



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



Physical Therapy Board of California Notice of Teleconference Meeting

July 7, 2016 1:00 p.m.

Teleconference Locations:

Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

1000 N. Alameda Street, Suite 240
Los Angeles, CA 90012

5058 Tudor Rose Glen
Stockton, CA 95212

1001 Potrero Avenue
San Francisco, CA 94110

2250 Mariposa Mall, Room 1013
Fresno, CA 93721

1540 Alcazar Street, CHP-155
Los Angeles, CA 90089

Board Members

President

Katarina Eleby, M.A.

Vice-President

Alicia Rabena-Amen,

PT, MPT

Members

Debra Alviso, PT, DPT

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Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

DCA Staff

Ricardo DeLaCruz, Personnel Officer

Robert de los Reyes, Budget Manager

Action may be taken on any agenda item. Agenda items may be taken out of order. Please refer to the informational notes at the end of the agenda.

Unless otherwise indicated, all agenda items will be held in OPEN SESSION.

Agenda

1. **1:00 p.m. Call to Order, Roll Call and Establishment of Quorum**
2. **Public Comment on Items Not on the Agenda**

Please be aware that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].

3. **1:05 p.m. Discussion and Possible Board Action Regarding Increase of Exempt Level of the Executive Officer**
4. **Adjournment**

Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at the meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment on particular issues may be limited.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at at her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

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



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Date: 6/30/2016

Prepared for: Board Members

Prepared by: Liz Constancio, Administrative Services Manager

Subject: Executive Officer Exempt Level Allocation

Purpose:

To request the Board Members to review the history of PTBC's Executive Officer (EO) exempt level and allocation criteria in order to make a determination on whether to request the EO exempt level be changed from Level O to a more appropriate level that meets the allocation guidelines set forth for the PTBC's structure.

Attachments: 1. [Executive Officer Position Level and Structure Chart \(PTBC-5/2016\)](#)
2. [DCA Executive Officer Position Level Comparison \(PTBC-5/2016\)](#)
3. [Executive Officer Exempt Level Study Criteria \(DCA-5/2000\)](#)
4. [Exempt Salary Schedule Chart \(CalHR-7/2015\)](#)
5. [Career Executive Assignment Guidelines \(CalHR-11/2015\)](#)
6. [Request for Consideration of Increase of Exempt Level of Executive Officer \(Draft\)](#)

Background:

The PTBC's Executive Officer 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 within the Department of Consumer Affairs.

On November 14, 1988, the EO exempt entitlement B&P code E/BP2604 was tied to the position and on March 2, 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.

FY 1996-97, the oversight designation was transferred to the Physical Therapy Examining Committee (PTEC) from the Medical Board of California (MBC) (Chapter 829, Statutes of 1996 (AB3473)), which later changed the PTEC to the Physical Therapy Board of California (PTBC). At the time, the EO level did not change and was still allocated at level P2 (SSM I equivalent).

On August 31, 2000, the EO exempt level changed from level P2 to level O (SSM II equivalent) and the title was changed to "Executive Officer, Physical Therapy Board of California" following another department-wide EO Exempt Level Study conducted by the DCA in May 2000. At the time of the study, the PTBC was authorized 8.8 positions, including the EO position and had an authorized budget of \$1,956,976 (FY 2000/01).

FY 2011-12, initiated an EO Exempt Level Study and contracted with the California 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. However, the study was limited due to budget constraints resulting in furloughs, vacancies, and hiring freezes state-wide; therefore, any EO level increases were



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not permitted. It should be noted, at the time of the study, the PTBC had 18.0 authorized positions, including the EO position and a budget authority of \$3,472,038.

CY 2015-16, the PTBC is authorized 19.1 positions, including the EO and also employs four additional staff (1 OT, 2 SSA and 1 AGPA) authorized in the "temp help" line item (blanket expenditures). These temporary positions are necessary to accommodate increasing program requirements and alleviate excessive backlogs. In addition, the PTBC has a current budget authority of \$4,227,000 and projects to spend \$4,142,460 (year-end).

While various significant program changes have occurred between FY 2000/01 and CY 2015/16, the most significant over the past five (5) years is as followed:

- 2010/11 – the PTBC implemented Continuing Competency (CC) requirements (California Code of Regulations, sections 1399.90 – 1399.99). The CC requires all licensees to accumulate 30 hours of continuing education during each renewal cycle (biennial) from a course provider approved by the Board. In addition, to ensure applicants meet CC requirements, the PTBC is required to conduct a percentage of random audits. This change increased the licensing requirements. As a result, the PTBC increased its staffing resources to manage the new additional workload.
- 2011/12 – the PTBC implemented the Consumer Protection Enforcement Initiative (CPEI) developed by the DCA. The CPEI proposed streamlining and standardize the complaint intake/analysis to decrease the average processing time for complaint intake, investigation, and prosecution from three years to 12-18 months. This change increased the enforcement requirements. As a result, the PTBC increased staffing resources to manage the new additional workload.

