

**AUGUST**  
**24 & 25, 2016**  
BOARD MEETING

DCA Hearing Room  
2005 Evergreen Street  
Sacramento, CA 95815



Physical Therapy Board of California

# THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

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

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

August 24, 2016 9:00 a.m.

August 25, 2016 9:00 a.m.

DCA Hearing Room  
2005 Evergreen Street  
Sacramento, CA 95815

Action may be taken on any agenda item.  
Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items  
will be held in **OPEN SESSION. THE PUBLIC  
IS ENCOURAGED TO ATTEND.** Please refer  
to the informational notes at the end of  
the agenda.

## BOARD MEMBERS

Katarina Eleby, M.A., *President*

Alicia K. Rabena-Amen, PT, MPT, *Vice President*

Debra Alviso, PT, DPT, *Member*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, DPT, *Member*

TJ Watkins, *Member*

Tonia McMillian, *Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*

Liz Constancio, *Manager*

Elsa Ybarra, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

## Agenda – Wednesday, August 24<sup>th</sup>

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Special Order of Business - 9:05 a.m.**
  - (A) Petition for Modification of Probation/Termination of Probation – Jeffrey Grzechowiak, PTA
  - (B) Petition for Reinstatement of License - James Dale Walker  
*After submission of the matters, the Board will convene in CLOSED SESSION to deliberate pursuant to Government Code section 11126(c)(3).*
4. **Closed Session**
  - (A) Pursuant to Government Code section 11126(c)(3)  
Deliberation on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
  - (B) Pursuant to Government Code section 11126(a)(1)  
Evaluation of Executive Officer
  - (C) Adjourn Closed Session
5. **Reconvene Open Session**
6. **Presentation of Certificates of Appreciation – Katarina Eleby**
  - (A) James Turner
  - (B) Carol Wallisch
7. **Discussion and Possible Board Action Regarding Increase of Exempt Level of the Executive Officer – Ricardo DeLaCruz, Personnel Officer**
8. **Review and Approval of May 18<sup>th</sup> & 19<sup>th</sup> Meeting Minutes – Brooke Arneson**
9. **President’s Report – Katarina Eleby**
  - (A) [2016 Adopted Meeting Calendar](#)
  - (B) [2017 Proposed Meeting Calendar](#)
10. **Executive Officer’s Report – Jason Kaiser**
  - (A) Budget/Personnel
  - (B) BreEZe

- (C) Outreach
  - (D) Application and Licensing
  - (E) Consumer Protection
  - (F) DCA Internal Audit
11. **Discussion and Possible Board Action Regarding Termination of Network Participation of Licensees as a Result of Discipline** – *Jason Kaiser*
- (A) Example letters of Termination of Network Participation
12. **Discussion and Possible Board Action Regarding Sunset Review Report Pursuant to Business and Professions Code Section 2602** – *Jason Kaiser*
- (A) [Sunset Process and Timelines](#)
  - (B) Schedule Future Meeting(s) to Develop Sunset Review Report
  - (C) [Discussion of Issues to Include in the Board’s Sunset Review Report](#)
  - (D) Potential Appointment of Sunset Review Subcommittee
13. **Recess**

**Agenda – Thursday, August 25th**

14. **Call to Order – 9:00 a.m.**
15. **Roll Call** and Establishment of Quorum
16. **Presentation of Services Provided by Division of Investigation (DOI)**  
*Rex Cowart – Regional Commander, Stephanie Whitley – Senior Investigator*
17. **Consumer and Professional Associations and Intergovernmental Relations Reports**
- (A) Federation of State Boards of Physical Therapy (FSBPT)
  - (B) Department of Consumer Affairs (DCA) – Executive Office
  - (C) California Physical Therapy Association (CPTA)
18. **Legislation Report** – *Brooke Arneson*
- (A) [2015/16 Legislative Session Summary](#); Possible Board Action
    - i. [AB 12 \(Cooley\) State Government: Administrative Regulations: Review](#)
    - ii. [AB 507 \(Olsen\) Department of Consumer Affairs: BreEZe System: Annual Report](#)

- iii. [AB 2744 \(Gordon\) Healing Arts: Referrals](#)
- iv. [AB 2859 \(Low\) Professions and Vocations: Retired Category: Licenses](#)
- v. [SB 1155 \(Morrell\) Professions and Vocations: Licenses: Military Service](#)
- vi. [SB 1195 \(Hill\) Professions and Vocations: Board Actions](#) (This bill authorizes the Director of the DCA to review, veto, or modify actions and decisions of DCA boards to ensure such actions or decisions conform with public policy. This bill number is subject to change.)
- vii. [SB 1348 \(Cannella\) Licensure Applications: Military Experience](#)

**19. Rulemaking Report – Brooke Arneson**

- (A) [2016 Rulemaking Update](#)
  - i. License Renewal Exemptions: Retired Status
  - ii. Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)
- (B) Discussion of Issues Regarding License Renewal Exemptions for Retired Status Statutory and Regulatory Language and Possible Board Action
- (C) [Discussion of Issues Regarding TOEFL Regulatory Language and Possible Action Regarding Modified Text on English Proficiency Requirements; Proposed Language to Amend Section 1398.25 and Add Section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California Code of Regulations](#)

**20. Administrative Services Report – Liz Constancio**

- (A) [Budget](#)

**21. Application Report – Sarah Conley**

- (A) [Presentation of FSBPT's Alternate Pathway to Examination Option](#)

**22. Licensing Services Report – Sarah Conley**

**23. Consumer Protection Services Report – Elsa Ybarra**

**24. Probation Monitoring Report – Monny Martin**

**25. Public Comment on Items Not on the Agenda**

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

**26. Agenda Items for Future Meeting – November 9 & 10, 2016**

The California Endowment  
1000 N. Alameda Street, Mojave Room  
Los Angeles, CA 90012

**27. Adjournment**

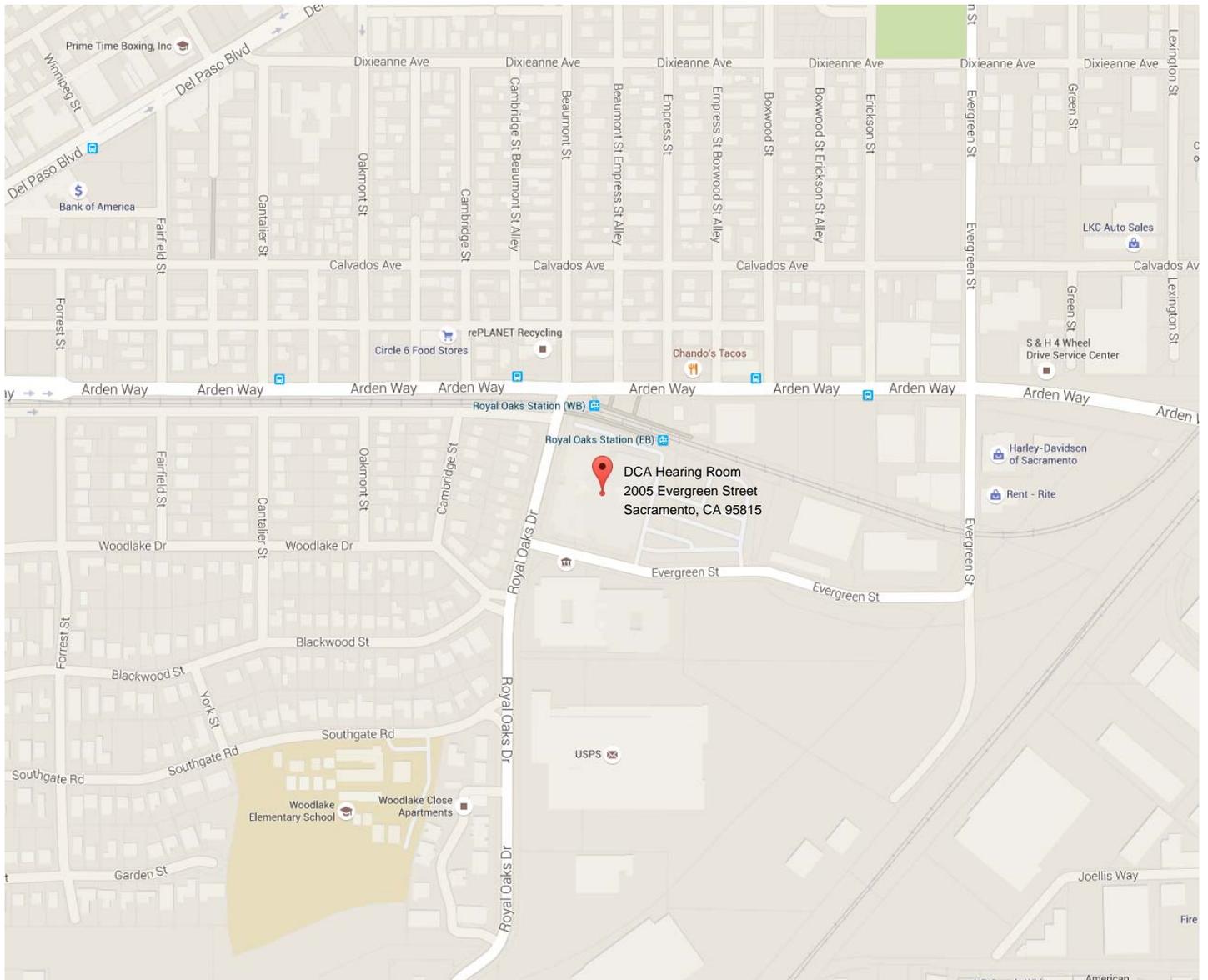
**Informational Notes:**

*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 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 any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).*

*The Board plans to webcast this meeting on its website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

*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](mailto: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.*



**Roll Call**

**DCA Hearing Room, Sacramento, CA**

**August 24, 2016**

|   | Present | Absent |
|---|---------|--------|
| Katarina Eleby, President                   |         |        |
| Alicia Rabena Amen, PT, MPT, Vice-President |         |        |
| Debra J. Alviso, PT, DPT                    |         |        |
| Jesus Dominguez, PT, Ph.D.                  |         |        |
| Daniel Drummer, PT, DPT                     |         |        |
| Tonia McMillian                             |         |        |
| TJ Watkins                                  |         |        |

**August 25, 2016**

|   | Present | Absent |
|---|---------|--------|
| Katarina Eleby, President                   |         |        |
| Alicia Rabena-Amen, PT, MPT, Vice-President |         |        |
| Debra J. Alviso, PT, DPT                    |         |        |
| Jesus Dominguez, PT, Ph.D.                  |         |        |
| Daniel Drummer, PT, DPT                     |         |        |
| Tonia McMillian                             |         |        |
| TJ Watkins                                  |         |        |

Agenda Item 2 – Roll Call



Physical Therapy Board of California

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

# Physical Therapy Board of California

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**Date:** 8/10/2016

**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. [DCA Executive Officer Exempt Level Study Criteria & PTBC Allocation \(DCA-5/2000\)](#)
  4. [Exempt Salary Schedule Chart \(CalHR-7/2016\)](#)
  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.
  - 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 21.5 authorized positions, effective July 1, 2016. The 21.5 authorized positions does not include positions allocated as blanket expenditures, which includes Application & Licensing Manager, Cashier, and one Application Analyst.

