finance
DOJ	Department of Justice
DUI	Driving Under the Influence
ENMG	Electromyoneurography
EO	Executive Officer
ETS	Educational Testing Service
FBI	Federal Bureau of Investigation
FSBPT	Federation of State Boards of Physical Therapy
FTB	Franchise Tax Board
FY	Fiscal Year
GF	General Fund
ITIN	Individual Tax Identification Number
KEMG	Kinesiological Electromyography and Electroneuromyography
LIF	Leadership Issues Forum
LPT	Licensed Physical Therapist
MBC	Medical Board of California
MPN	Medical Provider Network
NPTE	National Physical Therapy Examination
NTC	Notice to Consumer
OA	Occupational Analysis
OAH	Office of Administrative Hearings
OE&E	Operating Expenses and Equipment
OHR	Office of Human Resources
OPES	Office of Professional Examination Services
OT	Office Technician
PC	Penal Code

PEAC	Physiotherapy Education Accreditation Canada
PET	Performance Evaluation Tool
PLR	Public Letter of Reprimand
PM	Performance Measure
PT	Physical Therapist
PTA	Physical Therapist Assistant
PTBC	Physical Therapy Board of California
PTEC	Physical Therapy Examining Committee
QPC	Quality Practice Committee
RPT	Registered Physical Therapist
SCSA	State and Consumer Services Agency
SOI	Statement of Intent
SOLID	Strategic Organization, Leadership, and Individual Development
SSA	Staff Services Analyst
SSMI	Staff Services Manager 1
SSMII	Staff Services Manager 2
SSN	Social Security Number
TOEFL	Test of English as a Foreign Language
VC	Vehicle Code



## Section 1 –

### Background and Description of the Board and Regulated Profession

**Provide a short explanation of the history and function of the board.<sup>1</sup> 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) of the 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 of the 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 licensed 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 PTBC’s 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 licenses who are found in violation of the Act; and
- Laws and regulations uphold the PTBC’s mandate, mission, and vision.

#### **Profession of Physical Therapy**

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

---

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

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, caregivers 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 the needs of a client group
- evaluate the findings from the examination/assessment to make clinical judgments regarding patients/client's health and well-being.
- 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 health care 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 of the 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 also 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.

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

The PTBC has not identified the need to establish any permanent committees but may establish a temporary committee as needed.

In September 2018, PTBC established an Executive Officer (EO) Exempt Level Committee. The EO Exempt Level Committee was established to address establishing an appropriate exempt level and salary to meet the PTBC's current organizational structure. The EO Exempt Level Committee delegated the authority to research the exempt level salary and bring findings to Board Members attention during scheduled board meetings. The Committee consists of two Board Members, one licensed and one public member. The EO Exempt Level Committee will remain active until this issue is resolved.

**Table 1a. Board Meeting Attendance**

 <b>PHYSICAL THERAPY</b> <b>BOARD OF CALIFORNIA</b>	Meeting Dates																										
	08/24-25/2016 - Sacramento	09/22/2016 - Sacramento *Sunset	10/25/2016 - Sacramento *Sunset	11/16-17/2016 - Los Angeles	11/28/2016 - Sacramento *Sunset	02/08/2017 - Los Angeles	05/24-25/2017 - Sacramento	08/23-24/2017 - Sacramento	11/15-16/2017 - Newark	03/22-23/2018 - Sacramento	04/12/2018 - Sacramento *Strategic Plan	06/20-21/2018 - Pomona	08/15/2018 - Teleconference	09/13-14/2018 - Sacramento	12/5-6/2018 - Stockton	02/13/2019 - Teleconf.	03/21-22/2019 - Sacramento	06/20-21/2019 - Long Beach	09/18-19/2019 - Pleasant Hill	12/12-13/2019 - Sacramento	06/25/2020 - WebEx	09/17/2020 - WebEx	12/10/2020 - WebEx	2/24/2021 - WebEx	3/24/2021 - WebEx	6/24/2021 - WebEx	
BOARD MEMBER	FY 2016/17				FY 2017/18				FY 2018/19				FY 2019/20		FY 2020/21												
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	
Dayle Armstrong*	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	
Jesus Dominguez*	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	
Daniel Drummer*	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	
Katarina Eleby*	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	
Jonathon Ervin***	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	
Tonia McMillian**	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	
Alicia Rabena-Amen*	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	
James Turner***	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	
Carol Wallish**	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	
TJ (Eserick) Watkins***	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	
Table Legend	Attended				Absent				Not Applicable				Vacant														
* Governor Appointment    **Senate Rules Appointment    ***Speaker of the Assembly Appointment																											

**Table 1b. Board Member Roster 2017-2021**

Name	Date First Appointed	Date Re-Appointed	Date Term Expires	Appointing Authority	Type (Public or Licensed)
<b>Katarina Eleby</b>	5/2013	12/2021	6/2/2024	GOVERNOR	PUBLIC
<b>Alicia Rabena-Amen</b>	2/2014	1/2021	6/1/2024	GOVERNOR	LICENSED
<b>Tonia Mcmillian</b>	3/2016	10/2019	6/1/2023	SENATE RULES	PUBLIC
<b>Johnathon Ervin</b>	11/2020	N/A	6/1/2023	ASSEMBLY SPEAKER	PUBLIC
<b>Daniel Drummer</b>	10/2014	7/2018	6/1/2022	GOVERNOR	LICENSED
<b>Jesus Dominguez</b>	9/2014	7/2018	6/1/2022	GOVERNOR	LICENSED
<b>Dayle Armstrong</b>	1/2021	N/A	6/1/2021*	GOVERNOR	LICENSED
<b>TJ Watkins (Eserick)</b>	3/2016	N/A	6/1/2019	ASSEMBLY SPEAKER	PUBLIC
<b>Debra Alviso</b>	10/2006	N/A	6/1/2017	GOVERNOR	LICENSED

*\*Dayle Armstrong's term expired on 6/1/2021 and since has been serving in a grace period.*

**1) 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.

**2) 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)**

Reorganization/Change in Leadership

In September 2020, the PTBC appointed an Assistant Executive Officer. This reorganization was necessary in efforts to correct the PTBC's organization structural imbalance and better manage the expanding licensee population and associated operational needs. As a result, the PTBC established a second level officer at the Staff Services Manager (SSM) II position to assist in the management of the day-to-day operations.

The PTBC also gained the appointment of one public member appointed by the Assembly Speaker in 2020 and one licensed member appointed by the Governor in 2021 to fulfill its vacancies and provide a full board.

## Relocation

As reported in PTBC's 2016 Sunset Review, the PTBC surpassed its capacity of its office space and was slated to relocate in 2008; however, the move was further delayed due to budget constraints. Therefore, the PTBC began working with the Department of Consumer Affairs (DCA) to establish an Architecture Revolving Fund (ARF). The ARF allowed the PTBC to reserve anticipated costs (funds) for construction, alteration, repair, improvements, including those costs incurred with relocating. The PTBC was permitted to 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.

In June 2019, PTBC entered into new lease terms with the assumption to relocate within the building to a suite sufficient to meet operational needs.

In November 2020, the PTBC had saved a sufficient amount of funds within its existing resources to afford its new office space and relocated to a space sufficient to maintain its current and projected (10 years) operations.

## Strategic Planning

In 2018, the PTBC established and adopted a multi-year strategic plan to address issues and trends impacting the regulation 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 PTBC's 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 2022.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

## 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.

**Bill Number:** AB 107 (Salas), Chapter 693, Statutes of 2021

**Subject Matter:** Licensure: Veterans and Military Spouses

**Sections Affected:** BPC §115.6, §115.8, §115.9, §2946, §5132 & §10151.3

**Effective Date:** January 1, 2022

**Summary:** This law would require most boards and bureaus within the Department of Consumer Affairs to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses would be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial. This law exempts a board that has a process in place by which an out-of-state licensee applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year; or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license.

**Bill Number:** AB 361(Robert Rivas), Chapter 165, Statutes of 2021

**Subject Matter:** Open Meetings: State and Local Agencies: Teleconferences

**Sections Affected:** Education Code §89305.6; & Government Code §11133 & §54953

**Effective Date:** September 16, 2021

**Summary:** This law allows, until January 1, 2024, local agencies to use teleconferencing without complying with specified Ralph. M Brown Act restrictions in certain state emergencies, and provides similar authorizations, until January 31, 2022, for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

**Bill Number:** AB 1273 (Rodriguez), Chapter 477, Statutes of 2021

**Subject Matter:** Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer: Earn and Learn Training

**Sections Affected:** Labor Code §3071.5; BPC §314 & Health and Safety Code §131088

**Effective Date:** January 1, 2022

**Summary:** This law expands membership of the Interagency Advisory Committee on Apprenticeship to include the State Public Health Officer and the Director of Consumer Affairs; and expands the use of the “earn and learn” training model by preventing these two government entities from prohibiting its use for personnel training or accreditation of programs and requiring them to use licensing or certification standards that authorize it.

**Bill Number:** SB 607 (Min), Chapter 367, Statutes of 2021

**Subject Matter:** Business and Professions

**Sections Affected:** BPC §115.5, §1636.5, §1636.6, §1724, §1753, §1753.4, §1753.55, §1753.6, §1901, §4928, §4934, §5650.5, §6510, §7071.6, §7071.9, §7137, §7583.22, §7583.23, §7583.24, §7583.27, §7583.29, §7583.47, §8520, §8528, §9810, §9882, §22259; Education Code §94811 & 94904; & Health and Safety Code §17973

**Effective Date:** January 1, 2022

**Summary:** This law is a Senate Business, Professions and Economic Development Committee Omnibus bill and makes statutory updates, technical corrections, and noncontroversial changes to various provisions of law relating to Boards and Bureaus under the Department of Consumer Affairs.

**Bill Number:** AB 2113 (Low), Chapter 186, Statutes of 2020

**Subject Matter:** Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: initial Licensure Process

**Sections Affected:** BPC §135.4

**Effective Date:** January 1, 2021

**Summary:** This law requires boards and bureaus within DCA to expedite the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This law also allows boards and bureaus to assist these applicants during the initial licensure process. This law



further specifies that persons applying for expedited licensure will still be required to meet all applicable statutory and regulatory licensure requirements.

Bill Number: SB 878 (Jones), Chapter 131, Statutes of 2020

Subject Matter: Department of Consumer Affairs: License: Application: Processing Timeframes

Sections Affected: BPC §139.5

Effective Date: July 1, 2021

Summary: Beginning July 1, 2021, this law requires each board and bureau within the DCA that issues licenses to prominently display on their websites each quarter either the current average time frame for processing initial and renewal license applications, or the combined current average time frame for processing both initial and renewal license applications. This law will also require each board or bureau to quarterly post on their websites either the current average processing time frame for each licensing type administered by the program or the combined current average time frame for processing all licensing types administered by the program.

Bill Number: SB 1474 (Committee on Business, Professions and Economic Development), Chapter 312, Statutes of 2020

Subject Matter: Business and Professions

Sections Affected: BPC §27, §101, §125.9, §130, §144, §200.1, §205, §494.5, §1000, §1913, §1971, §1917.1, §1922, §2065, §2113, §2135.5, §2460, §2531, §2531.75, §2570.19, §2602, §2607.5, §2841, §2847.1, §2847.3, §2920, §2933, §3504, §3512, §3686, §3710, §3716, §4001, §4003, §4501, §4503, §4604, §4621, §4800, §4804.5, §4990, §4990.04, §5600.4, §5810, §7000, §7000.5, §7000.6, §7011.4, §7011.5, §7011.8, §7015, §7017.3, §7028.7, §7030, §7031, §7058.7, §7071.4, §7080.5, §7085.5, §7099.2, §7123.5, §7135, §7136, §7137, §7137.5, §7138, §7139.1, §7139.2, §7141.5, §7145.5, §7159, §7170, §7303, §7512.3, §7512.14, §7512.15, §7520.3, §7525.1, §7529, §7533.5, §7538, §7538.5, §7539, §8516, §10050, §11301, §16100, and §19164 & §7099.9; Civil Code §1670.8.5; & Education Code §94950

Effective Date: January 1, 2021

Summary: This law 1) provides a one-year sunset extension for the following DCA programs that were undergoing the sunset review process prior to COVID-19: Board of Barbering and Cosmetology, Board of Behavioral Sciences, Board of Psychology, Board of Vocational Nursing and Psychiatric Technicians, Bureau for Private Postsecondary Education, Bureau of Real Estate Appraisers, California State Board of Pharmacy, Physician Assistant Board, Podiatric Medical Board of California, and the Veterinary Medical Board; 2) extends the operations for the following DCA programs until January 1, 2023: Board of Chiropractic Examiners, Naturopathic Medicine Committee, Board of Occupational Therapy, Respiratory Care Board, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board; 3) clarifies that registered dental hygienists may perform any procedure or service within their scope of practice if the appropriate education and training has been completed; 4) requires the Dental Hygiene Board to grant initial licensure to any applicant who within the preceding three years has satisfactorily completed the appropriate examinations, instead of the preceding two years in existing law; 5) clarifies the education a registered dental hygienist in alternative practice must possess to be issued a license; 6) prohibits the Contractors State License Board

from releasing any deposit to anyone for any purpose except as determined by a court and requires that deposits be distributed to all claimants in proportion to the amount of their claims if the deposit is insufficient to pay all claims in full; 7) requires the Contractors State License Board to retroactively grant license renewal if a licensee submits an application within 90 days of the license expiration and pays all required fees; 8) prohibits contracts from limiting a consumer's ability to make complaints to a licensing board or from participating in an investigation of a licensee; and 9) makes several other non-substantive or technical changes.

**Bill Number:** AB 5 (Gonzalez), Chapter 296, Statutes of 2019

**Subject Matter:** Worker Status: Employees and Independent Contractors

**Sections Affected:** Labor Code §559

**Effective Date:** January 1, 2020

**Summary:** This law codifies the legal test formulated in *Dynamex v. Superior Court* (2018) 4 Cal.5th 903 (*Dynamex*) to determine whether a worker who performs services for a hirer is an employee or an independent contractor. This law extends the *Dynamex* standard to all issues arising out of the Labor and Unemployment Insurance Codes unless otherwise stated. Under this bill, certain professions and contract arrangements are exempted by explicit reference

**Bill Number:** AB 496 (Low), Chapter 351, Statutes of 2019

**Subject Matter:** Business and Professions

**Sections Affected:** BPC §23.8, §23.9, §25, §27, §28, §30, §31, §101, §101.7, §102.3, §103, §105.5, §106, §107, §108.5, §111, §114, §114.3, §115.5, §115.6, §116, §119, §120, §121, §124, §125, §125.3, §125.6, §125.9, §127, §129, §130, §132, §136, §137, §138, §144, §151, §152, §152.6, §153, §156.1, §158, §159.5, §161, §210, §328, §450, and §450.3

**Effective Date:** January 1, 2020

**Summary:** This is the nonhealing arts omnibus bill for the Department that, among other things, provides that a Board Member's appointing authority has the power to remove that Board Member from office for specified reasons. This bill also revises the Department's requirements to report audit and disciplinary findings annually to the chairpersons of the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions instead of the Chairpersons of the Senate Committee on Business and Professions and the Assembly Committee on Health.

**Bill Number:** AB 1076 (Ting), Chapter 578, Statutes of 2019

**Subject Matter:** Criminal Records: Automatic Relief

**Sections Affected:** BPC §480, §480.2, §11345.2; Labor Code §432.7; Penal Code §851.93, §1203.425, §11105; & Vehicle Code §13555

**Effective Date:** January 1, 2021

**Summary:** This law requires the Department of Justice, as of January 1, 2021, and upon an annual Budget Act appropriation, to review its criminal justice databases on a monthly basis and identify persons who are eligible to have certain arrests and convictions occurring on and after January 1, 2021, sealed, as specified. The bill requires the Department of Justice to grant relief to an eligible person without requiring the eligible person to file a petition for such relief.



Bill Number:        SB 425 (Hill), Chapter 849, Statutes of 2019

Subject Matter:    Health Care Practitioners: licensee's File: Probationary Physicians and Surgeons Certificate: Unprofessional Conduct

Sections Affected:    BPC §800, §805.8, §2221, §2234

Effective Date:        January 1, 2020

Summary:            This law requires health care facilities who receive allegations, written by patients or their representatives, accusing healing arts licensees of sexual abuse or misconduct to report the allegations to the relevant licensing agency. It also makes several changes to the Medical Board of California processes including probationary license disclosure requirements, interview attendance requirements and licensee file disclosure requirements.

Bill Number:        SB 537 (Hill), Chapter 647, Statutes of 2019

Subject Matter:        Workers' Compensation: Treatment and Disability

Sections Affected:    Labor Code §127.1, §138.7, §138.8, §4600.4, §4603.2, §4610, §4616, §4616.5, §5307.12

Effective Date:        January 1, 2020

Summary:            This law requires medical provider networks (MPNs) to list all medical providers on a public roster, prohibits MPNs from altering medical treatment plans and medical billing codes, and requires disclosure to payors of any contract between a medical provider and a contracting agent, employer or insurance carrier that is 20% or more below of the Official Medical Fee Schedule.

Bill Number:        AB 2138 (Chiu), Chapter 995, Statutes of 2018

Subject Matter:        Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction

Sections Affected:    BPC §7.5, §480, §481, §480.2, §482, §488, §493, §11345.2

Effective Date:        July 1, 2020

Summary:            Beginning July 1, 2020, this law restricts the discretion of programs within the Department of Consumer Affairs in using prior criminal history as grounds for licensing determinations and establishes new prohibitions relating to the denial, suspension, and revocation of licensure. Under this law, programs may not use acts involving dishonesty, fraud, or deceit that did not result in a conviction as a basis for the denial of a license. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and a ban on requiring applicants to self-disclose prior convictions unless the application is made for a listed license type that does not require a fingerprint background check. Finally, this law requires Department programs, as specified, to track data relating to licensure denials, to publish that data on its website, and submit an annual report to the Legislature, among other provisions.

Bill Number:        AB 2423 (Holden), Chapter 731, Statutes of 2018

Subject Matter:        Physical Therapists: Direct Access to Services: Plan of Care Approval

Sections Affected:    BPC §2620.1

Effective Date:        January 1, 2019

Summary: This law exempts patients from a treatment limit when receiving physical therapy services as part of an Individualized Education Plan or Individualized Family Service Plan pursuant to the federal Individuals with Disabilities Education Act.

Bill Number: AB 2958 (Quirk), Chapter 881, Statutes of 2018

Subject Matter: State Bodies: Meetings: Teleconference

Sections Affected: Government Code §11123.5

Effective Date: January 1, 2019

Summary: This law provides an alternative, optional method for state bodies that are advisory boards, advisory commissions, advisory committees, advisory subcommittees, and similar multimember advisory bodies when conducting teleconference meetings. The alternative method would require: (1) listing members participating remotely in the minutes and require 24-hour notice prior to the meeting of any members participating remotely; (2) designating a primary physical location and having a quorum of the members of the board in attendance at the primary physical meeting location; (3) providing 24-hour notice on how the public can access the teleconference meeting; (4) if remote access fails during the meeting, the state bodies must adjourn the meeting and provide notice of the adjournment; and (5) providing public notice if the meeting resumes the same day, specifically when the meeting will reconvene and how the public may observe the meeting.

Bill Number: SB 1448 (Hill), Chapter 570, Statutes of 2018

Subject Matter: Healing Arts Licensees: Probation Status: Disclosure

Sections Affected: BPC §1007, §2228.1, §2228.5, §2459.4, §3663.5 & §4962

Effective Date: January 1, 2019

Summary: This law requires licensees of the Medical Board of California, the California Board of Podiatric Medicine, the Osteopathic Medical Board of California, the Naturopathic Medicine Committee, California Board of Chiropractic Examiners, and California Acupuncture Board to make a separate disclosure to their patients or patients' guardian if licensees are on probation related to their professional license. This law limits the circumstances in which licensees of the Medical Board of California, or the Osteopathic Medical Board of California would be required to make a separate disclosure to those cases in which a probationer was accused of one or more of an enumerated list of offenses. This law also requires increased reporting of licensee information on the websites of the affected boards.

Bill Number: AB 208 (Eggman), Chapter 778, Statutes of 2017

Subject Matter: Deferred Entry of Judgment: Pretrial Diversion

Sections Affected: Penal Code §1000, §1000.1, §1000.2, §1000.3, §1000.4, §1000.5, §1000.6 & §1000.65

Effective Date: January 1, 2018

Summary: This law changes the existing deferred entry of judgment program for controlled substance cases involving nonviolent defendants into a pretrial drug diversion program. Under the revised pretrial drug diversion program, a defendant would plead not guilty and receive 12 to 18 months to complete a court approved rehabilitation program. This law limits eligibility in the program to defendants who do not have any felony convictions within five preceding years. If the defendant did not meet the terms of the program, the court would terminate the program and reinstate the criminal proceedings.

Bill Number: AB 508 (Santiago), Chapter 195, Statutes of 2017

Subject Matter: Health Care Practitioners: Student Loans

Sections Affected: BPC §685

Effective Date: January 1, 2018

Summary: This law repeals existing law authorizing healing arts programs under the Department of Consumer Affairs to deny a license, or cite and fine a licensee, for defaulting on certain federal student loans.

Bill Number: AB 1706 (Committee on Business and Professions), Chapter 454, Statutes of 2017

Subject Matter: Chiropractic Practice: Speech-Language Pathology and Audiology and Hearing Aid Dispensing: Occupational Therapy: Physical Therapy

Sections Affected: BPC §146, §1000, §2531, §2531.75, §2533.1, §2533.4, §2534, §2538.10, §2538.19 §2538.28, §2538.29, §2538.30, §2538.34, §2538.35, §2538.38, §2570.18, §2570.19, §2602, §2607.5, §2648.7, §2653, §2682, §2688, §2688.5 & §2689

Effective Date: January 1, 2018

Summary: This law extends the sunset date of the Board of Occupational Therapy, the Physical Therapy Board, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to January 1, 2022 and allows the Legislature to conduct a review of the Board of Chiropractic Examiners.

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

### Regulatory Actions

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

- Subject Matter: Guidelines for Issuing Citations and Imposing Discipline, 6<sup>th</sup> Edition  
Sections Affected: CCR 1399.15  
Effective Date: The proposed regulatory language is currently in process. The language was adopted by the Board on 6/21/2019.  
Summary: This regulation incorporates by reference the 6<sup>th</sup> Edition Disciplinary Guidelines (Revised June 2019) replacing the 5<sup>th</sup> edition Disciplinary Guidelines (Revised December 2013).
- Subject Matter: Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant  
Sections Affected: CCR 1398.26.1  
Effective Date: The proposed regulatory language is currently in process. The language was adopted by the Board on 6/21/2019.  
Summary: This regulation proposes to restructure the Coursework Tools (CWT's) into an outline format for reading ease, adds CWT 6, provides the general rule for Physical Therapists, addresses the acceptance of CWT 6, adds the Physical Therapist Assistants provision and incorporates the CWT's by reference.

- Subject Matter: FSBPT's Performance Evaluation Tool (PET) for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Sections Affected: CCR 1398.26.5

Effective Date: The proposed regulatory language is currently in process. The language was adopted by the Board on 9/14/2018.

Summary: This proposed regulation will allow supervising physical therapists the option to utilize FSBPT's Supervised Clinical Practice Performance Evaluation Tool (PET) for evaluating a foreign trained physical therapist license applicant in addition to APTA's Clinical Performance Instrument.
- Subject Matter: Substantial Relationship Criteria, Rehabilitation Criteria for Denial and Reinstatement of Licensure and Rehabilitation Criteria for Suspension and Revocations

Sections Affected: CCR 1399.20; 1399.21 & 1399.22

Effective Date: The regulatory package was approved/effective on November 30, 2021.

Summary: AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020, to implement, interpret and make specific BPC §141, §480, §481, §482, §488, §493, §2660 and §2660.5 with respect to the substantial relationship of a crime and rehabilitation criteria.
- Subject Matter: License Renewal Exemptions: Retired License Status

Sections Affected: CCR 1399.57

Effective Date: The proposed regulatory language is currently in process. The language was adopted by the Board on 9/16/2021.

Summary: BPC § 2648.7 was repealed effective July 1, 2019, which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC §464 (AB 2859).

**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 services, 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 concerns raised by the CPTA are already addressed with current laws and regulation.

**5) List the status of all national associations to which the board belongs.**

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.

The Board is a member of the Council on Licensure, Enforcement and Regulation (CLEAR) – CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation, providing a forum for improving the quality and understanding of regulation to enhance public protection.

- **Does the board’s membership include voting privileges?**

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 Board’s CLEAR membership is part of DCA’s organizational membership and does come with voting privileges represented by one single organization vote.

- **List committees, workshops, working groups, task forces, etc., on which the board participates.**

The board participates in all FSBPT sponsored national meetings, including the FSBPT Annual Meeting and Delegate Assembly, the FSBPT Leadership Issues Forum (LIF) and the FSBPT Board Member and Administrator Training workshop. Board participation in specific committees, workshops, working groups, task forces, etc. is detailed in the following section.

- **How many meetings did board representative(s) attend? When and where?**

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

## Board Member FSBPT Participation

Board Member	Event	Date	Location
<b>Alicia Rabena-Amen</b>	2017 Leadership Issues Forum	7/29/2017	Alexandria, Virginia
	2017 Annual Meeting & Delegate Assembly	11/2/2017	Santa Ana Pueblo, New Mexico
	2018 Foreign Educated Standards	3/-11-12/2018	Alexandria, Virginia
	2018 Regulatory Training for Members and Board Staff	6/8/2018	Alexandria, Virginia
	2018 Leadership Issues Forum	7/14/2018	Alexandria, Virginia
	2018 Annual Meeting & Delegate Assembly	10/25/2018	Reston, Virginia
	2019 Membership Survey Task Force	2/8-10/2019	Alexandria, Virginia
	Virtual Board Member and Administrator Training	5/6/2021	Virtual
<b>Katarina Eleby, MA</b>	2019 Leadership Issues Forum	7/13/2019	Alexandria, Virginia
	2019 Annual Meeting	10/24/2019	Oklahoma City, Oklahoma
	2020 Leadership Issues Forum	7/22/2020	Virtual
	2017 Regulatory Training for Members and Board Staff	6/9/2017	Alexandria, Virginia
<b>Daniel Drummer, PT, DPT</b>	2018 Leadership Issues Forum	7/14/2018	Alexandria, Virginia
	2018 Annual Meeting & Delegate Assembly	10/25/2018	Reston, Virginia
	2020 Annual Meeting, Delegate Assembly	10/24/2020	Virtual



<b>Jesus Dominguez, PT, PHD</b>	2017 Regulatory Training for Members and Board Staff	6/9/2017	Alexandria, Virginia
	2018 Leadership Issues Forum	7/14/2018	Alexandria, Virginia
	2018 Annual Meeting & Delegate Assembly	10/25/2018	Reston, Virginia
	2019 Education Committee Meeting	6/13/2019	WebEx
	2020 Education Committee Meeting	3/5/2020	WebEx
	2020 Education Committee Meeting	6/9/2020	WebEx
	2021 Education Committee Meeting	6/1/2021	WebEx
<b>Dayle Armstrong, PT, PHD, MS, DPT</b>	2021 Delegate Workshop and Delegate Assembly	10/23/2021	Virtual
<b>Johnathon Ervin</b>	2021 Delegate Workshop and Delegate Assembly	10/23/2021	Virtual
<b>Eserick Watkins</b>	2017 Annual Meeting & Delegate Assembly	11/2/2017	Santa Ana Pueblo, New Mexico

- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

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 and F.

**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.**

### Complainant Satisfaction Survey

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 PTBC’s complaint process and is provided the survey postcard as well as a link to take the survey online. Although the PTBC receives minimal responses, they provide data to evaluate areas of concern for improvement.

Complainant satisfaction survey cards and online survey links are included with the notice of the closure of all consumer-initiated cases. In the last four (4) fiscal years, the PTBC closed 506 consumer-initiated complaints and, received 30 responses (6%). The results of the 30 surveys received indicated that on average, 47% were satisfied with the explanation of the complaint process, 42% were satisfied with how well the complaint outcome was explained to them, and 58% indicated staff was courteous and helpful.

The table below reflect the results of the PTBC’s consumer satisfaction surveys from FY 2017/2018 through FY 2020/2021.