In addition, the PTBC implemented fixed-date testing for its National Physical Therapy Exam (NPTE) administered by the Federation of State Boards of Physical Therapy (FSBPT). The Fixed-date testing schedule requires all applicants to adhere to the FSBPT fixed-date testing schedule and deadlines. The FSBPT administers the NPTE for physical therapist and physical therapist assistants 4 times per year. This change revised the sequence and frequency of examinations, requiring the Board to process a higher volume of applications in a compressed amount of time resulting in additional workload within the application and licensing services. The PTBC was required to absorb the additional workload within its existing resources

- 2012/13 – Implemented expedited licensure requirements (Business and Professions Code, section 115.5). The expedited licensure requirements provide applicants identified as a spouse or domestic partner of active duty military personnel to an expeditious license process. This change revised the sequence of the application process, requiring the PTBC to process these applications expeditiously, in turn, processing a higher volume of applications in a compressed amount of time resulting in additional workload within the application, licensing and cashiering services. The PTBC was required to absorb the additional workload within its existing resources.
- 2013/14 – Passage of SB 198 (eff. 1/1/14) – revised the Physical Therapy Practice Act in its entirety; however, the most impactful changes:
 - Medical Records - Added authority for the Board to collect \$1,000 per day for each day a patient's medical records have not been produced to the Board after the 15th day of request.



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- Test of English as a Foreign Language (TOEFL) - Added requirement for individuals educated outside the U.S. at a non-accredited school to submit proof of English proficiency.
 - Licensure Exemption – Added provisions providing licensure exemption to the licensees who are licensed out of state or out of the country if they are researching, demonstrating, or providing physical therapy in connection with teaching or participating in an education seminar for no more than 60 days a calendar year.
 - Education Accreditation – Added educational requirements shall include those prescribed by CAPTE or the Physiotherapy Education Accreditation Canada, and shall include 18 weeks of full time experience.
 - Licensure Renewal Fee Exemptions and Waivers - Added licensure renewal exemptions for Military, Disability, Voluntary/Unpaid; and Retired.
- 2013/14 – Passage of AB 1000 (eff. 1/1/1) - Direct Access – Added provisions allowing patients to access physical therapy services without a diagnosis for 45 calendar days or 12 visits, whichever occurs first. If treatment continues beyond 45 calendar days or 12 visits, the patient must receive an in-person examination from a physician and surgeon or podiatrist, who must also sign off on the physical therapist's plan of care. AB 1000 also expands the types of licensed professionals permitted to work for a professional corporation; adds physical therapy corporations to the list of corporations in Section 13401.5, identifying who, other than physical therapists, may be a shareholder, officer, or director of a physical therapy corporation; and, permits a licensed physical therapist to be a shareholder, officer, or director of a medical corporation and a podiatric corporation.
 - 2015/16 – Implemented new licensing and enforcement online system, Breeze. The Breeze is an integrated system that has replaced the DCA's legacy systems (CAS/ATS), effective January 19, 2016. In order to determine the impact the Breeze has on board operations, the PTBC will continue to work on system efficiencies and monitor and track operations over the next 12 months. Meanwhile, the PTBC is required to absorb any additional workload within its existing resources.
 - 2016/17 – Increase staff resources within its application services in efforts to support the increasing workload in processing applications for licensure and/or examination. Further, in efforts to align our structure to meet allocation guidelines the PTBC was authorized one additional Staff Services Manager I position within the Application and Licensing Services Program. This action was necessary to obtain a separation in duties between its' administrative functions and application and licensing functions. As a result, staff resources will increase from 19.1 to 23.1 authorized positions, effective July 1, 2016.

Analysis:

Generally, when changes occur, increasing program requirements, such as, scope of responsibility, staff size, budget, complexity, special requirements, etc. merits a salary or level increase.

Over the past decade, the PTBC's program responsibilities have increased significantly. Meanwhile the EO exempt level remains the same Level O, which was determined on PTBC's structure in FY 2000-01. In fact, according to the DCA's EO exempt level criteria outlined in the May 2000 study, the PTBC's current structure meets the allocation criteria for exempt level L (CEA 1 equivalent.). In addition, several healing arts boards similar to PTBC's structure - the EO Exempt Level positions range from Level M and Level L (reference Attachment 2).



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In addition, changing the EO exempt level from O to level L, will not require a budget change proposal request, nor create a budget deficiency. The EO monthly salary base of level O is \$6584 - \$7334 and \$7591 - \$8456 for level L. Based on the maximum monthly salary base, the PTBC's expenditures may have a potential annual increase of \$13,464 within its Personnel Services budget. Currently, the PTBC is authorized \$1,753,000 for Personnel Services and projects to fully expend its budget (year-end); however, these expenditures include the cost of temp help (\$105,000). It should be noted the Temp Help expenditures will be alleviated, effective July 1, 2016 – as staffing deficiencies have been corrected through the BCP process allowing the PTBC to true-up its budget and significantly reduce its reliance on temp help. Therefore, based on the potential maximum annual salary base, changing the exempt level from O to level L (\$13,464) will be minor and absorbable within existing resources.

Further, the DCA, Budget Office supports the PTBC's request for changing the EO Exempt Level to a more appropriate level that meets the allocation guidelines and does not project concerns with the PTBC's budget should the change be approved.

Therefore, in my opinion, a change to the PTBC's EO Exempt Level L or any other level applicable is a viable course of action.

Action Requested:

Board Members - Motion to vote in support of the DCA, Office of Human Resources to work with the PTBC staff and appropriate agencies in obtaining an exempt level increase for PTBC's EO position.