## 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 has identified that the PTBC's existing budget can support the increase in salary that would result in changing the EO Exempt Level without a budget augmentation 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.

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### 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<br>(Actual) | FY 2013/14<br>(Actual) | PY 2014/15<br>(Actual) | % Board<br>Changes<br>(FY 00/01 -<br>FY 11/12) | % Board<br>Changes<br>(FY 00/01 -<br>PY 14/15) | CY 2015/16<br>(As of 6/30/16) |
|------------------------------------|-------------|----------------|----------------|------------------------|------------------------|------------------------|--|--|-------------------------------|
| Authorized Positions               | 5.5         | 8.8            | 18.0           | 14.4                   | 16.1                   | 19.1                   | 104%   | 117%   | 19.1                          |
| Executive Officer Level            | <b>P2</b>   | <b>Level O</b> | <b>Level O</b> | <b>Level O</b>         | <b>Level O</b>         | <b>Level O</b>         | 0%   | 0%   | <b>Level O</b>                |
| 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%  | 2,294                         |
| 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%   | 700                           |
| Investigations                     | 192         | 126            | 1796           | 1483                   | 1197                   | 995                    | 1325%  | 690%   | 692                           |
| Cases Referred to AG's Office      | 22          | 26             | 70             | 59                     | 51                     | 60                     | 169%   | 131%   | 25                            |
| Disciplinary Actions               | 9           | 15             | 33             | 35                     | 41                     | 54                     | 120%   | 260%   | 54                            |
| Citations Issued                   | 0           | 4              | 613            | 258                    | 258                    | 99                     | 15225%   | 2375%  | 79                            |
| 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%   | \$4,108,884                   |

- **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.
  2. 6/30/16, 2 yr. limited-term AGPA position was abolished.

**Physical Therapy Board of California  
DCA Executive Officer Level - Comparison Sheet**

| 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              |
| <b>Physical Therapy Board of California</b> | <b>Executive Officer</b> | <b>I. Management</b> | <b>O</b> | <b>SSM II Equivalent</b> | <b>6,584 - 7,334</b>       | <b>19.1</b>          | <b>35,158</b>       |
| 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).

## **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    | Licensees    |
|-------|---|-------------------|----------|--------------|
| I     | Small Department<br>• Medical Board<br>• Contractors  | \$10 M +          | 100+     | 100,000+     |
| K     | Largest Board<br>• Accountancy*<br>• Dental Examiners*<br>• Pharmacy<br>• Professional Engineers<br>• Registered Nursing*<br>• Voc.Nurse & Psych Tech.*   | \$2.5 – 10 M      | 35 – 100 | 100,000+     |
| L     | Large Board<br>• NONE   | \$2.0 – 2.5 M     | 24 – 34  | 25 – 100,000 |
| M     | Medium Board<br>• Architects<br>• Athletic<br>• Structural Pest   | \$1.0 – 2.0 M     | 15 – 24  | 20 – 25,000  |
| O     | Small Board<br>• Behavioral Sciences*<br>• Vet Medicine*  | \$0.5 – 1.0 M     | 10 – 14  | 10 – 20,000  |
| P2    | Smallest Boards<br>• Acupuncture*<br>• Dental Auxiliaries<br>• Geology<br>• Optometry<br>• Physical Therapy*<br>• Physician Assistants*<br>• Podiatric Medicine*<br>• Psychology*<br>• Respiratory Care*<br>• Shorthand Reporters<br>• Speech Pathology | Up to<br>\$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<br>• No change  | \$36 - 45M    | 314 - 479   | 400,000+     |
| K     | Largest Board<br>• No change   | \$5.6 - 13.7M | 40 - 96.7   | 35 - 325,000 |
| L     | Large Board<br>• Architects  | \$3.5M        | 34.1        |              |
| M     | Medium Board<br>• Athletic<br>• Behavioral Science<br>• Structural Pest  | \$0.9 - 4.5M  | 13.3 - 35.9 | 2 - 20,000   |
| O     | Small Board<br>• Vet Medicine  | \$1.85 M      | 12          | 14,000       |
| P2    | Smallest Board<br>• Acupuncture<br>• Dental Auxiliaries<br>• Geology<br>• Optometry<br>• Physical Therapy<br>• Physician Assistants<br>• Podiatric Medicine<br>• Court Reporters<br>• 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 (CURRENT 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 2016\*

| 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       | Monthly Min. | Monthly Max.              |
| <b>I. Management Positions:</b>     |                                 |                     |               |                                   |              |             |             |                        |              |                           |
| 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       |                     |               | 7,962                             | -            | 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                   |
| <b>II. Non-management Positions</b> |                                 |                     |               |                                   |              |             |             |                        |              |                           |
| 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   |

\* No change from 2015.

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

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

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



August 24, 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

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



## Physical Therapy Board of California

### **DRAFT Meeting Minutes**

May 18, 2016 9:00 a.m.  
May 19, 2016 9:00 a.m.

College of the Sequoias  
915 South Mooney Blvd., Sequoia 1  
Visalia, CA 9327

#### Board Members

##### President

Katarina Eleby

##### Vice-President

Alicia Rabena-Amen, PT, MPT

##### Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillan

T J Watkins

#### Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

1

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on  
3 the agenda in these minutes; however, some agenda items may have been taken out of order  
4 during the meeting.

5

#### 6 **1. Call to Order**

7 The Physical Therapy Board of California (Board) meeting was called to order by  
8 President Eleby at 9:05 a.m. on May 18, 2016. The Board recessed at 5:25 p.m. and  
9 reconvened at 9:01 a.m. on May 19, 2016.

10

#### 11 **2. Board Member Changes**

12

##### 13 **(A) Welcome to Tonia McMillan and TJ Watkins**

14

15 Ms. Eleby welcomed Ms. McMillan and Mr. Watkins to the Board and shared their  
16 biographies. Ms. McMillan was appointed to the Board by the Senate Rules Committee  
17 and Mr. Watkins was appointed by the Governor; both were sworn in by President Eleby  
18 at the meeting.

19

##### 20 **(B) Thanks to James Turner and Carol Wallisch**

21

22 Ms. Eleby acknowledged Mr. Turner and Ms. Wallisch's enumerable contributions to the  
23 Board and that they will be recognized at the meeting in August.

24

#### 25 **3. Roll Call and Establishment of a Quorum**

26 All members were present and a quorum was established. Also present at the meeting  
27 were Angelique Scott, Legal Counsel; Jason Kaiser, Executive Officer; and Brooke  
28 Arneson, Board staff.

29

#### 30 **4. Special Order of Business – May 18, 2016 9:00 a.m.**

31

32 **(A) Hearing on Petition for Termination of Probation – Mia Hiroko Sugi, PT**

33  
34 After submission of the matter(s), the Board convened in closed session to deliberate per  
35 Government Code section 11126(c)(3).

36  
37 Once issued, disciplinary decisions can be found on the Board’s website at  
38 [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

39  
40 **5. Closed Session**

41  
42 **(A) Pursuant to Government Code section 11126(c)(3)**  
43 **Deliberation on Disciplinary Actions**

44  
45 Once issued, disciplinary decisions can be found on the Board’s website at  
46 [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

47  
48 **(B) Pursuant to Government Code section 11126(a)(1)**  
49 **Evaluation of Executive Officer**

50  
51 **(C) Adjourn Closed Session**

52  
53 **6. Reconvene Open Session**

54  
55 **7. Discuss Increase in Board Level and Exempt Status of the Executive Officer –**  
56 **Ricardo DeLaCruz, DCA Personnel Officer**

57  
58 Mr. DeLaCruz gave an overview of the route for increasing the exempt status of the  
59 Executive Officer as a result of Board growth. He proposed justifications for the  
60 increase such as the exempt status had not been adjusted since the year 2000;  
61 increase in staffing and programs; the complexity of the Board issues; and, change in  
62 policy authority. He further explained that the Board starts the process by addressing a  
63 letter to him requesting and justifying the adjustment to the exempt status. He would  
64 then facilitate the process through the requisite channels on behalf of the Board. Dr.  
65 Alviso questioned the impact to the Board’s budget and Mr. DeLaCruz responded he  
66 wasn’t familiar with the budget process and that would need to be addressed by the  
67 Board’s budget analyst. Since this item was not on the agenda as an action item the  
68 Board will include it on the August meeting agenda.

69  
70 **8. Review and Approval of November 4 & 5, 2015 Meeting Minutes**

71  
72 **(A) November 4<sup>th</sup> & 5<sup>th</sup> 2015 Meeting Minutes**

73  
74 Ms. Arneson presented the November 2015 minutes for the Board’s consideration. At  
75 their meeting in February, the Board had requested clarity on the following:  
76

77 Page 12, line 168 – Dr. Alviso noted the minutes reflect the vote was 4-0 when there  
78 were five members present. Ms. Arneson indicated the vote was erroneously sited as  
79 4-0, it should have reflected 5-0.

80 Page 12, line 183 – Ms. Eleby expressed concern with the minutes reflecting she will  
81 serve as both the delegate and alternate backup at the Federation of State Boards of  
82 Physical Therapy’s Annual Conference. Ms. Arneson indicated the minutes should have  
83 reflected Dr. Alviso as the Alternate Backup.

84  
85 The Board agreed to approve the minutes with the clarification provided by Ms.  
86 Arneson.

87  
88 **MOTION: To adopt the draft November 4 & 5, 2015 meeting minutes as amended.**

89  
90 **M/S: Dominguez/Alviso**

91  
92 **VOTE: 7-0 Motion carried**

93  
94 **(B) February 10<sup>th</sup> & 11<sup>th</sup> 2016 Meeting Minutes**

95  
96 **MOTION: To adopt the draft February 10<sup>th</sup> & 11<sup>th</sup> 2016 meeting minutes as written.**

97  
98 **M/S: Alviso/Drummer**

99  
100 **VOTE: 7-0 Motion carried**

101  
102  
103 **9. Consumer and Professional Associations and Intergovernmental Relations Reports**

104 **(A) Federation of State Boards of Physical Therapy (FSBPT)**

105  
106 No representatives were present.

107  
108 **(B) Department of Consumer Affairs (DCA)**

109 No representatives were present.

110 **(C) California Physical Therapy Association (CPTA)**

111 No representative was present.

112  
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**10. President’s Report – Katarina Eleby**

**(A) 2016 Meeting Calendar**

Dates and locations were discussed and remain as reflected on the calendar.

**(B) 2017 Meeting Calendar**

Ms. Eleby expressed concern that the November meeting dates were too close to FSBPT’s Annual Conference and suggested moving to the 7<sup>th</sup> and 8<sup>th</sup>; however, Mr. Kaiser was concerned the Delegate Assembly dates may conflict and suggested the 15<sup>th</sup> and 16<sup>th</sup> as dates for consideration. It was agreed the Board would revisit the dates at the meeting in August after giving time to determine the location of the conflicting FSBPT meetings.

**11. Executive Officer’s Report - Jason Kaiser**

Mr. Kaiser referred members to his report included in the materials. He added the May 6, 2016 fee increase implementation into BreEZe went smoothly and expressed kudos to Jacki Maciel for her 200,000 plus views of her Facebook post. Mr. Kaye inquired whether there would be any enhancements to BreEZe forthcoming to enable access to Accusations. Mr. Kaiser responded he was aware of the lack of access and is in process of a work around to ease access to discipline documents.