Complainant Satisfaction Survey				
	FY 2017 18	FY 2018 19	FY 2019 20	FY 2020 21
<b>1. How well did we explain the complaint process to you?</b>				
Very Poor	33%	33%	44%	78%
Poor	0%	0%	11%	11%
Good	44%	0%	33%	0%
Very good	22%	67%	11%	11%
Total Answered	9	3	9	9
<b>2. How clearly was the outcome of your complaint explained to you?</b>				
Very Poor	33%	33%	67%	78%
Poor	11%	0%	0%	11%
Good	33%	0%	22%	0%
Very good	22%	67%	11%	11%
Total Answered	9	3	9	9
<b>3. How well did we meet the timeframe provided to you?</b>				
Very Poor	43%	33%	67%	78%
Poor	14%	0%	11%	11%
Good	29%	33%	11%	11%
Very good	14%	33%	11%	0%
Total Answered	7	3	9	9
<b>4. How courteous and helpful was staff?</b>				
Very Poor	13%	33%	33%	67%
Poor	0%	0%	11%	11%
Good	50%	33%	33%	11%
Very good	38%	33%	22%	11%
Total Answered	8	3	9	9
<b>5. Overall, how well did we handle your complaint?</b>				
Very Poor	33%	67%	67%	89%
Poor	33%	0%	0%	0%
Good	11%	0%	22%	0%
Very good	22%	33%	11%	11%
Total Answered	9	3	9	9
<b>6. If we were unable to assist you, were alternatives provided to you?</b>				
Yes	0%	33%	20%	0%
No	100%	33%	80%	100%
Not Applicable	0%	33%	0%	0%
Total Answered	3	3	5	6
<b>7. Did you verify the provider's license prior to service?</b>				
Yes	56%	33%	57%	75%
No	33%	33%	0%	13%
Not Applicable	11%	33%	43%	13%
Total Answered	9	3	7	8

## License Applicant Process Satisfaction Survey

Below are the PTBC's license applicant satisfaction survey results for FY 2019/20 and FY 2020/21. The PTBC has accepted online applications through the BreEZe online portal since 2016. The PTBC received positive feedback in all measured areas across the two-year data collection period. The changes from FY 2019/20 to FY 2020/21 are as follows:

- The Response rate increased 2%.
- The number of applicants that indicated the application process was easy to navigate increased 2% (83% to 85%).
- The number of applicants that indicated the application checklist information was beneficial increased 1% (95% to 96%).
- The number of applicants that indicated they had a positive overall experience with staff responding to questions/concerns during the application process decreased 1% (96% to 95%).
- The number of applicants that indicated the BreEZe online application was user-friendly decreased 8% (94% to 86%).
- The number of applicants that indicated they had a positive overall experience with the license application process decreased 3% (94% to 91%).

The most significant change year to year is the 8% decrease in applicants who agreed the online application was user-friendly. The PTBC is working to address this through updating the BreEZe applicant-facing portal (recently implemented change) and increasing focus on this area when delivering presentations to, and conducting workshops with, applicants.

In FY 2019/20, the PTBC distributed surveys anonymously to 2,350 new licensees and received 81 responses for a 3% response rate. The response demographic is as follows:

PT 89%  
PTA 11%  
Exam 28%  
Endorsement 72%

In FY 2020/21, the PTBC distributed surveys to 2,496 new licensees and received 126 responses for a 5% response rate.

Response demographic:

PT 71%  
PTA 29%  
Exam 60%  
Endorsement 40%

## Applicant Survey Results

	FY 2019-20	FY 2020-21
<b>1. The application process was easy to navigate.</b>		
AGREE	83%	85%
DISAGREE	17%	15%
<b>2. The information in each application checklist was beneficial.</b>		
AGREE	95%	96%
DISAGREE	5%	4%
<b>3. How would you rate your overall experience with PTBC staff responding to your questions/concerns during the application process?</b>		
POSITIVE/NEUTRAL	96%	95%
NEGATIVE	4%	5%
<b>4. The online application process (BreEZe) was user friendly.</b>		
AGREE	94%	86%
DISAGREE	6%	14%
<b>5. How would you rate your overall experience with the license application process?</b>		
POSITIVE/NEUTRAL	94%	91%
NEGATIVE	6%	9%

### Sample of FY 2019/20 survey response comments:

- *If you read the instructions carefully then, yes, it was easy - there were just a lot of different steps which can make things confusing.*
- *The application procedural details were described on the Physical Therapy Board of California website. The check list was a great help to organize the various components of the application process. Email and phone contact assistance with capable advisors was available to clarify guidelines.*
- *Easy but is very lengthy.*
- *It was easy as long as you have everything at hand and ready to upload the necessary documents.*
- *The PDF map of what I need to apply and the steps in need to take were super helpful. The response time for my application, and license was within the time frame states which was really nice.*
- *I cannot say that the process was "easy" though, I do not feel as though it was entirely difficult. I found the availability of persons working for the PTBC to be largely unavailable, which did make it difficult to have questions answered.*
- *I found it difficult to find information related to PTLA status, there is no information about it under FAQ. I also was unaware that it cost so much just for the license application; I understand the*

*smaller fee for the actual license, but just to apply was very expensive when I was already short on funds and was not aware that there was an application fee.*

- The application process was well explained on the website, plus the customer service was very helpful as well.*
- The flow sheet was confusing to process and unclear about needing two separate applications to be completed (through FSBPT and PTBC).*
- The flow chart was especially helpful, and I made reference to it numerous times. Being able to do the application online expedited the process of applying by Endorsement.*

Sample of FY 2020/21 survey response comments:

- The whole process was accommodating, considerate, and very helpful until the end.*
- Love the staff and steps were easy to follow*
- Might be helpful to send out reminders to applicants about deadlines. Would be helpful to have a clear cut checklist for Breeze application and FSBPT applications instead of a general "road map" because people assume that they must sequentially follow each step exactly as written. Also helpful to send out status updates on application perhaps weekly to let applicant know where their application stands. Email updates on the passing of the PT state law exam and board examination would be helpful.*
- Thank You PTBC for being best customer service. As a new grad I had many questions but thanks to your lovely staff all questions were answered and now I am a licensed PTA. Thank You!*
- I understand PTBC is very busy, thus if there was some notification or tracking system that indicates license status then it would reduce the number of calls*
- The process took too long. It took over 80 days to receive a license number or to hear anything regarding my application. I could not get ahold of anyone to ask questions. I called and left multiple voicemail messages and never got any response. Some days I would call and never get through to anyone and stay on the line for over an hour with hopes that I could get a general idea of when I might hear about my application status. When it is posted that it will take 45 days, 80 days is TOO LONG.*
- I am so impressed and grateful for the ease and efficiency of this process. The steps were easy to follow and the wait time was minimal. Thank you.*
- Application is systematic and issuance of license is fast.*
- Please find a way to expedite the process. Why is there only one person handling the applications? She seemed extremely overwhelmed and seemed to have a massive backup of applications which resulted in extremely long processing times. Please find a way to improve*

wait times or find a way to contact applicants' months in advance in order to get their application started.

- *Thank you for working so hard to get our licenses completed during such a difficult time with COVID. I greatly appreciate it!*
- *It's expensive!*
- *I think PT's and PTA's deserve to get their license numbers issued within a week of passing the exams since it seems like everything had to be reviewed in order for us to even sit for the exam...thank you.*
- *Please provide a time frame in which the candidate will be receiving the license number. It is important for a number of reasons, primarily for potential employers to know.*
- *Thank you for working so hard and answering all of my questions.*

### FSBPT Applicant Survey

In addition to PTBC's applicant survey that is sent from the PTBC at the time of licensure, the FSBPT also surveys applicants at the conclusion of both the national licensing examination and the jurisprudence examination. This survey includes a question about applicants' satisfaction with the licensing jurisdiction in which the applicant is applying. As illustrated below, for 2019 and 2020, the FSBPT applicant survey is consistent with PTBC's survey feedback.

### **FSBPT Applicant Satisfaction Survey for California – 2019**

"How satisfied were you with the processing of your application by the state in which you applied for licensure?" is 85% for the California.

The table below shows the satisfaction percentage by quarter for California on this question.

<b>FSBPT Applicant Satisfaction Survey for California- 2019 Chart</b>				
<b>State</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>CA</b>	84.9%	80.0%	82.9%	87.1%
Comment: Satisfaction is defined as selecting "Very Satisfied" or "Satisfied" on the post-examination survey. Dissatisfaction is defined as selecting "Uncertain", "Dissatisfied", or "Very Dissatisfied".				

## Satisfaction with Application Processing by State – 2020

“How satisfied were you with the processing of your application by the state in which you applied for licensure?” is 83% for the California.

The table below shows the satisfaction percentage by quarter for California on this question.

FSBPT Applicant Satisfaction Survey for California- 2020 Chart				
State	Q1	Q2	Q3	Q4
CA	86.2%	79.5%	81.2%	85.1%

Comment: Satisfaction is defined as selecting "Very Satisfied" or "Satisfied" on the post-examination survey. Dissatisfaction is defined as selecting "Uncertain", "Dissatisfied", or Very Dissatisfied".

### Physical Therapy Education Outreach Surveys (Students and Faculty)

One of the PTBC’s 2018 Strategic Plan goals is to collaborate with all physical therapy education programs to improve understanding of the application process and role of the board. As a part of this effort, the PTBC conducts satisfaction surveys of students and staff at the conclusion of each presentation or workshop. The results provide sufficient data to evaluate the effectiveness of the school presentations on laws and regulations and the application process, helping to inform the structure and content of future presentations. According to the data collected, out of the 279 surveys, 97.75% of students and program directors rate the overall presentation as “good” to “excellent”. The data also shows that 96.98% of students and program directors would recommend these presentations to others.

**Fiscal Issues**

**8) Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.**

No. The PTBC fund 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 no statutory reserve level requirement. The PTBC has a reserve level of 10.2 months (FY 2020-21). Over each of the past 4 years, the PTBC has had to over-expend its budget for personnel services. These over-expenditures are a result of changes in program requirements resulting in increased workload. To mitigate these costs, the PTBC has been required to continuously redirect existing resources and obtain temporary help (limited-term) positions in efforts to meet its program responsibilities effectively. The PTBC continues to address its resource deficiencies through the Budget Change Proposal (BCP) process.

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

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

In FY 2014-15, the PTBC identified a structural fund imbalance. The PTBC's 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, that became effective in FY 2015-16. The PTBC projects a reserve level of 8.7 months, ending in FY 2021-22 and 7.3 months in reserve in FY 2022-23.

PTBC will need to pursue a fee increase within the next four years based on its projected decrease in the fund of 1.9 (months) in FY 2024-25 and deficit of 7 (weeks) in FY 2025-26. However, PTBC's application and licensing fees are set at the statutory limit and increasing the fees would require a statutory change.

<b>Table 2. Fund Condition</b>						
<b>(Dollars in Thousands)</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2022/23</b>
<b>Beginning Balance</b>	1,486	2,078	2,943	4,095	4,903	5,181
<b>Revenues and Transfers</b>	5,554	5,685	6,117	6,357	6,031	6,378
<b>Total Revenue</b>	\$7,040	\$ 7,763	\$ 9,060	\$ 10,452	\$ 10,934	\$ 11,559
<b>Budget Authority</b>	5,175	4,983	4,715	5,543	5,750	6,493
<b>Expenditures</b>	4,743	4,983	4,550	5,126	5,460	6,492
<b>Loans to General Fund</b>	0	0	0	0	-349	0
<b>Accrued Interest, Loans to General Fund</b>	0	0	0	0	0	0
<b>Loans Repaid From General Fund</b>	0	0	0	0	0	0
<b>Fund Balance</b>	\$2,078	\$ 2,477	\$ 4,073	\$ 4,903	\$ 5,181	\$ 4,443
<b>Months in Reserve</b>	4.7	6.0	8.8	10.2	8.7	7.3

**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?**

The Section 3.92 General Fund Loans authorizes the Director of Finance to transfer amounts equivalent to the employee compensation reductions from each special fund to the General Fund as a loan. These loans will be repaid with interest when the originating fund has need for the money to be returned or when there is no longer a need for the monies in the General Fund.

The General Fund (GF) borrowed \$349,000 from PTBC's fund in FY 2021-22 (Pursuant Section 3.92), decreasing reserve levels to 8.7 months. In due course, the PTBC's reserve levels will continue to decline resulting in budget constraints and operational deficiencies as resources become increasingly limited.

**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.**

The PTBC has overspent its Personnel Services budget allotment over four (4) consecutive fiscal years (2017/18, 2018/19, 2019/20 and 2020/21). The over expenditures are a direct result of the salary costs for the Temp Help<sup>[1]</sup> staff that support meeting various program requirements and mandates. Since FY 2017-18, the PTBC has spent an average of \$106,264 in Temp Help. To alleviate the Temp Help cost, the PTBC obtained permanent positions through the Budget Change Proposal (BCP) process.

The PTBC program expenditures are comprised of the expenditure amounts and percentages, by program components: (1) Enforcement; (2) Licensing; and (3) Administration.

FY 2017-18, the PTBC had \$2,269,000 in Personnel Services cost and \$2,480,000 in Operating Expenses & Equipment cost, a total of \$4,749,000 in program expenditures and spent 95.30% of its \$4,983,000 authorized budget, which includes \$114,857 in Temp Help. The Enforcement program spent \$1,557,000 or 33.29% of total expenditures, Licensing program spent \$1,080,000 or 23.09%, and the Administration program spent \$815,000 or 17.42%. In addition, the PTBC transferred \$200,000



of its remaining balance to an ARF<sup>[2]</sup> account for its relocation, for a total year-end expenditure of \$4,949,000.

FY 2018-19, the PTBC had \$2,132,000 in Personnel Services cost and \$2,682,000 in Operating Expenses & Equipment cost, a total of \$4,676,000 in program expenditures and spent 99.17% of its \$4,715,000 authorized budget, which includes \$147,771 in Temp Help. The Enforcement program spent \$1,557,000 or 33.29% of total expenditures, Licensing program spent \$1,080,000 or 23.09%, and the Administration program spent \$815,000 or 17.42%.

FY 2019-20, the PTBC had \$2,683,000 in Personnel Services cost and \$2,632,000 in Operating Expenses & Equipment cost, a total of \$5,315,000 in program expenditures and spent 95.88% of its \$5,543,000 authorized budget, which includes \$117,055 in Temp Help. The Enforcement program spent \$1,613,000 or 29.45% of total expenditures, Licensing program spent \$1,192,000 or 21.26%, and the Administration program spent \$1,178,000 or 21.51%. In addition, the PTBC transferred \$150,000 of its remaining balance to an ARF account for its relocation, totaling a year-end expenditure of \$5,465,000.

FY 2020-21, the PTBC had \$2,624,005 in Personnel Services cost and \$2,825,187 in Operating Expenses & Equipment cost, a total of \$5,449,132 in program expenditures and spent 94.76% of its \$5,750,000 authorized budget, which includes \$45,373 in Temp Help. The Enforcement program spent \$1,788,000 or 32.81% of total expenditures, Licensing program spent \$1,061,000 or 19.47%, and the Administration program spent \$1,285,000 or 23.58%.

For the last four fiscal years, PTBC's total program expenditures have increased by \$856,000 or 18%. Personnel Services expenditures increased by \$355,000 (15.64%) and Operating Expenses & Equipment (OE&E) expenditures increased by \$501,000 (18.34%).

[1] Temp Help: Positions authorized through blanket expenditures (Permanent Intermittent, Retired Annuitant, Student Assistant and Limited Term).

[2] Architecture Revolving Fund (ARF), allowed PTBC to reserve anticipated costs (funds) for construction, alteration, repair, improvements, including those costs incurred with relocating. The PTBC was permitted to 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.

**Table 3. Expenditures by Program Component (list dollars in thousands)**

	FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
<b>Enforcement</b>	786	623	876	681	786	827	713	1,075
<b>Examination</b>	0	0	0	0	0	0	0	0
<b>Licensing</b>	836	205	932	148	938	254	851	210
<b>Administration *</b>	647	124	726	89	959	219	1,060	225
<b>DCA Pro Rata</b>	0	1,528	0	1,224	0	1,332	0	1,471
<b>Diversion (if applicable)</b>	0	0	0	0	0	0	0	0
<b>TOTALS</b>	<b>\$ 2,269</b>	<b>\$2,480</b>	<b>\$2,534</b>	<b>\$2,142</b>	<b>\$ 2,683</b>	<b>\$2,632</b>	<b>\$2,624</b>	<b>\$2981</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

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

To date, the PTBC has contributed a total of \$1,851,880 to the BreZE program.

The DCA is finalizing this year's (FY 2020-21) expenditure reports that identify the total BreZE expenditures; however, the PTBC anticipates to fully expend its budget allotment of \$177,000.

The PTBC's anticipates contributing its projected budget allotment of \$163,000 to the BreZE program in FY 2022-23 and ongoing.

**Costs Contributed to BreZE Program (By Fiscal Year)**

2012/13 (Actual)	2013/14 (Actual)	2014/15 (Actual)	2015/16 (Actual)	2016/17 (Actual)	2017/18 (Actual)	2018/19 (Actual)	2019/20 (Actual)	2020/21 (Budget)
\$39,928	\$81,262	\$155,951	\$332,997	\$310,993	\$286,467	\$259,627	\$207,655	\$177,000

**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.**

PTBC's 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 (licensing) fees one time in FY 2015-16.

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).

PTBC's Physical Therapist and Physical Therapist Assistant fees are set at the statutory limit.

<b>Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)</b>							
<b>Fee</b>	<b>Current Fee Amount</b>	<b>Statutory Limit</b>	<b>FY 2017/18 Revenue</b>	<b>FY 2018/19 Revenue</b>	<b>FY 2019/20 Revenue</b>	<b>FY 2020/21 Revenue</b>	<b>% of Total Revenue*</b>
PT Application	300	300	519,300	517,200	526,800	509,100	8.00%
PT Application (Non U.S.)	300	300	57,600	66,900	67,800	51,300	0.80%
PT Initial License	150	150	275,250	276,600	279,900	273,000	4.29%
PT Biennial Renewal	300	300	3,645,900	3,800,100	3,920,700	4,040,100	63.55%
PT Delinquent Renewal	150	150	32,250	26,250	27,450	34,650	0.54%
PTA Application & Initial License	300	300	213,600	229,500	176,400	189,600	2.98%
PTA Application & Initial License (Non U.S.)	300	300	20,100	15,600	16,500	14,100	0.22%
PTA Biennial Renewal	300	300	963,300	948,000	1,077,900	1,110,900	17.47%
PTA Delinquent Renewal	150	150	10,800	7,500	7,050	9,450	0.14%
ENMG Specialty Certification	100	200	0	0	0	0	0
ENMG Examination	500	500	0	0	0	0	0
ENMG Biennial Renewal	50	200	750	400	600	650	0.01%
ENMG Delinquent Renewal	25	100	0	0	0	0	0
KEMG Specialty Certification	100	200	0	0	0	0	0
KEMG Examination	500	500	0	0	0	0	0
KEMG Renewal	50	200	800	650	800	850	
KEMG Delinquent Renewal	25	100	0	25	0	75	0.01%
Endorsement Application (Letter of Good Standing)	60	100	84,720	84,840	76,920	105,360	1.65%
Duplicate Certificate	50	100	16,950	14,000	13,500	8,700	0.13%

\*The total percentage amounts reflect the percentage of the total amount of revenue collect for FY 2020-21.

PT = Physical Therapist, PTA = Physical Therapist Assistant, ENMG = Electroneuromyographer, KEMG = Kinesiological Electromyographer.

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

The PTBC has submitted five (5) BCPs in the past four fiscal years (FY 2017/18 – FY 2020/21).

FY 2018-19, the PTBC requested a budget augmentation for one (1) Staff Services Analyst (SSA) position. The PTBC relied on Temporary Help (limited term) resources to manage its ongoing cashiering workload. This position would have allowed the PTBC to sustain a permanent position to address its ongoing workload. This request was denied. (BCP-1111-07).

FY 2019-20, the PTBC received a budget augmentation to establish one (1) Staff Services Manager II position. The PTBC requested to establish an Assistant Executive Officer position to assist the Executive Officer with the ongoing day to day operations of the PTBC. The PTBC also received position authority for one (1) Office Technician (typing) position and two (2.0) Staff Services Analyst positions. These position authorities sustain workload that was being performed by temporary help staff and ensure that permanent workload is addressed by permanent full-time staff. (BCP-1111-002).

FY 2020-21, the PTBC received a budget augmentation for one (1) Staff Services Analyst (SSA) position. The PTBC requested to increase its resources in order to sustain the workload that was being performed by temporary help (limited term) staff. The PTBC was addressing its staffing need to support Business and Professions Code (BPC) Section 2605(g) which requires the PTBC to publish at least annually a newsletter and 2605(l) that requires the PTBC to adopt and administer a program of education in matters relevant to the regulation of physical therapy. The PTBC also received a budget augmentation for one (1) Associate Governmental Program Analyst (AGPA) position to meet the increased workload within its probation monitoring requirements. (BCP-1111-038).

**Table 5. Budget Change Proposals (BCPs)**

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111 07	2018-19	To reduce the Board's backlogs and act as the Board's cashier.	1.0 - SSA	0 - SSA	95,000	0	0	0
1111 002	2019-20	To fund Staff Services Manager II to properly align manager to staffing ratios consistent with CalHR staffing allocation guidelines.	1.0 - SSMII	1.0 - SSMII	161,000	161,000	0	0
1111 002	2019-20	To fund 2.0 Staff Services Analysts for its Continuing Competency Unit.	2.0 - SSA	2.0 - SSA	201,000	201,000	0	0
1111 02	2019-20	To sustain the increased workload that was currently being performed by temporary help staff.	1.0 - OT (T)	1.0 - OT (T)	0	0	0	0
1111 038	2020-21	To fund 1.0 Staff Services Analyst in support to adopt and administer a program of education in matters relevant to regulation of physical therapy.	1.0 - SSA	1.0 - SSA	117,000	117,000	0	0
1111 038	2020-21	To meet the increased volume workload of the probation monitor within Enforcement Unit.	1.0 - AGPA	1.0 - AGPA	150,000	150,000	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.**

**Staffing Deficiencies:** Over the past four years, the PTBC's program requirements have increased significantly. Specifically, the Application, Licensing and Administrative program areas workload has increased and lacks sufficient staffing levels to maintain the volume of workload requirements and meet its current mandates. In efforts to minimize operational deficiencies, the PTBC established two (2) Temp Help positions in its application unit and one (1) Temp Help position to conduct its regulatory functions. In addition, existing staff have been redirected on a rotational basis to alleviate further backlogs in licensing and other areas of concern throughout the board. All program staff are responsible for effectively performing their assigned essential functions efficiently in support of meeting the PTBC's strategic mission goals and objectives. However, in order to effectively meet its mandates, the PTBC must obtain permanent, full-time staff (Pursuant to BPC 2607) to accommodate the volume of workload.

Historically, the PTBC has relied heavily on Temp Help resources to manage permanent workload. As a result, the PTBC has experienced staff turnover and challenges with recruitment efforts.

FY 2017-18, PTBC was authorized 21.1 positions and four (4) Temp Help positions, for a total of 27 staff members; and one (1) vacancy. The vacancy was within the Administrative Services Unit that was created to accommodate the increased cashiering workload requirements. The vacancy was successfully filled by the end of the fiscal year (June 2018).

FY 2018-19, PTBC position authority remained the same at 21.1 positions and four (4) Temp Help positions, a total of 27 staff members; and one (1) vacancy. This vacancy was within the Administrative Services Unit as a result of staff turnovers. The PTBC was successful in its recruitment efforts and filled its vacancy by the end of the fiscal year (June 2019).

FY 2019-20, PTBC was authorized 25.1 positions and one (1) Temp Help position, totaling 28 staff members; and two (2) vacancies. The increase in authorized positions resulted from the PTBC receiving position authority to establish four (4.0) permanent positions through an approved Budget Change Proposal (BCP-1111-002) within its Leadership (1), Continuing Competency (2) and Administrative (1) units in efforts to manage the increased workload in those program areas. All positions were filled within six months, with the exception of the Assistant Executive Officer (AEO) position within Leadership. At the time, the AEO and the Executive Officer (EO) salaries were comparable and hiring the AEO would have created an organization misallocation. Consequently, the PTBC's Temp Help resources decreased as existing staff members in temporary positions were redirected to those permanent position.

Meanwhile, PTBC's program requirements continued to increase, and various program areas remain deficient due to the vacancy ratios and increased workload.

FY 2020-21, PTBC was authorized 27.1 positions and four (4) Temp Help positions, totaling 31 staff members; and, three (3) vacancies. The increase in authorized positions resulted from the PTBC receiving position authority to establish two (2) permanent positions through an approved Budget

Chane Proposal (BCP -1111-038) within its (1.0) Administrative and (1.0) Enforcement units in efforts to manage the increased workload in those program areas. The position within the Administrative unit was filled. In addition, the PTBC's increased its Temp Help positions in efforts to accommodate the increased workload within the Application unit. All Temp Help positions within the Application unit have been filled. The PTBC anticipates completing its recruitment process and fill its 3 vacancies within Enforcement and Regulatory functions by the end of the year (FY 2021-22).

**Executive Officer, Exempt Level Change:** The PTBC's Executive Officer (EO) Exempt Level is not appropriately allocated for the current organizational structure. The PTBC's EO Exempt Level is allocated at level "N" and equivalent to the civil service class of a Staff Services Manager (SSM) II/III level and pay scale of \$8323 - \$9274.

The current EO Exempt Level category, SSM II/III is a toggler classification, which means the position can be designated at the II or III level at time of appointment; however, because the levels are combined, the level definition (SSM II/III) does not have the same authority or pay scale of the SSM II or III exempt categories of levels L and M. According to data collected from the CalHR Exempt Salary Chart (July 2021), the SSM II, III and CEA exempt categories and level definitions are as followed:

Exempt Level Categories			
Exempt Category	Level Definitions	Salaries	Civil Service Excluded Level Definition
L	CEA A-Equivalent	\$9,151 - \$10,194	N/A
M	SSM III	\$8,724 - \$9,717	SSM III (\$8,545 - \$9,702)
N	SSM II/III	\$8,323 - \$9,724	N/A

In FY 20219-20, the PTBC had a reorganization and established a permanent civil service class position of a Staff Services Manager II, designated as the Assistant Executive Officer (AEO) classification and pay scale of \$7,028.00-\$8,732.00.

Level L: The CEA classification level serve in high-level managerial positions. CEAs develop and implement policy. They may serve in a department Director's cabinet or form a department's executive staff. CEAs serve at the top levels in a department (first or second levels for small departments, top three for medium-sized departments, top four for large departments). In addition, the CEA exempt level is designated into three levels A (\$6,173 - \$8,874), B (\$8,594 - \$10,237 and C (\$9,544 - \$10,836) (Exempt Salary Chart (July 2021)). The civil service pay scales designate a single salary range for all CEA levels from \$6,173 – \$13,782, to provide departments the flexibility, and CalHR the discretion, to establish salaries above the specified maximum salary range of the approved CEA level when exceptions to the salary range are approved.

Level M: The SSM III classification level have full management and supervisory responsibility in charge of a major Staff Services function, or functions, when it is so unusually large and complex as to require subordinate supervisors at the Senior level on a sub functional or geographic basis. In those cases where the supervisory and management responsibility is minimum, it must be balanced out by responsibility for a function with multi-departmental or statewide impact requiring skills and knowledge



at the highest level with responsibility for work of the most critical or sensitive nature as relates to a department's primary mission.

Provides a high level of assistance and expertise to an exempt director, executive officer, or Board Member of a large, highly complex and sensitive department, in reaching organization goals, including responsibility for policy and program evaluation and recommendations often coupled with legislative liaison.

Level N: According to the CalHR classification specifications, the Staff Services Manager (SSM) classification series, the SSM II is the first management level over analytical and administrative work. Positions in this class have significant responsibilities for formulating or administering agency or departmental policies and programs. In most settings, persons at this level are in charge of a well-established and fully developed Staff Services function in a moderate to large department. Positions at this level normally supervise a moderate to large number of technical staff and spend the majority of their time in supervisory and managerial activities as distinct from working level assignments.

This issue is addressed in Section 12.

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

PTBC utilizes internal training services provided by the DCA, Strategic Organization, Leadership and Individual Development (SOLID) Training Solutions. The SOLID provides a wide variety of courses with practical resources in efforts to provide opportunity for employee development and learning through various platforms. The cost for these services is covered by PTBC's shared Pro Rata cost.

Pro Rata: Pro Rata is the distribution of costs for services provided by the Department of Consumer Affairs to all boards. Through its two primary divisions, the Consumer and Client Services Division and the Division of Investigation, DCA provides a wide range of programmatic and administrative services to all boards. The distribution of costs (Pro Rata) for these divisions is budgeted to all boards utilizing various distribution methodologies, including record counts; volume of calls, complaints and correspondence; inter-agency agreements; authorized position accounts; cost center specific distributions; and two-year roll-forward. The Department of Finance sets forth all statewide fiscal and accounting policies and procedures that must be followed. Under these policies and procedures, departments are required to recover full costs whenever goods or services are provided. All savings achieved by the DCA are returned to respective boards funds at year-end.

FY 2016-17, PTBC spent \$2,288 on external training and development.

FY 2017-18 through FY 2020-21, PTBC had no expenditures on outsourced training and development. However, each PTBC staff member participated and completed an average of 40 hours each year on various training and development through internal resources, DCAs SOLID program and each PTBC's Management level staff completed an average of 60 hours each year.

In addition, PTBC's Board Members completed an average of 30 hours each year on training and development as part of their annual training and reporting requirements. Board Members that serve as delegates to the Federation of State Board Physical Therapy (FSBPT) association participate in additional training. As FSBPT delegates, Board Members participate in all FSBPT sponsored national meetings, including the FSBPT Annual Meeting and Delegate Assembly, the FSBPT Leadership Issues Forum (LIF) and the FSBPT Board Member and Administrator Training workshop. The meetings also include educational sessions pertinent to the regulation of the physical therapy practice.