**Physical Therapy Board of California
Executive Officer Level and Structure Chart**

	FY 1996/97	FY 2000/01	FY 2011/12	FY 2012/13 (Actual)	FY 2013/14 (Actual)	PY 2014/15 (Actual)	% Board Changes (FY 00/01 - FY 11/12)	% Board Changes (FY 00/01 - PY 14/15)	CY 2015/16 (As of 3/31/16)
Authorized Positions	5.5	8.8	18.0	14.4	16.1	19.1	104%	117%	19.1
Executive Officer Level	P2	Level O	Level O	Level O	Level O	Level O	0%	0%	Level O
PERS SVS / OE & E Budget	\$949,210	\$1,496,576	\$2,491,132	\$2,249,952	\$2,253,849	\$2,758,979	57%	84%	\$3,025,000
Licensee Population	18,786	21,351	32,187	33,185	33,993	35,158	51%	65%	*37,580
Applications Received	1,094	1,569	1,953	1,900	2,038	2,139	30%	36%	*2154
Enforcement Budget	\$652,351	\$460,400	\$980,906	\$1,107,051	\$1,173,913	\$1,317,611	113%	186%	\$1,202,000
Complaints Received	189	219	1816	1528	1215	1006	729%	359%	497
Investigations	192	126	1796	1483	1197	995	1325%	690%	484
Cases Referred to AG's Office	22	26	70	59	51	60	169%	131%	11
Disciplinary Actions	9	15	33	35	41	54	120%	260%	46
Citations Issued	0	4	613	258	258	99	15225%	2375%	70
Total Budget	\$1,601,561	\$1,956,976	\$3,472,038	\$3,357,003	\$3,427,762	\$4,076,590	77%	108%	\$4,227,000
Total Expenditures (CalStars FM13)	\$1,539,012	\$1,954,347	\$3,232,964	\$3,204,071	\$3,407,765	\$4,007,185	65%	105%	\$2,967,372

- **FY 1996/97**
 1. No Change in EO Level, following the designated oversight transferring from MBC to PTBC.
- **FY 2000/01**
 1. EO level changed from level P2 to level O, following DCA's EO Exempt Level Study (5/2000).
- **FY 2011/12**
 1. No Change in EO Level.
 2. \$150,000 one-time AG Augmentation.
- **FY 2012/13**
 1. \$170,000 one-time AG Augmentation.
- **FY 2013/14**
 1. No Change in EO Level.
 2. \$320,000 one-time AG Augmentation.
 3. BCP 1110-31 Staffing increase w/ funding \$189,000.
- **PY 2014/15**
 1. No Change in EO Level.
 2. BCP 1110-03L Staffing increase (2 yr. limited-term) w/ \$91,000 FY 14/15 and \$83,000 FY 15/16.
 3. BCP 1110-32 \$142,000 AG Augmentation.
- **CY 2015/16**
 1. No Change in EO Level.

**Physical Therapy Board of California
Executive Officer Level Comparison**

Program	Title	Exempt Category	Level	Definition	CalHR Established Salaries	Authorized Positions	Licensee Population
Board of Chiropractic Examiners	Executive Officer	I. Management	L	CEA I Equivalent	7,591 - 8,456	18.0	18,598
Physical Therapy Board of California	Executive Officer	I. Management	O	SSM II Equivalent	6,584 - 7,334	19.1	35,158
California Board of Psychology	Executive Officer	I. Management	M	SSM III Equivalent	7,237 - 8,061	20.3	22,556
Respiratory Care Board of California	Executive Officer	I. Management	M	SSM III Equivalent	7,237 - 8,061	17.4	22,801
Veterinary Medical Board	Executive Officer	I. Management	M	SSM III Equivalent	7,237 - 8,061	23.8	30,328

Chart reflects a comparison of DCA Executive Officer Exempt Levels that are similar in size to the PTBC.

Data collected from DCA, ASP Report of FY 2014-15, CalHR Exempt Salary Schedule of July 2015; and, DCA, Payscale Worksheet for EO's (2015 Price Book).

EXECUTIVE OFFICER EXEMPT LEVEL STUDY

May, 2000

SUMMARY OF ISSUES

At the request of the Department of Personnel Administration (DPA), the Department of Consumer Affairs (DCA) reviewed the exempt Executive Officer positions for the various boards within the Department to determine the appropriate Exempt Levels for those positions.

METHODOLOGY

The Department conducted a study of the salaries and levels of responsibility of the Executive Officer positions. Included in this study were:

- a review of the history of the exempt levels of the positions;
- a review of the duty statement of the positions;
- a review of the organizational structures;
- a objective comparison of the numbers for each program over the past ten years (1989-90 and 1998-99) and
- a survey completed by each incumbent which sought to elicit more information in the more subjective areas of complexity and sensitivity.

ANALYSIS

The analysis of the information contained in the study focused on the following allocation considerations:

1. Degree of authority
2. Scope of Responsibility
3. Staff size
4. Budget
5. Complexity
6. Sensitivity of Programs
7. Special requirements

DEGREE OF AUTHORITY

Executive Officers for all boards have such a similar degree of authority that it is not a determining factor. All positions have the authority to make essentially the same types of decisions; differences exist in the consequence of error of such decisions.