**12. Legislation Report - Brooke Arneson**

**(A) 2015/16 Legislative Session Summary; Possible Board Action**

Ms. Arneson referred the members to the legislative summary/bill analysis on the bills included in the agenda materials. Ms. Arneson suggested the Board change its position on AB 507 to “watch” and the Board concurred. Ms. Arneson did not discuss SB 1217 since it was not included on the agenda.

**13. Rulemaking Report - Brooke Arneson**

**(A) 2016 Rulemaking Update**

Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status.

**(B) Regulatory Language for Board Discussion and Possible Action Regarding License Renewal Exemptions: Retired Status: Adding Section 1339.56 to Article 10 to Division 13.2, Title 16 of the California Code of Regulations**

157 After lengthy discussion, the Board identified issues and made modifications to the  
158 proposed language and directed staff to begin the rulemaking process.

159  
160 **MOTION:** To approve the proposed regulatory language as amended and direct staff to  
161 initiate the rulemaking process by filing the Notice of Regulatory Change to be  
162 published by OAL and delegate authority to the Executive Officer to make any non-  
163 substantive edits to the form required by this proposed section.

164  
165 **M/S: Drummer/Alviso**

166  
167 **VOTE: 7-0 Motion carried.**

168  
169 **14. Discussion Regarding Animal Rehabilitation (Informational Only) – Karen Atlas &**  
170 **James Syms**

171  
172 Dr. Syms and Ms. Atlas presented on the history and evolution of animal rehabilitation.  
173 They also encouraged the Board’s involvement and participation in the upcoming Task  
174 Force to be formed resulting from a charge by the Legislative Sunset Review  
175 Committee.

176  
177 The Board took the discussion regarding the issue under advisement.

178  
179 **15. Administrative Services Report – Liz Constancio**

180  
181 Mr. Kaiser presented the report included in the agenda book on behalf of Ms.  
182 Constancio and advised there would be a 2 to 3% reversion at the end of the fiscal year.

183  
184 He also expounded on the advantages of using of Google Analytics and how the type of  
185 data extracted can enhance outreach efforts of the Board. Mr. Watkins questioned  
186 whether the Board had access to email addresses and if it could also be a means of  
187 communication. Mr. Kaiser indicated the Board did have an email database but there  
188 were obstacles to effective communication via email largely due to the continual  
189 changing of email addresses. Ms. Rabena-Amen inquired about a hashtag and Mr.  
190 Kaiser responded the Board did have a hashtag, #PTBC news.

191  
192 **16. Application & Licensing Services Report – Liz Constancio**

193  
194 Mr. Kaiser presented the report prepared by Sarah Conley included in the agenda book.  
195 Mr. Kaiser commented the data reported has a new appearance because of the change  
196 in source to BreEZe. Members asked if future reports include a key to the acronyms  
197 used.

198  
199 **17. Consumer Protection Services Report – Elsa Ybarra**

200  
201 Mr. Kaiser presented the report included in the agenda book on behalf of Ms. Ybarra

202 and responded to questions regarding the performance measures and how they  
203 compare to other like Boards or the Board itself from years past. He also reminded  
204 members how certain cases for varying reasons can skew statistics.  
205

206 **18. Ethical Decision Making & Bagley Keene Presentation – *Angelique Scott, DCA Legal***  
207 *Affairs*

208  
209 Ms. Scott presented a slide show and fielded questions regarding the presentation. She  
210 also clarified the presentation was not in lieu of the ethics training mandated by law of  
211 state officials.  
212

213 **19. Public Comment on Items Not on the Agenda**

214  
215 There were no public comments on items not on the agenda.  
216

217 **20. Agenda Items for Future Meeting – August 24 & 25, 2016**

218  
219 Dr. Alviso requested a briefing paper on the FSBPT’s Alternate Approval Pathway Project  
220 and a year-end comparison report of the Consumer Protection Enforcement Initiative’s  
221 (CPEI) Performance Measures. Dr. Drummer requested the Board honor Ms. Wallisch’s  
222 request to add “the prohibition of physical therapist probationers to bill Blue Shield for  
223 services” as a topic of discussion at the August, 2016 meeting. Ms. Eleby suggested Mr.  
224 Kaiser share his presentation from the FSBPT meeting on “when are you to inebriated to  
225 drive?” Mr. Watkins added the topic would make for an effective YouTube video and  
226 discussion pursued about a collaborative effort with other health care boards.  
227

228 **21. Adjournment**

229  
230 The Board concluded the meeting on Thursday, May 19, 2016 and adjourned at 2:30 p.m.

# Physical Therapy Board of California Adopted 2016 Meeting Calendar

| January |    |    |    |    |    |    | February |    |    |    |    |    |    | March |    |    |    |    |    |    | April |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|
| Su      | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  | Su    | M  | T  | W  | Th | F  | S  | Su    | M  | T  | W  | Th | F  | S  |
|         |    |    |    |    | 1  | 2  |          | 1  | 2  | 3  | 4  | 5  | 6  |       |    | 1  | 2  | 3  | 4  | 5  |       |    |    |    |    | 1  | 2  |
| 3       | 4  | 5  | 6  | 7  | 8  | 9  | 7        | 8  | 9  | 10 | 11 | 12 | 13 | 6     | 7  | 8  | 9  | 10 | 11 | 12 | 3     | 4  | 5  | 6  | 7  | 8  | 9  |
| 10      | 11 | 12 | 13 | 14 | 15 | 16 | 14       | 15 | 16 | 17 | 18 | 19 | 20 | 13    | 14 | 15 | 16 | 17 | 18 | 19 | 10    | 11 | 12 | 13 | 14 | 15 | 16 |
| 17      | 18 | 19 | 20 | 21 | 22 | 23 | 21       | 22 | 23 | 24 | 25 | 26 | 27 | 20    | 21 | 22 | 23 | 24 | 25 | 26 | 17    | 18 | 19 | 20 | 21 | 22 | 23 |
| 24      | 25 | 26 | 27 | 28 | 29 | 30 | 28       | 29 |    |    |    |    |    | 27    | 28 | 29 | 30 | 31 |    |    | 24    | 25 | 26 | 27 | 28 | 29 | 30 |
| 31      |    |    |    |    |    |    |          |    |    |    |    |    |    |       |    |    |    |    |    |    |       |    |    |    |    |    |    |

| May |    |    |    |    |    |    | June |    |    |    |    |    |    | July |    |    |    |    |    |    | August |    |    |    |    |    |    |
|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|------|----|----|----|----|----|----|--------|----|----|----|----|----|----|
| Su  | M  | T  | W  | Th | F  | S  | Su   | M  | T  | W  | Th | F  | S  | Su   | M  | T  | W  | Th | F  | S  | Su     | M  | T  | W  | Th | F  | S  |
| 1   | 2  | 3  | 4  | 5  | 6  | 7  |      |    |    | 1  | 2  | 3  | 4  |      |    |    |    |    | 1  | 2  |        | 1  | 2  | 3  | 4  | 5  | 6  |
| 8   | 9  | 10 | 11 | 12 | 13 | 14 | 5    | 6  | 7  | 8  | 9  | 10 | 11 | 3    | 4  | 5  | 6  | 7  | 8  | 9  | 7      | 8  | 9  | 10 | 11 | 12 | 13 |
| 15  | 16 | 17 | 18 | 19 | 20 | 21 | 12   | 13 | 14 | 15 | 16 | 17 | 18 | 10   | 11 | 12 | 13 | 14 | 15 | 16 | 14     | 15 | 16 | 17 | 18 | 19 | 20 |
| 22  | 23 | 24 | 25 | 26 | 27 | 28 | 19   | 20 | 21 | 22 | 23 | 24 | 25 | 17   | 18 | 19 | 20 | 21 | 22 | 23 | 21     | 22 | 23 | 24 | 25 | 26 | 27 |
| 29  | 30 | 31 |    |    |    |    | 26   | 27 | 28 | 29 | 30 |    |    | 24   | 25 | 26 | 27 | 28 | 29 | 30 | 28     | 29 | 30 | 31 |    |    |    |
|     |    |    |    |    |    |    |      |    |    |    |    |    |    | 31   |    |    |    |    |    |    |        |    |    |    |    |    |    |

| September |    |    |    |    |    |    | October |    |    |    |    |    |    | November |    |    |    |    |    |    | December |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| Su        | M  | T  | W  | Th | F  | S  | Su      | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  |
|           |    |    |    | 1  | 2  | 3  |         |    |    |    |    | 1  |    |          | 1  | 2  | 3  | 4  | 5  |    |          |    |    | 1  | 2  | 3  |    |
| 4         | 5  | 6  | 7  | 8  | 9  | 10 | 2       | 3  | 4  | 5  | 6  | 7  | 8  | 6        | 7  | 8  | 9  | 10 | 11 | 12 | 4        | 5  | 6  | 7  | 8  | 9  | 10 |
| 11        | 12 | 13 | 14 | 15 | 16 | 17 | 9       | 10 | 11 | 12 | 13 | 14 | 15 | 13       | 14 | 15 | 16 | 17 | 18 | 19 | 11       | 12 | 13 | 14 | 15 | 16 | 17 |
| 18        | 19 | 20 | 21 | 22 | 23 | 24 | 16      | 17 | 18 | 19 | 20 | 21 | 22 | 20       | 21 | 22 | 23 | 24 | 25 | 26 | 18       | 19 | 20 | 21 | 22 | 23 | 24 |
| 25        | 26 | 27 | 28 | 29 | 30 |    | 23      | 24 | 25 | 26 | 27 | 28 | 29 | 27       | 28 | 29 | 30 |    |    | 25 | 26       | 27 | 28 | 29 | 30 | 31 |    |
|           |    |    |    |    |    |    | 30      | 31 |    |    |    |    |    |          |    |    |    |    |    |    |          |    |    |    |    |    |    |

| January |                        | February |                                | March |                  | April |          |
|---------|------------------------|----------|--------------------------------|-------|------------------|-------|----------|
| 1       | New Year's Day         | 10-11    | PTBC Meeting<br>Sacramento, CA | 27    | Easter           | 6     | PTA NPTE |
| 13      | PTA NPTE               |          |                                | 31    | César Chávez Day | 27    | PT NPTE  |
| 18      | Martin Luther King Jr. | 15       | President's Day                |       |                  |       |          |
| 27      | PT NPTE                |          |                                |       |                  |       |          |

| May   |                            | June  |  | July  |                  | August |                                |
|-------|----------------------------|-------|--|-------|------------------|--------|--------------------------------|
| 8     | Mother's Day               | 8-11  | APTA Conference<br>Nashville, TN                 | 4     | Independence Day | 24-25  | PTBC Meeting<br>Sacramento, CA |
| 18-19 | PTBC Meeting<br>Newark, CA | 19    | Father's Day                                     | 6     | PTA NPTE         |        |                                |
| 30    | Memorial Day               | 24-26 | FSBPT Board Member<br>Training<br>Alexandria, VA | 19-20 | PT NPTE          |        |                                |

| September |           | October |           | November |                                 | December |           |
|-----------|-----------|---------|-----------|----------|---------------------------------|----------|-----------|
| 5         | Labor Day | 6       | PTA NPTE  | 4-6      | FSBPT Meeting<br>Columbus, OH   | 25       | Christmas |
|           |           | 27      | PT NPTE   | 9-10     | PTBC Meeting<br>Los Angeles, CA |          |           |
|           |           | 31      | Halloween | 11       | Veteran's Day                   |          |           |
|           |           |         |           | 24-25    | Thanksgiving                    |          |           |