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**

**Table 6. Licensee Population**

		FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
<b>Physical Therapist</b>	<b>Active<sup>[2]</sup></b>	25,294	26,157	27,117	27,990
	<b>Out of State</b>	-	-	-	-
	<b>Out of Country</b>	-	-	-	-
	<b>Delinquent/Expired</b>	3,680	3,943	4,058	4,390
	<b>Retired Status <i>if applicable</i></b>	238	305	358	412
	<b>Inactive</b>	1,237	1,209	1,201	1,177
	<b>Other<sup>[3]</sup></b>	-	-	-	-
<b>Physical Therapist Assistant</b>	<b>Active</b>	6,840	7,176	7,561	7,833
	<b>Out of State</b>	-	-	-	-
	<b>Out of Country</b>	-	-	-	-
	<b>Delinquent/Expired</b>	1,035	1,133	1,188	1,333
	<b>Retired Status <i>if applicable</i></b>	67	90	112	125
	<b>Inactive</b>	327	314	314	310
	<b>Other</b>	-	-	-	-

The PTBC currently has 24 physical therapist licensees with Electroneuromyography specialty certification (ENMG) and 29 physical therapist licensees with Kinesiological Electromyography (KEMG) specialty certification.

The PTBC has 5,504 licensees out of state and 136 licensees out of country.<sup>[4]</sup>

**18) What are the board’s performance targets/expectations for its licensing<sup>[1]</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

The PTBC’s initial license application performance measure targets for complete applications are as follows:

## Application Performance Measure Targets

U.S. CAPTE-Accredited Program Graduate - Exam	90 days
U.S. CAPTE-Accredited Program Graduate - Endorsement	45 days

Table 7a below provides the PTBC's application processing times for an initial license application from receipt to license issuance. This data differs from the data reported in Attachment F, which reflects processing time using a different data collection method that does not account for the entire application process. The PTBC is generally not meeting its performance measure targets because most applications are incomplete upon initial evaluation. While an incomplete application upon initial evaluation is not seen as negative, the PTBC will have the application in its possession longer. The PTBC makes every effort to assist applicants resolve application deficiencies and issue a license as quickly as possible.

**Table 7a. Licensing Data by Type – Physical Therapist**

	Application Type	Received (Incomplete/Complete)	Approved/Issued	Closed (Not Approved)	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out**
FY 2018/19	US – Exam	-	958	-		-	-	-	-	129 days
	US Endorsement	-	700	-		-	-	-	-	79 days
	Foreign - Exam	-	41	-		-	-	-	-	606 days
	Foreign Endorsement	-	194	-		-	-	-	-	111 days
	Total Applications	2,053	1,811	146	-	-	-	-	-	-
	Total Renewals	12,729	12,729	n/a	-	-	-	-	-	1 day
FY 2019/20	US – Exam	-	1,013	-		-	-	-	-	94 days
	US Endorsement	-	577	-		-	-	-	-	80 days
	Foreign - Exam	-	22	-		-	-	-	-	591 days
	Foreign Endorsement	-	116	-		-	-	-	-	197 days
	Total Applications	2,110	1,725	88	-	-	-	-	-	-
	Total Renewals	13,058	13,058	n/a	-	-	-	-	-	2 days
FY 2020/21	US – Exam	-	1,153	-		-	-	-	-	92 days
	US Endorsement	-	590	-		-	-	-	-	91 days
	Foreign - Exam	-	37	-		-	-	-	-	585 days
	Foreign Endorsement	-	105	-		-	-	-	-	211 days
	Total Applications	1,968	1,885	94	-	-	-	-	-	-
	Total Renewals	13,487	13,487	n/a	-	-	-	-	-	2 days

\* Optional. List if tracked by the board.

\*\*Processing time only for licenses issued; does not include closed applications.

**Table 7a. Licensing Data by Type – Physical Therapist Assistant**

	Application Type	Received (Incomplete/Complete)	Approved /Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out**
FY 2018/19	US – Exam	-	440		-	-	-	-	-	159 days
	US – Endorsement	-	143		-	-	-	-	-	122 days
	Foreign - Exam	-	25		-	-	-	-	-	193 days
	Foreign – Endorsement	-	18		-	-	-	-	-	135 days
	Total Applications	892	626	111	-	-	-	-	-	-
	Total Renewals	3,319	3,319	n/a						2 days
FY 2019/20	US – Exam	-	461	-	-	-	-	-	-	131 days
	US – Endorsement	-	138	-	-	-	-	-	-	110 days
	Foreign - Exam	-	14	-	-	-	-	-	-	191 days
	Foreign – Endorsement	-	12	-	-	-	-	-	-	157 days
	Total Applications	720	625	80	-	-	-	-	-	-
	Total Renewals	3,617	3,617	n/a						2 days
FY 2020/21	US – Exam	-	501	-	-	-	-	-	-	130 days
	US – Endorsement	-	73	-	-	-	-	-	-	101 days
	Foreign - Exam	-	25	-	-	-	-	-	-	282 days
	Foreign – Endorsement	-	12	-	-	-	-	-	-	169 days
	Total Applications	725	611	104	-	-	-	-	-	-
	Total Renewals	3,694	3,694	n/a						2 days

\* Optional. List if tracked by the board.  
 \*\*Processing time only for licenses issued; does not include closed applications.

**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?**

Overall, the number of applications approved and closed are consistent with the number of applications received each fiscal year. The initial license processing times above include examination eligibility, temporary licensure and initial license issuance. Processing times are increased or decreased based on volume of applications at any given time, resource availability and business process requirements. The PTBC’s application volumes fluctuate throughout the year as the highest volume of applications – CAPTE graduates – follow education program graduation dates; high volumes are typically spring and summer. The PTBC has historically relied on temporary help positions to support its Licensing program. The PTBC has increased the number of permanent positions to support the Licensing program; however, resources continued to be impacted by staff departures, onboarding and training new staff and, more recently staff being assigned to COVID contact tracing.

The PTBC’s application process is dependent on outside processes such as education verification, fixed date examinations and fingerprinting. Education verification must be received directly from the physical therapy program. Applicants may apply to the PTBC prior to graduation, but the PTBC must receive verification that an applicant has graduated, which relies on the applicants graduating and the program issuing the verification. The national licensing examination is administered quarterly, limiting applicants’ opportunity to sit for the national licensing examination and extending the time an application is pending with the PTBC. Should an applicant fail the examination, they would have to wait until the next quarterly seating which could further delay their application. Finally, the PTBC must receive fingerprint results from both the DOJ and FBI prior to license issuance. An applicant may fingerprint prior to applying or during the process, and, while a majority of fingerprint responses are received within a few days, some may take longer, get delayed or are rejected.

The PTBC is working to mitigate delays in all of these areas by providing outreach to applicants to educate them on the application process and what options may work best for their situation. Some of the specific steps the PTBC has taken to improve the application process experience and reduce processing time include: increasing resources allocated to processing applications e.g., a designated military and endorsement analyst; conducting outreach to educate applicants on the application process; transitioning to electronic document submission; separating the examination eligibility process and initial application process; and updating the way BreEZe functions and/or the way in which it is used by staff.

**20) How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.**

In the last four fiscal years, the Board has denied 11 license applicants based on criminal history. Of the 11 applicants that were denied, 9 appealed and were issued a probationary license. The denials were determined based on substantially related qualifications, functions, or duties of the profession, pursuant to BPC section 480.

The table below reflects the breakdown of applications denied pre-appeal by fiscal year.

<b>Criminal Conviction Denials Chart</b>				
	<b>Initially Denied</b>	<b>Appealed</b>	<b>Issued Probationary License</b>	<b>Denied</b>
<b>FY 2017-18</b>	8	7	5	3
<b>FY 2018-19</b>	4	2	2	2
<b>FY 2019-20</b>	0	0	0	0
<b>FY 2020-21</b>	2	1	1	1

## FY 2017/18

- Physical Therapist Applicant: Denied due to multiple prior criminal convictions including 2006 convictions for two DUIs and a 2009 DUI conviction. The applicant appealed and was later granted a probationary physical therapist license.
- Physical Therapist Assistant Applicant: Denied due to a 2000 Minor in Possession conviction, 2000 Public Intoxication and Disorderly Conduct convictions, 2002 Battery & False Imprisonment convictions, 2008 Drunk in Public conviction, 2009 Disorderly Conduct & Fighting convictions, and 2010 arrest for Corporal Injury to Cohabitant, Domestic Violence, Attempting Oral Copulation, and Rape. The applicant appealed but later withdrew the appeal.
- Physical Therapist Applicant: Denied due to driving while intoxicated conviction with a BAC of 0.12 and insufficient evidence of rehabilitation. The applicant appealed and was later granted a physical therapist license.
- Physical Therapist Applicant: Denied due to accumulated acts showing habitual intemperance: a 2010 Public Intoxication conviction, 2012 charge of Boating While Intoxicated, 2013 Reckless Boating conviction, 2014 charge of Public Intoxication, and a 2015 Public Intoxication conviction, and failure to show rehabilitation. The applicant appealed but later withdrew appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2017 DUI criminal arrest, and no evidence of rehabilitation. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2008 Grand Theft and Theft criminal convictions, failure to disclose a criminal conviction in attempt to deceive PTBC, and no evidence of rehabilitation. The applicant appealed and was later granted a physical therapist assistant license.
- Physical Therapist Applicant: Denied due to a 2015 Disturbing the Peace conviction and a 2016 DUI conviction. The applicant appealed and was later granted a probationary physical therapist license.
- Physical Therapist Assistant Applicant: Denied due to a felony conviction of PC 261.5(A) – Sexual Intercourse with a Minor Under 18. The applicant appealed and was later granted a probationary physical therapist assistant license.

## FY 2018 /19

- Physical Therapist Applicant: Denied due to two recent arrests and convictions for driving while intoxicated, and failure to provide sufficient evidence of rehabilitation. The applicant appealed and was later granted a probationary physical therapist license.
- Physical Therapist Applicant: Denied due to multiple arrests and convictions involving the use of a vehicle while under the influence of alcohol or other intoxicating substances, failure to disclose three criminal events pertaining to intoxication, and two criminal events involving driving under the influence, false statement on application for licensure, and insufficient evidence of rehabilitation. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to failure to disclose multiple convictions, including a 2011 conviction for multiple VC violations, and a 2012 conviction for welfare fraud & driving with a suspended license. The applicant failed to provide requested information to the Board and failed to pass licensing exams and did not appeal.
- Physical Therapist Applicant: Denied due to a 2014 and 2018 DUI convictions, and that applicant is still on criminal probation. The applicant appealed and was later granted a probationary physical therapist license.

FY 2019/20

- No Denials

FY 2020/21

- Physical Therapist Applicant: Denied but offered an Initial Probationary License due to criminal history including a 2013 “Certain Acts Prohibited False Display” conviction, 2015 Disorderly Conduct conviction, 2019 Public Drunkenness conviction, and issuance of a probationary physical therapist license by the Mississippi State Board of Physical Therapy. The applicant withdrew his application for licensure rather than accept a probationary license.
- Physical Therapist Applicant: Denied due to a recent criminal conviction, applicant still being on criminal probation, and insufficient evidence of rehabilitation. The Statement of Issues was later withdrawn, and an unrestricted license was issued.

<b>Table 7b. License Denial</b>			
	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
<b>License Applications Denied (no hearing requested)</b>	4	0	1
<b>SOIs Filed</b>	2	2	1
<b>Average Days to File SOI (from request for hearing to SOI filed)</b>	51	56	163
<b>SOIs Declined</b>	0	0	0
<b>SOIs Withdrawn</b>	0	1	1
<b>SOIs Dismissed (license granted)</b>	0	0	0
<b>License Issued with Probation / Probationary License Issued</b>	5	0	0
<b>Average Days to Complete (from SOI filing to outcome)</b>	219	93	357

**21) How does the board verify information provided by the applicant?**

- **What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant’s failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

The PTBC requires applicants to declare under penalty of perjury: 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 National Practitioner Data Bank and license verifications from other licensing jurisdictions.

Applicants were previously required to disclose under penalty of perjury whether they have ever been convicted of, pled guilty to, or pled no contest to any misdemeanor or felony; however, this question was removed from the initial license application in accordance with Chapter 995, Statutes of 2018 (AB 2138, Chiu). The PTBC now relies solely on Criminal Offender Record Information (CORI) reports from the Federal Bureau of Investigation (FBI) and the Department



of Justice (DOJ) fingerprinting, which is authorized by BPC section 144. The PTBC also checks all applicants against California's Megan's Law website in accordance with BPC section 2660.5.

In the past four years, the PTBC has denied three applications for licensure, in part for failure to disclose information on the application, including failure to self-disclose criminal history, as follows:

FY 2017/2018:

A Physical Therapist Assistant Application was denied due to a 2008 Grand Theft and Theft criminal convictions, failure to disclose a criminal conviction in attempt to deceive PTBC, and no evidence of rehabilitation. The applicant appealed and was later granted a physical therapist assistant license.

FY 2018/2019:

A Physical Therapist Application was denied due to multiple arrests and convictions involving the use of a vehicle while under the influence of alcohol or other intoxicating substances, failure to disclose three criminal events pertaining to intoxication, and two criminal events involving driving under the influence, a false statement on application for licensure, and insufficient evidence of rehabilitation. The applicant did not appeal.

A Physical Therapist Assistant Application was denied due to failure to disclose multiple convictions, including a 2011 conviction for multiple VC violations, a 2012 conviction for welfare fraud & driving with a suspended license. The applicant failed to provide requested information to the Board and failed to pass licensing exams. The applicant did not appeal.

- **Does the board fingerprint all applicants?**

Yes. Pursuant to BPC section 144, applicants are required to submit fingerprints at the time of the initial license application for CORI reports from both the FBI and DOJ; an applicant cannot obtain a license until CORI reports are received from both the FBI and the DOJ. 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.

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

Yes, all current licensees have been fingerprinted.

- **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, National Practitioner Databank information on disciplinary action taken in other licensing jurisdiction is verified via the Federation of State Boards Physical Therapy (FSBPT).

Following licensure, actions taken against a licensee holding a license in another jurisdiction are reported to the PTBC by the FSBPT via email. The email notices are usually received within days of the effective date of the discipline taken; however, it is also dependent on when and if the other state(s) report the discipline to the National Practitioner Databank.

- **Does the board require primary source documentation?**

Yes. The PTBC requires the following primary source documents:

- Education verification from an accredited program or credential evaluating agency
- CORI reports
- Score reports for the NPTE and CAL-Law examinations
- License verifications from other jurisdictions
- Clinical service evaluations
- Verifications 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 Physical Therapy 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 section 480
- Possess a valid Social Security Number (SSN) or Individual Tax Identification Number (ITIN)
- Submit the PTBC's 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
- 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 equivalency 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 requirement.

Physical Therapist Assistant

Pursuant to regulation, the PTBC will consider a physical therapist assistant license applicant's military training an 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. The

applicant is also required to complete specified general education requirements. (See 16 CCR section 1398.47.)

- **Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?**

Yes, the PTBC records in BreEZe all applicant and licensee responses to the voluntary disclosure question on the initial license and renewal applications that indicate military service.

- **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 2018/19, one physical therapist assistant applicant offered military education, training or experience toward meeting licensing requirements; the applicant was issued a license.

- **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 requirement.

#### Physical Therapist Assistants

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

- **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?**

Since FY 2018/19, the PTBC has waived renewal requirements pursuant to BPC section 114.3 for seven licenses with no significant impact to board revenues.

- **How many applications has the board expedited pursuant to BPC § 115.5?**

Since FY 2018/19, the PTBC has expedited 62 applications pursuant to BPC section 115.5.

**24) Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

Yes. 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 scored. Candidates are provided five hours to complete five sections; all sections must be completed in one

sitting. The NPTE for physical therapist assistants consists of 200 multiple choice questions; 150 questions are scored. Candidates are allowed four hours to complete four sections; all sections must be completed in one sitting. For each examination, the 50 questions not scored are beta test questions. Both the NPTE exams are developed and administered by the FSBPT.

According to the FSBPT, *“the PT and PTA exams are designed to assess a candidate’s basic entry-level competence after graduation from a PT or PTA program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or from an equivalent non-accredited program.*

*The exams have two main purposes:*

- 1) *To help ensure that only those individuals who have the requisite knowledge of physical therapy are licensed in the physical therapy field*
- 2) *To help regulatory authorities evaluate candidates and provide standards that are comparable from jurisdiction to jurisdiction.”*

The NPTE is offered four times per year at Prometric testing centers nationwide and is only offered in English.

#### California Law Examination (CAL-Law)

The CAL-Law 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 CAL-Law is offered on a continuous basis at prometric testing centers nationwide and is only offered in English.

#### 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.

Effective January 1, 2018, applicants are exempt from the TOEFL if they have been awarded a bachelor’s degree or higher in a physical therapist education program from a college, university, or professional training school in specified English-speaking countries.

The NPTE and the CAL-Law are only offered in English.

Business and Professions Code section 139, requires the Board to, among other things, evaluate the licensure examination to ensure minimum psychometric standards are met and compare a California occupational analysis of the profession to the national occupational analysis to assess the validity of the national examination content for California practice.

**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?**

Please see tables below for first time vs. retake examination pass rates.

**Table 8. Examination Data**

National Examination (include multiple language) if any:					
		1 <sup>st</sup> Time	More than 1 Attempt	1 <sup>st</sup> Time	More than 1 Attempt
License Type		PT	PT	PTA	PTA
Exam Title		NPTE	NPTE	NPTE	NPTE
Number of Candidates		4,189	621	2,056	439
<b>FY 2017/18</b>	Overall Pass %	89.2%	40.6%	85.4%	39.9%
	Overall Fail %	10.8%	59.4%	14.6%	60.1%
<b>FY 2018/19</b>	Overall Pass %	89.3%	53.4%	84.8%	60.2%
	Overall Fail %	10.7%	46.6%	15.2%	39.8%
<b>FY 2019/20</b>	Overall Pass %	88.7%	45.8%	86.9%	15.9%
	Overall Fail %	11.3%	54.2%	13.1%	84.1%
<b>FY 2020/21</b>	Overall Pass %	88.5%	72.1%	80.2%	44.3%
	Overall Fail %	11.5%	27.9	19.8%	55.7%
Date of Last Occupational Analysis (OA)		2016	2016	2016	2016
Name of OA Developer		FSBPT	FSBPT	FSBPT	FSBPT
Target OA Date		2021*	2021*	2021*	2021*

*\*In 2018, FSBPT initiated a new, multi-year survey methodology to collect and analyze practice analysis data annually rather than once every five years. This approach enables FSBPT to monitor ongoing and emerging trends in entry-level requirements and to respond quickly to changes in the profession that necessitate adjustments to the licensure examinations. FSBPT will still conduct a formal review and revision of the content outlines every five years. However, having data that is collected annually will alert FSBPT and the NPTE volunteers if the PT and PTA professions are changing more rapidly than anticipated.*

FSBPT. "Ensuring Validity." <https://www.fsbpt.org/Free-Resources/NPTE-Development/Ensuring-Validity>. Accessed Oct. 10, 2021.

Table 8. Examination Data (continued)						
California Examination (include multiple language) if any:						
		1 <sup>st</sup> Attempt	More than 1 Attempt	1 <sup>st</sup> Attempt	More than 1 Attempt	All Attempts
License Type		PT	PT	PTA	PTA	ENMG/KEMG
Exam Title		CAL-Law	CAL-Law	CAL-Law	CAL-Law	ENMG/KEMG
Number of Candidates		7,498	2,010	2,595	1,373	1 (ENMG)
FY 2017/18	Overall Pass %	75.5%	79.9%	48.7%	69.1%	N/A
	Overall Fail %	24.5%	20.1%	51.3%	30.9%	N/A
FY 2018/19	Overall Pass %	79.2%	77.5%	56.5%	69.3%	100%
	Overall Fail %	20.8%	22.5%	43.5%	30.7%	0
FY 2019/20	Overall Pass %	85.8%	74%	61.6%	75.6%	N/A
	Overall Fail %	14.2%	26%	38.4%	24.4%	N/A
FY 2020/21	Overall Pass %	83.7%	87.7%	58.2%	66.3%	N/A
	Overall Fail %	16.3%	12.3%	41.8%	33.7%	N/A
Date of Last Occupational Analysis (OA)		2012	2012	2012	2012	1994/1990
Name of OA Developer		DCA OPES	DCA OPES	DCA OPES	DCA OPES	PTBC
Target OA Date		2023	2023	2023	2023	2023

**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 CAL-Law are computer-based examinations administered by the FSBPT at Prometric testing centers nationwide.

The FSBPT administers the NPTE quarterly for each license type – PT and PTA.

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

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

The PTBC has not identified any statutes that hinder the efficient and effective processing of applications and/or examinations.

## **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 section 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) section 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?**

Currently, there are over 250 accredited physical therapist education programs with 18 programs in California. There are over 350 accredited physical therapist assistant education programs nationwide with 19 physical therapist assistant education programs in California. BPC section 2651 provides the PTBC physical therapy program approval authority and deems all programs accredited by CAPTE or PEAC approved. While the PTBC defers approval to CAPTE and PEAC, it may directly approve or withdraw approval of any program. CAPTE requires programs to submit an annual compliance report in addition to an a more comprehensive report every three years that includes which may include an on-site inspection.

### **31) What are the board's legal requirements regarding approval of international schools?**

Pursuant to BPC section 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 section 1399.90 et seq. of Title 16 of the California Code of Regulations (CCR), all physical therapists and physical therapist assistants renewing their license are required to complete thirty (30) hours of continuing competency activity. Of these thirty (30) hours, two (2) hours shall be in ethics, laws and regulations; and four (4) hours in life support for health care professionals.

Table 8a. Continuing Competency			
Type	Frequency of Renewal	Number of CC Hours Required Each Cycle	Percentage of Licensees Audited
PT	Every two (2) years	Thirty (30) hours	Four percent (4%)
PTA	Every two (2) years	Thirty (30) hours	Four percent (4%)

<sup>[1]</sup> The term “license” in this document includes a license certificate or registration.

<sup>[2]</sup> Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

<sup>[3]</sup> Other is defined as a status type that does not allow practice in California, other than retired or inactive.

<sup>[4]</sup> Based on the residential address.

#### a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CC completion through the Department’s cloud?

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

The PTBC does not use DCA’s cloud for licensee continuing competency record submission. The PTBC has found email to be an efficient and effective method of obtaining records from, and communicating with, licensees. Licensees are required to complete and submit with their records a coursework and activity checklist that includes an attestation that all records are true and correct. Should the PTBC identify a need to verify documentation, it will follow-up with the PTBC-recognized continuing competency approval agency that approved the course and provider. If an alternate pathway activity is in question, the PTBC will follow up with the appropriate authority to verify the documentation submitted.

#### b. Does the board conduct CC audits of licensees? Describe the board’s policy on CC audits.

Yes. The PTBC conducts random continuing competency audits. The percentage of the licensee population chosen for audit is dependent upon the pass rate of the complete 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 licenses 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 regulation and failure to respond to the PTBC's audit request.

**c. What are consequences for failing a CC audit?**

If a licensee fails a continuing competency audit, the licensee may be issued a warning letter or referred for enforcement action. Enforcement action may range from citation to formal discipline taken against the licensee. The level of consequence is determined by the degree of the violation. Most failed audits result in the issuance of a citation. The citation includes an order of abatement that requires the licensee to fulfill their continuing competency requirements within a reasonable amount of time. Failure to comply with this order may result in further discipline.

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

In FY 2017/18, 2018/19 and 2019/20, the PTBC conducted a total of 1,462 continuing competency audits. There were 90 licensees deemed insufficient that failed with a failure rate of 6.2%; however, all came into compliance and licenses were renewed. On March 31, 2020, the Director of the California Department of Consumer Affairs waived any statutory or regulatory renewal requirements pertaining to an individual's license which included any continuing competency requirements. Therefore, continuing competency audits have been temporarily placed on hold.

**e. What is the board's CC 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 section 1399.96 or by a PTBC recognized approval agency.

**f. Who approves CC providers? Who approves CC 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 approved providers or courses. Recognized approval agencies must meet and comply with criteria established by the PTBC in regulation.

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

The PTBC does not directly approve courses or providers; however, the PTBC maintains data provided by the recognized approval agencies. As of November 2021, there are 131 recognized approval agencies, 298 providers, and 14,327 courses. The PTBC has received a total of seven applications for CC provider and CC courses. All seven applications received were approved. While seven recognized approval agency applications have been submitted, anecdotally, there has been a lot interest and inquiries regarding becoming a CC recognized approval agency.

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

While the PTBC does not directly approve CC providers, it does recognize CC approval agencies that approve providers. The application process for agencies to become a recognized CC approval agency requires the agency to certify they will comply with the requirements set forth in regulation,

including evaluating courses, auditing providers, a procedure to respond to complaints, a conflict of interest policy in place if also acting as a provider, retention of records pursuant to regulation and ensuring providers adhere to requirements set forth in regulation. For providers to be approved by a recognized CC approval agency, they must adhere to requirements in regulation, including all of the following: instructors shall be competent in courses, courses shall be pertinent to the practice of physical therapy and have goals and objectives, courses must have a syllabus as specified, courses must have recordkeeping and procedure policies for shared sponsorship of courses, courses must have a course review plan, courses must offer opportunity for participant feedback, courses must provide complaint procedures, courses must disclose financial interests in products recommended during a course, and courses must ensure information is true and not misleading.

**h. 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 policy for the purpose of moving toward performance-based assessment of licensee's 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?

In July 2009, Governor Schwarzenegger directed the State and Consumer Services Agency (SCSA) to conduct an internal review of the Division of Investigation and health care boards’ enforcement programs within the Department of Consumer Affairs (DCA). Based on SCSA’s findings, Governor Schwarzenegger charged then DCA Director, Brian Stiger, with reforming the enforcement process for health care boards in California.

The DCA reviewed existing enforcement processes and identified systemic problems that were barriers limiting the health care boards’ abilities to investigate and act on cases in a timely manner. The barriers identified ranged from legal and procedural challenges to inadequate resources, such as funding and staff shortages. In response, the DCA launched the Consumer Protection Enforcement Initiative (CPEI). As part of the CPEI, enforcement performance measures 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. In July 2010, the DCA began collecting data on its new enforcement measures.

Although the PTBC had an ongoing process to evaluate and improve its Consumer Protection Services program, in July 2009, the PTBC also implemented the CPEI with the expectation of reducing the average enforcement completion time to 12-18 months. The PTBC’s program included a review, comparison, and evaluation of best practices within the DCA and incorporated the DCA’s established targets for the PTBC’s Consumer Protection Services program.

#### **CPEI Performance Measures**

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

#### **Performance Measures 1: Complaints Received**

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

<b>Complaints Received by Fiscal Year</b>	
	<b>Complaints Received</b>
<b>FY 2018/19</b>	555
<b>FY 2019/20</b>	489
<b>FY 2020/21</b>	408

## **Performance Measures 2: Intake**

PM 2 measures 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's Web site and through the BreZE License and Enforcement System (BreZE).

Target: PTBC initially set the performance target for PM 2 at 5 days; however, later increased its target from 5 to 10 days to allow for sufficient days to process complaints received during holidays and weekends.

<b>Intake Process Target Performance</b>			
<b>FY 2018/19</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
1 <sup>st</sup> Quarter	3	10	Yes
2 <sup>nd</sup> Quarter	3	10	Yes
3 <sup>rd</sup> Quarter	4	10	Yes
4 <sup>th</sup> Quarter	4	10	Yes
<b>Intake Process Target Performance</b>			
<b>FY 2019/20</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
1 <sup>st</sup> Quarter	3	10	Yes
2 <sup>nd</sup> Quarter	6	10	Yes
3 <sup>rd</sup> Quarter	4	10	Yes
4 <sup>th</sup> Quarter	5	10	Yes
<b>Intake Process Target Performance</b>			
<b>FY 2020/21</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
1 <sup>st</sup> Quarter	6	10	Yes
2 <sup>nd</sup> Quarter	7	10	Yes
3 <sup>rd</sup> Quarter	5	10	Yes
4 <sup>th</sup> Quarter	4	10	Yes

Comment: The target was met each quarter.

### **Performance Measures 3: Intake and Investigation**

PM 3 measures 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). Cases resulting in formal discipline forwarded to the Attorney General (AG) are not included in this measure.

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

<b>Intake and Investigation Target Performance</b>			
<b>FY 2018/19</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
1 <sup>st</sup> Quarter	99	90	No
2 <sup>nd</sup> Quarter	149	90	No
3 <sup>rd</sup> Quarter	106	90	No
4 <sup>th</sup> Quarter	148	90	No

- 270 cases were closed within 90 days
- 156 cases were closed within 91 days - 1 year
- 24 cases were closed within 1-2 years
- 6 cases were closed within 2-3 years
- 2 cases were closed within 3-4 years
- 0 cases were closed within in over 4 years

Comment: PM 3 target was not met; however, over 50% of the cases were closed within 90-day target.