Each position has administrative authority over staff, responsibility for policy development and implementation and responsibility for management of the board programs, including:

- Examinations and/or licensing;
- Regulations;
- Complains and mediation;
- Inspections and/or investigations;
- Enforcement/disciplinary actions;
- Legislation and testimony;
- Budget development and testimony;
- Strategic Plan development;
- Media contact;
- Industry relations; and
- Public education programs.

In the larger boards, immediate responsibility for some of these functions may be delegated to subordinate staff; in the small boards, often the Executive Officer is the only one qualified to make decisions in these areas.

EXECUTIVE OFFICER EXEMPT LEVEL STUDY

May, 2000

SCOPE OF RESPONSIBILITY (Staff/Budget) – Historical Overview

In 1985, when the last salary survey was completed, the boards were categorized in accordance with the following criteria:

Level	Size	Budget	Staff	Licenseses
I	Small Department • Medical Board • Contractors	\$10 M +	100+	100,000+
K	Largest Board • Accountancy* • Dental Examiners* • Pharmacy • Professional Engineers • Registered Nursing* • Voc.Nurse & Psych Tech.*	\$2.5 – 10 M	35 – 100	100,000+
L	Large Board • NONE	\$2.0 – 2.5 M	24 – 34	25 – 100,000
M	Medium Board • Architects • Athletic • Structural Pest	\$1.0 – 2.0 M	15 – 24	20 – 25,000
O	Small Board • Behavioral Sciences* • Vet Medicine*	\$0.5 – 1.0 M	10 – 14	10 – 20,000
P2	Smallest Boards • Acupuncture* • Dental Auxiliaries • Geology • Optometry • Physical Therapy* • Physician Assistants* • Podiatric Medicine* • Psychology* • Respiratory Care* • Shorthand Reporters • Speech Pathology	Up to \$0.49 M	2 – 9	Up to 10,000

* Received upgrades after 1985 study

- RN increased from M to K
- Accountancy, Dental, Pharmacy, Voc Nurse increased from M to L
- Architects increased from O to M
- Behavioral Science, Vet Med increased from P2 to O
- Acupuncture, Physical Therapy, Physician Assist, Podiatric Med, Psychology and Respiratory Care increased from P4 to P2

The following changes have occurred since 1985:

In 1989, Respiratory Care Board increased from P2 to O.

In 1990, Psychology increased from P2 to O.

In 1994, Psychology increased from O to M.

In 1995, Voc Nurse increased from L to K

In 1997, Medical Board and CSLB increased from G to F; Behavioral Science increased from O to M; Accountancy, Dental and Pharmacy increased from L to K and Architects increased from M to L.

EXECUTIVE OFFICER EXEMPT LEVEL STUDY
 May, 2000

Over the past fifteen years, the changes shown above have altered the categories and levels. The chart below describes the current structure:

Level	Size	Budget	Staff	Licensees
F	Small Department • No change	\$36 - 45M	314 - 479	400,000+
K	Largest Board • No change	\$5.6 - 13.7M	40 - 96.7	35 - 325,000
L	Large Board • Architects	\$3.5M	34.1	
M	Medium Board • Athletic • Behavioral Science • Structural Pest	\$0.9 - 4.5M	13.3 - 35.9	2 - 20,000
O	Small Board • Vet Medicine	\$1.85 M	12	14,000
P2	Smallest Board • Acupuncture • Dental Auxiliaries • Geology • Optometry • Physical Therapy • Physician Assistants • Podiatric Medicine • Court Reporters • Speech Pathology	\$0.9 - 2M	5.1 - 10.8	3 - 43,000
P4*				

*As in 1985, the Board of Guide Dogs for the Blind, with a FY 2000-01 staff of 1.5 and a budget of \$.1M, is currently allocated to this level

COMPLEXITY/SENSITIVITY

To evaluate the complexity of each position, the following factors were considered:

- Number of separate programs
- Complexity of examinations (Board-developed vs. purchased or national; multiple parts, etc.)
- Difficulty of application approval (complexity of requirements; foreign school curriculum review; equivalency formulas, etc.)
- School accreditation/approval
- Continuing education requirements
- Complexity of investigations
- Discipline (citation and fine programs; review committees; stipulation; license revocation, etc.)
- Interaction with other agencies (other state and local public agencies; professional associations; industry contacts, etc.)
- Consumer education programs
- Special programs (diversion; research; trusts, etc.)

EXECUTIVE OFFICER EXEMPT LEVEL STUDY

May, 2000

To evaluate the sensitivity of the programs, the following factors were reviewed:

- Public interest
- Legislative interest/activity
- Media contact
- Sophistication of licensees (educational level; political interest, etc.)
- Types of enforcement cases
- Consequence of error
- Health and Safety issues

SPECIAL REQUIREMENTS

The statutory requirement for professional licensure for the Executive Officers of two boards, Registered Nursing and Vocational Nurse, must be given special consideration in determining Exempt Level allocations.

QUANTITATIVE AND QUALITATIVE DATA FOR EACH BOARD

The information provided below uses the categories established in 1985 but indicates the current Exempt Levels of the Executive Officer positions.

SMALL DEPARTMENT (CURRENTL LEVEL F) – CONTRACTORS, MEDICAL BOARD

Although these boards have grown substantially since 1985, Exempt Level upgrades during the past fifteen years have adequately addressed these issues; therefore, no changes are requested.