# Physical Therapy Board of California Proposed 2017 Meeting Calendar

| January |    |    |    |    |    |    | February |    |    |    |    |    |    | March |    |    |    |    |    |    | April |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|
| Su      | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  | Su    | M  | T  | W  | Th | F  | S  | Su    | M  | T  | W  | Th | F  | S  |
| 1       | 2  | 3  | 4  | 5  | 6  | 7  |          |    |    | 1  | 2  | 3  | 4  |       |    |    | 1  | 2  | 3  | 4  |       |    |    |    |    |    | 1  |
| 8       | 9  | 10 | 11 | 12 | 13 | 14 | 5        | 6  | 7  | 8  | 9  | 10 | 11 | 5     | 6  | 7  | 8  | 9  | 10 | 11 | 2     | 3  | 4  | 5  | 6  | 7  | 8  |
| 15      | 16 | 17 | 18 | 19 | 20 | 21 | 12       | 13 | 14 | 15 | 16 | 17 | 18 | 12    | 13 | 14 | 15 | 16 | 17 | 18 | 9     | 10 | 11 | 12 | 13 | 14 | 15 |
| 22      | 23 | 24 | 25 | 26 | 27 | 28 | 19       | 20 | 21 | 22 | 23 | 24 | 25 | 19    | 20 | 21 | 22 | 23 | 24 | 25 | 16    | 17 | 18 | 19 | 20 | 21 | 22 |
| 29      | 30 | 31 |    |    |    |    | 26       | 27 | 28 | 29 | 30 | 31 | 26 | 27    | 28 | 29 | 30 | 31 | 23 | 24 | 25    | 26 | 27 | 28 | 29 |    |    |
|         |    |    |    |    |    |    |          |    |    |    |    |    |    |       |    |    |    |    | 30 |    |       |    |    |    |    |    |    |

| May |    |    |    |    |    |    | June |    |    |    |    |    |    | July |    |    |    |    |    |    | August |    |    |    |    |    |    |
|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|------|----|----|----|----|----|----|--------|----|----|----|----|----|----|
| Su  | M  | T  | W  | Th | F  | S  | Su   | M  | T  | W  | Th | F  | S  | Su   | M  | T  | W  | Th | F  | S  | Su     | M  | T  | W  | Th | F  | S  |
|     | 1  | 2  | 3  | 4  | 5  | 6  |      |    |    |    | 1  | 2  | 3  |      |    |    |    |    |    | 1  |        |    | 1  | 2  | 3  | 4  | 5  |
| 7   | 8  | 9  | 10 | 11 | 12 | 13 | 4    | 5  | 6  | 7  | 8  | 9  | 10 | 2    | 3  | 4  | 5  | 6  | 7  | 8  | 6      | 7  | 8  | 9  | 10 | 11 | 12 |
| 14  | 15 | 16 | 17 | 18 | 19 | 20 | 11   | 12 | 13 | 14 | 15 | 16 | 17 | 9    | 10 | 11 | 12 | 13 | 14 | 15 | 13     | 14 | 15 | 16 | 17 | 18 | 19 |
| 21  | 22 | 23 | 24 | 25 | 26 | 27 | 18   | 19 | 20 | 21 | 22 | 23 | 24 | 16   | 17 | 18 | 19 | 20 | 21 | 22 | 20     | 21 | 22 | 23 | 24 | 25 | 26 |
| 28  | 29 | 30 | 31 |    |    |    | 25   | 26 | 27 | 28 | 29 | 30 | 23 | 24   | 25 | 26 | 27 | 28 | 29 | 27 | 28     | 29 | 30 | 31 |    |    |    |
|     |    |    |    |    |    |    |      |    |    |    |    |    | 30 | 31   |    |    |    |    |    |    |        |    |    |    |    |    |    |

| September |    |    |    |    |    |    | October |    |    |    |    |    |    | November |    |    |    |    |    |    | December |    |    |    |    |    |    |   |
|-----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|---|
| Su        | M  | T  | W  | Th | F  | S  | Su      | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  | Su       | M  | T  | W  | Th | F  | S  |   |
|           |    |    |    |    | 1  | 2  | 1       | 2  | 3  | 4  | 5  | 6  | 7  |          |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    |    | 1  | 2 |
| 3         | 4  | 5  | 6  | 7  | 8  | 9  | 8       | 9  | 10 | 11 | 12 | 13 | 14 | 5        | 6  | 7  | 8  | 9  | 10 | 11 | 3        | 4  | 5  | 6  | 7  | 8  | 9  |   |
| 10        | 11 | 12 | 13 | 14 | 15 | 16 | 15      | 16 | 17 | 18 | 19 | 20 | 21 | 12       | 13 | 14 | 15 | 16 | 17 | 18 | 10       | 11 | 12 | 13 | 14 | 15 | 16 |   |
| 17        | 18 | 19 | 20 | 21 | 22 | 23 | 22      | 23 | 24 | 25 | 26 | 27 | 28 | 19       | 20 | 21 | 22 | 23 | 24 | 25 | 17       | 18 | 19 | 20 | 21 | 22 | 23 |   |
| 24        | 25 | 26 | 27 | 28 | 29 | 30 | 29      | 30 | 31 |    |    |    | 26 | 27       | 28 | 29 | 30 | 24 | 25 | 26 | 27       | 28 | 29 | 30 |    |    |    |   |
|           |    |    |    |    |    |    |         |    |    |    |    |    |    |          |    |    |    |    | 31 |    |          |    |    |    |    |    |    |   |

| January |                        |  | February       |                 |  |    | March            |  |   |          | April   |        |  |  |
|---------|------------------------|--|----------------|-----------------|--|----|------------------|--|---|----------|---------|--------|--|--|
| 1       | New Year's Day         |  | 8-9            | PTBC Meeting    |  | 31 | César Chávez Day |  | 5 | PTA NPTE |         |        |  |  |
| 12      | PTA NPTE               |  | Sacramento, CA |                 |  |    |                  |  |   |          | 16      | Easter |  |  |
| 16      | Martin Luther King Jr. |  | 20             | President's Day |  |    |                  |  |   | 26       | PT NPTE |        |  |  |
| 26      | PT NPTE                |  |                |                 |  |    |                  |  |   |          |         |        |  |  |

| May   |                     |  | June       |                 |  |   | July             |         |                |              | August |  |  |  |
|-------|---------------------|--|------------|-----------------|--|---|------------------|---------|----------------|--------------|--------|--|--|--|
| 14    | Mother's Day        |  | 18         | Father's Day    |  | 4 | Independence Day |         | 23-24          | PTBC Meeting |        |  |  |  |
| 17-18 | PTBC Meeting        |  | 21-24      | APTA Conference |  | 6 | PTA NPTE         |         | Sacramento, CA |              |        |  |  |  |
|       | Southern California |  | Boston, MA |                 |  |   | 18-19            | PT NPTE |                |              |        |  |  |  |
| 29    | Memorial Day        |  |            |                 |  |   |                  |         |                |              |        |  |  |  |

| September |           |  | October |           |  |          | November      |               |    |           | December |  |  |  |
|-----------|-----------|--|---------|-----------|--|----------|---------------|---------------|----|-----------|----------|--|--|--|
| 4         | Labor Day |  | 3       | PTA NPTE  |  | 1-2      | PTBC Meeting  |               | 25 | Christmas |          |  |  |  |
|           |           |  | 25      | PT NPTE   |  | Bay Area |               |               |    |           |          |  |  |  |
|           |           |  | 31      | Halloween |  | 3-5      | FSBPT Meeting |               |    |           |          |  |  |  |
|           |           |  |         |           |  |          | TBD***        |               |    |           |          |  |  |  |
|           |           |  |         |           |  |          | 11            | Veteran's Day |    |           |          |  |  |  |
|           |           |  |         |           |  |          | 23            | Thanksgiving  |    |           |          |  |  |  |



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



**DATE:** August 1, 2016

**TO:** Physical Therapy Board of California (Board)

**SUBJECT:** Executive Officer's Report

This report is to update you on the current status of the Board's operations.

**BUDGET/PERSONNEL** – The Administrative Services program has completed the recruitment process for Office Technician (OT) positions within the Application Services program; we would like to welcome our newest team member, Angel Ottley. Ms. Ottley will provide technical support related to the application process, such as, processing fingerprint card requests, responding to applicant inquiries, reconciling fingerprint delays and fees received, etc.

Ms. Ottley is a transfer from the Business Service Office within the Department of Consumer Affairs (BSO). She has served the BSO since 2014 providing administrative support in the admin areas, such as, personnel, records management, etc. Prior to BSO, Ms. Ottley served as an Assistant within the real estate lending industry and was responsible for various technical-analytical functions, such as, reviewing applications for home loans, filing/recording sensitive documents to/with appropriate agencies, multitasking in a fast-paced environment; and, providing excellent customer service.

It is my pleasure to announce the appointment of Sarah Conley to the Staff Services Manager I (Out-of-Class assignment) within the Application and Licensing Service programs. Ms. Conley has graciously accepted to serve as the SSMI while PTBC Management conducts the recruitment process for the SSMI vacant position. During her assignment, Sarah will be responsible for all managerial functions for application and licensing services. Ms. Conley should be familiar to the Board. Ms. Conley has been with the Board since 2001. She has served the PTBC in a number of capacities, most notably as the Board's Executive Administrative Assistant.

On another positive note, but a loss to the PTBC, I would also like to say congratulations to Karin Thompsen on her upcoming retirement from state service. Ms. Thompsen has been with the PTBC for over 20 years, serving in many roles; from Application Services to Consumer Protection Services, as well as the Boards safety coordinator. Her contributions are innumerable, she will certainly be missed.

Update – August 11, 2016, the PTBC is currently recruiting for (1) Staff Services Manager (SSM1) over the Application Services and License Maintenance programs, (1) Staff Service Analyst (SSA) and (1) Associate Governmental Program Analyst (AGPA) within the Application Services Program as well as (1) Staff Service Analyst (SSA) in the Administrative Services program and (1) Associate Governmental Program Analyst (AGPA) within the Consumer Protection Services Unit.

Please refer to Agenda Item 20(A) for a more detailed Budget report.

**BreEZe** – BreEZe is DCA's new licensing and enforcement system and a one-stop shop for consumers, licensees and applicants. BreEZe enables consumers to verify a professional license and file a consumer complaint. Licensees and applicants can submit license applications, renew a license and change their address among other services. While BreEZe's recent launch went extremely well,

PTBC staff continues to work on the system to further its efficiency for both our stakeholders as well as PTBC Staff.

Since our last report, we have seen the implementation of two new Releases of the BreEZe system, 2.1 and 2.11.