<b>Intake and Investigation Target Performance</b>			
<b>FY 2019/20</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
1 <sup>st</sup> Quarter	129	90	No
2 <sup>nd</sup> Quarter	130	90	No
3 <sup>rd</sup> Quarter	226	90	No
4 <sup>th</sup> Quarter	229	90	No

- 247 cases were closed within 90 days
- 170 cases were closed within 91 days - 1 year
- 36 cases were closed within 1-2 years
- 16 cases were closed within 2-3 years
- 5 cases were closed within 3-4 years
- 0 cases were closed in over 4 years

Comment: PM 3 target was not met; however, over 50% of the cases were closed within 90-day target.

Intake and Investigation Target Performance			
FY 2020/21	Average Days	Target # of Days	Target Met
1 <sup>st</sup> Quarter	207	90	No
2 <sup>nd</sup> Quarter	189	90	No
3 <sup>rd</sup> Quarter	230	90	No
4 <sup>th</sup> Quarter	235	90	No

- 201 cases were closed within 90 days
- 113 cases were closed within 91 days - 1 year
- 48 cases were closed within 1-2 years
- 25 cases were closed within 2-3 years
- 6 cases were closed within 3-4 years
- 1 case was closed within 4 years

Comment: PM 3 target was not met; however, over 56% of the cases were closed within the 90-day target.

Although the PM 3 target was not met, over 56% of the cases were closed within the 90-day target. The PTBC continuously evaluates its internal processes; however, the 90-day target is difficult to achieve due to external processes that are not within the PTBC control. Since the inception of the CPEI, this target was initiated without taking into consideration external timeframes and other barriers such as formal investigations conducted by the DCA/DOI, subject matter expert reviews, the lack of response from participating parties (e.g. complainant, subject, outside agencies, etc.), and complicated and detailed evidentiary requirements to prove allegations.



## **Performance Measures 4: Formal Discipline**

PM 4 identifies 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)

<b>Formal Discipline Target Performance</b>			
<b>FY 2018/19</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
<b>1<sup>st</sup> Quarter</b>	490	540	Yes
<b>2<sup>nd</sup> Quarter</b>	488	540	Yes
<b>3<sup>rd</sup> Quarter</b>	544	540	No
<b>4<sup>th</sup> Quarter</b>	753	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 51 cases pending with the AG at the end of FY 2018/19. In FY 2018/19, 57 cases resulted in final disposition through the AG. Of those:

- 20 were completed within 1 year
- 23 were completed within 1-2 years
- 6 were completed within 2-3 years
- 3 were completed within 3-4 years
- 5 were completed in over 4 years

The remaining 51 cases that were pending at the end of FY 2018/19 were carried over to the following FY and will have an influence on future FY performance targets.

Formal Discipline Target Performance			
FY 2019/20	Average Days	Target # of Days	Target Met
1 <sup>st</sup> Quarter	749	540	No
2 <sup>nd</sup> Quarter	855	540	No
3 <sup>rd</sup> Quarter	752	540	No
4 <sup>th</sup> Quarter	939	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 58 cases pending with the AG at the end of FY 2019/20. In FY 2019/20, 64 cases resulted in final disposition. Of those:

- 4 were completed within 1 year
- 29 were completed within 1-2 years
- 17 were completed within 2-3 years
- 6 were completed within 3- 4 years
- 8 were completed in more than 4 years

The remaining 58 cases were carried over to the following FY and will have an influence on future FY performance targets.

Formal Discipline Target Performance			
FY 2020/21	Average Days	Target # of Days	Target Met
1 <sup>st</sup> Quarter	448	540	Yes
2 <sup>nd</sup> Quarter	741	540	No
3 <sup>rd</sup> Quarter	866	540	No
4 <sup>th</sup> Quarter	768	540	No

Note: Part of the fluctuation in average days to complete formal discipline is influenced by the presence of aged cases. There were 63 cases pending with the AG at the end of FY 2020/21. In FY 2020/21, 31 cases resulted in final disposition. Of those:

- 6 were completed within 1 year
- 11 were completed within 1-2 years
- 4 were completed within 2-3 years
- 4 were completed within 3-4 years
- 6 were completed in more than 4 years

The remaining 63 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 PTBC’s 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 Measures 7: Probation Intake**

PM 7 identifies 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.

<b>Probation Intake</b>			
	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
<b>FY 2018/19</b>	4	10	Yes
<b>FY 2019/20</b>	3	10	Yes
<b>FY 2020/21</b>	8	10	Yes

Since the last Sunset Review, the PTBC Probation Monitor has met this goal averaging 5 days to make first contact with the probationer.

The PTBC has one probation monitor currently monitoring a yearly average of 70 licensees throughout California. The probation monitor conducts quarterly meetings with each probationer either by phone or face-to-face; however, since the pandemic, the probation monitor has not been able to travel and meet with probationers face-to-face. Since traveling has not been an option, the probation monitor video conferences the meetings via Microsoft TEAMS. Video conferencing has been successful and allows the probation monitor to see the probationers since physical face-to-face meetings are not conducted. Most probationers have continued to work during the pandemic (some with reduced schedules) and some with increased hours.

**Performance Measures 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.

<b>Probation Violations</b>				
	<b># of Violation/ Probationer</b>	<b>Average Days</b>	<b>Target # of Days</b>	<b>Target Met</b>
<b>FY 2018/19</b>	1	1	7	Yes
<b>FY 2019/20</b>	1	1	7	Yes
<b>FY 2020/21</b>	2	1	7	Yes

**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?**

The number of complaints received has decreased each year, and even more so in FY 20/21. There is reason to speculate that it was a result of the impacts of the COVID-19 pandemic. With the closure of treatment facilities, patients were not being seen and the ongoing uncertainty may have impacted the number of complaints received. With the decrease in complaints received, the caseload per analyst has become manageable, allowing analysts to better focus on their caseload.

When the COVID-19 state of emergency began, staff’s work schedules were changed and teleworking began which required some process changes; however, prior to COVID, the PTBC had started issuing laptops to its staff and utilizing TEAMS for its communications. Changes to staff’s work environment were implemented without much notice, and with teleworking came a new approach to many of the processes in the enforcement program. This shift to teleworking impacted staff’s business processes and changes were made to maintain or improve productivity; re-thinking steps in the investigation process, and most importantly learning to use new technology and tools to work remotely. Staff have adapted well with the changes that were immediately required; however, the PTBC continues to review and seek improvement in processes, technology, and equipment to allow staff to continue their daily business, and to prevent delays and/or backlogs.

<b>Complaints Received by Fiscal Year</b>	
<b>FY 2018/19</b>	555
<b>FY 2019/20</b>	489
<b>FY 2020/21</b>	408

## **Performance Barriers**

As part of the initial review of a complaint case, specific documents and/or information are requested to determine jurisdiction and the merit of the complaint. These preliminary documents are essential to allow for a more comprehensive review and to determine the level of investigation. As identified in the last Sunset Report, this initial process is lengthy as the response times can vary from weeks to months. To further delay matters, if a response is not received after multiple attempts, the case may be referred to the Division of Investigation (DOI) to obtain the documents or locate the subject of the complaint for a response.

The PTBC continues to experience barriers in areas that are not within its control. The greatest barrier prior to and after the COVID 19 pandemic are requests made to outside agencies and/or requests to the complainants and subjects of the complaint. With the pandemic came teleworking which did not have a significant impact on internal processes; however, investigations were impacted significantly due to closure of businesses, expert consultants not being able to conduct on site reviews of records, and the concern of conducting field investigations in the era of a pandemic. Response times were delayed with the closure of governmental agencies such as local municipalities, county courts, sheriff or police offices. In addition, the Office of Administrative Hearings postponed hearings to only essential matters. These delays ultimately impacted case aging.

## **Improvement Plan? (What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?)**

The PTBC continuously reviews and evaluates its workload and internal procedures for improvement and options to move towards a more efficient and paperless program. Since the start of teleworking, scanning documents within the Breeze record has become part of the process for ease of accessibility for teleworking. In addition, the PTBC continues to find ways to utilize cloud-based systems and utilizes TEAMS and email as part of their everyday communications with staff and external parties.

The Office of Attorney General and Division of Investigation have both implemented processes that do not require paper documents to be mailed. They are now transmitted electronically which is immediate, secure, and cost effective.

**Table 9a. Enforcement Statistics**

	FY 2018/19	FY 2019/20	FY 2020/21
<b>COMPLAINTS</b>			
<b>Intake</b>			
Received	320	309	247
Closed without Referral for Investigation	1	3	0
Referred to INV	320	304	247
Pending (close of FY)	2	3	0
Conviction / Arrest			
CONV Received	238	180	162
CONV Closed Without Referral for Investigation	0	1	0
CONV Referred to INV	234	179	161
CONV Pending (close of FY)	2	0	1
Source of Complaint <sup>2</sup>			
Public	120	127	93
Licensee/Professional Groups	64	42	32
Governmental Agencies	87	91	66
Internal	229	165	168
Other	5	10	5
Anonymous	50	54	44
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	2	3	4
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	2	3	4
Average Time at Intake (from receipt of complaint / conviction to closure for referral for investigation)	2	3	4
<b>INVESTIGATION</b>			
<b>Desk Investigations</b>			
Opened	582	483	408
Closed	576	532	393
Average days to close (from assignment to investigation closure)	344	217	196
Pending (close of FY)	344	313	301
Non-Sworn Investigation			
Opened	N/A	N/A	N/A
Closed	N/A	N/A	N/A
Average days to close (from assignment to investigation closure)	N/A	N/A	N/A
Pending (close of FY)	N/A	N/A	N/A
Sworn Investigation			
Opened	97	56	92

<sup>2</sup> Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Closed	67	77	106
Average days to close (from assignment to investigation closure)	293	339	365
Pending (close of FY)	76	69	65
All investigations <sup>3</sup>			
Opened	582	483	408
Closed	576	532	393
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	303	215	196
Average days for investigation closures (from start investigation to investigation closure)	127	176	204
Average days for investigation when referring for prosecution (from start investigation to referral prosecution)	257	401	387
Average days from receipt of complaint to investigation closure	306	217	200
Pending (close of FY)	344	313	301
<b>CITATION AND FINE</b>			
Citations Issued	57	58	27
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	154	528	419
Amount of Fines Assessed	\$23,250	\$70,280	\$15,550
Amount of Fines Reduced, Withdrawn, Dismissed	150	0	0
Amount Collected	\$20,750	\$63,780	\$14,250
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	0	0	1
<b>ACCUSATION</b>			
Accusations Filed	30	21	31
Accusations Declined	0	1	0
Accusations Withdrawn	0	7	1
Accusations Dismissed	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	87	83	147
<b>INTERIM ACTION</b>			
ISO & TRO Issued	1	2	0
PC 23 Orders Issued	0	0	1
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	0	0	0
Petition to Compel Examination Ordered	0	0	0
<b>DISCIPLINE</b>			
AG Cases Initiated (cases referred to the AG in that year)	65	67	51

<sup>3</sup> The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.



AG Cases Pending Pre-Accusation (close of FY)	29	36	30
AG Cases Pending Post-Accusation (close of FY)	22	22	33
<b>DISCIPLINARY OUTCOMES</b>			
Revocation	4	3	5
Surrender	11	11	3
Suspension only	0	0	0
Probation with Suspension	0	0	0
Probation only	22	9	10
Public Reprimand / Public Reproval / Public Letter of Reprimand	8	4	3
Other	4	4	3
<b>DISCIPLINARY ACTIONS</b>			
Proposed Decision	8	2	1
Default Decision	2	2	5
Stipulations	35	20	10
Average Days to Complete After Accusation (from Accusation filed to closure of the case)	248	361	250
Average Days from Closure of Investigation to Imposing Formal Discipline	439	433	467
Average Days to Impose Discipline (from complaint receipt to final outcome)	597	821	856
<b>PROBATION</b>			
Probations Completed	16	11	13
Probationers Pending (close of FY)	89	89	57
Probationers Tolled	16	18	14
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	2	2	2
<b>SUBSEQUENT DISCIPLINE<sup>4</sup></b>			
Probations Revoked	0	0	0
Probationers License Surrendered	2	1	1
Additional Probation Only	0	0	0
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
<b>SUBSTANCE ABUSING LICENSEES</b>			
Probationers Subject to Drug Testing	19	18	15
Drug Tests Ordered	393	408	333
Positive Drug Tests	25	11	9
<b>PETITIONS</b>			
Petition for Termination or Modification Granted	3	3	0
Petition for Termination or Modification Denied	1	0	1
Petition for Reinstatement Granted	0	0	0
Petition for Reinstatement Denied	1	0	0

<sup>4</sup> Do not include these numbers in the Disciplinary Actions section above.

<b>DIVERSION</b>			
New Participants	12	5	6
Successful Completions	8	4	2
Participants (close of FY)	18	12	13
Terminations	4	6	2
Terminations for Public Threat	0	1	1
Drug Tests Ordered	629	714	462
Positive Drug Tests	4	30	4

<b>Table 10. Enforcement Aging</b>						
	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>	<b>Cases Closed</b>	<b>Average %</b>
<b>Investigations (Average %)</b>						
<b>Closed Within:</b>						
90 Days	406	259	252	201	1118	56%
91 - 180 Days	61	89	82	57	289	15%
181 - 1 Year	84	77	106	58	325	16%
1 - 2 Years	31	34	56	47	168	8%
2 - 3 Years	7	7	27	25	66	3%
Over 3 Years	6	6	9	6	27	2%
<b>Total Investigation Cases Closed</b>	<b>595</b>	<b>472</b>	<b>532</b>	<b>394</b>	<b>1993</b>	
<b>Attorney General Cases (Average %)</b>						
<b>Closed Within:</b>						
0 - 1 Year	12	20	4	6	42	22%
1 - 2 Years	17	23	29	11	80	42%
2 - 3 Years	3	6	17	4	30	16%
3 - 4 Years	5	3	6	4	18	10%
Over 4 Years	1	5	8	6	20	10%
<b>Total Attorney General Cases Closed</b>	<b>38</b>	<b>57</b>	<b>64</b>	<b>31</b>	<b>190</b>	

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

The number of complaints received has significantly decreased since the last review. The average number of days to close desk investigations increased slightly since the last review. Especially in FYs 2019/20 and 2020/21, this can be attributed to delays experienced due to COVID-related shutdowns such as business closures and mail-delivery delays. The number of accusations filed has remained relatively steady, correlating with the rise and fall of the number of complaints received, and the average days from referral to accusation filed has significantly decreased, due in part to PTBC working with the AG's Office to improve the level of evidence obtained prior to case referral.

Disciplinary decisions reached by stipulation remain about the same as they were in the last review.

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

The PTBC continues to prioritize its cases 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 and may be re-prioritized during the course of the investigation, if warranted.

Cases are opened in the order received by date to capture the correct Performance Measures (PM2) at intake; however, cases alleging sexual misconduct, patient death, and patient injury are prioritized as "urgent" and are initiated immediately for assignment to an analyst for review of an Interim Suspension Order, Penal Code section 23 (PC 23), or other interim action as warranted. The Analysts review their caseload and continue the investigative process with respect to case priority and CPEI targets. The priority of the case can be changed at any time during the investigation if warranted.

**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?**

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 Section 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 to 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.
- BPC §805.8 - As of January 1, 2020, SB 425 (Hill) added section 805.8 to the BPC which requires health facilities and entities to report allegations of sexual abuse or sexual misconduct made against licensed health care professionals to the appropriate licensing agency within 15 days. In accordance with the law, the patient allegation must be made in writing to the health facility or other entity to trigger the reporting requirements. Additionally, the bill specifies that any failure to file the report is punishable by a fine not to exceed \$50,000 per violation, and a willful failure to file the required report is punishable by a fine not to exceed \$100,000 per violation.
- Penal Code section 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, section 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 United States military; and any report required pursuant to BPC §802.

*Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?*

Although there are several mandatory reporting requirements that are designed to inform the PTBC of possible violations, there are no means to verify it receives 100% of the reports.

The PTBC receives subsequent arrest reports and subsequent conviction reports from DOJ. Obtaining the documents regarding arrest and court continues to be difficult. The difficulties include no response from the agencies, required fees (up front) to obtain documents, and incomplete or non-certified documents received to name a few. These documents are important to determine if action is necessary for consumer protection.

**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?**

FY 2018/19: \$100,252.00  
 FY 2019/20: \$158,375.00  
 FY 2020/21: \$ 89,000.00

**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. Although settlement negotiations are initiated by the AG, the Executive Officer works closely with the AG on the terms and conditions of discipline as set forth in the PTBC’s Guidelines for Issuing Citations and Imposing Discipline provided under CCR Title 16, Division 13.2, section 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 Executive Officer (EO) has authority, pursuant to BPC §2660.3, to issue a Public Letter of Reprimand (PLR) after the PTBC has conducted an investigation. The delegation to the EO without Board Member involvement provides for better use of resources for those cases that do not warrant full discipline, such as probation. The PTBC may use a PLR for minor violations that warrant a higher level of action than a citation but not necessarily probation. The PLR under this authority does not require the transmittal to the Office of the Attorney General since it is an agreement between the licensee and the EO; however, if the licensee does not agree to the PLR, the PLR does not get issued and the PTBC proceeds with filing of an accusation. PLR’s are considered discipline and are disclosed to the public. The PTBC issued 12 PLR’s within the last four fiscal 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?**

<b>Stipulations Post Accusation</b>				
	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
<b>Stipulations Post Accusation</b>	15	35	20	10
<b>Hearings</b>	1	8	2	1

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

The overall percentage of cases settled rather than resulting in a hearing is 87%.

**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?**

No, the PTBC does not operate with a statute of limitations. The PTBC’s policy is to investigate all complaints received.

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

The PTBC provides information to consumers on its website relating to verification of an individual's license status. In addition, pursuant to 16 CCR 1398.15, licensees are required to provide Form NTC 12-01 to each patient by either prominently posting the Form in an area visible to the patients on the premises where the licensee provides services; or, provide the patient or the patient's representative with a copy of the Form NTC 12-01 by having the patient or their representative acknowledge by signing and dating and placing a copy in the patient's medical record demonstrating receipt. The information provided on the NTC 12-01 provides the consumer information how to contact the PTBC to file a complaint and other relevant information regarding the services provided by a physical therapist, physical therapist assistant and physical therapy aide. The NTC form is translated in five other languages. (Spanish, Tagalog, Hindi, Russian, Simplified Chinese). Please see attachment G for PTBC's NTC Form 12-01.

In the interest of consumer awareness, pursuant to BPC 680, licensees are required to disclose, while working, their name and license as granted by the PTBC on a name tag in at least 18-point type. Pursuant to California Code of Regulations 1398.11, supervising physical therapists are also required to ensure that their physical therapy aides, applicants and students performing patient-related tasks under their supervision wear a name tag in at least an 18-point type with their name and working title.

Complaints received related to unlicensed activity are 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; however, the PTBC may refer unlicensed activity cases to DOI for formal investigation. Depending on the level of unlicensed practice, the PTBC may request DOI to conduct an undercover sting operation and if warranted, 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, section 1399.25, which authorize the PTBC to issue citation 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 16 CCR section 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's Guidelines for Issuing Citations and Imposing Discipline: 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. The PTBC continues to utilize the cite and fine authority for the less egregious cases.

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

16 CCR section 1399.25 gives the Executive Officer the authority to issue citations, with or without fines, for violations of the Practice Act, violations of regulations 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, Section 1399.25(d) sets forth larger fine limits for 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.

The majority of citation and fines are issued for minor criminal convictions. Such citations are typically issued for failure to disclose a conviction to the PTBC, recent and first offense convictions. Fines assessed for such violations typically range from \$200 to \$500, depending upon factors as enumerated in 16 CCR section 1399.25. Factors considered when determining a fine amount are the nature and severity of a crime, evidence that the violation was willful, the 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 28 informal conferences, and 1 administrative procedure act appeal hearing. The following table breaks this down by fiscal year.

<b>Citation Informal Conferences and Administrative Appeals</b>				
	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
<b>Informal Conferences</b>	4	12	7	5
<b>Administrative Hearing Appeals</b>	0	0	1	0

**44) What are the five most common violations for which citations are issued?**

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. Discipline by Another State Board – Discipline taken in another State and the violation offense is a citable violation in California.
4. Continuing Competency (CC) Violations – Failure to provide proof of CC requirements in audit, false statement on renewal form signed under penalty of perjury that the CC requirements were completed.
5. Other simple departures of the Physical Therapy Practice Act, such as: Address Change Requirements - per 16 CCR 1398.6; Notice to Consumer – 16 CCR 1398.15

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

Citations issued in the last four fiscal years have been issued with a fine ranging from \$100 to \$5,000. The final citation fine amount post-appeal averaged \$779 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, 2017, the PTBC has collected \$1,401.00 in outstanding fines through the FTB Offset Program, and currently has 7 cases on file with the FTB, totaling \$9,770.00 in fines due. A case remains on the Offset Program list until the funds due are intercepted, or for three (3) years, whichever comes first.

**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 altogether.

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 if they are paid within a certain timeframe. If the reduced cost recovery is not paid on time, the full amount becomes due immediately.

There have not been any statutory changes regarding the PTBC's 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 above, 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 PTBC’s cost recovery amounts from Fiscal Year 2017/18 to Fiscal Year 2020/21.

<b>Table 11. Cost Recovery (list dollars in thousands)</b>				
	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
<b>Total Enforcement Expenditures<sup>1</sup></b>	\$1,186,964	\$872,713	\$1,022,636	\$1,489,884
<b>Potential Cases for Recovery<sup>2</sup></b>	77	65	67	51
<b>Cases Recovery Ordered</b>	16	25	26	17
<b>Amount of Cost Recovery Ordered</b>	\$178,428	\$143,610	\$220,203	\$166,262
<b>Amount Collected</b>	\$120,738	\$72,579	\$66,625	\$28,588

<sup>1</sup> Figure represents Board’s Enforcement budget and does not include staff expenditures.

<sup>2</sup> “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.

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

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 the consumer.

**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. The PTBC currently has one pending case with the FTB to collect cost recovery in the amount of \$9,047.00. However, if 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 for violation of probation.

**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 authority to order or collect restitution for individual consumers

<b>Table 12. Restitution (list dollars in thousands)</b>				
	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
<b>Amount Ordered</b>	N/A	N/A	N/A	N/A
<b>Amount Collected</b>	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 board currently utilizes the following social media platforms: Facebook, Twitter, Instagram, and LinkedIn. The PTBC also uses its website and an email blast service, Listserv. The board posts all board information on all of these platforms to keep the public informed of all board activity.

The PTBC does post all meeting materials online prior to the board meeting. The PTBC posts the following meeting materials:

**Agendas** – Meeting agendas from 2017 to current are posted online. Meeting agendas are posted at least 10 days prior to the date of the meeting, and a Listserv 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 2017 to current are then archived on the Web site.

Materials remain on the website for 4 years and then are stored internally for 75 years as per the record retention schedule.

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

Yes, all meetings are webcasted and then added to the PTBC website and YouTube. The PTBC plans to continue to utilize webcast for all future board meetings. Webcast meetings stay on the PTBC website for 4 years. Webcasts can be found on YouTube and are not removed from that platform by the board. The PTBC also started using WebEx since the start of the pandemic. This allows anyone to access the meeting remotely using a computer, mobile device, phone, or video system and participate in public comment. WebEx links are found on the meeting agenda on the PTBC website.

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

Yes, the board's annual meeting calendar can be found on the PTBC website. Previous year calendars up to 4 years prior can also be found on the PTBC website under the current annual calendar. The annual calendar is adopted by the Board Members and then posted on the website. Periodically, if the PTBC needs to schedule additional meetings, the meeting dates are posted online as soon as the dates are confirmed. 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)?**

Yes, the board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Yes, the board does post accusations and disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary Actions.

**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 board provides information to the public regarding its licensees in many ways. The board publishes two Progress Notes (newsletter) a year and in each there is a section on newly licensed PTs and PTAs as well as any citations issued during the time period the Progress Notes is reporting on and any disciplinary actions that took place during that time. The PTBC also provides information to the public regarding its licensees through its homepage on the website. On the homepage there is 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 2018 Strategic Plan.

The PTBC utilizes social media platforms, such as Facebook, Twitter, Instagram, and LinkedIn, its website, and publications such as its Progress Notes (newsletter) to provide outreach and education to the consumers of physical therapy. The PTBC also utilizes an email blast software called ListServ to send out important emails to stakeholders. Anyone can join the PTBC e-blast by registering on the PTBC website.

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 social media platforms such as Facebook, YouTube, Instagram, LinkedIn and Twitter.

Progress Notes (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 Progress Notes. The PTBC has offered an electronic version of the Progress Notes on the PTBC website from 2016-present. Older editions of the progress notes no longer on the website can also be requested from PTBC staff. Additionally, the PTBC provides the newsletter to interested parties in the form of E-blasts (Listserv).

Public Speaking Engagements – PTBC staff attends the California Physical Therapy Association's (CPTA) Student Conclaves annually and the CPTA's annual conferences. Typically, the PTBC would participate when asked, in public speaking engagements that require travel; however, with the current

COVID-19 Pandemic, these in-person presentations and workshops have switched over to virtual presentations and workshops utilizing virtual platforms such as Microsoft Teams, Zoom, etc.

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. Due to the COVID-19 Pandemic Board Meetings have also moved to virtual meetings utilizing WebEx.

**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. Pursuant to BPC section 2290.5, all licenses issued under Division 2 may utilize telehealth. Telehealth is seen as a tool in practice, not a separate form of practice. There are no legal prohibitions to using technology in the practice of physical therapy, as long as the practice is done by a licensed physical therapist and complies with the Physical Therapy Practice Act and the California Code of Regulations.

**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.**

The board has provided presentations to 83% of the PT and PTA programs in California. These presentations and workshops on the laws and regulations that govern the Physical Therapy Practice Act and the application process for licensure. The board also attends the California Physical Therapy Association's (CPTA) Student Conclave and annual conference every year to talk to potential and future licensees that attend.

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

The PTBC has not identified any barriers to licensure or unemployment.

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

○ **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 21% and physical therapist assistants and physical therapist aides by 32% from 2020 to 2030.

The Bureau further reported that the physical therapy employment growth ratio is much faster than the average for all occupations.

○ **Successful training programs**

Currently, there are 18 accredited Doctor of Physical Therapy education programs and 19 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% for physical therapist and 73% for physical therapist assistants. California's NPTE pass rates are consistent with the national average pass rates.

**64) What is the status of the board’s implementation of the Uniform Standards for Substance Abusing Licensees?**

The PTBC implemented the Uniform Standards for Substance Abusing Licensees in April 2013 under 16 CCR 1399.15, known as the 5<sup>th</sup> Edition – Guidelines for Issuing Citations and Imposing Discipline and is currently promulgating amendments to Section 1399.15, which will be known as the 6<sup>th</sup> 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 August 2012 under 16 CCR 1399.24.

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

**a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board’s change requests?**

Yes, the PTBC utilizes BreEZe and was in Release 2, which was implemented January 2016.

**b. If the board is not utilizing BreEZe, what is the board’s plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board’s understanding of Release 3 boards? Is the board currently using a bridge or workaround system?**

N/A

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

**67) In response to Covid-19, has the board implemented telework policies for employees and staff?**

In response to Governor Newsom's Resilience Roadmap, all State departments were directed to comply with CDPH guidance in all state facilities rather than local/county health guidance. This was to ensure that there was one uniform set of guidelines for all state facilities to follow. On June 10, 2021, the DCA provided guidelines for all boards/bureaus to complete a Re-open Plan specific to meet their programs. As a result, the PTBC created its "Re-open Plan", which coincided with DCA's Re-Open Plan.

The PTBC's Re-Open Plan provides additional guidelines to our PTBC Workplace Guidelines and Expectations for conducting business during this COVID-19 pandemic. The Re-Open Plan was specifically designed for the PTBC suite and common work areas of our building location and was intended to provide guidance and information related to how the PTBC will conduct business while supporting a safe environment for employees during the COVID19 pandemic. The Plan covers employee preparedness, workplace safety protocols, general expectations, and employee training and resources. The Plan also provides employees with the information necessary to continue to meet the guidelines of the Governor's Resilience Roadmap, the Centers for Disease Control and Prevention (CDC), and the California Department of Public Health (CDPH) in preventing and slowing the spread of COVID-19 within the workplace.

**a. How have those measures affected board operations? If so, how?**

The PTBC was able to successfully transition staff from the current telephone system to using the Microsoft Teams application on their laptops. Utilizing this database allows staff to respond to callers promptly while away from their desk, conduct meeting via webcam, conduct presentations, including outreach workshops and maintain an open line of communication with staff and stakeholders while away from the office. In addition, staff utilize laptops that have the same capabilities as being at the office, scanners, and electronic signature authority to conduct day to day business. Overall, the transition to teleworking has been successful.

**68) In response to COVID-19, has the board utilized any existing state of emergency statutes?**

**a. If so, which ones, and why?**

Due to the COVID-19 pandemic, the California Emergency Medical Services Authority (EMSA) granted out-of-state licensees who met specified criteria temporary authorization to work in California pursuant to Business and Professions Code (BPC) section 900. EMSA periodically provides the PTBC a list of these licensees in the event a complaint is filed.