LARGEST BOARDS (CURRENT LEVEL K/L) - ACCOUNTANCY, DENTAL BOARD, PROFESSIONAL ENGINEERS, PHARMACY, ARCHITECTS (L), VOCATIONAL NURSE, REGISTERED NURSING

In 1985, the Board of Architectural Examiners was allocated to level M and Professional Engineers was allocated to level K; the rest of these boards were assigned to level L. With the exception of Professional Engineers, all of these boards have moved up one level in the past fifteen years to address the growth in staffing and budget levels. But the increased classification levels of subordinate civil service staff has created compaction in the Board of Accountancy, Pharmacy, Professional Engineers and the Dental Board which now merits an additional level for the Executive Officers. In addition, the requirement for professional licensure for the Executive Officers for the Board of Registered Nursing and the Board of Vocational Nurse and Psychiatric Technicians and the obvious public health and safety issues of these two boards should be considered adequate reasons for higher levels for these boards. The Department also deems the higher professional level of the licensee population of the Board of Registered Nursing a valid basis for justifying the highest Exempt Level for this category of boards.

EXECUTIVE OFFICER EXEMPT LEVEL STUDY

May, 2000

Physical Therapy Board

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	2.4	7.3	+204.2	8.8
Budget	\$416,000	\$1,856,000	+346.2	\$2.0M

Note: 9,080 Licenses or Registrations were renewed and 1,484 licensure examinations were scheduled in 1998-99.

Qualitative Factors

Public Interest - High

Rating the public and legislative interest in the Physical Therapy Board of California is a challenge. It is not for the number of inquiries that this rating is given, but the sensitivity of the issues that result in the interest.

The public is primarily interested in the Board when they feel they have been injured by a licensee. The Board has delegated to the Executive Officer the authority to determine which complaints should be investigated and to file accusations against licensees. Consequently, one of the most sensitive issues with the public is when the investigative findings do not support a disciplinary action against the licensee. When disciplinary action is not filed it is common for the consumer to seek assistance from a legislator.

Legislative Interest - High

The Executive Officer represents the board before the legislature during the Sunset Review Process, when a statutory change are sought and whenever a legislator has a concern. One recent example is the special report on the necessity of continuing one of the licensing categories of the Board that was submitted in 1999.

Program Sensitivity - High

The Board's mission is consumer protection. To complete this mission the Board makes decisions to grant or deny licenses and whether or not to revoke or place disciplinary terms on a license. These decisions directly impact physical therapists and physical therapist assistants and the patients who are treated by them. The Board is also involved in the only higher level of sensitivity, the criminal justice system where a persons liberty is effected, since it seeks the filing of criminal charges when a violation is of that magnitude.

Health and Safety Issues

- Investigation of consumer complaints and resulting disciplinary action against licensees.
- The sunseting of the authority for physical therapists to be certified to perform electromyography.

Complexity and Visibility

Insurance Fraud - The Executive Officer testified in two cases in 1999 regarding the statutes and regulations authorizing persons to perform physical therapy. The issue of persons seeking payment for services that were provided illegally is a significant issue in the area of workers compensation insurance.

Exempt Salary Chart
July 2015

Exempt Category	Level Definitions	Salaries in Statute		CalHR Established Exempt Salaries				Civil Service Excluded		
		Monthly Salary	Annual Salary	Monthly Min.	Monthly Max.	Annual Min.	Annual Max.	Level Definition	Mnthly Min.	Mnthly Max.
I. Management Positions:										
A.	Cabinet	12,795.13	153,542		15,704.28		188,451			
	All Others at Level A			11,894	13,250	142,728	159,000			
B.	Tier II Department Director	12,000.94	144,011	12,455.83	13,470.86	149,470	161,650			
	All Others at Level B			11,157	12,431	133,884	149,172			
C.	Chair - Major Boards	11,471.57	137,659	10,666	11,881	127,992	142,572			
	Member - Major Boards	11,118.36	133,420	10,335	11,516	124,020	138,192	Legal & Medical		14,409
D.	Major Chief Dep. (CEA V Equiv.)			10,199	11,359	122,388	136,308	CEA C	9,978	11,329
E.	Tier I Department Director	10,588.90	127,067	11,862.59	12,829.41	142,351	153,953			
	All Others at Level E			9,844	10,965	118,128	131,580			
F.	CEA IV Equivalent			9,634	10,734	115,608	128,808	CEA B	8,985	10,703
G.	Ex. Officers, Major Boards			9,385	10,455	112,620	125,460			
	Chair - Medium Boards	10,059.62	120,715	9,352	10,416	112,224	124,992			
H.	Maj. Dept. Deputy Director			9,185	10,233	110,220	122,796			
	Small DD & Mbr. Med. Bds.	9,706.77	116,481	9,023	10,049	108,276	120,588			
I.	Asst. Agency Secretary I			8,749	9,750	104,988	117,000			
J.	Asst. Director (Line Program)			8,348	9,298	100,176	111,576	CEA A	6,453	9,277
K.	Asst. Agency Secretary II			7,952	8,870	95,544	106,440			
L.	CEA I Equivalent			7,591	8,456	91,092	101,472			
M.	SSM III Equivalent			7,237	8,061	86,844	96,732	SSM III	7,088	8,048
N.	SSM II/III Equivalent			6,905	7,692	82,860	92,304			
O.	SSM II Equivalent			6,584	7,334	79,008	88,008	SSM II (M)	6,453	7,331
								SSM II (S)	5,830	7,245
II. Non-management Positions										
P1.				6,435	6,955	77,220	83,460			
P2.	SSM I (Supervisory) Equiv.			6,097	6,629	73,164	79,548	SSM I	5,311	6,598
P2A	SSM I (Non-supervisory)			5,849	6,279	70,188	75,348			
P3.				5,582	6,024	66,984	72,288			
P4.	Assoc./AA II Level			4,625	5,749	55,500	68,988	Assoc./AA	4,600	5,758
P5.	SSA - Rg. C/AA I			3,844	4,764	46,128	57,168	SSA - Rg. C	3,824	4,788
P6.	SSA - Rg. B			3,210	3,959	38,520	47,508	SSA - Rg. B	3,189	3,992
P7.	SSA - Rg. A			2,949	3,608	35,388	43,296	SSA - Rg. A	2,945	3,690
P8.	Mgt. Svcs. Tech.			2,511	3,038	30,132	36,456	MST -Rg.A	2,609	3,268
P9.	(Grad) Student Assistant			2,174	2,586	26,088	31,032	GSA - Rg. A	1,881	2,460
Q1.	Executive Secretary II			3,449	4,316	41,388	51,792	Ex. Sec. II	3,438	4,303
Q2.	Executive Secretary I			3,090	4,044	37,080	48,528	Ex. Sec. I	3,157	3,954
Q3.	Secretary			2,750	3,512	33,000	42,144	Secretary	2,809	3,516