**OUTREACH** – Unfortunately, the PTBC must extend a fond farewell to the Board’s Outreach coordinator, Jacki Maciel. Ms. Maciel took a promotion with another state agency in June and she will be missed. As a result of this vacancy our outreach efforts have slowed. However, we will continue to promote BreEZe and the advantages it provides. Once this vacancy is filled we anticipate starting new projects, such as video tutorials, informational pamphlets and of course, the Board’s newsletter, Progress Notes.

As always, we need topics for our Facebook Page and Twitter Accounts! Board member participation is encouraged; please don’t hesitate in submitting your ideas or topics for posting.

The PTBC will be holding a 3 day presentation to the Sacramento State University’s PT program starting on September 19th, 2016. We will be covering the application process as well as laws and regulations as they pertain to the practice of physical therapy. We are looking forward to it!

**APPLICATIONS & LICENSING** –Please refer to Agenda Item 21 and 22 for a more detailed report.

**CONTINUING COMPETENCY** – As a result of the recruitment mentioned earlier in this report, we anticipate returning the Continuing Competency (CC) program’s resources, which have been on loan to the Application and Licensing Services programs, to normal day to day CC operations. As a result, we plan to start addressing the audit backlog of licensee and Recognized Approval Agencies sometime in the 2<sup>nd</sup> quarter on the next fiscal year (16/17).

**CONSUMER PROTECTION** – Please refer to Agenda Item 23 for a more detailed report.

**DCA INTERNAL AUDIT** – In November of last year, the PTBC was selected for audit by DCA’s Internal Audit Office. However, the PTBC asked for a delay of the Internal Audit due, in part, to the implementation of BreEZe. In consideration of the PTBC’s request the Internal Audit Office granted a temporary reprieve of the audit. In June of this year, the Internal Audit Office notified the PTBC that it intended to resume the audit of the PTBC. The audit began on July 1<sup>st</sup>, 2016 and staff will be working with the Internal Audit Office for the next 2-3 months. While the Internal Audit Office has no direct responsibility or authority over any of the activities or operations, they may provide the PTBC with assistance and recommendations concerning internal controls in the development or redesign of systems or operational activities. The scope of the audit will entail; evaluation and reporting of internal control systems, review of operations, policies, and procedures for effectiveness and efficiencies, recommendation of improvements to address audit findings, monitoring the status of audit findings and consultations at the request of management. The Internal Audit will be a draw on the PTBC’s resources, but we look forward to the opportunity in identifying room to improve and working towards that improvement.



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



## Briefing Paper

**Date:** 8/11/16  
**Prepared for:** PTBC Members  
**Prepared by:** Jason Kaiser  
**Subject:** Termination of Network Participation of Licensees as a Result of Discipline

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### **Purpose:**

At the request of former Board Member Carol Wallisch, to open a dialogue regarding Termination of Network Participation of Licensees as a Result of Discipline.

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### **Background:**

At the February 10, 2016 meeting, during a Hearing on Petition for Reduction in Penalty, testimony was given by the probationer that they had been terminated from network participation as a result of their disciplinary order, which made it difficult to find employment. The Boards probation monitor, Monny Martin, confirmed this to be true and that he has seen a trend amongst third party payers terminating provider agreements with discipline as the cause. Ms. Wallisch asked that this subject be agendized at a future meeting for discussion and possible Board action.

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### **Analysis:**

Since the February meeting PTBC staff has collected 5 examples of letters of Termination of Network Participation to Licensees as a Result of Discipline (please see Attachment A, 1-6). These letters have been redacted to protect both the probationer as well as the Insurer.

Of these Attached letters,

- 3 Terminations were a result of discipline as per the provider agreement (#A1,#A2,#A3)
- 1 Termination was a result of failing to notify as per the provider agreement (#A4)
- 1 Termination was a result of discipline and failing to notify as per the provider agreement (#A5)

Standard Probation Condition 21 in the [Guidelines For Issuing Citations and Imposing Discipline](#) states;

### **Practice or Performance of Physical Therapy While on Probation**

It is not contrary to the public interest for Respondent to practice and/or perform physical therapy under the probationary conditions specified in the disciplinary order. *Accordingly, it is not the intent of the Board that this order, the fact that Respondent has been disciplined, or Respondent is on probation, shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.*

---

### **Action Requested:**

None.

Via Certified Mail

Dear [REDACTED]:

We received information from Physical Therapy Licensing Board stating you were effective with them [REDACTED]. In our routine review of licenses, we have found that the Board took action against your medical license effective [REDACTED].

This letter serves as formal notification of the immediate automatic suspension of your authorization to treat [REDACTED]. The decision to suspend your participation in our network is based on your failure to meet the minimum requirements for such participation as set forth in our Minimum Practitioner Standards Policy, Number [REDACTED], which is part of our Provider Manual, as a result of the following:

- X Loss, limitation or probation status of your professional license

Specifically, your license was revoked, the revocation was stayed, and you were placed on three years probation.

This action is not reportable to government agencies and is not subject to fair hearing process. The suspension will remain in effect until the above condition is corrected. You may submit a written request for reinstatement in [REDACTED] provider network at that time.

Please be reminded you are prohibited from providing services to any [REDACTED] Plan Member as long as this suspension is in place. We will arrange for continued care for [REDACTED] Plan Members

Thank you for your cooperation in this matter. If you have questions, do not hesitate to contact me.

Respectfully,

[REDACTED]

cc: [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]



[Redacted]

CONFIDENTIAL

[Redacted]

[Redacted]

[Redacted]

[Redacted] has learned that the (Physical Therapy Board of California) has taken disciplinary action against [Redacted] license resulting in probation effective [Redacted].

[Redacted] PT, a member of your Participating Group, is no longer eligible to participate under [Redacted] policies effective [Redacted].

Because [Redacted] will be ineligible to treat [Redacted] and "Other Payor" patients as a member of your Participating Group, we are asking that you comply with the following:

1. Inform [Redacted] and Other Payor patients that [Redacted] is no longer a Participating Provider and offer the services of an eligible member of your group as an alternative for patients.
2. Your Physician Group will not bill [Redacted], [Redacted] patients, or Other Payor patients for [Redacted] services as a Participating provider.

[Redacted]

[Redacted]

If you have any questions, please call Provider Services at [REDACTED].

Sincerely,

[REDACTED]

[REDACTED], MD  
Credentials Committee Chair

cc: [REDACTED], PT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Re: Termination of Individual Network Participation**

Provider ID: [REDACTED]  
Tax Identification Number (TIN): [REDACTED] State: CA

Dear Provider:

This is to inform you that A [REDACTED] will exercise our option to terminate with cause your participation with the [REDACTED] effective [REDACTED]. This is in accordance Section [REDACTED] of the Provider Participation Agreement. The reason for the termination is our credentialing criteria requires that the health care provider will maintain in good standing the certification and licenses required to perform health care services, comply with applicable state and federal laws and regulations and will allow the Board of Examiners/Licensing Board to provide information regarding previous incidents or current investigations. In addition, the health care provider's license shall not have been revoked within the last seven (7) years; the health care provider must not have been convicted of any crime within the last seven (7) years that affects his/her ability to practice; under all circumstances the health care provider must never have been convicted of sexual misconduct by any local, state, or federal authority, including, but not limited to, a Board of Examiners/Licensing Board; the health care provider must not have pending actions against them or their office by any Board of Examiners/Licensing Board or other local, state, or federal authority; at the time of each credentialing or re-credentialing application, the health care provider must disclose knowledge and/or information of any pending investigation of themselves or their clinic or practice, by any state board of examiners or any federal, state, or local authority; the health care provider must disclose denial of any membership or renewal, or disciplinary actions or reprimand by any state board, administrative agency, peer review committee, professional association, health care organization, insurance carrier, third party administrator, ERISA plan or any other type of preferred or exclusive health care organization and the health care provider does not and must not have engaged in any conduct involving dishonesty, fraud, deceit, or misrepresentation.

**The [REDACTED] Committee has reviewed information from the Physical Therapy Board of California Department of Consumer Affairs State of California. The [REDACTED] Committee noted that your license to practice physical therapy is currently on probation. Additionally, your failure to notify [REDACTED] constitutes a violation of your Participating Provider Agreement. This does not meet [REDACTED] credentialing standards and makes you ineligible for participation in the [REDACTED] network.**

You will not be eligible for reimbursement for any dates of service after [REDACTED]. You will only be eligible for reimbursement at the location(s) that has been previously credentialed by [REDACTED]. Submit any claims for eligible dates of service within the timeframe indicated on your Plan Summaries. Claims submitted after the designated filing requirement will be denied.

Please refer to Section [REDACTED] and [REDACTED], Information to Members and Continuation of Services After Termination which requires you to notify any current and future patients seeking care from you of your future non-participation.

[REDACTED]

[REDACTED] - [REDACTED], PT  
Page 2 of 2

Please remember that by the terms of your contract, you have agreed to hold Members harmless and not seek compensation for services provided by you, prior to the effective date of your termination identified above.

Sincerely,

[REDACTED]  
[REDACTED]

CC: Provider File

[REDACTED]  
[REDACTED]

VIA FEDEX GROUND DELIVERY

Provider ID: [REDACTED]  
Practitioner ID: [REDACTED]

[REDACTED]

Attachment A4

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: NON-APPROVAL OF APPLICATION FOR PRACTITIONER [REDACTED],  
PT FOR PARTICIPATION IN [REDACTED]

Dear Professional Physical Therapy:

The purpose of this letter is to give you written notice of the [REDACTED] Practice Review Committee's determination **not to approve** as a Credentialed Practitioner the application for participation from [REDACTED].

The reason(s) for the non-approval of the practitioner's application, as expressed by the Practice Review Committee, are as follows:

- Failure to Disclose State Board Action: The practitioner fails to meet credentialing criteria for participation due to failure to disclose previous State Board action as required on the application.

[REDACTED] reserves the right to approve or not to approve an applicant as a Credentialed Practitioner. [REDACTED] did not issue a letter of approval to the Practitioner noted above. Therefore, the practitioner listed is ineligible to participate in [REDACTED] to render Covered Services to any [REDACTED] member, or to be reimbursed by [REDACTED] for any services rendered to [REDACTED] members.

This notice is being sent via FedEx Ground delivery so it is expected that you shall receive it on [REDACTED]. You have the option to submit a written appeal of this determination on behalf of [REDACTED], PT to the Quality Improvement Committee by mailing your appeal to the address shown below within thirty (30) days from the delivery date of this letter or not later than [REDACTED]. *We recommend using a verifiable mailing method.* Please be advised if [REDACTED] does not receive a written appeal for this matter within thirty (30) days from your receipt of this letter, no additional opportunity to appeal will be granted.

Your written appeal should include all information you would like considered in the review of the non-approval of the practitioner's application. **Please supply relevant information to support your appeal to overturn the original credentialing decision.** For example, if the credentialing denial

[REDACTED]

was based on State Board action, malpractice action, or criminal activity, it would be prudent to provide information related to the event(s) in question, and any changes made to avoid such action in the future; and if the denial was based on the practitioner's failure to accurately attest/disclose information on the credentialing application, an explanation of the reason for the inaccuracy should be submitted with the appeal.

If [REDACTED] receives a timely written appeal from you, the Quality Improvement Committee will make its best effort to review your appeal within thirty (30) days from the date it is received. The determination of the Quality Improvement Committee is final and will be mailed to you and copied to the practitioner within ten (10) business days from the date of its determination.