**69) Pursuant to Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?**

Pursuant to the Governor's Executive Order N-40-20 issued March 30, 2020, DCA was granted the authority to provide waivers during the state of emergency resulting from COVID-19. PTBC staff have been working with DCA to submit and review the following waiver requests to assist licensees and consumers:



### **DCA Waiver DCA-20-01 Continuing Education**

The order temporarily waived the continuing competency renewal requirement for licensees and they must complete continuing competency requirements within six months of the order. The initial waiver has been extended nine times and addressed waiving continuing competency renewal requirements for licensees whose licenses expired between March 31<sup>st</sup> and October 31<sup>st</sup>, licensees must complete continuing competency requirements by January 31<sup>st</sup>, 2022.

### **DCA Waiver DCA-20-02 Reinstatement of Licensure**

The order temporarily allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner. The initial waiver has been extended five times. **DCA Waiver DCA-21-200** terminates on January 1, 2022.

### **DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment**

The order temporarily waived the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. The initial waiver has been extended eight times. **DCA Waiver DCA-21-202** terminates on December 31, 2021.

### **DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements**

The order temporarily waived physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and July 1, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28. The initial waiver has been extended seven times. **DCA Waiver DCA-21-197** temporarily waived applications that were deemed denied without prejudice between October 1<sup>st</sup> and October 31<sup>st</sup>, 2021, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.

**a. Of the above requests, how many were approved?**

All requests were approved.

**b. How many are pending?**

None are pending.

**c. How many were denied?**

None were denied.

**d. What was the reason for the outcome of each request?**

Please see the answer to question 69 above.

**70) In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?**

The FSBPT extended the fixed examination dates to windows of time to accommodate applicants affected by unavailable test sites because of social distancing requirements.

**71) Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?**

Yes, the PTBC would welcome a change to the Open Meeting Act to allow meetings to continue to be conducted via an online platform so that we can continue to provide what has been proven to show an increase in stakeholder access and engagement. This change to the Open Meeting Act will result in cost savings to the PTBC while protecting PTBC staff, members and the public.

## Section 11 – 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.**
4. **Any recommendations the board has for dealing with the issue, if appropriate.**

### **Issue #1: Updating Fee Statute**

The PTBC's current initial license and renewal fees have met the statutory caps. As a result, the PTBC cannot increase its fees through the regulatory process. PTBC anticipates a diminishing fund condition starting in FY 2021/22 (7.7 months) and continuing each fiscal year with projected insolvency occurring FY 2025/26. Therefore, the PTBC is requesting the legislature increase the statutory caps of the initial license fee from \$150 to \$250 and the license renewal fee from \$300 to \$500. The PTBC wants to clarify this is not a request to increase fees. Should this action be approved through the Sunset Review process, the outcome will increase the initial license and renewal fee caps only.

During last Sunset Review, Sunset Committee staff recommended that the PTBC discuss with the Committees its fund projections, fee audits, and fee structure that went into effect. Further, the PTBC should complete the Committees' "Fee Bill Worksheet" for the statutory fee increases. Based on the Committee's recommendation, the PTBC did not take further action on this issue.

As a result of the Board's most recent fee increase in FY 2015/2016, the PTBC's fund increased over the subsequent four fiscal years. However, the PTBC asks that the Committee consider raising the statutory fee caps as a proactive measure. In the event the PTBC is presented with unanticipated costs (e.g., litigation, enforcement costs, contract issues) the PTBC may be limited in its ability to act and may need to seek emergency legislation as a remedy. The PTBC is requesting the legislature increase the statutory caps of the initial license fee from \$150 to \$250 and the license renewal fee from \$300 to \$500. The PTBC wants to clarify this is not a request to increase fees. 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. If this action is approved through the Sunset Review process, the outcome will increase the initial license and renewal fee caps only. The PTBC believes raising the statutory fee caps as part of its Sunrise legislation is the most fiscally prudent alternative.

### **Issue #2: Clarifying Revisions to Retired License Status**

Prior 2016 Sunset Report:

*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 PTBC's 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.*

Response:

The PTBC considers this issue resolved. Since the last Sunset, BPC §2648.7 was repealed and therefore no further action is needed from the Committee. The PTBC is currently working to promulgate regulations to satisfy the requirements pursuant to BPC §464.

### **Issue #3: Technical Corrections to a Cross Reference**

Prior 2016 Sunset Report:

*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.*

Response:

The PTBC considers this issue resolved. Since the last Sunset, BPC §2689 was corrected removing the reference of BPC §2683, effective January 1, 2018. No further action is requested from the Committee.

### **Issue #4: English Proficiency Exemption**

Prior 2016 Sunset Report:

*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 PTBC's 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.*

Response:

This issue is considered resolved. Since the last Sunset, statutory change was made through AB 1706 to include the exemption of the TOEFL for foreign license applicants who have graduated from a physical therapy program in a country whose primary language is English. No further action is needed from the Committee.

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

Prior 2016 Sunset Report:

*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 position on this issue at this time. The PTBC respectfully informs the Committee of this issue.*

Response:

The PTBC considers this issue resolved. Since the last Sunset, statutory change was made through AB 2423 to include the exemption to the 45-day/12 visit requirement to allow for children covered through IDEA to receive the appropriate services to meet their educational needs. No further action is needed from the Committee.

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

**1. Issues raised under prior Sunset Review that have not been addressed.**

See Section 11, Issue 1.

**2. New issues identified by the board in this report.**

**Issue #1: Waiver Extension Permanent**

Due to the COVID-19 pandemic, the Governor Issued Executive Order N-40-20 on March 30, 2020, and DCA was granted the authority to provide waivers during the state of emergency. The DCA waiver identified as DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment temporarily waived the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an in-person patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. The waiver has been in place for the duration of the pandemic and terminated on December 31, 2021; the PTBC has not identified any consumer issues or vulnerabilities. The PTBC believes that the proposed legislative authority would facilitate access to care for physical therapy consumers while maintaining appropriate consumer protection.

The PTBC respectfully requests BPC section 2620.1 of the Physical Therapy Practice Act be amended to eliminate the requirement that the patient examination and evaluation must be conducted in person by a physician or surgeon. The proposed legislative authority would provide greater access to care for physical therapy consumers while maintaining appropriate consumer protection.

**Issue #2: WebEx Requirement Added to Statutory Authority for Board Meetings**

Due to the COVID-19 pandemic, the legislature granted temporary authority in Government Code 11133 (Chapter 165, Robert Rivas, Statutes of 2021) for DCA Boards through January 31, 2022, to utilize online platforms in lieu of in person meetings.

The PTBC believes that requiring the use of modern-day technology such as an online platform would increase consumer and stakeholder access and participation; and is more effective than a teleconference. This recommendation is intended to be an additional point of access, not as a replacement or in lieu of, to the existing mandate. Currently, the PTBC is mandated to meet at least three times a calendar year, meeting at least once in Northern California and once in Southern California; adding an online option will provide the following benefits: greater stakeholder access; more cost effective; broader platform functionality and features.



The PTBC recommends an amendment to BPC section 2611 that would require the Board to provide online access in addition to its existing mandates of in-person Board meetings.

### **Issue #3: Executive Officer Exempt Level Increase**

The EO Exempt Level has been changed only three times (3) since 1988. As part of the “request for change in exempt level” process through CalHR, when changes occur, such as increased program requirements, to include scope of responsibility, staff size, budget, complexity, special requirements, etc. these changes merit a level increase.

The PTBC’s Executive Officer (EO) Exempt Level is not appropriately allocated in accordance with the organization structure. The PTBC’s Executive Officer (EO) Exempt Level is allocated at level “N” and equivalent to the civil service class of a Staff Services Manager (SSM) II/III level. In 2020, the PTBC established and recruited an Assistant Executive Officer position, which is equivalent to the civil service class of a SSMII level.

The EO position was initially established on July 1, 1976, with the title of “Deputy, Physical Therapy Examining Committee, and Staff Consultant”. The position was under the direction of the Medical Board of California (MBC) within the Department of Consumer Affairs (DCA).

In FY 1988-89, the EO exempt entitlement was tied to the position and in March 1989, the exempt level changed from P4 level (Associate Analyst II equivalent) to level P2 (SSM I equivalent), following the DCA’s EO Exempt Level Study conducted in 1985.

In FY 1996-97, the oversight designation was transferred to the Physical Therapy Examining Committee (PTEC) from the MBC (Chapter 829, Statutes of 1996 (AB 3473)), which later changed the PTEC to the Physical Therapy Board of California (PTBC). The PTBC’s EO exempt level did not change with the organizational change and remained allocated at the P2 level (SSM I equivalent).

In FY 2000-01, the EO exempt level was reallocated from level P2 to level O (SSM II equivalent) and the classification title changed from Deputy, Physical Therapy Examining Committee, and Staff Consultant to “Executive Officer, Physical Therapy Board of California” in result of another department wide EO Exempt Level Study conducted by the DCA’s Office of Human Resources (OHR) (dated May 2000). At the time of the study (FY 2000/01), the PTBC was authorized 8.8 positions, including the EO position and was allocated a budget authority of \$1,956,976. In addition, the PTBC supported a licensee population of approximately 32,612.

In FY 2011-12, the DCA initiated an EO Exempt Level Study and contracted with the California Department of Human Resources (CalHR) to conduct a salary study of all the EO positions, including PTBC’s EO position to determine if the salaries were appropriately allocated. At the time the study was conducted, the PTBC was authorized 18.0 positions, including the EO position, had a budget authority of \$3,472,038 and supported approximately a licensee population of 32,187. Using the DCA’s previous EO Exempt Level Study Guidelines of May 2000, the PTBC would have met the allocation criteria for exempt level M. However, the Study was limited due to budget constraints resulting in furloughs, vacancies, state-wide hiring freezes, etc. and increased resources, including exempt level increases were not permitted. As a result, the EO position exempt level remained at level “O”, equivalent to the civil service Staff Services (SSM) II class.

In FY 2016-17, PTBC’s Board President, Katarina Eleby submitted a formal request on behalf of the Board Members to the DCA’s, Office of Human Resources requesting consideration to change the EO’s exempt level, from “O” to level “L”, effective August 1, 2016. This request was denied.

In FY 2017-18, PTBC's Board President, Katarina Eleby submitted a 2<sup>nd</sup> formal request on behalf of the Board Members to the DCAs Office of Human Resources requesting to change the EO's exempt level, from "O" to level "L". On February 6, 2018, the Board's request was partially approved to increase its EO exempt level from, O to level N (effective February 2018 pay period). The Exempt Level "N" is equivalent to the Staff Services Manager (SSM) II/III civil service classification (salary rate). At the time, the PTBC was authorized 21.1 positions, including the EO position and four (4) Temp Help positions, for a total of 27 staff members. The PTBC had a budget authority of \$4,968,000 and supported a licensee population of 38,961.

In FY 2018-19, PTBC's Board Members elected a formal Committee consisting of two Board Members identified as the Executive Officer (EO) Exempt Level Committee. The Committee delegates would work with appropriate staff to pursue the Board Members' request for changing the EO Exempt Level to level "L".

In FY 2019-20, PTBC's Board President, Alicia Rabena-Amen submitted a 3<sup>rd</sup> formal request on behalf of the Board Members to the DCAs Office of Human Resources, Personnel Officer to change the EO's Exempt Level to level "L", effective October 1, 2019. In May 2020, this request was denied. As a result, the CalHR representative recommended the Board President, Alicia Rabena-Amen, resubmit the request once the state budget crisis has passed. The PTBC was authorized 25.1 positions, including the EO position and one (1) Temp Help position, providing a total of 28 staff members. The PTBC had a budget authority of \$5,642,000 and supported a licensee population of 42,183.

In FY 2021-22, during the December 10, 2021, Board meeting the Board Members voted unanimously in support of moving forward with submitting a request to DCA, OHR for the EO Exempt Level Change Request to CalHR. PTBC's Board President, Alicia Rabena-Amen, would submit a 4<sup>th</sup> formal request on behalf of the Board Members to the DCAs Office of Human Resources, Personnel Officer to change the EO's Exempt Level to an appropriate level that meets the PTBC's current organizational structure. The PTBC was authorized 27.1 positions, including the EO position and four (4) Temp Help positions, providing a total of 31 staff members. The PTBC had a budget authority of \$5,849,000 and supported a licensee population of 43,857.

Since FY 2017-18, PTBC's staffing levels have increased by 25%, which includes an Assistant Executive Officer (SSM II) position, a second level in command to the Executive Officer (SSM II/III) position. PTBC's budget authority has also increased by 27%; and its license population has increased by 14%.

Since 2016, the Board has made repeated attempts to change the Executive Officer (EO) exempt level to level "L" and has been unsuccessful. In addition, this change will not require a budget change proposal nor create a budget deficiency.

The Board Members are now requesting the assistance of the Legislature to review its request and evidence to provide the PTBC with changing its EO Exempt Level to a level appropriate to meet its current organizational structure which has increased exponentially in scope of responsibility, staff size, budget, complexity, and special requirements.

### **3. New issues not previously discussed in this report.**

The PTBC does not have new issues to discuss. Please see Questions 1-2 above for new issues and recommendations identified by PTBC.

### **4. New issues raised by the Committees.**

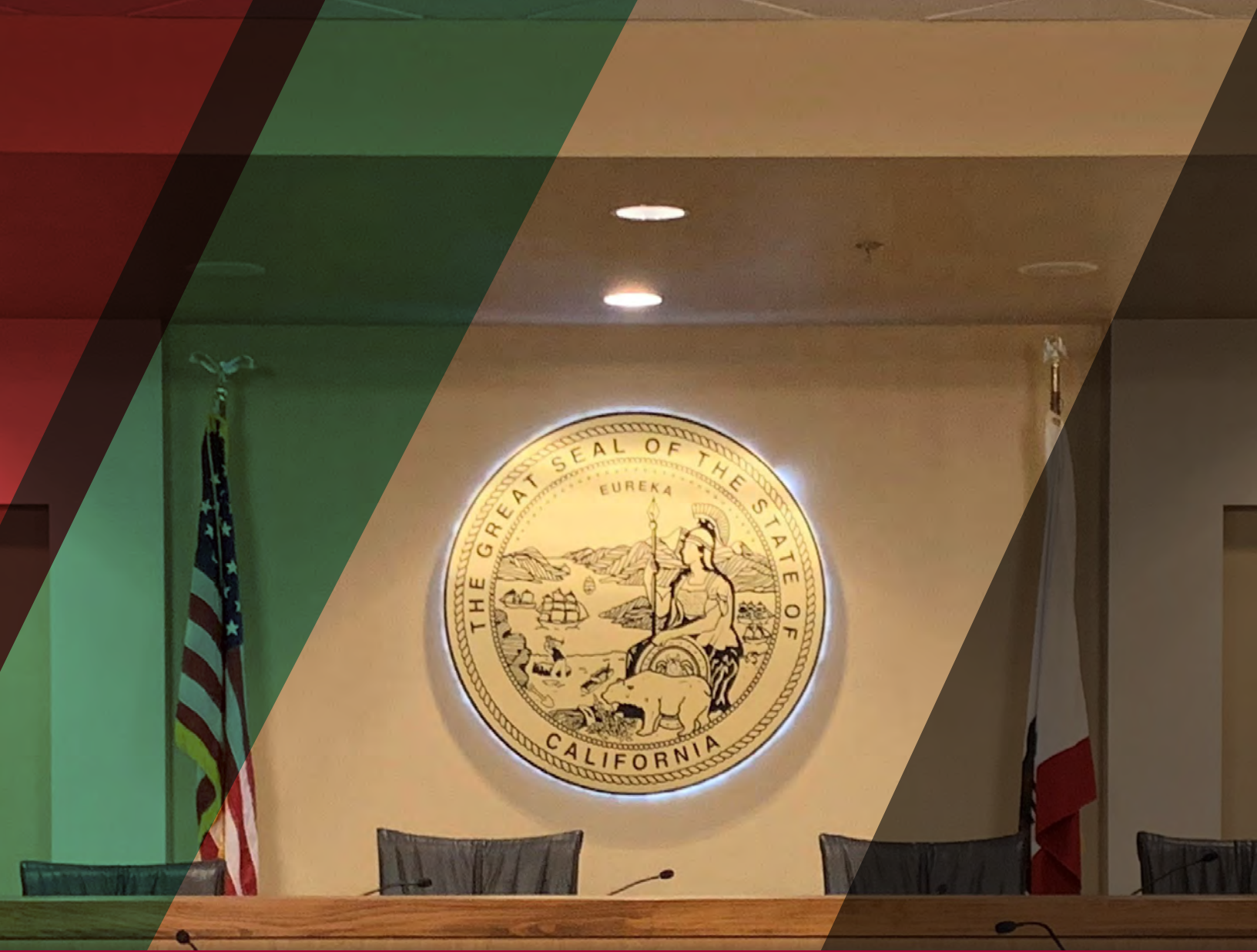


## **Section 13– Attachments**

**Please provide the following attachments:**

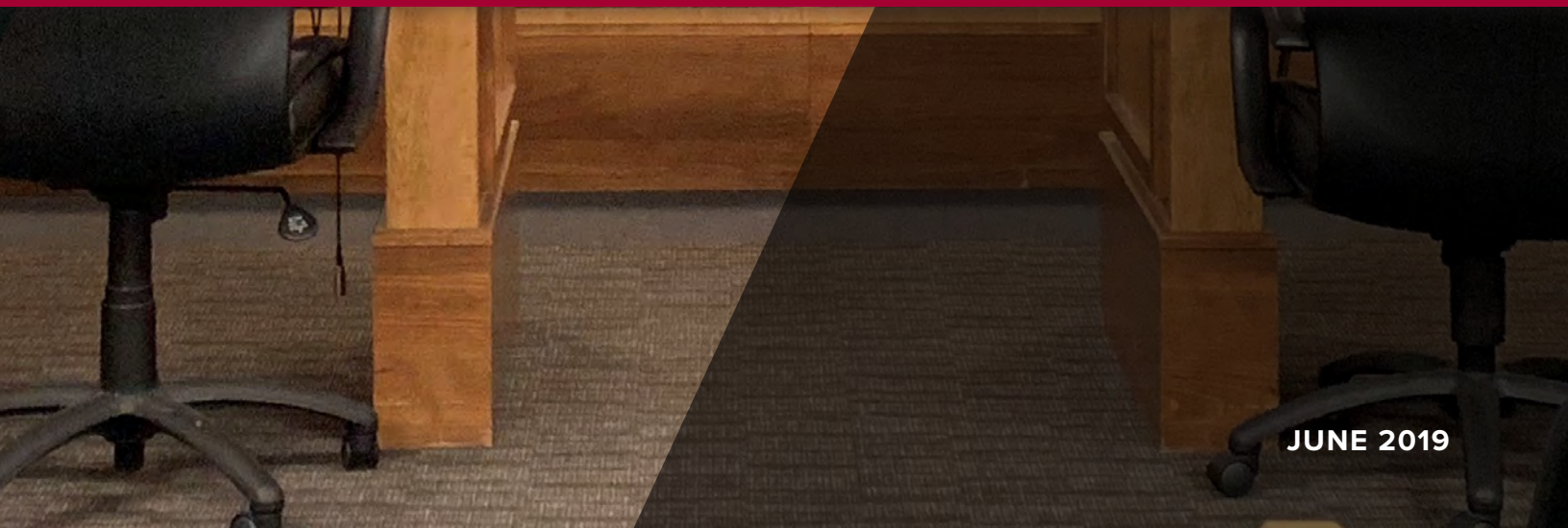
- A. Board’s administrative manual.**
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).**
- C. Major studies, if any (cf., Section 1, Question 4).**  
  
N/A
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).**
- E. Enforcement Performance Measures Reports.**
- F. Licensing Performance Measure Reports.**
- G. Notice to Consumer Form (NTC 12-01).**

**Section 13: Attachment A:  
Board Administrative Manual**



Physical Therapy Board of California

BOARD MEMBER **ADMINISTRATIVE MANUAL**  
PHYSICAL THERAPY BOARD OF CALIFORNIA



JUNE 2019



**PHYSICAL THERAPY BOARD OF CALIFORNIA**

2005 Evergreen St., Suite 1350

Sacramento, CA 95815

Phone: (916) 561-8200

Fax: (916) 263-2560

TDD: (800) 326-2297

**[www.ptbc.ca.gov](http://www.ptbc.ca.gov)**

STATE OF CALIFORNIA

**dca**

DEPARTMENT OF CONSUMER AFFAIRS

# ACKNOWLEDGMENTS

## **Members of the Board**

Alicia K. Rabena-Amen, P.T., DPT – President

TJ Watkins – Vice President

Daniel Drummer, P.T., DPT

Jesus Dominguez, P.T., Ph.D.

Katarina Eleby, M.A.

Tonia McMillian

## **Executive Officer**

Jason Kaiser

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 authorizes authority to staff to make nonsubstantive changes as necessary.<sup>1</sup>

<sup>1</sup> Was first authorized in May 2014 and reauthorized at the June 2019 Board Meeting.

# TABLE OF CONTENTS

## Chapter 1. Introduction

Acronyms/Definitions .....	6
Mission Statement .....	7
Overview .....	7
General Rules of Conduct.....	8

## Chapter 2. Board Meeting Procedures

Frequency of Meetings .....	9
Board Member Attendance at Board Meetings .....	9
Public Attendance at Board Meetings/Open Meeting Act .....	9
Quorum .....	10
Agenda Items.....	10
Notice of Meetings.....	10
Notice of Meetings to be Posted on the Internet .....	10
Record of Meetings .....	11
Electronic Recording .....	11
Meeting Rules .....	11
Public Comment.....	11

## Chapter 3. Travel/Salary Policies and Procedures

Travel Approval .....	13
Approval of Unscheduled Travel .....	13
Travel Arrangements .....	13
Out of State Travel.....	13
Travel Claims .....	13
Salary Per Diem.....	14

## Chapter 4. Selection of Officers and Committees

Officers of the Board .....	16
Election of Officers .....	16
Officer Vacancies .....	16
Committee/Task Force Appointments .....	16
Attendance at Committee/Task Force Meetings.....	16

## Chapter 5. Board Administration and Staff

Board Administration .....	17
Executive Officer.....	17
Executive Officer Evaluation .....	17
Board Staff.....	17
Expert Consultants .....	18
Board Budget.....	18
Business Cards .....	18
Strategic Planning .....	18
Projects/Approval for New Projects .....	18
Legislative Positions .....	18

# TABLE OF CONTENTS

## Chapter 6. Enforcement and Disciplinary Actions

Priority of Complaints.....	20
Investigative Staff and Services .....	20
Discipline and Citations .....	20
Administrative Proceedings.....	21
Review of Decisions.....	21
Member Questions and Communications about Decisions.....	22
Mail Ballots.....	22
Holding Disciplinary Cases for Board Meetings .....	22
Rejection (Nonadoption) of a Proposed Decision .....	23
Reconsideration.....	23
Petitions for Penalty Relief.....	23
Enforcement Actions—Disclosure to the Public.....	23
Policy Variation.....	24

## Chapter 7. Other Policies and Procedures

Board Member Address.....	25
Board Member Written Correspondence and Mailings.....	25
Communications: Other Organizations/Individuals/Media .....	25
Communication with Interested Parties .....	25
Ex Parte Communications.....	26
Board Member Disciplinary Actions .....	26
Conflict of Interest .....	27
Service of Legal Documents .....	27
Gifts from Candidates .....	27
Request for Records Access .....	27
Resignation of Board Members.....	27
Removal of Board Members.....	27
Board Member Training Requirements .....	28
Outreach/Information/Complaints .....	28

## Appendix A—Complaint Prioritization Guidelines for DCA Health Care Agencies

# CHAPTER 1. INTRODUCTION



## Acronyms/Definitions

ALJ	Administrative Law Judge
BPC	Business and Professions Code
CPS	Consumer Protection Services
CCR	California Code of Regulations
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 (AB 1001). 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 to protect the public from incompetent, unprofessional and criminal acts during the provision of physical therapy. The Board is one of over 40 regulatory entities that exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

### BPC § 2603

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 primarily funded through license and application fees; therefore, the Board does not receive appropriations from the General Fund.

### General Rules of Conduct (Board Policy)

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 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 the Department of Consumer Affairs, Policy on Incompatible Work Activities, OHR 14-01.

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

# CHAPTER 2. BOARD MEETING PROCEDURES

## Frequency of Meetings (BPC § 2611)

The Board shall meet at least three times each calendar year, meeting at least once in Northern California and once in Southern California.

## (Bagley-Keene Open Meeting Act)

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

Due notice of each meeting and the time and place thereof shall be given in the manner provided by 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 (Gov. Code § 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This law 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. However, according to the Bagley-Keene Open Meeting Act, "While the body cannot act on any matter not included on the agenda, it can schedule issues raised by the public for consideration at future meetings."

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.

## CHAPTER 2. BOARD MEETING PROCEDURES

### Quorum (BPC § 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 no less 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 no less 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 (Gov. Code § 11125 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, email address, and work phone number of a staff person who can provide further information prior to the meeting.

### Notice of Meetings to be Posted on the Internet (Gov. Code § 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 phone number of any person who can further provide 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.

## CHAPTER 2. BOARD MEETING PROCEDURES

### Record of Meetings (Gov. Code § 111261)

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. 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.

### (Gov. Code § 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) (hereafter *Public Records Act*), 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., the Bagley-Keene Open Meeting Act), as a guide when conducting its meetings.

### Public Comment (Bagley-Keene Open Meeting Act & Board Policy) (Continued on page 12)

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

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.

*(Continued from page 11)*

### Public Comment (Bagley-Keene Open Meeting Act & Board Policy)

(Gov. Code § 11125.7)

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. When 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. When 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 the Division of Investigation (DOI) or California Highway Patrol 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.
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 AND SALARY POLICIES AND PROCEDURES

## Travel Approval (DCA Travel Guide)

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, who will then seek the approval of the president.

## Travel Arrangements (Board Policy)

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

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

For approved 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 Travel Guide)

Rules governing reimbursement of travel expenses for Board members are the same as 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 the *DCA Travel Guide*, which are periodically disseminated by the Administrative Services manager, or his or her designee.



### Salary Per Diem

(BPC §§ 103, 2606 and 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 a Board member’s attendance.

### Salary Per Diem

(BPC §§ 103, 2606 and Board Policy)

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. When 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 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.

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)

## Election of Officers (Board Policy)

## Election of Delegates (Board Policy)

## Officer Vacancies (Board Policy)

## Committee or Task Force Appointments (Board Policy)

## Attendance at Committee or Task Force Meetings (Board Policy)

The Board shall select a president and a vice president annually.

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.

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

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.

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.

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 AND STAFF

## Board Administration (Board Policy)

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 (BPC § 2607.5)

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.

## Executive Officer Evaluation (Board Policy)

Board members shall evaluate the performance of the executive officer at least on an annual basis.

## Board Staff (Board Policy)

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 projects and problems. Such services are arranged by means of state-approved contracts established in DCA policy. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as 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, phone number, fax number, website address and email address.

### Strategic Planning (Gov. Code § 11816 and 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 may adopt 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.

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

**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.

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 (BPC § 2634, BPC § 2607.5 and 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 title 16 CCR § 13 et seq.)

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 before the Board 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 to Board members for vote. If the licensee and the executive officer agree to a particular enforcement outcome, a stipulation is prepared and presented to 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 Board members for vote.

### Review of Decisions (Gov. Code § 11500, et seq.; BPC § 2602.1; title 16, CCR § 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 affected 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 were used as a decision.
5. Whether community was used as a basis for reaching the decision.
6. Whether the decision may be reasonably and practically implemented.

### Member Questions and Communications about Decisions

(Gov. Code § 11430.10, et seq.)

Communications with staff concerning pending proceedings, including decisions, are limited by the provisions of the Administrative Procedure Act. There are two parties to any disciplinary proceeding—the complainant (the executive officer and other staff) and the 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.

Proposed decisions, stipulations, and default decisions are provided to each Board member for voting. 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 review the ballots and, if a decision is reached by a majority of the Board, prepare the decision for the president's signature.

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 mark 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, and legal counsel 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.

### Mail Ballots

(Gov. Code § 11526 and Board Policy)

### Holding Disciplinary Cases for Board Meetings

(Board Policy)

### Rejection (nonadoption) of a Proposed Decision (Gov. Code § 11517)

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

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 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 ALJ. If oral evidence is introduced before the Board on reconsideration, no member may vote unless they have heard the evidence.

### Petitions for Penalty Relief (BPC § 2661.7 and 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. However, particular records of enforcement investigations may be exempt from disclosure to protect the confidentiality of other parties.

(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 a social media service.

## CHAPTER 6. ENFORCEMENT AND DISCIPLINARY ACTIONS

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

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.

In a particular case, action by the Board itself supersedes any general Board policy set forth in this manual that is not otherwise required in law.

Policy Variation

# CHAPTER 7. OTHER POLICIES AND PROCEDURES

## Board Member Address

(Board Policy, Bagley-Keene Open Meeting Act)

Board member addresses, email addresses, and phone 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

(Gov. Code § 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:

### Ex Parte Communications (Gov. Code § 11430.10 et seq.)

*“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.”*

### (Board Policy)

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 they realize 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 phone 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.