Return to: [Table of Contents.](#)

Career Executive Assignment (CEA)

There is no classification specification for CEA, class code 7500, as the CEA category is set apart in civil service. The CEA program was established in 1964 to recognize the unique selection, status and pay considerations appropriate to high level, policy-influencing civil service positions in the various state departments. The concept of the CEA category is outlined in Government Code section 18547:

"Career executive assignment" means an appointment to a high administrative and policy influencing position within the state civil service in which the incumbent's primary responsibility is the managing of a major function or the rendering of management advice to top-level administrative authority. Such a position can be established only in the top managerial levels of state service and is typified by broad responsibility for policy implementation and extensive participation in policy evolution. Assignment by appointment to such a position does not confer any rights or status in the position other than provided in Article 9 (commencing with Section 19889) of Chapter 2.5 of Part 2.6.

Policy-Making Responsibility

CEAs are to be limited to only the highest, most critical positions that have continuous, direct interface with department directors and constitute the executive management team. CEAs must have a decisive role in their department's policy-making, and should have regular involvement in department-wide policy and program management. The influence of the position should be comparable to other CEA positions within the department or other similar departments. Significant policy creation and program management responsibility are a mandatory aspect of CEA positions. CEA positions must possess the authority to directly influence policies or manage programs pertaining to the departmental mission. CEAs must serve as the chief policy-maker within their respective program area.

- "Policies" are principles, rules, and guidelines formulated or adopted by an organization to reach its long-term goals. Policies and procedures are designed to influence and determine all major decisions and actions, and all activities take place within the boundaries set by them.
- "Procedures" are the specific methods employed to express policies in action in day-to-day operations of the organization. Together, policies and procedures ensure that a point of view held by the governing body of an organization is translated into steps that result in an outcome compatible with that view.

New policy can come from various sources, including new state and federal legislation, regulations, and other higher level policies such as Executive Orders. A CEA may continually revise or implement existing policy if the position is required to ensure that the program/organization stays in compliance with frequently changing higher level policies, court orders, or laws and rules. Departments need to keep in mind that there is a distinction in responsibility between:

- Positions having authority for making high-level policy decisions that have broad impact beyond the program area, versus
- Positions that merely develop operational procedures or standards to implement policy that was developed at a higher level.

While the first may support a CEA allocation, the second alone probably would not. Developing operational procedures is not defined as high-level policy-making. The depth and breadth of the role of the individual in the development of policy is a critical consideration in determining whether a position meets the statutory requirements for a CEA.

A CEA position may not be approved if CalHR determines the proposed position overall has:

- Narrow, limited authority for decision-making;
- An indirect or merely supporting role in achieving the department's mission;
- Significant overlap with other existing CEAs or Exempts;
- No examples of objectives that can actually be altered by policy;
- A limited extent of impact;
- No sensitivity or long-term controversy;
- Low consequence of error;
- Limited, internal, contacts only; or
- No direct contact with department director.

Minimum Qualifications

CEA examinations are open to all applicants who possess the knowledge and abilities, and any other requirements as described in the examination bulletin. Eligibility to take a CEA examination does not require current permanent status in civil service.

Knowledge and Ability Requirements

Applicants must possess the ability to perform high administrative and policy-influencing functions effectively. Such overall ability is demonstrated by the following more specific knowledge and ability requirements:

(a) Knowledge of the organization and functions of California State Government including the organization and practices of the Legislature and the Executive Branch; principles, practices, and trends of public administration, organization, and management; techniques of organizing and motivating groups; program development and evaluation; methods of administrative problem solving; principles and practices of policy formulation and development; personnel management techniques; the department's or agency's equal employment opportunity objectives; and a manager's role in the equal employment opportunity program.