If the practitioner wishes to re-apply to [REDACTED], he/she may do so after a six-month waiting period. Should the practitioner choose to re-apply in the future, he/she may contact [REDACTED] at any time after [REDACTED].

We appreciate your cooperation in this matter. Inquiries concerning this matter must be made in writing and can be sent by mail or email as follows:

Mailing address:

[REDACTED]  
[REDACTED]  
[REDACTED]

Email address:

[REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

Associate Vice President, Practice Review Committee

[REDACTED]

cc: [REDACTED], PT

---

[REDACTED]

Provider Engagement & Contracting

*Via Prepaid Registered Mail  
Return Receipt Requested*

**RE: PROFESSIONAL LICENSE SUSPENSION**

Dear [REDACTED]:

It has been brought to our attention that your professional license has been revoked (albeit stayed) and you are currently on probation for three years.

In accordance with your [REDACTED] (the "Agreement"), which states, in part, on page 5, Article *IV* – **PROVIDER SERVICES AND RESPONSIBILITIES**, Sections [REDACTED] and [REDACTED]:

4.3 PROVIDER has, and shall ensure that all of PROVIDER's Health Professionals have, and shall maintain in good standing, all licenses, certifications, permits, accreditations or other prerequisites required by [REDACTED] and Federal, State and local law to provide Medical Services. Copies of such licenses, certifications, permits, evidence of accreditations or other prerequisites are attached as Exhibit D and made part of this Agreement.

4.6. PROVIDER shall promptly notify [REDACTED] of:

(6) any change in status of license, Medicare certification and/or accreditation.

Please be advised that in light of the above, we will remove you from the current group roster of [REDACTED], Inc. and request that you not provide any type of Medical Services (as defined in your Agreement) to our members until such time as your professional license is no longer encumbered and has been reinstated by the Physical Therapy Board of California, Department of Consumer Affairs. At that time, please provide your network manager with written notification of the reinstatement along with a copy of the license and once those documents are received and verified, you will be allowed to provide Medical Services to our members provided that you otherwise satisfy [REDACTED] [REDACTED] credentialing criteria then in effect at the time of your application.

If you have any questions regarding the contents of this letter, feel free to contact your network manager, [REDACTED], at [REDACTED].

Sincerely,

[REDACTED]  
Regional Manager, Provider Contracting

[REDACTED]

[REDACTED]



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



## Briefing Paper

Date: July 27, 2016

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Sunset Timeline and Process

### **Purpose:**

To provide the Board an overview of the Sunset Timeline and Process.

**Attachments:** [Sunset Review Process Timeline](#)

### **Sunset Report:**

About a year and a half before the Board's statutory sunset date, the Senate Committee on Business, Professions, and Economic Development will send out a template for the Sunset Report. Generally, the due date is November 1<sup>st</sup>, but for 2015 it was December 1<sup>st</sup>. The report can be drafted a few ways; the Board can delegate to staff or appoint a committee to handle the report. This report must be reviewed and approved by the full Board before it is submitted to the Legislature.

### **Between the Report and the Background Paper:**

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

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

### **Background Paper/Issue Doc:**

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

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

**Hearing Date:**

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

**After the Hearing:**

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

**The Bill:**

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

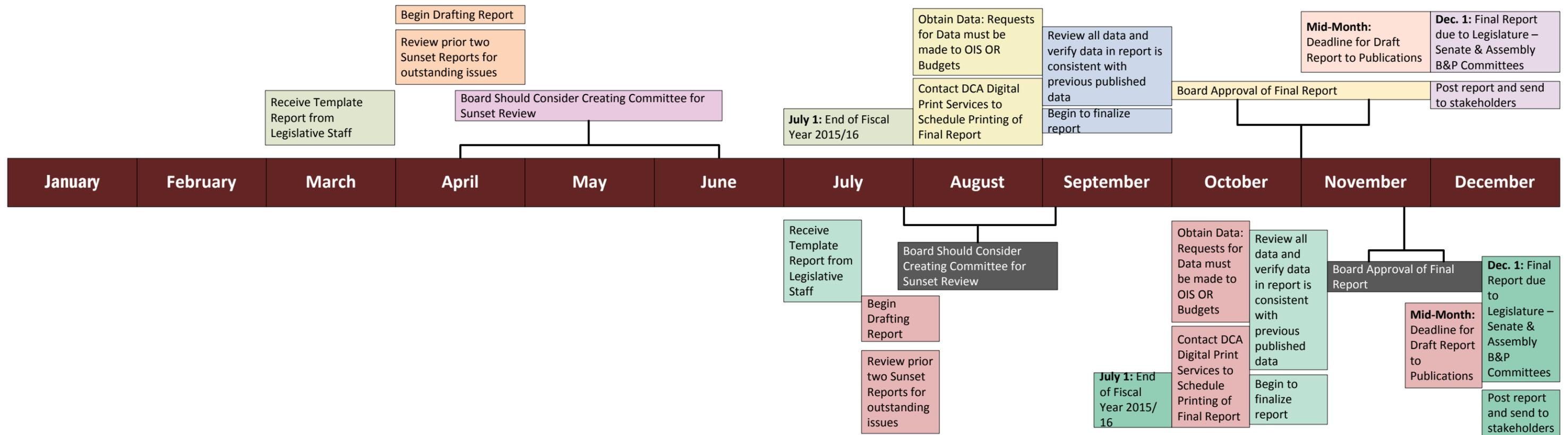
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**Action Requested:**

No action is requested on presentation of the Sunset Review Process; however staff is requesting action which will be addressed during the presentation of agenda items 12(B), (C) and (D).

# DCA SUNSET REVIEW PROCESS

# 2016

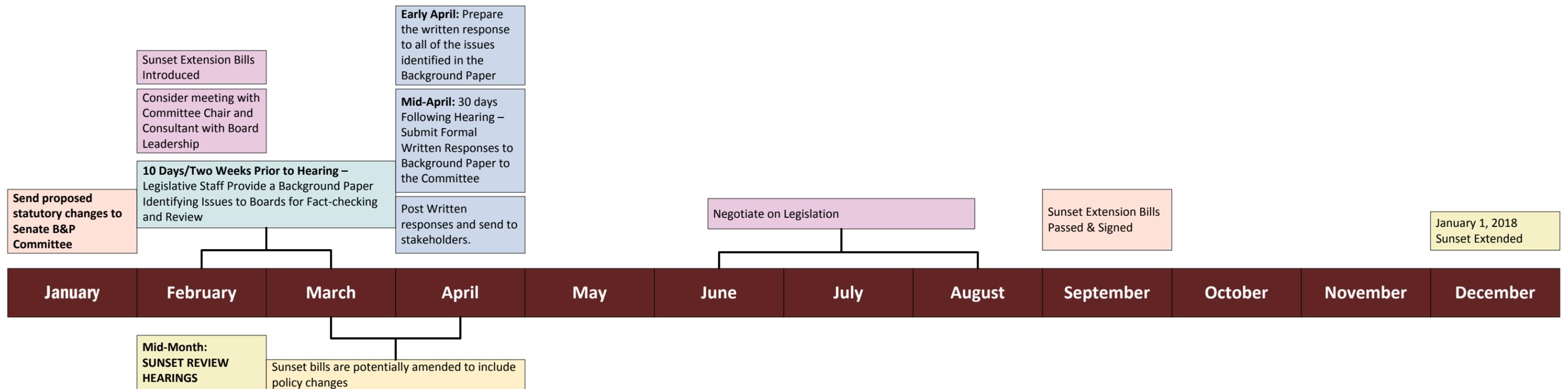


# P&B SUNSET REVIEW PROCESS

# 2016

# dca SUNSET REVIEW PROCESS

# 2017





Physical Therapy Board of California

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2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

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



## Briefing Paper

Date: August 5, 2016

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Staff Recommendations for Sunset Report Issues

### **Purpose:**

Section 11, *New Issues*, found on page 14 of the Background Information and Overview of the Current Regulatory Program solicits the Board to identify new issues. It also requests that the Board give a short discussion of each of the outstanding issues, and the recommendation for action that could be taken by the Board, Department of Consumer Affairs, or by the Legislature to resolve these issues (i.e. policy direction, budget changes, legislative changes).

- Attachments:**
1. [Sunset Review Pursuant to Business and Professions Code Section 2602](#)
  2. [Background Information and Overview of the Current Regulatory Program](#)

### **Background Paper/Issue Doc:**

Below are a few of the recommendations by staff for Board consideration:

- Business and Professions Code §2688, raising statutory caps for fees; add retired license fee – The Board increased its fees to the statutory cap in regulation on December 23, 2016; therefore, there is no room for increase in the future. SB 198 gave the Board authority to exempt renewal fees for those entering into Retired License Status; however, it did not authorize an administrative fee for processing.
- Business and Professions Code §2653(a), CWT 6 Conflict – The Coursework Tools for Foreign Educated Physical Therapists (CWT) were developed by the Federation of State Boards of Physical Therapy (FSBPT) in response to the needs of its member jurisdictions for a standardized method to evaluate the educational equivalence of foreign educated physical therapists. Prior to CWT 6 which is based upon the Commission on Accreditation of Physical Therapy Education (CAPTE) Evaluative Criteria for PT Programs August 2014, applicants were evaluated on CWT 1-5 (retro tools). It was adopted by the FSBPT board of directors to use CWT 6 beginning January 1, 2017. However, BPC 2653(a) states; in part, “Furnish documentary evidence satisfactory to the board, that he or she has completed a professional degree in a physical therapist educational program substantially equivalent at the time of his

or her graduation...” Therefore, unless the Board seeks to amend 2653(a), the Board has no authority to require an evaluation based on CAPTE’s 2014 accreditation criteria.

- Business and Professions Code §2620.5 – This section authorizes the Board to issue a specialty certification in electromyography upon successful passing of the examination(s). The electroneuromyography and kinesiological electromyography examinations are not only no longer defensible due to their age and exposure; the cost to update the examination is prohibitive and the number of subject matter experts are extremely limited. There are a total of 16 physical therapists certified in Electroneuromyography and 25 certified in Kinesiological Electromyography. The American Board of Physical Therapy Specialties (ABPTS) administers a certification and a recertification for Clinical Electrophysiology. With a change in statute the Board could defer to issuing the specialty certification to qualifying licensees upon receipt of certification in Clinical Electrophysiology from the ABPTS.
- Business and Professions Code 2636(a)(1) – Modify the California Law Exam to the FSBPT’s Jurisprudence Assessment Module (JAM). The advantages are that exam takers will immediately receive a detailed score report indicating PASSED or FAILED, the total number and percent of questions answered correctly, and the number and percent of questions answered correctly within each content area (Consumer Advocacy, Patient Care Management, etc.) The score report also includes links to sections of the laws and regulation under which questions were answered incorrectly.
- Business and Professions Code §2689(a) – SB 198 changed BPC §2683 to BPC §2644; however, reference to BPC §2683 still remains in BPC §2689; therefore, it needs to be corrected.

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**Action Requested:**

These are staff recommendations for New Issues to be raised in the Sunset review process. Staff is also seeking recommendations of the Board.

Additionally, staff is soliciting one or two Board members to assist with completing the first draft. The full Board will then need to review the draft for edits. The Board will either need to set a Board meeting or teleconference to accomplish this since it doesn’t meet again until after the report is due to the legislature.