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 Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

### Board Member Disciplinary Actions (Board Policy)

### Conflict of Interest (Gov. Code § 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.

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

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 (Gov. Code § 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 director of the Department of Consumer Affairs, 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

(BPC § 453)

(Gov. Code § 87200 et seq. and 11146.3)

(Gov. Code § 12950.1, DCA Policy EEO 12-01, Board Policy)

### Outreach/Information/Complaints (Board Policy)

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

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.

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.

Board members are required to complete the following:

- Authorized use of privately owned vehicle.
- Board member orientation.
- Defensive driver training.
- Ethics training.
- Form 700—Statement of Economic Interest.
- Nondiscrimination policy.
- Sexual harassment prevention policy.
- Sexual harassment prevention training.
- Use of applicant criminal offender record information.

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. Phone responses.
5. Responses to written, faxed, and emailed inquiries.
6. The Board's website.
7. Social media.

# APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

As complaints are received, a staff person should immediately review each complaint to determine the appropriate course of action based on 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 reprioritized 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.

## Complaints in Categories 1 and 2 Are Referred to Division of Investigation

### CATEGORY 1 • HIGH

- Acts of serious patient/consumer harm, great bodily injury, or death.
- Mental or physical impairment of licensee with potential for public harm.
- Practicing while under the influence of drugs/alcohol.
- Repeated allegations of drug/alcohol abuse.
- Narcotic/prescription drug theft; drug diversion; other unlawful possession.
- Sexual misconduct with a patient.
- Physical/mental abuse of a patient.
- Over-prescribing.
- Gross negligence/incompetence resulting in serious harm/injury.
- Media/politically sensitive cases.

### CATEGORY 1 • HIGH

- Prescribing/dispensing without authority.
- Unlicensed practice/unlicensed activity.
- Aiding and abetting unlicensed activity.
- Criminal violations including but not limited to prescription forgery, selling, or using fraudulent documents and/or transcripts, possession of narcotics, major financial fraud, financial elder abuse, insurance fraud, etc.
- Exam subversion where exam is compromised.
- Mandatory peer review reporting (Business Professions Code section 805).
- Law enforcement standby/security (subject to staff availability).

*(Continued on page 30)*

# APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

(Continued from page 29)

## Complaints in Categories 1 and 2 Are Investigated by Board/Bureau Staff

### CATEGORY 3 • ROUTINE

- General unprofessional conduct and/or general negligence/incompetence resulting in no injury or minor harm/injury (nonintentional act, nonlife threatening).
- Subsequent arrest notifications (no immediate public threat).
- Exam subversion (individual cheating where exam is not compromised).
- Medical malpractice reporting (Business and Professions Code section 801) cases unless evaluated as categories 1 or 2.
- Serving subpoenas for hearings and for records (non-DOI investigations).
- Patient abandonment.
- Applicant misconduct.
- False/misleading advertising (not related to unlicensed activity or criminal activity).
- Applicant misconduct.

### CATEGORY 4 • ROUTINE

- Unsanitary conditions.
- Project abandonment.
- Failure to release medical records.
- Recordkeeping violations.
- Continuing education violations.
- Declaration and record collection (e.g., licensee statements, medical records, arrest and conviction records, employment records).
- Complaints of offensive behavior or language (e.g., poor bedside manner, rude, abrupt, etc.).
- Quality-of-service complaints.
- Complaints against licensee on probation that do not meet categories 1 or 2.
- Anonymous complaints unless Board is able to corroborate that it meets categories 1 or 2.
- Nonjurisdictional issues.

\*Complaint prioritization is statutory for some clients and supersedes these guidelines. See Business and Professions Code sections 2220.05 (Medical Board/Board of Podiatric Medicine) and 4875.1 (Veterinary Medical Board). (Revised: 12/2017)



Physical Therapy Board of California

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

2005 Evergreen St., Suite 1350

Sacramento, CA 95815

[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

STATE OF CALIFORNIA

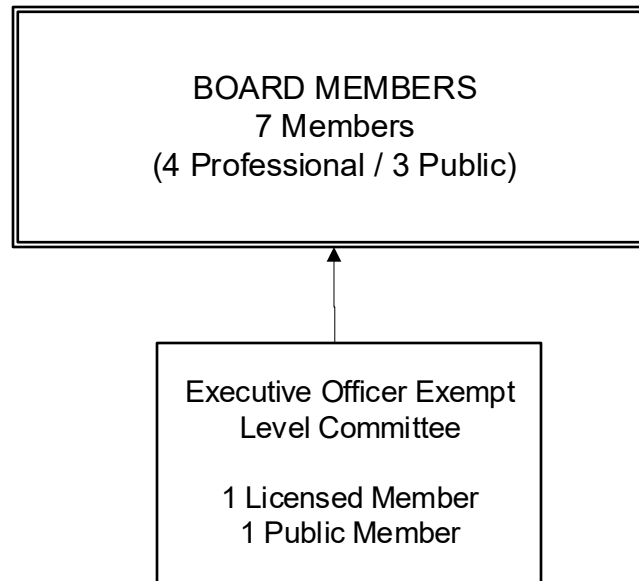
**dca**

DEPARTMENT OF CONSUMER AFFAIRS



**Section 13: Attachment B:  
Current Organizational Chart  
Showing Relationship of Committees**

Department of Consumer Affairs  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
Year-End Organizational Chart



## **Attachment C: Major Studies**

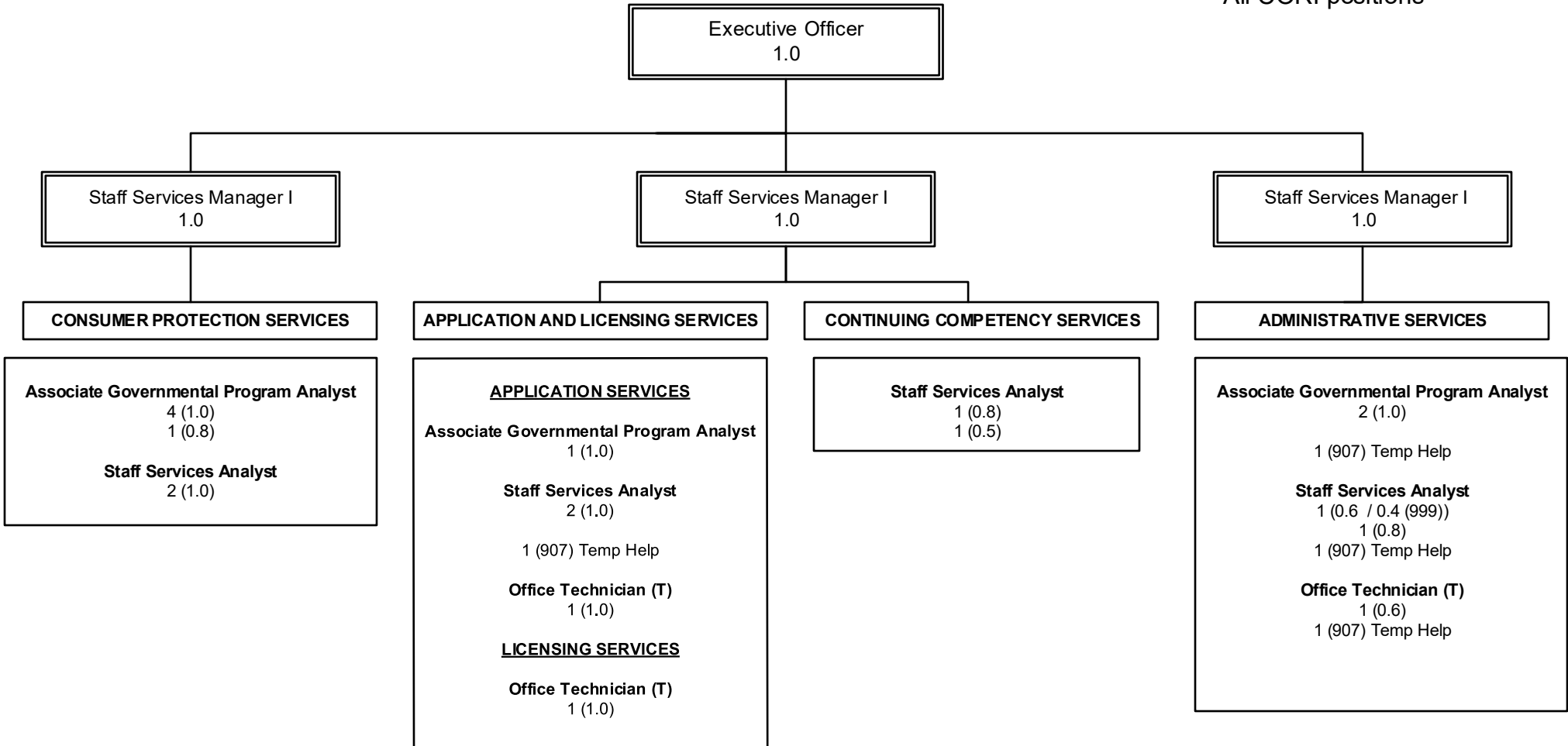
The PTBC does not have additional material to provide on this item under this section. See Question 4 in Section 1.

**Section 13: Attachment D:  
Year-End Organization Charts for  
Last Four Fiscal Years**



Department of Consumer Affairs  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
 Year-End Organizational Chart

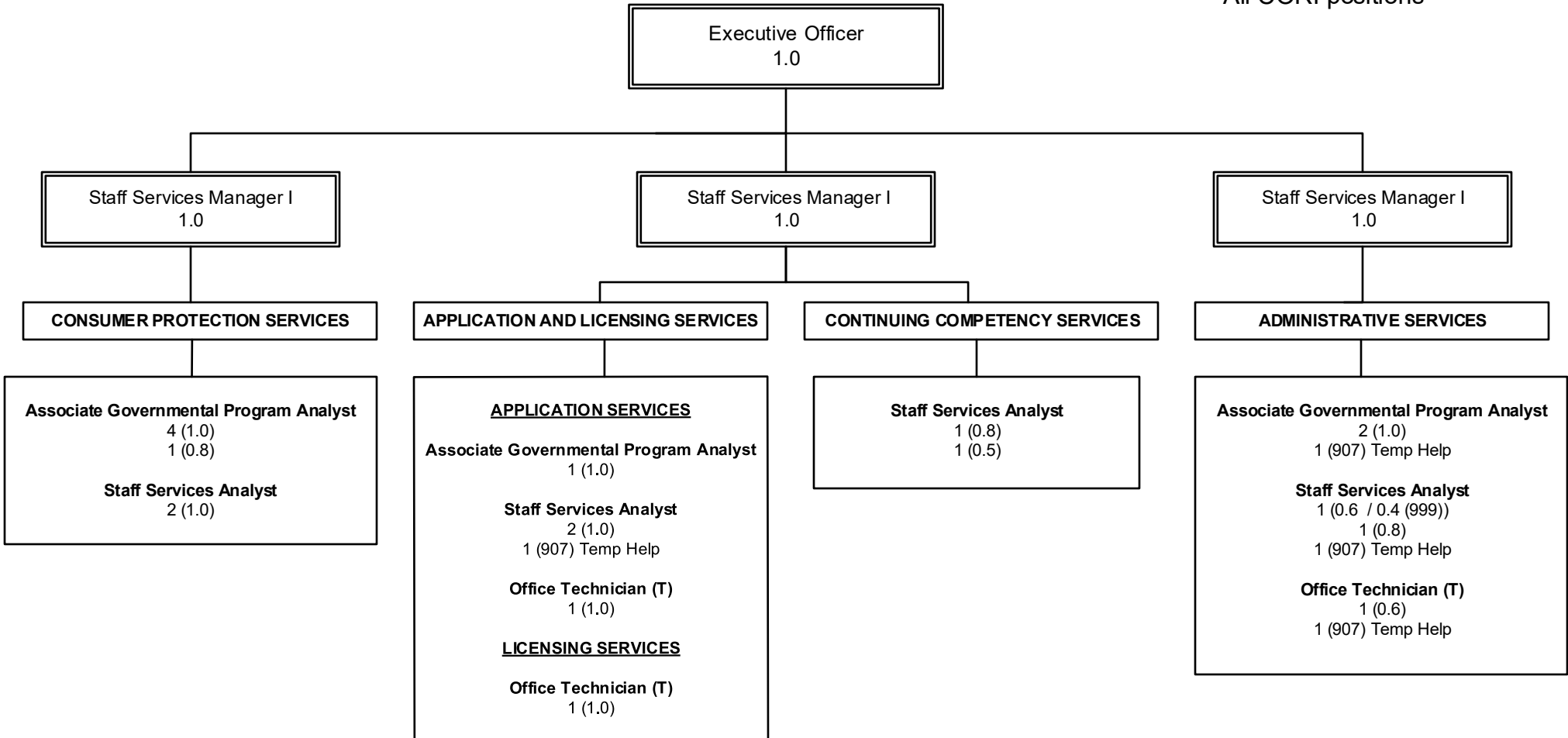
FY 2017-18  
 Authorized Position: 21.1  
 BL 12-04 (999 Blanket):0.4  
 All CORI positions



Authorized PY: 21.1  
 Blanket PY: 4.4  
 Total Employees: 27

Department of Consumer Affairs  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
 Year-End Organizational Chart

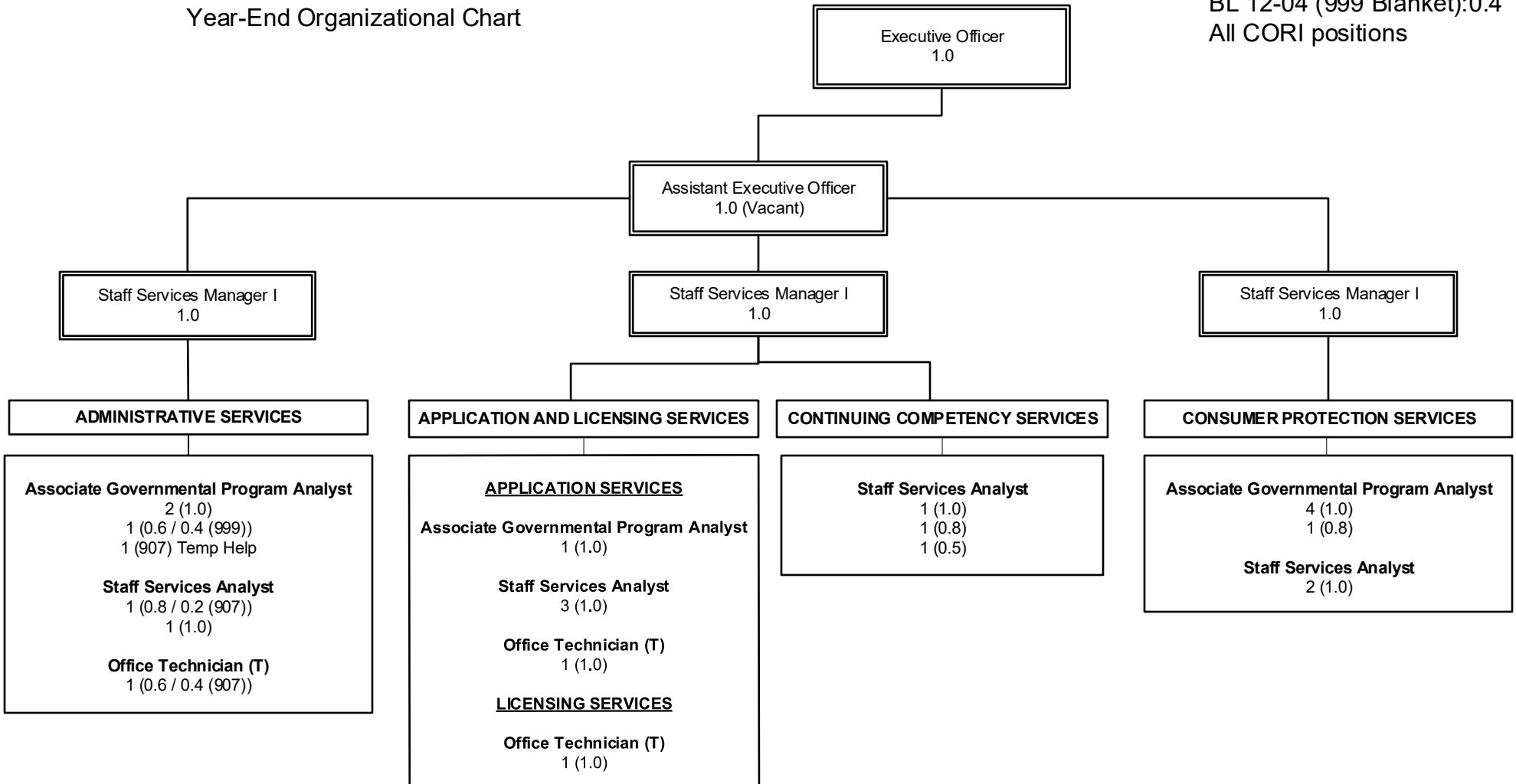
FY 2018-19  
 Authorized Position: 21.1  
 BL 12-04 (999 Blanket):0.4  
 All CORI positions



Authorized PY: 21.1  
 Blanket PY: 4.4  
 Total Employees: 27

Department of Consumer Affairs  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
 Year-End Organizational Chart

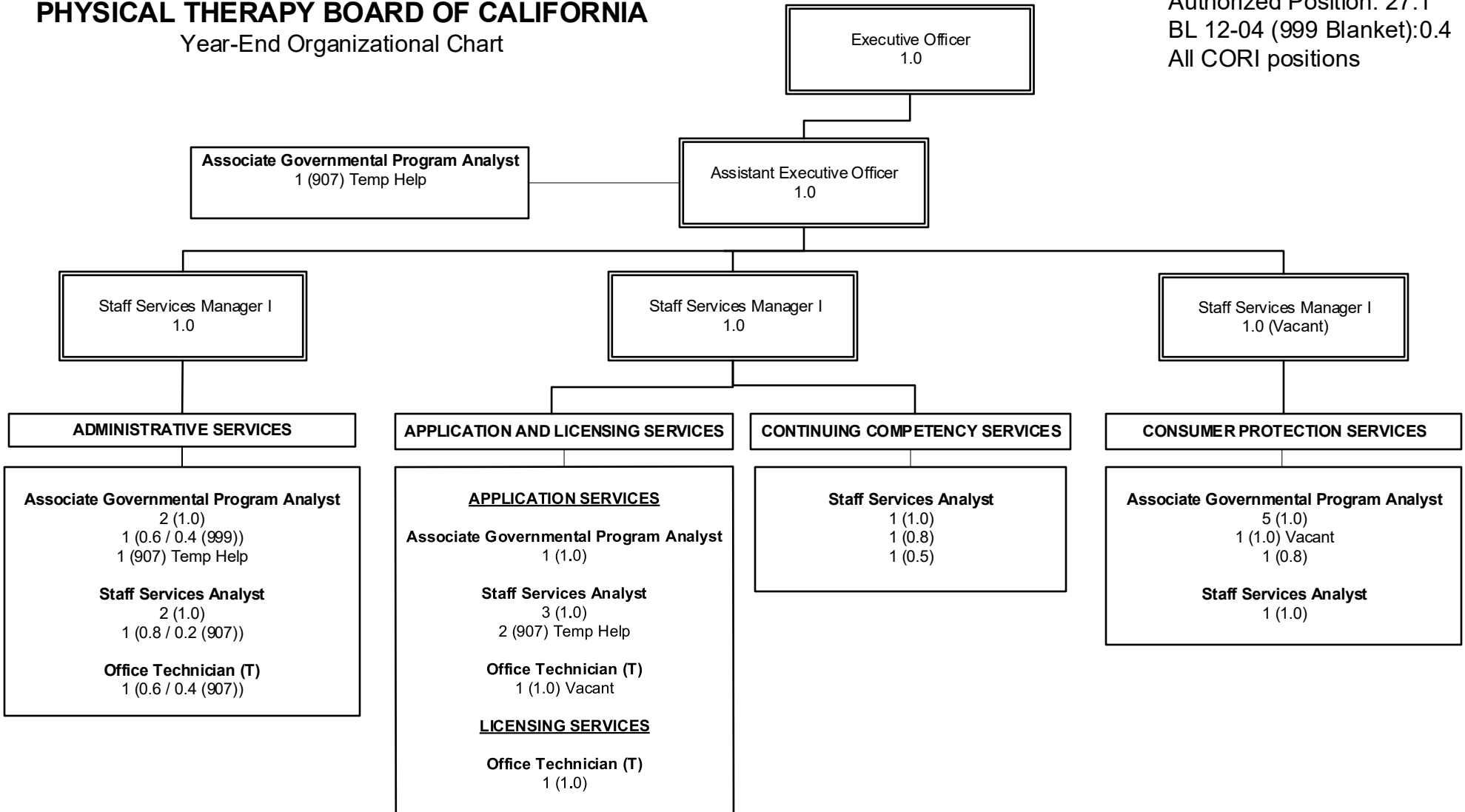
FY 2019-20  
 Authorized Position: 25.1  
 BL 12-04 (999 Blanket):0.4  
 All CORI positions



Authorized PY: 25.1  
 Blanket PY: 2.0  
 Total Employees: 28

Department of Consumer Affairs  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
 Year-End Organizational Chart

FY 2020-21  
 Authorized Position: 27.1  
 BL 12-04 (999 Blanket):0.4  
 All CORI positions

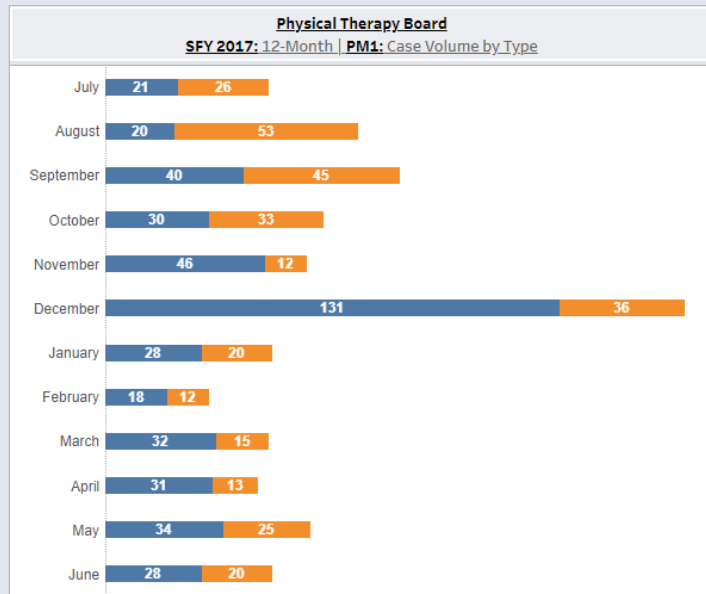


Authorized PY: 27.1  
 Blanket PY: 5.0  
 Total Employees: 33

**Section 13: Attachment E:  
Enforcement Performance  
Measures Reports**

## FY 2017 18 PERFORMANCE MEASURE 1: INTAKE VOLUME

Board Name: Physical Therapy Board State Fiscal Year: SFY 2017 Enforcement Case Type: Complaints Volume Conviction/Arrest Volume



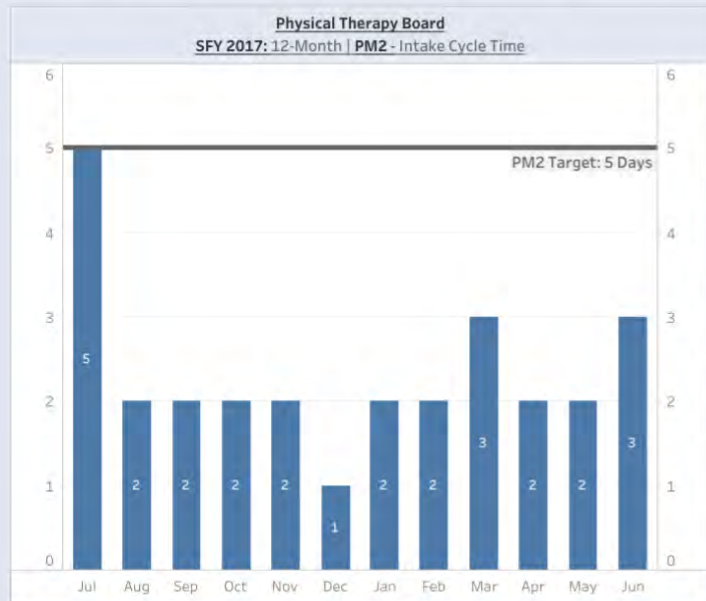
**Physical Therapy Board**  
SFY 2017: 12-Month | PM1: Summary

	Complaints Volume	Conviction/Arrest Volume	Total Volume
Grand Total	459	310	769
July	21	26	47
August	20	53	73
September	40	45	85
October	30	33	63
November	46	12	58
December	131	36	167
January	28	20	48
February	18	12	30
March	32	15	47
April	31	13	44
May	34	25	59
June	28	20	48

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2017 18 PERFORMANCE MEASURE 2: INTAKE CYCLE TIME

Select a DCA Entity: Physical Therapy Board Select a Fiscal Year: SFY 2017 Processing Time: Actual Target Performance v Target: At Target Below Target



**Physical Therapy Board**  
SFY 2017: 12-Month | PM2 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	773	5 Days	2 Day(s)	▼ -3 Day(s)
July	53	5 Days	5 Day(s)	0
August	73	5 Days	2 Day(s)	▼ -3 Day(s)
September	84	5 Days	2 Day(s)	▼ -3 Day(s)
October	63	5 Days	2 Day(s)	▼ -3 Day(s)
November	59	5 Days	2 Day(s)	▼ -3 Day(s)
December	166	5 Days	1 Day(s)	▼ -4 Day(s)
January	49	5 Days	2 Day(s)	▼ -3 Day(s)
February	28	5 Days	2 Day(s)	▼ -3 Day(s)
March	46	5 Days	3 Day(s)	▼ -2 Day(s)
April	44	5 Days	2 Day(s)	▼ -3 Day(s)
May	60	5 Days	2 Day(s)	▼ -3 Day(s)
June	48	5 Days	3 Day(s)	▼ -2 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

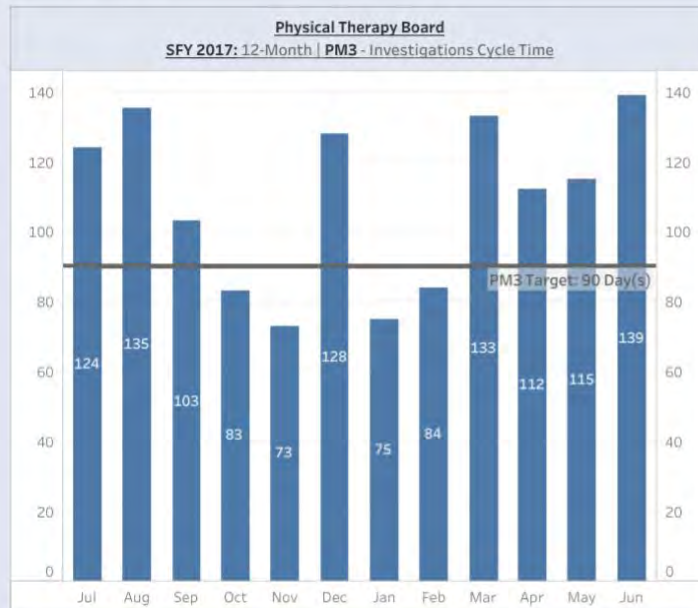
## FY 2017 18 PERFORMANCE MEASURE 3: INVESTIGATION CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2017

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2017: 12-Month | PM3 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	723	90 Days	107 Day(s)	▲ 17 Day(s)
July	54	90 Days	124 Day(s)	▲ 34 Day(s)
August	86	90 Days	135 Day(s)	▲ 45 Day(s)
September	36	90 Days	103 Day(s)	▲ 13 Day(s)
October	64	90 Days	83 Day(s)	▼ -7 Day(s)
November	64	90 Days	73 Day(s)	▼ -17 Day(s)
December	43	90 Days	128 Day(s)	▲ 38 Day(s)
January	86	90 Days	75 Day(s)	▼ -15 Day(s)
February	74	90 Days	84 Day(s)	▼ -6 Day(s)
March	76	90 Days	133 Day(s)	▲ 43 Day(s)
April	57	90 Days	112 Day(s)	▲ 22 Day(s)
May	36	90 Days	115 Day(s)	▲ 25 Day(s)
June	47	90 Days	139 Day(s)	▲ 49 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