(b) Ability to plan, organize, and direct the work of multidisciplinary professional and administrative staff; analyze administrative policies, organization, procedures, and practices; integrate the activities of a diverse program to attain common goals; gain the confidence and support of top level administrators and advise them on a wide range of administrative matters; develop cooperative working relationships with representatives of all levels of government, the public, and the Legislative and Executive Branches; analyze complex problems and recommend effective courses of action; prepare and review reports; and effectively contribute to the department's or agency's equal employment opportunity objectives.

These knowledge and abilities are expected to be obtained from the following kinds of experience (experience may have been paid or volunteer; in State service, other government settings, or in a private organization):

CEA Level A

Supervisory/ administrative experience in a line or staff activity, including the execution and/or evaluation of program policies.

CEA Level B

Broad administrative or program manager experience with substantial participation in the formulation, operation, and/or evaluation of program policies.

CEA Level C

Extensive managerial and program administrative experience which has included substantial responsibility for a combination of management functions such as program planning; policy formulation; organization coordination and control; and fiscal and personnel management.

Where high technical professional qualifications are of primary importance in performing the duties of a given CEA position, then the above required experience may have been in a staff capacity exercising professional skills to influence and contribute to program, policy, and methods of providing those professional services. Primary examples are medical doctors and attorneys.

Description of Desirable Qualifications (if any):

When examining for a CEA position, desirable qualifications should be developed and listed on the bulletin. The purpose of the desirable qualifications is to provide the department with a means of evaluating competitors, as well as providing competitors with a means of determining their own relative competitiveness. The desirable qualifications also serve as a guide for

competitors to provide appropriate information on their applications and statements of qualifications.

CEA Levels Criteria

The initial pay level of a CEA is determined by CalHR*, but is typically based on the size of the department, the CEA organizational level, and the functional role of the CEA relating to the proposed CEA allocation.

*Departments with signed CEA Delegation Agreements have authority to set CEA levels and salaries within their CalHR–determined salary cap.

	2nd or 3rd Org Level		
Small (Up to 800)	SPEC, SA, PMR, PRJ, DBC, DDR, ASSIST	2nd Org Level DDR, CDD	1st Org Level DDR, CDD
	3rd or 4th Org Level		
Medium (801 - 8,000)	SPEC, SA, PMR, PRJ, DBC, ASSIST	2nd or 3rd Org Level DDR	1st Org Level CDD
	4th Org Level		
Large (8,001 - 17,000)	SPEC, SA, PMR, PRJ, ASSIST	3rd Org Level DBC	2nd Org Level DDR
	5th Org Level		
Mega (17,001 +)	SPEC, SA, PMR, PRJ, ASSIST	4th Org Level DBC	3rd Org Level DDR

Definition of Role Abbreviations

AAS = Assistant Agency Secretary:

Responsible for a single or multiple program crossing departmental lines.

DIR = Director/Executive Director:

By definition or constitutional authority, the Director is the Chief Executive Officer of a department. This is the highest organizational level with responsibility for all aspects of an organization or in a mega department over significant arms of the organization.

CDD = Chief Deputy Director:

Reporting to the Director, the position is at the first organizational level and like the Director is also at the highest organizational level. Positions are responsible for the administrative functions of a department and serves as the Director in his/her absence.

DDR = Deputy/Division Director:

Typically responsible for one or more programmatic divisions. Positions are typically at the second organizational level. Most departments consider these positions to be at a high organizational level.

ASSIST = Assistant Deputy Director/Assistant Division Chief/Assistant Branch Chief:

Performs as an assistant to the Deputy Director, Division Chief or Branch Chief of a large program with subordinate managers. The primary function of the position is to assist with policy-making decisions, as well as, serve in the absence of the Director or Chief and/or to assist with ensuring proper oversight and administration of the program. Positions are considered mid-organizational level and are typically at the 3rd organizational level.

DBC = Division/Branch Chief:

Responsibility consists of all aspects of a specific program. Positions are considered mid-organizational level and are typically at the 2nd, 3rd, or 4th organizational level. The size of the department, number of divisions in the department, and staff size are all factors considered in determining the appropriate level for this position.

PMR = Program Manager:

Usually responsible for a specific program area within a division or branch. Has full management and supervisory responsibility. Administers the program through one or more subordinate supervisors. Allocations are considered to be at the lowest organizational level and typically are at the 2nd, 3rd, and 4th organizational level depending on department size.

PRJ = Project Manager:

Positions assigned responsibility over a multi-million dollar project which strongly influences the development of policy pertaining to the mission of the department. Positions may be considered at the lowest or mid-organizational level and typically are at the 3rd organizational level but may be at the 2nd level for extremely large, complex and/or sensitive projects. Positions

serve as the head of the project with responsibility for the overall completion of the project. The project must have a direct impact on accomplishing the mission of the department, health, safety, welfare, and/or other vital interests of the public and/or other primary customers. The project has strong media and legislative interest and is of such complexity that few persons in state service possess the capacity to accomplish the project successfully. The failure of the project could result in loss of life, loss of millions of dollars, negative media coverage, loss of faith by the public, litigation or civil or criminal investigations.