## Physical Therapy Board of California Sunset Review

| Business and Professions Code Sections | Inoperative Date                 | Repeal Date     | Review Cycle | Last Reviewed |
|--|----------------------------------|-----------------|--------------|---------------|
| 2602 and 2607.5<br>(listed below)      | January 1, 2018<br>(Sunset date) | January 1, 2018 | 2017/18      | 2011/12       |

### Business and Professions Code Section 2602

**2602.** The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter. This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

### Business and Professions Code Section 2607.5

**2607.5. (a)** The board may employ an executive officer exempt from the provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and may also employ investigators, legal counsel, physical therapist consultants, and other assistance as it may deem necessary to carry out this chapter. The board may fix the compensation to be paid for services and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating physical therapy practice activities.

**(b)** The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and his or her services shall be a charge against it.

**(c)** This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

*The 2011/12 Sunset Report is available on the Board's website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).*

# Physical Therapy Board of California

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of [date]

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

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

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

| Table 1a. Attendance      |                        |                         |              |
|---------------------------|------------------------|-------------------------|--------------|
| [Enter board member name] |                        |                         |              |
| Date Appointed:           | [Enter date appointed] |                         |              |
| Meeting Type              | Meeting Date           | Meeting Location        | Attended?    |
| Meeting 1                 | [Enter Date]           | [Enter Location]        | [Y/N]        |
| Meeting 2                 | [Enter Date]           | [Enter Location]        | [Y/N]        |
| <b>Meeting 3</b>          | <b>[Enter Date]</b>    | <b>[Enter Location]</b> | <b>[Y/N]</b> |
| Meeting 4                 | [Enter Date]           | [Enter Location]        | [Y/N]        |

| Table 1b. Board/Committee Member Roster |                      |                   |                   |                      |                                  |
|---|----------------------|-------------------|-------------------|----------------------|----------------------------------|
| Member Name<br>(Include Vacancies)      | Date First Appointed | Date Re-appointed | Date Term Expires | Appointing Authority | Type<br>(public or professional) |
|   |                      |                   |                   |                      |                                  |
|   |                      |                   |                   |                      |                                  |
|   |                      |                   |                   |                      |                                  |
|   |                      |                   |                   |                      |                                  |

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

<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.

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

## Section 2 – Performance Measures and Customer Satisfaction Surveys

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

## Section 3 – Fiscal and Staff

### **Fiscal Issues**

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

| <b>Table 2. Fund Condition</b>          |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| (Dollars in Thousands)                  | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 |
| Beginning Balance                       |            |            |            |            |            |            |
| Revenues and Transfers                  |            |            |            |            |            |            |
| <b>Total Revenue</b>                    | \$         | \$         | \$         | \$         | \$         | \$         |
| Budget Authority                        |            |            |            |            |            |            |
| Expenditures                            |            |            |            |            |            |            |
| Loans to General Fund                   |            |            |            |            |            |            |
| Accrued Interest, Loans to General Fund |            |            |            |            |            |            |
| Loans Repaid From General Fund          |            |            |            |            |            |            |
| <b>Fund Balance</b>                     | \$         | \$         | \$         | \$         | \$         | \$         |
| <b>Months in Reserve</b>                |            |            |            |            |            |            |

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

| <b>Table 3. Expenditures by Program Component</b> |                    |      |                    |      |                    |      |                    | (list dollars in thousands) |  |
|---|--------------------|------|--------------------|------|--------------------|------|--------------------|-----------------------------|--|
|   | FY 2012/13         |      | FY 2013/14         |      | FY 2014/15         |      | FY 2015/16         |                             |  |
|   | Personnel Services | OE&E                        |  |
| Enforcement                                       |                    |      |                    |      |                    |      |                    |                             |  |
| Examination                                       |                    |      |                    |      |                    |      |                    |                             |  |
| Licensing   |                    |      |                    |      |                    |      |                    |                             |  |
| Administration *                                  |                    |      |                    |      |                    |      |                    |                             |  |
| DCA Pro Rata                                      |                    |      |                    |      |                    |      |                    |                             |  |
| Diversion (if applicable)                         |                    |      |                    |      |                    |      |                    |                             |  |
| <b>TOTALS</b>                                     | \$                 | \$   | \$                 | \$   | \$                 | \$   | \$                 | \$                          |  |

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

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

| <b>Table 4. Fee Schedule and Revenue</b> (list revenue dollars in thousands) |                    |                 |                    |                    |                    |                    |                    |
|--|--------------------|-----------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Fee  | Current Fee Amount | Statutory Limit | FY 2012/13 Revenue | FY 2013/14 Revenue | FY 2014/15 Revenue | FY 2015/16 Revenue | % of Total Revenue |
|  |                    |                 |                    |                    |                    |                    |                    |
|  |                    |                 |                    |                    |                    |                    |                    |
|  |                    |                 |                    |                    |                    |                    |                    |
|  |                    |                 |                    |                    |                    |                    |                    |
|  |                    |                 |                    |                    |                    |                    |                    |

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

| <b>Table 5. Budget Change Proposals (BCPs)</b> |             |                               |  |   |              |             |              |             |
|--|-------------|-------------------------------|--|---|--------------|-------------|--------------|-------------|
| BCP ID #                                       | Fiscal Year | Description of Purpose of BCP | Personnel Services                         |   |              |             | OE&E         |             |
|  |             |                               | # Staff Requested (include classification) | # Staff Approved (include classification) | \$ Requested | \$ Approved | \$ Requested | \$ Approved |
|  |             |                               |  |   |              |             |              |             |
|  |             |                               |  |   |              |             |              |             |
|  |             |                               |  |   |              |             |              |             |

**Staffing Issues**

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

**Section 4 – Licensing Program**

- 18. What are the board’s performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
- 19. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

<sup>2</sup> The term “license” in this document includes a license certificate or registration.

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

| Table 6. Licensee Population |                |            |            |            |            |
|------------------------------|----------------|------------|------------|------------|------------|
|                              |                | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| [Enter License Type]         | Active         |            |            |            |            |
|                              | Out-of-State   |            |            |            |            |
|                              | Out-of-Country |            |            |            |            |
|                              | Delinquent     |            |            |            |            |
| [Enter License Type]         | Active         |            |            |            |            |
|                              | Out-of-State   |            |            |            |            |
|                              | Out-of-Country |            |            |            |            |
|                              | Delinquent     |            |            |            |            |
| [Enter License Type]         | Active         |            |            |            |            |
|                              | Out-of-State   |            |            |            |            |
|                              | Out-of-Country |            |            |            |            |
|                              | Delinquent     |            |            |            |            |
| [Enter License Type]         | Active         |            |            |            |            |
|                              | Out-of-State   |            |            |            |            |
|                              | Out-of-Country |            |            |            |            |
|                              | Delinquent     |            |            |            |            |

| Table 7a. Licensing Data by Type          |           |          |          |        |        |                      |                        |                       |               |                 |                                     |
|---|-----------|----------|----------|--------|--------|----------------------|------------------------|-----------------------|---------------|-----------------|-------------------------------------|
| Application Type                          |           | Received | Approved | Closed | Issued | Pending Applications |                        |                       | Cycle Times   |                 |                                     |
|   |           |          |          |        |        | Total (Close of FY)  | Outside Board control* | Within Board control* | Complete Apps | Incomplete Apps | combined, IF unable to separate out |
| FY 2013/14                                | (Exam)    |          |          |        |        | -                    | -                      | -                     | -             | -               | -                                   |
|   | (License) |          |          |        |        | -                    | -                      | -                     | -             | -               | -                                   |
|   | (Renewal) |          |          | n/a    |        | -                    | -                      | -                     | -             | -               | -                                   |
| FY 2014/15                                | (Exam)    |          |          |        |        |                      |                        |                       |               |                 |                                     |
|   | (License) |          |          |        |        |                      |                        |                       |               |                 |                                     |
|   | (Renewal) |          |          | n/a    |        |                      |                        |                       |               |                 |                                     |
| FY 2015/16                                | (Exam)    |          |          |        |        |                      |                        |                       |               |                 |                                     |
|   | (License) |          |          |        |        |                      |                        |                       |               |                 |                                     |
|   | (Renewal) |          |          | n/a    |        |                      |                        |                       |               |                 |                                     |
| * Optional. List if tracked by the board. |           |          |          |        |        |                      |                        |                       |               |                 |                                     |
|   |           |          |          |        |        |                      |                        |                       |               |                 |                                     |

| <b>Table 7b. Total Licensing Data</b>                                   |               |               |               |
|---|---------------|---------------|---------------|
|   | FY<br>2013/14 | FY<br>2014/15 | FY<br>2015/16 |
| <b>Initial Licensing Data:</b>  |               |               |               |
| Initial License/Initial Exam Applications Received                      |               |               |               |
| Initial License/Initial Exam Applications Approved                      |               |               |               |
| Initial License/Initial Exam Applications Closed                        |               |               |               |
| License Issued  |               |               |               |
| <b>Initial License/Initial Exam Pending Application Data:</b>           |               |               |               |
| Pending Applications (total at close of FY)                             |               |               |               |
| Pending Applications (outside of board control)*                        |               |               |               |
| Pending Applications (within the board control)*                        |               |               |               |
| <b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b> |               |               |               |
| Average Days to Application Approval (All - Complete/Incomplete)        |               |               |               |
| Average Days to Application Approval (incomplete applications)*         |               |               |               |
| Average Days to Application Approval (complete applications)*           |               |               |               |
| <b>License Renewal Data:</b>  |               |               |               |
| License Renewed   |               |               |               |
| * Optional. List if tracked by the board.                               |               |               |               |

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?
  - Does the board fingerprint all applicants?
  - Have all current licensees been fingerprinted? If not, explain.
  - Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
  - Does the board require primary source documentation?
22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.
23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.
- Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?
  - 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?
  - What regulatory changes has the board made to bring it into conformance with BPC § 35?