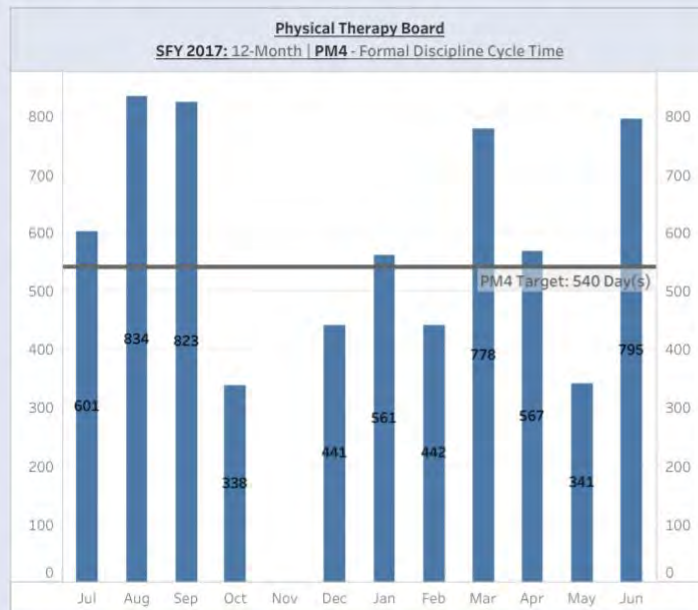
## FY 2017 18 PERFORMANCE MEASURE 4: FORMAL DISCIPLINE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2017

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2017: 12-Month | PM4 - Summary

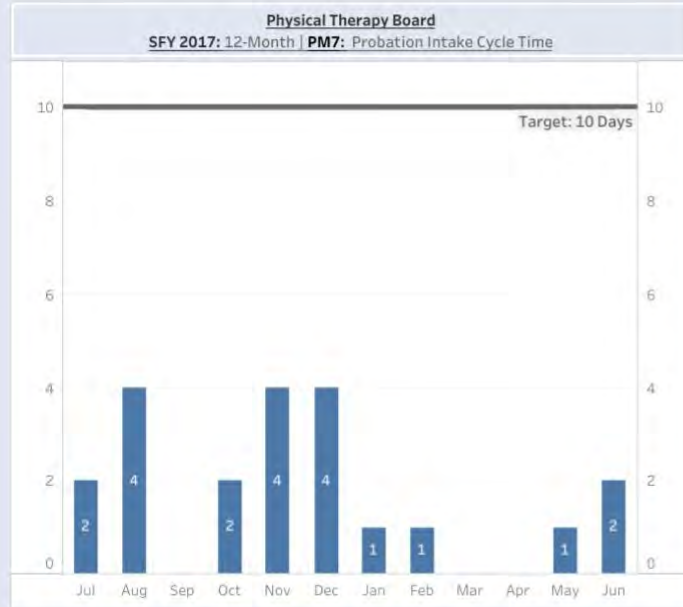
	Case Volume	Target	Actual	Variance
Grand Total	33	540 Days	605 Day(s)	▲ 65 Day(s)
July	5	540 Days	601 Day(s)	▲ 61 Day(s)
August	3	540 Days	834 Day(s)	▲ 294 Day(s)
September	2	540 Days	823 Day(s)	▲ 283 Day(s)
October	3	540 Days	338 Day(s)	▼ -202 Day(s)
December	2	540 Days	441 Day(s)	▼ -99 Day(s)
January	2	540 Days	561 Day(s)	▲ 21 Day(s)
February	1	540 Days	442 Day(s)	▼ -98 Day(s)
March	4	540 Days	778 Day(s)	▲ 238 Day(s)
April	1	540 Days	567 Day(s)	▲ 27 Day(s)
May	5	540 Days	341 Day(s)	▼ -199 Day(s)
June	5	540 Days	795 Day(s)	▲ 255 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



## FY 2017 18 PERFORMANCE MEASURE 7: PROBATION INTAKE CYCLE TIME

Select a Board/Bureau: Physical Therapy Board | Select a Fiscal Year: SFY 2017 | Performance Measure: PM7 | Processing Time: Actual (blue), Target (grey) | Performance versus Target: Below Target (green)



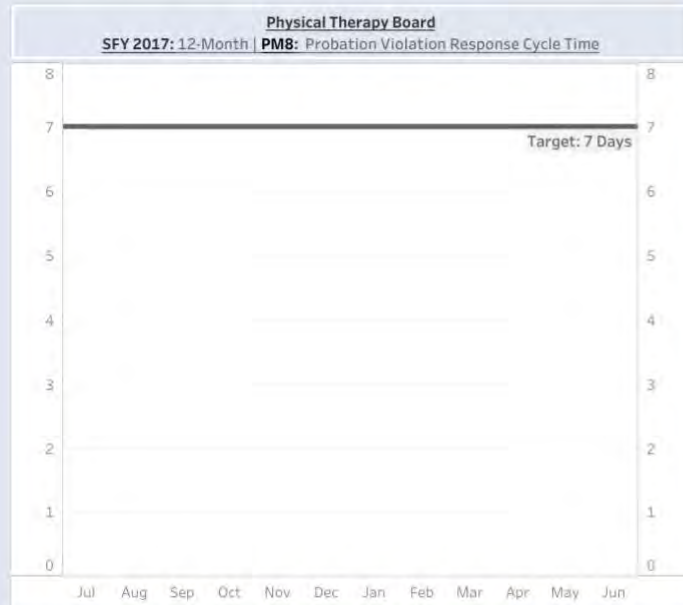
**Physical Therapy Board**  
SFY 2017: 12-Month | PM7: Summary

Month	Case Volume	Target	Actual	Variance
Grand Total	17	10 Days	2 Day(s)	▼ -8 Day(s)
July	2	10 Days	2 Day(s)	▼ -8 Day(s)
August	2	10 Days	4 Day(s)	▼ -6 Day(s)
September	0	10 Days	0 Day(s)	▼ -10 Day(s)
October	3	10 Days	2 Day(s)	▼ -8 Day(s)
November	1	10 Days	4 Day(s)	▼ -6 Day(s)
December	1	10 Days	4 Day(s)	▼ -6 Day(s)
January	1	10 Days	1 Day(s)	▼ -9 Day(s)
February	1	10 Days	1 Day(s)	▼ -9 Day(s)
March	0	10 Days	0 Day(s)	▼ -10 Day(s)
April	0	10 Days	0 Day(s)	▼ -10 Day(s)
May	2	10 Days	1 Day(s)	▼ -9 Day(s)
June	4	10 Days	2 Day(s)	▼ -8 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2017 18 PERFORMANCE MEASURE 8: PROBATION VIOLATION RESPONSE CYCLE TIME

Select a Board/Bureau: Physical Therapy Board | Select a Fiscal Year: SFY 2017 | Performance Measure: PM8 | Processing Time: Actual (blue), Target (grey) | Performance versus Target: Below Target (green)



**Physical Therapy Board**  
SFY 2017: 12-Month | PM8: Summary

Month	Case Volume	Target	Actual	Variance
Grand Total	0	7 Days	0 Day(s)	▼ -7 Day(s)
July	0	7 Days	0 Day(s)	▼ -7 Day(s)
August	0	7 Days	0 Day(s)	▼ -7 Day(s)
September	0	7 Days	0 Day(s)	▼ -7 Day(s)
October	0	7 Days	0 Day(s)	▼ -7 Day(s)
November	0	7 Days	0 Day(s)	▼ -7 Day(s)
December	0	7 Days	0 Day(s)	▼ -7 Day(s)
January	0	7 Days	0 Day(s)	▼ -7 Day(s)
February	0	7 Days	0 Day(s)	▼ -7 Day(s)
March	0	7 Days	0 Day(s)	▼ -7 Day(s)
April	0	7 Days	0 Day(s)	▼ -7 Day(s)
May	0	7 Days	0 Day(s)	▼ -7 Day(s)
June	0	7 Days	0 Day(s)	▼ -7 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



## FY 2018 19 PERFORMANCE MEASURE 1: INTAKE VOLUME

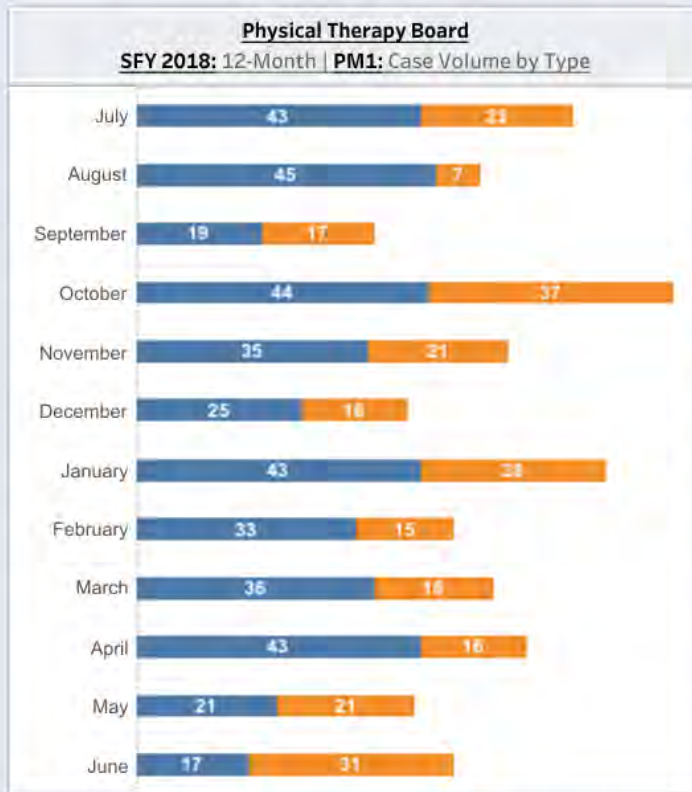
Board Name  
Physical Therapy Board

State Fiscal Year  
SFY 2018

Enforcement Case Type

Complaints Volume

Conviction/Arrest Volume



**Physical Therapy Board**  
SFY 2018: 12-Month | PM1: Summary

	Complaints Vo..	Conviction/Arr..	Total Volume
Grand Total	404	250	654
July	43	23	66
August	45	7	52
September	19	17	36
October	44	37	81
November	35	21	56
December	25	16	41
January	43	28	71
February	33	15	48
March	36	18	54
April	43	16	59
May	21	21	42
June	17	31	48

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the ..

## FY 2018 19 PERFORMANCE MEASURE 2: INTAKE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

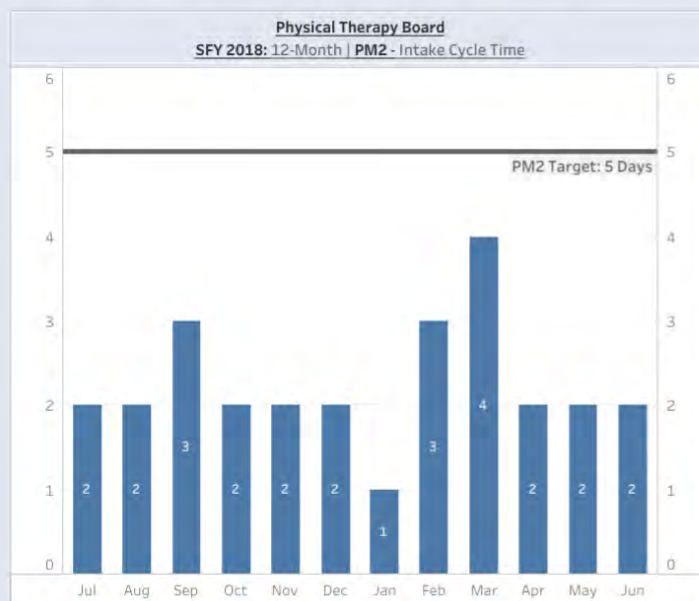
Select a Fiscal Year  
SFY 2018

Processing Time

Actual Target

Performance v Target

Below Target



**Physical Therapy Board**  
SFY 2018: 12-Month | PM2 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	652	5 Days	2 Day(s)	▼-3 Day(s)
July	61	5 Days	2 Day(s)	▼-3 Day(s)
August	56	5 Days	2 Day(s)	▼-3 Day(s)
September	37	5 Days	3 Day(s)	▼-2 Day(s)
October	80	5 Days	2 Day(s)	▼-3 Day(s)
November	57	5 Days	2 Day(s)	▼-3 Day(s)
December	40	5 Days	2 Day(s)	▼-3 Day(s)
January	72	5 Days	1 Day(s)	▼-4 Day(s)
February	45	5 Days	3 Day(s)	▼-2 Day(s)
March	53	5 Days	4 Day(s)	▼-1 Day(s)
April	63	5 Days	2 Day(s)	▼-3 Day(s)
May	40	5 Days	2 Day(s)	▼-3 Day(s)
June	48	5 Days	2 Day(s)	▼-3 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

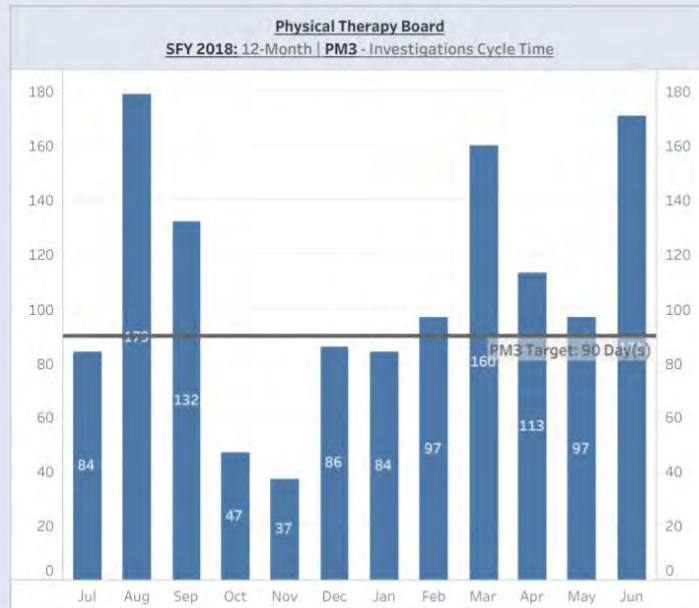
## FY 2018 19 PERFORMANCE MEASURE 3: INVESTIGATION CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2018

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2018: 12-Month | PM3 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	570	90 Days	107 Day(s)	▲ 17 Day(s)
July	53	90 Days	84 Day(s)	▼ -6 Day(s)
August	47	90 Days	179 Day(s)	▲ 89 Day(s)
September	46	90 Days	132 Day(s)	▲ 42 Day(s)
October	40	90 Days	47 Day(s)	▼ -43 Day(s)
November	48	90 Days	37 Day(s)	▼ -53 Day(s)
December	52	90 Days	86 Day(s)	▼ -4 Day(s)
January	49	90 Days	84 Day(s)	▼ -6 Day(s)
February	42	90 Days	97 Day(s)	▲ 7 Day(s)
March	65	90 Days	160 Day(s)	▲ 70 Day(s)
April	51	90 Days	113 Day(s)	▲ 23 Day(s)
May	45	90 Days	97 Day(s)	▲ 7 Day(s)
June	32	90 Days	171 Day(s)	▲ 81 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

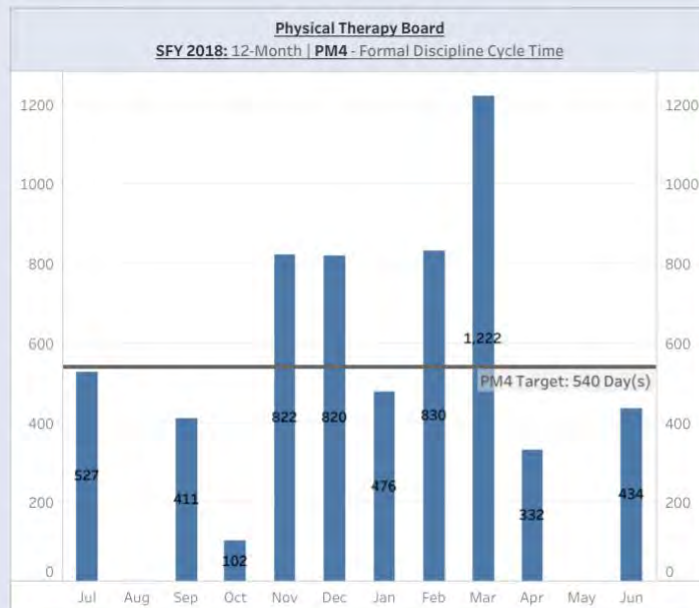
## FY 2018 19 PERFORMANCE MEASURE 4: FORMAL DISCIPLINE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2018

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2018: 12-Month | PM4 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	38	540 Days	607 Day(s)	▲ 67 Day(s)
July	6	540 Days	527 Day(s)	▼ -13 Day(s)
September	7	540 Days	411 Day(s)	▼ -129 Day(s)
October	1	540 Days	102 Day(s)	▼ -438 Day(s)
November	2	540 Days	822 Day(s)	▲ 282 Day(s)
December	9	540 Days	820 Day(s)	▲ 280 Day(s)
January	2	540 Days	476 Day(s)	▼ -64 Day(s)
February	4	540 Days	830 Day(s)	▲ 290 Day(s)
March	1	540 Days	1,222 Day(s)	▲ 682 Day(s)
April	2	540 Days	332 Day(s)	▼ -208 Day(s)
June	4	540 Days	434 Day(s)	▼ -106 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



## FY 2018 19 PERFORMANCE MEASURE 7: PROBATION INTAKE CYCLE TIME

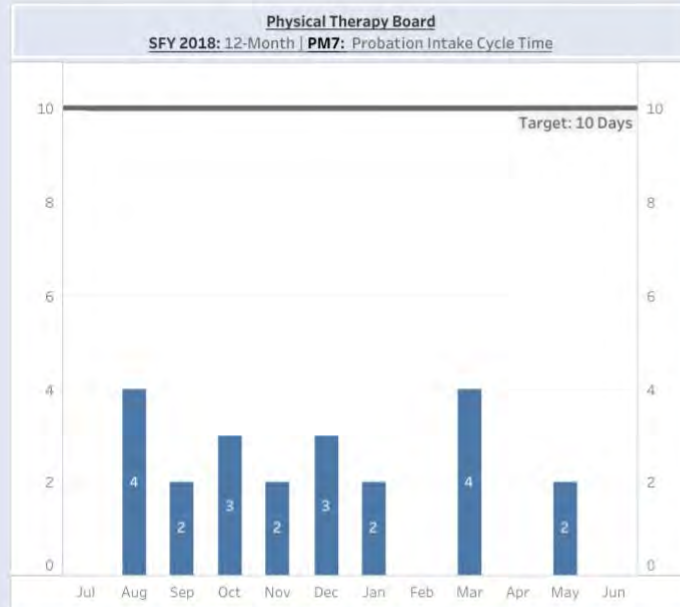
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2018

Performance Measure  
PM7

Processing Time  
Actual Target

Performance versus Target  
Below Target



**Physical Therapy Board**  
SFY 2018: 12-Month | PM7: Summary

	Case Volume	Target	Actual	Variance
Grand Total	11	10 Days	3 Day(s)	▼ -7 Day(s)
July	0	10 Days	0	
August	1	10 Days	4 Day(s)	▼ -6 Day(s)
September	1	10 Days	2 Day(s)	▼ -8 Day(s)
October	1	10 Days	3 Day(s)	▼ -7 Day(s)
November	2	10 Days	2 Day(s)	▼ -8 Day(s)
December	1	10 Days	3 Day(s)	▼ -7 Day(s)
January	3	10 Days	2 Day(s)	▼ -8 Day(s)
February	0	10 Days	0	
March	1	10 Days	4 Day(s)	▼ -6 Day(s)
April	0	10 Days	0	
May	1	10 Days	2 Day(s)	▼ -8 Day(s)
June	0	10 Days	0	

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2018 19 PERFORMANCE MEASURE 8: PROBATION VIOLATION RESPONSE CYCLE TIME

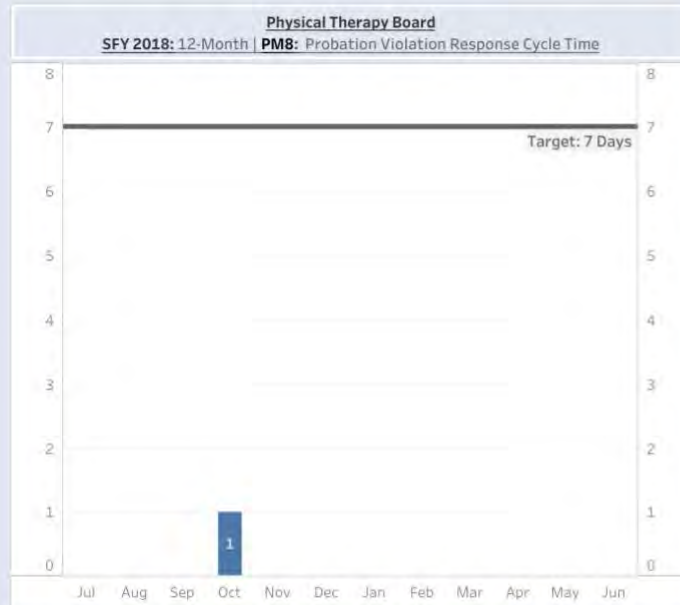
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2018

Performance Measure  
PM8

Processing Time  
Actual Target

Performance versus Target  
Below Target



**Physical Therapy Board**  
SFY 2018: 12-Month | PM8: Summary

	Case Volume	Target	Actual	Variance
Grand Total	1	7 Days	1 Day(s)	▼ -6 Day(s)
July	0	7 Days	0	
August	0	7 Days	0	
September	0	7 Days	0	
October	1	7 Days	1 Day(s)	▼ -6 Day(s)
November	0	7 Days	0	
December	0	7 Days	0	
January	0	7 Days	0	
February	0	7 Days	0	
March	0	7 Days	0	
April	0	7 Days	0	
May	0	7 Days	0	
June	0	7 Days	0	

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2019 20 PERFORMANCE MEASURE 1: INTAKE VOLUME

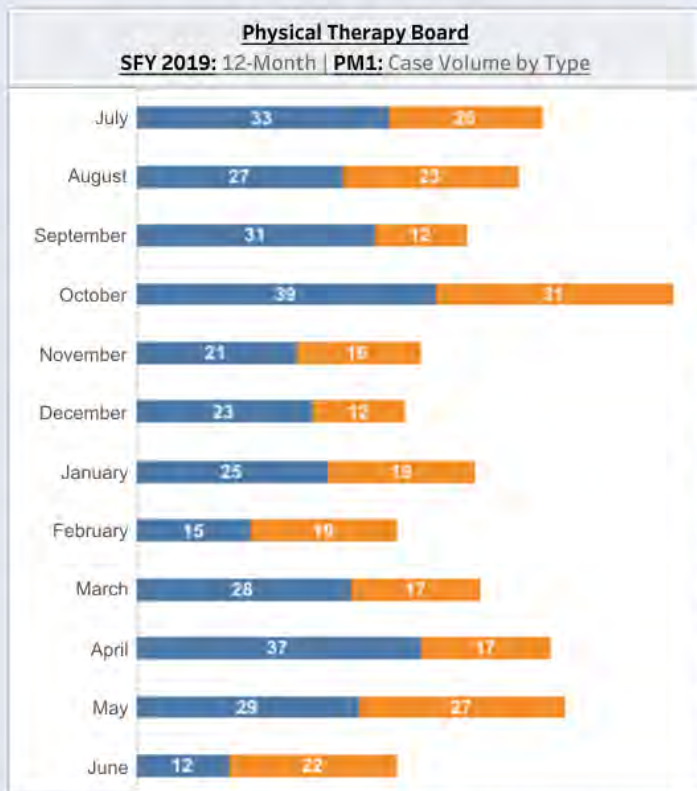
Board Name  
Physical Therapy Board

State Fiscal Year  
SFY 2019

Enforcement Case Type

Complaints Volume

Conviction/Arrest Volume



**Physical Therapy Board**  
SFY 2019: 12-Month | PM1: Summary

	Complaints Vo..	Conviction/Arr..	Total Volume
Grand Total	320	235	555
July	33	20	53
August	27	23	50
September	31	12	43
October	39	31	70
November	21	16	37
December	23	12	35
January	25	19	44
February	15	19	34
March	28	17	45
April	37	17	54
May	29	27	56
June	12	22	34

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the ..

## FY 2019 20 PERFORMANCE MEASURE 2: INTAKE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

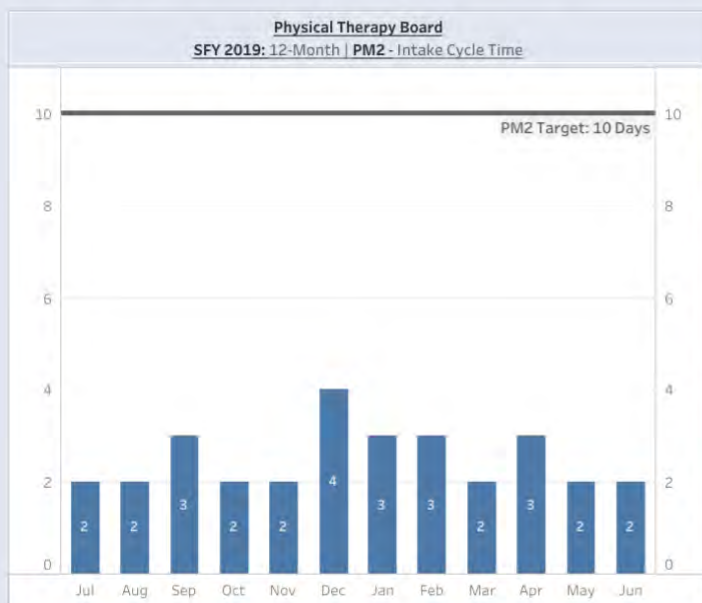
Select a Fiscal Year  
SFY 2019

Processing Time

Actual Target

Performance v Target

Below Target



**Physical Therapy Board**  
SFY 2019: 12-Month | PM2 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	556	10 Days	2 Day(s)	▼ -8 Day(s)
July	53	10 Days	2 Day(s)	▼ -8 Day(s)
August	50	10 Days	2 Day(s)	▼ -8 Day(s)
September	39	10 Days	3 Day(s)	▼ -7 Day(s)
October	76	10 Days	2 Day(s)	▼ -8 Day(s)
November	35	10 Days	2 Day(s)	▼ -8 Day(s)
December	34	10 Days	4 Day(s)	▼ -6 Day(s)
January	45	10 Days	3 Day(s)	▼ -7 Day(s)
February	34	10 Days	3 Day(s)	▼ -7 Day(s)
March	44	10 Days	2 Day(s)	▼ -8 Day(s)
April	55	10 Days	3 Day(s)	▼ -7 Day(s)
May	56	10 Days	2 Day(s)	▼ -8 Day(s)
June	35	10 Days	2 Day(s)	▼ -8 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



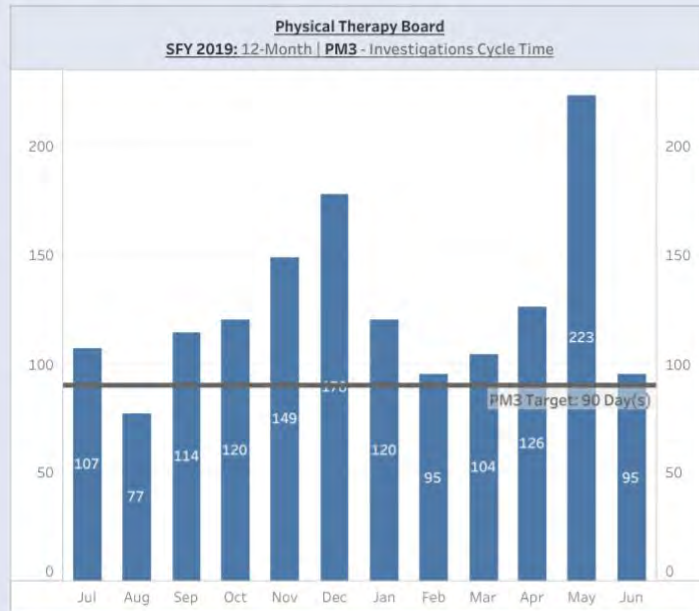
## FY 2019 20 PERFORMANCE MEASURE 3: INVESTIGATION CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2019

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2019: 12-Month | PM3 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	458	90 Days	127 Day(s)	▲ 37 Day(s)
July	36	90 Days	107 Day(s)	▲ 17 Day(s)
August	41	90 Days	77 Day(s)	▼ -13 Day(s)
September	27	90 Days	114 Day(s)	▲ 24 Day(s)
October	66	90 Days	120 Day(s)	▲ 30 Day(s)
November	39	90 Days	149 Day(s)	▲ 59 Day(s)
December	33	90 Days	178 Day(s)	▲ 88 Day(s)
January	35	90 Days	120 Day(s)	▲ 30 Day(s)
February	35	90 Days	95 Day(s)	▲ 5 Day(s)
March	30	90 Days	104 Day(s)	▲ 14 Day(s)
April	37	90 Days	126 Day(s)	▲ 36 Day(s)
May	44	90 Days	223 Day(s)	▲ 133 Day(s)
June	35	90 Days	95 Day(s)	▲ 5 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