SPEC = High Level Staff Specialist:

A high level staff specialist with program responsibility impacting the entire department which reports to the Directorate. Positions should only be established at Level A. Use of the SPEC at a higher level requires CalHR approval, unless the department has a CEA Delegation Agreement.

SA = Special Advisor:

Positions are responsible for rendering broad management advice that significantly impacts a wide spectrum of departmental policies. Consider the extent to which the concentration of policy responsibility may weaken the policy-influencing role of line positions in the same program or department. Positions typically serve as special advisers to Boards or Commissions. Positions should only be established at Level A. Use of the SA at a higher level requires CalHR approval, unless the department has a CEA Delegation Agreement.

Updated 11/9/2015



Physical Therapy Board of California

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

Physical Therapy Board of California

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June 13, 2016

Ricardo DeLaCruz, Personnel Officer
Department of Consumer Affairs
1625 N. Market Blvd. Suite N-321
Sacramento, CA 95834

Re: Request for Consideration of Increase of Exempt Level of Executive Officer

Dear Mr. DeLaCruz

The Physical Therapy Board of California (PTBC) would like to request that the Department of Consumer Affairs (DCA) contact the California Department of Human Resources (CalHR) and requests an exempt level increase for the Board's Executive Officer position. At the July 07, 2016 Board Meeting, the Board voted unanimously in support of this action.

This level increase is based on an increase in position authority, budget authority, complexity and overall program responsibility.

The last exempt salary level increase for the EO position was in 2000. Since that time the Board has experienced tremendous growth as well as change in the Physical Therapy profession. Specifically, the Board's staffing levels have increased by 117%, which includes two additional managers; a 108% increase in its total budget allocation authority; a 186% increase in its enforcement budget allocation authority, and a 65% increase in the total licensing population.

In comparing the size and structure of the PTBC with other DCA boards, the Board believes that these changes support the request for an exempt level salary increase to level "L" for the EO position effective August 1, 2016 (Pursuant to B&P 2607.5 (a)). The current level of compensation for the EO position is level "O".

The Board appreciates DCA's support and assistance in submitting our request to the appropriate authority. Should you need any additional information, or if you have further questions or concerns regarding this request, please contact me directly.

Respectfully,

Katarina V. Eleby, M.A.
Board President

**Physical Therapy Board of California
Executive Officer Level and Structure Chart**

	FY 1996/97	FY 2000/01	FY 2011/12	% Board Changes (FY 00/01 - FY 11/12)	FY 2012/13 (Actual)	FY 2013/14 (Actual)	PY 2014/15 (Actual)	% Board Changes (FY 12/13 - FY 14/15)	% Board Changes (FY 00/01 - FY 14/15)	CY 2015/16 (As of 3/31/16)
Authorized Positions	5.5	8.8	18.0	104%	14.4	16.1	19.1	32%	117%	19.1
Executive Officer Level	P2	Level O	Level O	0%	Level O	Level O	Level O	0%	0%	Level O
PERS SVS / OE & E Budget	\$949,210	\$1,496,576	\$2,491,132	57%	\$2,249,952	\$2,253,849	\$2,758,979	23%	84%	\$3,025,000
Licensee Population	18,786	21,351	32,187	51%	33,185	33,993	35,158	6%	65%	*37,580
Applications Received	1,094	1,569	1,953	30%	1,900	2,038	2,139	13%	36%	*2154
Enforcement Budget	\$652,351	\$460,400	\$980,906	113%	\$1,107,051	\$1,173,913	\$1,317,611	19%	186%	\$1,202,000
Complaints Received	189	219	1816	729%	1528	1215	1006	-34%	359%	497
Investigations	192	126	1796	1325%	1483	1197	995	-33%	690%	484
Cases Referred to AG's Office	22	26	70	169%	59	51	60	1%	131%	11
Disciplinary Actions	9	15	33	120%	35	41	54	54%	260%	46
Citations Issued	0	4	613	15225%	258	258	99	-62%	2375%	70
Total Budget	\$1,601,561	\$1,956,976	\$3,472,038	77%	\$3,357,003	\$3,427,762	\$4,076,590	21%	108%	\$4,227,000
Total Expenditures (CalStars FM13)	\$1,539,012	\$1,954,347	\$3,232,964	65%	\$3,204,071	\$3,407,765	\$4,007,185	25%	105%	\$2,967,372

- **FY 1996/97**
 1. No Change in EO Level, following the designated oversight transferring from MBC to PTBC.
- **FY 2000/01**
 1. EO level changed from level P2 to level O, following DCA's EO Exempt Level Study (5/2000).
- **FY 2011/12**
 1. No Change in EO Level.
 2. \$150,000 one-time AG Augmentation.
- **FY 2012/13**
 1. \$170,000 one-time AG Augmentation.
- **FY 2013/14**
 1. No Change in EO Level.
 2. \$320,000 one-time AG Augmentation.
 3. BCP 1110-31 Staffing increase w/ funding \$189,000.
- **FY 2014/15**
 1. No Change in EO Level.
 2. BCP 1110-03L Staffing increase (2 yr. limited-term) w/ \$91,000 FY 14/15 and \$83,000 FY 15/16.
 3. BCP 1110-32 \$142,000 AG Augmentation.
- **CY 2015/16**
 1. No Change in EO Level.