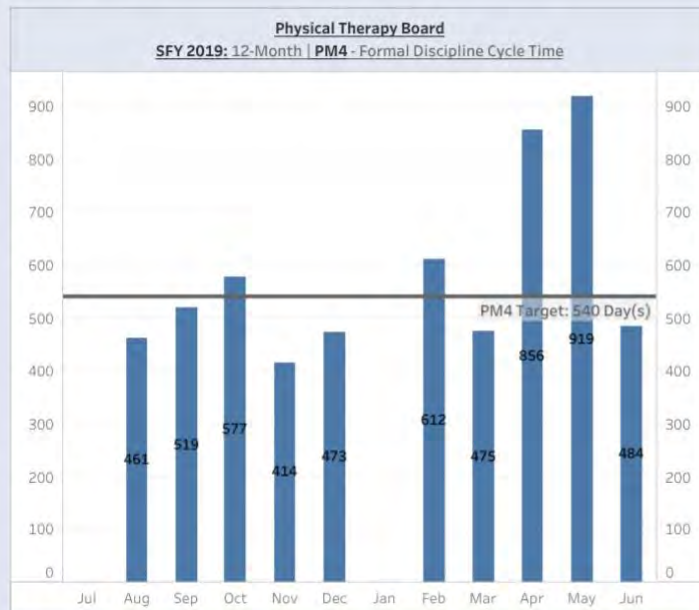
## FY 2019 20 PERFORMANCE MEASURE 4: FORMAL DISCIPLINE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2019

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2019: 12-Month | PM4 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	57	540 Days	621 Day(s)	▲ 81 Day(s)
August	6	540 Days	461 Day(s)	▼ -79 Day(s)
September	4	540 Days	519 Day(s)	▼ -21 Day(s)
October	7	540 Days	577 Day(s)	▲ 37 Day(s)
November	8	540 Days	414 Day(s)	▼ -126 Day(s)
December	2	540 Days	473 Day(s)	▼ -67 Day(s)
February	9	540 Days	612 Day(s)	▲ 72 Day(s)
March	2	540 Days	475 Day(s)	▼ -65 Day(s)
April	6	540 Days	856 Day(s)	▲ 316 Day(s)
May	10	540 Days	919 Day(s)	▲ 379 Day(s)
June	3	540 Days	484 Day(s)	▼ -56 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2019 20 PERFORMANCE MEASURE 7: PROBATION INTAKE CYCLE TIME

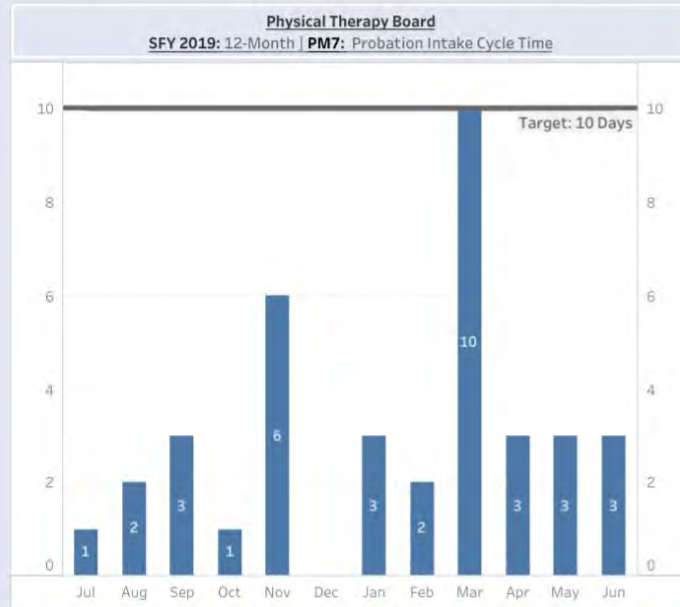
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2019

Performance Measure  
PM7

Processing Time  
Actual Target

Performance versus Target  
At Target Below Target



**Physical Therapy Board**  
SFY 2019: 12-Month | PM7: Summary

	Case Volume	Target	Actual	Variance
Grand Total	21	10 Days	4 Day(s)	▼ -6 Day(s)
July	2	10 Days	1 Day(s)	▼ -9 Day(s)
August	1	10 Days	2 Day(s)	▼ -8 Day(s)
September	3	10 Days	3 Day(s)	▼ -7 Day(s)
October	2	10 Days	1 Day(s)	▼ -9 Day(s)
November	2	10 Days	6 Day(s)	▼ -4 Day(s)
December				
January	3	10 Days	3 Day(s)	▼ -7 Day(s)
February	1	10 Days	2 Day(s)	▼ -8 Day(s)
March	3	10 Days	10 Day(s)	0 Day(s)
April	2	10 Days	3 Day(s)	▼ -7 Day(s)
May	1	10 Days	3 Day(s)	▼ -7 Day(s)
June	1	10 Days	3 Day(s)	▼ -7 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2019 20 PERFORMANCE MEASURE 8: PROBATION VIOLATION RESPONSE CYCLE TIME

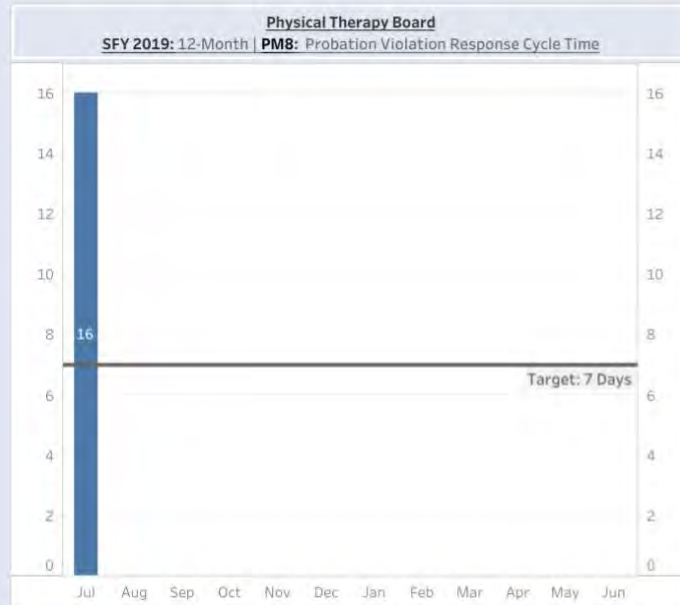
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2019

Performance Measure  
PM8

Processing Time  
Actual Target

Performance versus Target  
Above Target



**Physical Therapy Board**  
SFY 2019: 12-Month | PM8: Summary

	Case Volume	Target	Actual	Variance
Grand Total	1	7 Days	16 Day(s)	▲ 9 Day(s)
July	1	7 Days	16 Day(s)	▲ 9 Day(s)
August				
September				
October				
November				
December				
January				
February				
March				
April				
May				
June				

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



## FY 2020 21 PERFORMANCE MEASURE 1: INTAKE VOLUME

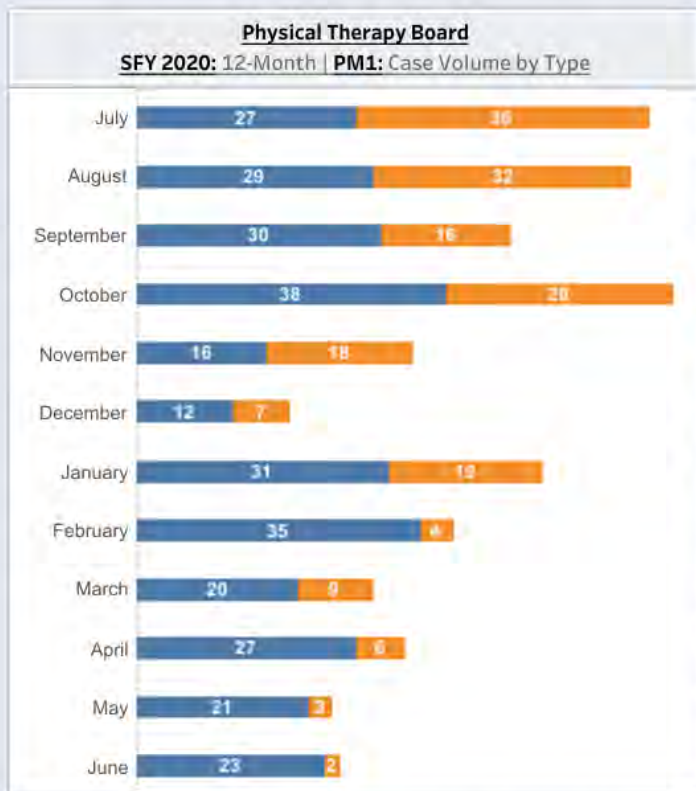
Board Name  
Physical Therapy Board

State Fiscal Year  
SFY 2020

Enforcement Case Type

Complaints Volume

Conviction/Arrest Volume



**Physical Therapy Board**  
SFY 2020: 12-Month | PM1: Summary

	Complaints Vo..	Conviction/Arr..	Total Volume
Grand Total	309	180	489
July	27	36	63
August	29	32	61
September	30	16	46
October	38	28	66
November	16	18	34
December	12	7	19
January	31	19	50
February	35	4	39
March	20	9	29
April	27	6	33
May	21	3	24
June	23	2	25

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the ..

## FY 2020 21 PERFORMANCE MEASURE 2: INTAKE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

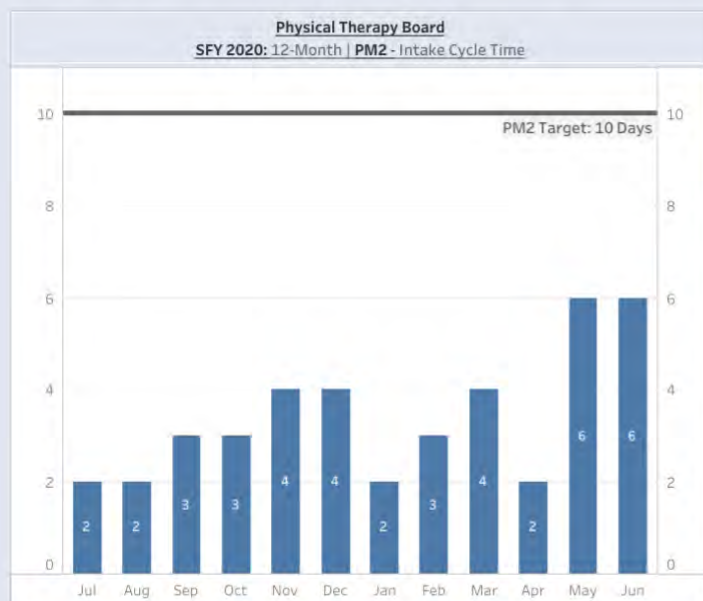
Select a Fiscal Year  
SFY 2020

Processing Time

Actual Target

Performance v Target

Below Target



**Physical Therapy Board**  
SFY 2020: 12-Month | PM2 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	487	10 Days	3 Day(s)	▼ -7 Day(s)
July	63	10 Days	2 Day(s)	▼ -8 Day(s)
August	58	10 Days	2 Day(s)	▼ -8 Day(s)
September	47	10 Days	3 Day(s)	▼ -7 Day(s)
October	69	10 Days	3 Day(s)	▼ -7 Day(s)
November	32	10 Days	4 Day(s)	▼ -6 Day(s)
December	21	10 Days	4 Day(s)	▼ -6 Day(s)
January	48	10 Days	2 Day(s)	▼ -8 Day(s)
February	36	10 Days	3 Day(s)	▼ -7 Day(s)
March	34	10 Days	4 Day(s)	▼ -6 Day(s)
April	30	10 Days	2 Day(s)	▼ -8 Day(s)
May	23	10 Days	6 Day(s)	▼ -4 Day(s)
June	26	10 Days	6 Day(s)	▼ -4 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

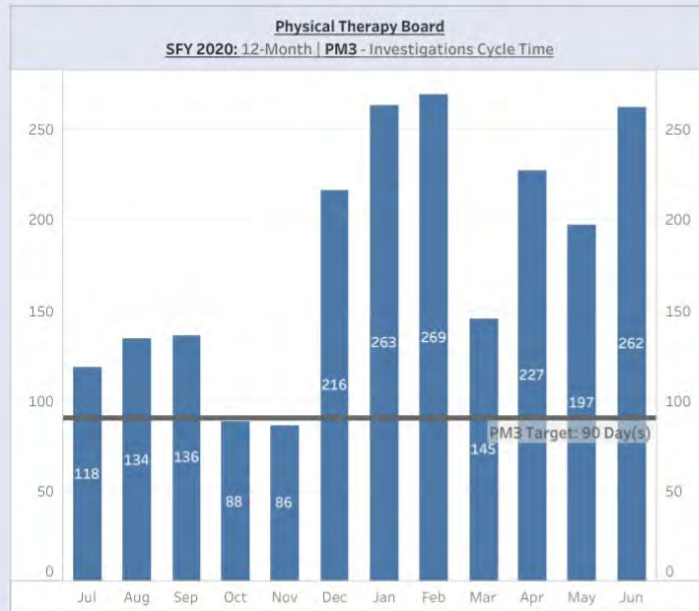
## FY 2020 21 PERFORMANCE MEASURE 3: INVESTIGATION CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2020

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2020: 12-Month | PM3 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	474	90 Days	176 Day(s)	▲ 86 Day(s)
July	52	90 Days	118 Day(s)	▲ 28 Day(s)
August	47	90 Days	134 Day(s)	▲ 44 Day(s)
September	34	90 Days	136 Day(s)	▲ 46 Day(s)
October	25	90 Days	88 Day(s)	▼ -2 Day(s)
November	44	90 Days	86 Day(s)	▼ -4 Day(s)
December	45	90 Days	216 Day(s)	▲ 126 Day(s)
January	44	90 Days	263 Day(s)	▲ 173 Day(s)
February	37	90 Days	269 Day(s)	▲ 179 Day(s)
March	45	90 Days	145 Day(s)	▲ 55 Day(s)
April	47	90 Days	227 Day(s)	▲ 137 Day(s)
May	33	90 Days	197 Day(s)	▲ 107 Day(s)
June	21	90 Days	262 Day(s)	▲ 172 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

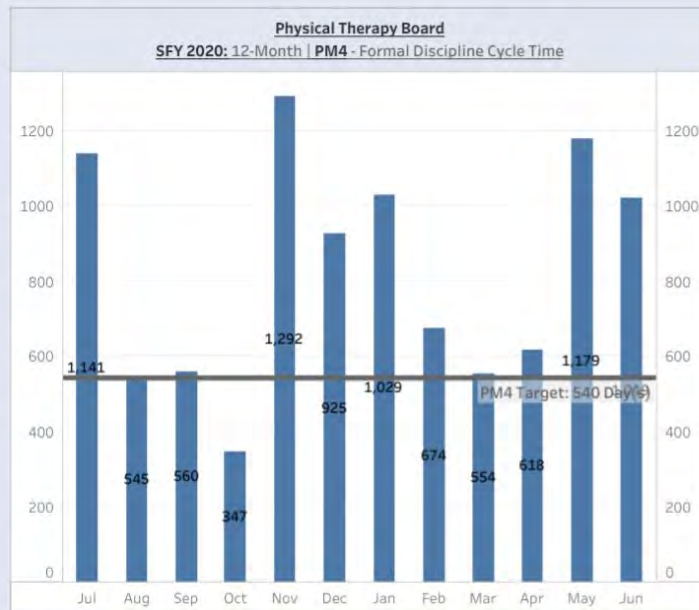
## FY 2020 21 PERFORMANCE MEASURE 4: FORMAL DISCIPLINE CYCLE TIME

Select a DCA Entity  
Physical Therapy Board

Select a Fiscal Year  
SFY 2020

Processing Time  
Actual Target

Performance versus Target  
Above Target Below Target



**Physical Therapy Board**  
SFY 2020: 12-Month | PM4 - Summary

	Case Volume	Target	Actual	Variance
Grand Total	64	540 Days	821 Day(s)	▲ 281 Day(s)
July	2	540 Days	1,141 Day(s)	▲ 601 Day(s)
August	7	540 Days	545 Day(s)	▲ 5 Day(s)
September	6	540 Days	560 Day(s)	▲ 20 Day(s)
October	2	540 Days	347 Day(s)	▼ -193 Day(s)
November	7	540 Days	1,292 Day(s)	▲ 752 Day(s)
December	7	540 Days	925 Day(s)	▲ 385 Day(s)
January	9	540 Days	1,029 Day(s)	▲ 489 Day(s)
February	4	540 Days	674 Day(s)	▲ 134 Day(s)
March	1	540 Days	554 Day(s)	▲ 14 Day(s)
April	14	540 Days	618 Day(s)	▲ 78 Day(s)
May	4	540 Days	1,179 Day(s)	▲ 639 Day(s)
June	1	540 Days	1,019 Day(s)	▲ 479 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.



## FY 2020 21 PERFORMANCE MEASURE 7: PROBATION INTAKE CYCLE TIME

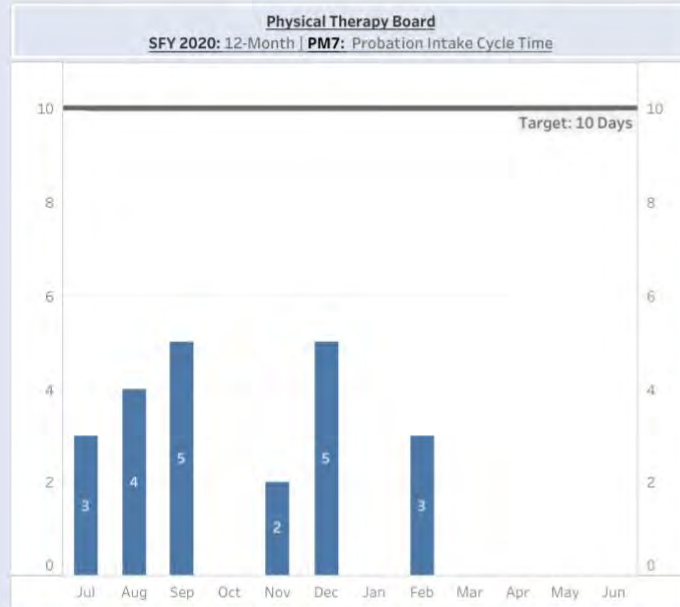
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2020

Performance Measure  
PM7

Processing Time  
Actual Target

Performance versus Target  
Below Target



**Physical Therapy Board**  
SFY 2020: 12-Month | PM7: Summary

	Case Volume	Target	Actual	Variance
Grand Total	8	10 Days	3 Day(s)	▼ -7 Day(s)
July	1	10 Days	3 Day(s)	▼ -7 Day(s)
August	1	10 Days	4 Day(s)	▼ -6 Day(s)
September	1	10 Days	5 Day(s)	▼ -5 Day(s)
October	0	10 Days	0 Day(s)	▼ -10 Day(s)
November	3	10 Days	2 Day(s)	▼ -8 Day(s)
December	1	10 Days	5 Day(s)	▼ -5 Day(s)
January	0	10 Days	0 Day(s)	▼ -10 Day(s)
February	1	10 Days	3 Day(s)	▼ -7 Day(s)
March	0	10 Days	0 Day(s)	▼ -10 Day(s)
April	0	10 Days	0 Day(s)	▼ -10 Day(s)
May	0	10 Days	0 Day(s)	▼ -10 Day(s)
June	0	10 Days	0 Day(s)	▼ -10 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

## FY 2020 21 PERFORMANCE MEASURE 8: PROBATION VIOLATION RESPONSE CYCLE TIME

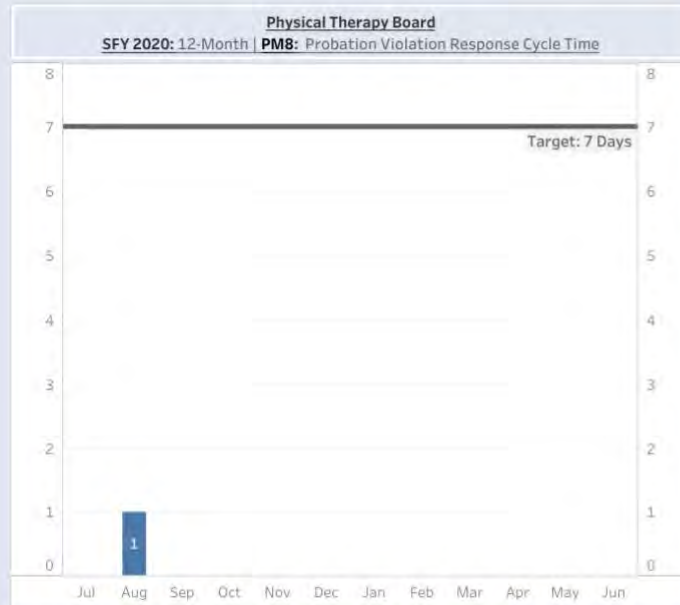
Select a Board/Bureau  
Physical Therapy Board

Select a Fiscal Year  
SFY 2020

Performance Measure  
PM8

Processing Time  
Actual Target

Performance versus Target  
Below Target



**Physical Therapy Board**  
SFY 2020: 12-Month | PM8: Summary

	Case Volume	Target	Actual	Variance
Grand Total	1	7 Days	1 Day(s)	▼ -6 Day(s)
July	0	7 Days	0 Day(s)	▼ -7 Day(s)
August	1	7 Days	1 Day(s)	▼ -6 Day(s)
September	0	7 Days	0 Day(s)	▼ -7 Day(s)
October	0	7 Days	0 Day(s)	▼ -7 Day(s)
November	0	7 Days	0 Day(s)	▼ -7 Day(s)
December	0	7 Days	0 Day(s)	▼ -7 Day(s)
January	0	7 Days	0 Day(s)	▼ -7 Day(s)
February	0	7 Days	0 Day(s)	▼ -7 Day(s)
March	0	7 Days	0 Day(s)	▼ -7 Day(s)
April	0	7 Days	0 Day(s)	▼ -7 Day(s)
May	0	7 Days	0 Day(s)	▼ -7 Day(s)
June	0	7 Days	0 Day(s)	▼ -7 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

**Section 13: Attachment F:  
Licensing Performance  
Measures Reports**

## 2017 COMPLETE APPLICATIONS

State Fiscal Year  
SFY 2017

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Performance versus Target  
■ Below Target ■ Above Target

**Complete Applications** – Applications were deemed complete at the time of initial review and did not require additional information/documentation from the applicant prior to approval.

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Physical Therapy Board	Physical Therapist	Exam Request	857	45 Day(s)	57 Day(s)	▲ 12
		Foreign Exam Request	133	45 Day(s)	146 Day(s)	▲ 101
		Foreign Initial Application	129	90 Day(s)	36 Day(s)	▼ -54
		Initial Application	1,296	45 Day(s)	55 Day(s)	▲ 10
	Physical Therapist Assistant	Exam Request	577	45 Day(s)	103 Day(s)	▲ 58
		Foreign Exam Request	25	45 Day(s)	70 Day(s)	▲ 25
		Foreign Initial Application	30	45 Day(s)	110 Day(s)	▲ 65
		Initial Application	594	45 Day(s)	69 Day(s)	▲ 24

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

## 2017 INCOMPLETE APPLICATIONS

State Fiscal Year  
SFY 2017

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Incomplete Applications Cycle Time Performance  
■ Below 180 Days

**Incomplete Applications** – Applications were deemed incomplete at the time of initial review and required additional information/documentation from the applicant prior to approval.

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Physical Therapy Board	Physical Therapist	Exam Request	785	55 Day(s)
		Foreign Exam Request	152	81 Day(s)
		Foreign Initial Application	31	49 Day(s)
		Initial Application	199	56 Day(s)
	Physical Therapist Assistant	Exam Request	321	61 Day(s)
		Foreign Exam Request	35	70 Day(s)
		Foreign Initial Application	2	7 Day(s)
		Initial Application	25	129 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.



## 2018 COMPLETE APPLICATIONS

State Fiscal Year  
SFY 2018

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Performance versus Target  
■ Below Target 
 ■ At Target 
 ■ Above Target

**Complete Applications** – Applications were deemed complete at the time of initial review and did not require additional information/documentation from the applicant prior to approval.

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Physical Therapy Board	Physical Therapist	Exam Request	1,003	45 Day(s)	65 Day(s)	▲ 20
		Foreign Exam Request	66	45 Day(s)	59 Day(s)	▲ 14
		Foreign Initial Application	21	90 Day(s)	81 Day(s)	▼ -9
		Initial Application	416	45 Day(s)	8 Day(s)	▼ -37
	Physical Therapist Assistant	Exam Request	462	45 Day(s)	65 Day(s)	▲ 20
		Foreign Exam Request	14	45 Day(s)	48 Day(s)	▲ 3
		Foreign Initial Application	9	45 Day(s)	45 Day(s)	0
		Initial Application	168	45 Day(s)	102 Day(s)	▲ 57

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

## 2018 INCOMPLETE APPLICATIONS

State Fiscal Year  
SFY 2018

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Incomplete Applications Cycle Time Performance  
■ Below 180 Days

**Incomplete Applications** – Applications were deemed incomplete at the time of initial review and required additional information/documentation from the applicant prior to approval.

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Physical Therapy Board	Physical Therapist	Exam Request	618	80 Day(s)
		Foreign Exam Request	98	107 Day(s)
		Foreign Initial Application	132	52 Day(s)
		Initial Application	1,236	58 Day(s)
	Physical Therapist Assistant	Exam Request	163	84 Day(s)
		Foreign Exam Request	51	108 Day(s)
		Foreign Initial Application	31	125 Day(s)
		Initial Application	441	87 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

## 2019 COMPLETE APPLICATIONS

State Fiscal Year  
SFY 2019

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Performance versus Target  
■ Below Target ■ Above Target

**Complete Applications** – Applications were deemed complete at the time of initial review and did not require additional information/documentation from the applicant prior to approval.

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Physical Therapy Board	Physical Therapist	Foreign Initial Application	5	45 Day(s)	39 Day(s)	▼ -6
		Initial Application	772	45 Day(s)	22 Day(s)	▼ -23
	Physical Therapist Assistant	Foreign Initial Application	13	45 Day(s)	2 Day(s)	▼ -43
		Initial Application	283	45 Day(s)	49 Day(s)	▲ 4

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

## 2019 INCOMPLETE APPLICATIONS

State Fiscal Year  
SFY 2019

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Incomplete Applications Cycle Time Performance  
■ Below 180 Days

**Incomplete Applications** – Applications were deemed incomplete at the time of initial review and required additional information/documentation from the applicant prior to approval.

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Physical Therapy Board	Physical Therapist	Foreign Initial Application	147	54 Day(s)
		Initial Application	887	55 Day(s)
	Physical Therapist Assistant	Foreign Initial Application	30	131 Day(s)
		Initial Application	300	97 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.



## 2020 COMPLETE APPLICATIONS

State Fiscal Year  
SFY 2020

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Performance versus Target  
■ Below Target ■ Above Target

**Complete Applications** – Applications were deemed complete at the time of initial review and did not require additional information/documentation from the applicant prior to approval.

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Physical Therapy Board	Physical Therapist	Foreign Exam Request	167	45 Day(s)	42 Day(s)	▼ -3
		Foreign Initial Application	1	45 Day(s)	21 Day(s)	▼ -24
		Initial Application	433	45 Day(s)	1 Day(s)	▼ -44
	Physical Therapist Assistant	Foreign Exam Request	43	45 Day(s)	47 Day(s)	▲ 2
		Foreign Initial Application	1	45 Day(s)	1 Day(s)	▼ -44
		Initial Application	302	45 Day(s)	51 Day(s)	▲ 6

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

## 2020 INCOMPLETE APPLICATIONS

State Fiscal Year  
SFY 2020

DCA Entity  
Physical Therapy Board

License Type  
All

Application Type  
All

Select Next Page  
All

Incomplete Applications Cycle Time Performance  
■ Below 180 Days

**Incomplete Applications** – Applications were deemed incomplete at the time of initial review and required additional information/documentation from the applicant prior to approval.

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Physical Therapy Board	Physical Therapist	Foreign Exam Request	51	100 Day(s)
		Foreign Initial Application	137	49 Day(s)
		Initial Application	1,154	50 Day(s)
	Physical Therapist Assistant	Foreign Exam Request	14	66 Day(s)
		Foreign Initial Application	25	124 Day(s)
		Initial Application	297	77 Day(s)

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from various operational systems. In some instances, the data contained in this tool may differ slightly from the information published in other reports due to release timing. The aggregate of variance and actual cycle time may not equal 100% due to rounding. Please refer to the methodology tab for more information about this data.

**Section 13: Attachment G:  
Notice to Consumer  
(Form NTC 12-01)**



# **DID YOU KNOW?**

The Physical Therapy Board of California licenses and regulates your Physical Therapist and Physical Therapist Assistant.

*\*A Physical Therapy Aide, while regulated by the Board, is not licensed.*

Visit the Board's website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov) for information on:

- **Verifying a license**
- **What to expect when you receive care**
  - **Your rights as a patient**
  - **How to file a complaint**

## Board Contact Information

2005 Evergreen Street, Suite 2600  
Sacramento, CA 95815  
1-800-832-2251



**PHYSICAL THERAPY**  
BOARD OF CALIFORNIA



*Title 16, California Code of Regulations, §1398.15 requires all licensed physical therapists to provide this notice.*



## Physical Therapy Board of California

2005 Evergreen St., Suite 2600 Sacramento, CA 95815  
P: (916) 561-8200 F: (916) 263-2560 TDD: (800) 326-2297

[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