- d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
  - e. How many applications has the board expedited pursuant to BPC § 115.5?
24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

**Examinations**

| <b>Table 8. Examination Data</b>                                  |                                      |  |  |
|---|--------------------------------------|--|--|
| <b>California Examination (include multiple language) if any:</b> |                                      |  |  |
|   | License Type                         |  |  |
|   | Exam Title                           |  |  |
| FY 2012/13  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2013/14  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2014/15  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2015/16  | # of 1 <sup>st</sup> time Candidates |  |  |
|   | Pass %                               |  |  |
|   | Date of Last OA                      |  |  |
|   | Name of OA Developer                 |  |  |
|   | Target OA Date                       |  |  |
| <b>National Examination (include multiple language) if any:</b>   |                                      |  |  |
|   | License Type                         |  |  |
|   | Exam Title                           |  |  |
| FY 2012/13  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2013/14  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2014/15  | # of 1 <sup>st</sup> Time Candidates |  |  |
|   | Pass %                               |  |  |
| FY 2015/16  | # of 1 <sup>st</sup> time Candidates |  |  |
|   | Pass %                               |  |  |
|   | Date of Last OA                      |  |  |
|   | Name of OA Developer                 |  |  |
|   | Target OA Date                       |  |  |

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? **Are examinations offered in a language other than English?**

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

27. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

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

### **School approvals**

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

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

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

### **Continuing Education/Competency Requirements**

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

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

## **Section 5 – Enforcement Program**

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

34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance

barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

| <b>Table 9a. Enforcement Statistics</b> |            |            |            |
|---|------------|------------|------------|
|   | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| <b>COMPLAINT</b>                        |            |            |            |
| Intake                                  |            |            |            |
| Received                                |            |            |            |
| Closed                                  |            |            |            |
| Referred to INV                         |            |            |            |
| Average Time to Close                   |            |            |            |
| Pending (close of FY)                   |            |            |            |
| Source of Complaint                     |            |            |            |
| Public                                  |            |            |            |
| Licensee/Professional Groups            |            |            |            |
| Governmental Agencies                   |            |            |            |
| Other                                   |            |            |            |
| Conviction / Arrest                     |            |            |            |
| CONV Received                           |            |            |            |
| CONV Closed                             |            |            |            |
| Average Time to Close                   |            |            |            |
| CONV Pending (close of FY)              |            |            |            |
| <b>LICENSE DENIAL</b>                   |            |            |            |
| License Applications Denied             |            |            |            |
| SOIs Filed                              |            |            |            |
| SOIs Withdrawn                          |            |            |            |
| SOIs Dismissed                          |            |            |            |
| SOIs Declined                           |            |            |            |
| Average Days SOI                        |            |            |            |
| <b>ACCUSATION</b>                       |            |            |            |
| Accusations Filed                       |            |            |            |
| Accusations Withdrawn                   |            |            |            |
| Accusations Dismissed                   |            |            |            |
| Accusations Declined                    |            |            |            |
| Average Days Accusations                |            |            |            |
| Pending (close of FY)                   |            |            |            |

**Table 9b. Enforcement Statistics (continued)**

|                                      | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|--------------------------------------|------------|------------|------------|
| <b>DISCIPLINE</b>                    |            |            |            |
| Disciplinary Actions                 |            |            |            |
| Proposed/Default Decisions           |            |            |            |
| Stipulations                         |            |            |            |
| Average Days to Complete             |            |            |            |
| AG Cases Initiated                   |            |            |            |
| AG Cases Pending (close of FY)       |            |            |            |
| Disciplinary Outcomes                |            |            |            |
| Revocation                           |            |            |            |
| Voluntary Surrender                  |            |            |            |
| Suspension                           |            |            |            |
| Probation with Suspension            |            |            |            |
| Probation                            |            |            |            |
| Probationary License Issued          |            |            |            |
| Other                                |            |            |            |
| <b>PROBATION</b>                     |            |            |            |
| New Probationers                     |            |            |            |
| Probations Successfully Completed    |            |            |            |
| Probationers (close of FY)           |            |            |            |
| Petitions to Revoke Probation        |            |            |            |
| Probations Revoked                   |            |            |            |
| Probations Modified                  |            |            |            |
| Probations Extended                  |            |            |            |
| Probationers Subject to Drug Testing |            |            |            |
| Drug Tests Ordered                   |            |            |            |
| Positive Drug Tests                  |            |            |            |
| Petition for Reinstatement Granted   |            |            |            |
| <b>DIVERSION</b>                     |            |            |            |
| New Participants                     |            |            |            |
| Successful Completions               |            |            |            |
| Participants (close of FY)           |            |            |            |
| Terminations                         |            |            |            |
| Terminations for Public Threat       |            |            |            |
| Drug Tests Ordered                   |            |            |            |
| Positive Drug Tests                  |            |            |            |

| <b>Table 9c. Enforcement Statistics (continued)</b> |            |            |            |
|---|------------|------------|------------|
|   | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| <b>INVESTIGATION</b>                                |            |            |            |
| All Investigations                                  |            |            |            |
| First Assigned                                      |            |            |            |
| Closed  |            |            |            |
| Average days to close                               |            |            |            |
| Pending (close of FY)                               |            |            |            |
| Desk Investigations                                 |            |            |            |
| Closed  |            |            |            |
| Average days to close                               |            |            |            |
| Pending (close of FY)                               |            |            |            |
| Non-Sworn Investigation                             |            |            |            |
| Closed  |            |            |            |
| Average days to close                               |            |            |            |
| Pending (close of FY)                               |            |            |            |
| Sworn Investigation                                 |            |            |            |
| Closed  |            |            |            |
| Average days to close                               |            |            |            |
| Pending (close of FY)                               |            |            |            |
| <b>COMPLIANCE ACTION</b>                            |            |            |            |
| ISO & TRO Issued                                    |            |            |            |
| PC 23 Orders Requested                              |            |            |            |
| Other Suspension Orders                             |            |            |            |
| Public Letter of Reprimand                          |            |            |            |
| Cease & Desist/Warning                              |            |            |            |
| Referred for Diversion                              |            |            |            |
| Compel Examination                                  |            |            |            |
| <b>CITATION AND FINE</b>                            |            |            |            |
| Citations Issued                                    |            |            |            |
| Average Days to Complete                            |            |            |            |
| Amount of Fines Assessed                            |            |            |            |
| Reduced, Withdrawn, Dismissed                       |            |            |            |
| Amount Collected                                    |            |            |            |
| <b>CRIMINAL ACTION</b>                              |            |            |            |
| Referred for Criminal Prosecution                   |            |            |            |

**Table 10. Enforcement Aging**

|   | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | Cases Closed | Average % |
|---|------------|------------|------------|------------|--------------|-----------|
| <b>Attorney General Cases (Average %)</b> |            |            |            |            |              |           |
| Closed Within:                            |            |            |            |            |              |           |
| 1 Year                                    |            |            |            |            |              |           |
| 2 Years                                   |            |            |            |            |              |           |
| 3 Years                                   |            |            |            |            |              |           |
| 4 Years                                   |            |            |            |            |              |           |
| Over 4 Years                              |            |            |            |            |              |           |
| Total Cases Closed                        |            |            |            |            |              |           |
| <b>Investigations (Average %)</b>         |            |            |            |            |              |           |
| Closed Within:                            |            |            |            |            |              |           |
| 90 Days                                   |            |            |            |            |              |           |
| 180 Days                                  |            |            |            |            |              |           |
| 1 Year                                    |            |            |            |            |              |           |
| 2 Years                                   |            |            |            |            |              |           |
| 3 Years                                   |            |            |            |            |              |           |
| Over 3 Years                              |            |            |            |            |              |           |
| Total Cases Closed                        |            |            |            |            |              |           |

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

## Cite and Fine

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

## Cost Recovery and Restitution

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

| <b>Table 11. Cost Recovery</b> (list dollars in thousands)   |            |            |            |            |
|--|------------|------------|------------|------------|
|  | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Total Enforcement Expenditures   |            |            |            |            |
| Potential Cases for Recovery *   |            |            |            |            |
| Cases Recovery Ordered   |            |            |            |            |
| Amount of Cost Recovery Ordered  |            |            |            |            |
| Amount Collected   |            |            |            |            |
| * "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act. |            |            |            |            |

| <b>Table 12. Restitution</b> (list dollars in thousands) |            |            |            |            |
|--|------------|------------|------------|------------|
|  | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Amount Ordered   |            |            |            |            |
| Amount Collected   |            |            |            |            |

## Section 6 – Public Information Policies

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

## Section 7 – Online Practice Issues

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

## Section 8 – Workforce Development and Job Creation

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

## Section 9 – Current Issues

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

## Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

- Background information concerning the issue as it pertains to the board.
- Short discussion of recommendations made by the Committees during prior sunset review.
- What action the board took in response to the recommendation or findings made under prior sunset review.
- Any recommendations the board has for dealing with the issue, if appropriate.

## Section 11 – New Issues

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

- Issues that were raised under prior Sunset Review that have not been addressed.
- New issues that are identified by the board in this report.
- New issues not previously discussed in this report.
- New issues raised by the Committees.

## Section 12 – Attachments

Please provide the following attachments:

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

## Section 13 – Board Specific Issues

**THIS SECTION ONLY APPLIES TO SPECIFIC BOARDS, AS INDICATED BELOW.**

### **Diversion**

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate and the overall costs of the program compared with its successes.

### **Diversion Evaluation Committees (DEC) (for BRN and Osteo only)**

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?
5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DEC?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?



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



## Briefing Paper

Date: July 27, 2016

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

### **Purpose:**

To provide an update on pending legislation.

### **Attachments:**

1. [2016 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2016 Legislative Summary](#)
4. [AB 2859 Bill Text](#)

### **Background and Update:**

The 2016 Legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board member Administrative Manual.

As noted on the calendar, the Legislature reconvened on August 1<sup>st</sup> from Summer Recess. September 30<sup>th</sup> is the last day for the Governor to sign or veto bills passed by the Legislature before September 1<sup>st</sup> and in the Governor's possession on or after September 1<sup>st</sup>. All statutes will take effect January 1<sup>st</sup> 2017. Staff continues to monitor Legislation for progress.

In addition, a 2016 Legislative Summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

Bill text for AB 2859 Professions and Vocations: Retired Category: Licenses, is included with the legislation report to provide the Board with the recent amendments that occurred which staff will present on in both the Legislative Summary and the Rulemaking Report Agenda Item 19(A)i.

### **Action Requested:**

No action is needed. This Legislative report is for informational purposes only.

**2016 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
 10/7/2015

**DEADLINES**

| JANUARY |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|
| S       | M  | T  | W  | TH | F  | S  |
|         |    |    |    |    | 1  | 2  |
| 3       | 4  | 5  | 6  | 7  | 8  | 9  |
| 10      | 11 | 12 | 13 | 14 | 15 | 16 |
| 17      | 18 | 19 | 20 | 21 | 22 | 23 |
| 24      | 25 | 26 | 27 | 28 | 29 | 30 |
| 31      |    |    |    |    |    |    |

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 15** Last day for **policy committees** to hear and report to Fiscal Committees fiscal bills introduced in their house in the odd-numbered year. (J.R. 61(b)(1)).
- Jan. 18** Martin Luther King, Jr. Day observed.
- Jan. 22** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2015 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced in that house in the** odd-numbered year (J.R. 61(b)(3)), (Art. IV, Sec. 10(c)).

| FEBRUARY |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| S        | M  | T  | W  | TH | F  | S  |
|          | 1  | 2  | 3  | 4  | 5  | 6  |
| 7        | 8  | 9  | 10 | 11 | 12 | 13 |
| 14       | 15 | 16 | 17 | 18 | 19 | 20 |
| 21       | 22 | 23 | 24 | 25 | 26 | 27 |
| 28       | 29 |    |    |    |    |    |

- Feb. 15** Presidents' day observed.
- Feb. 19** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).

| MARCH |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| S     | M  | T  | W  | TH | F  | S  |
|       |    | 1  | 2  | 3  | 4  | 5  |
| 6     | 7  | 8  | 9  | 10 | 11 | 12 |
| 13    | 14 | 15 | 16 | 17 | 18 | 19 |
| 20    | 21 | 22 | 23 | 24 | 25 | 26 |
| 27    | 28 | 29 | 30 | 31 |    |    |

- Mar. 17** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 28** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).

| APRIL |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| S     | M  | T  | W  | TH | F  | S  |
|       |    |    |    |    | 1  | 2  |
| 3     | 4  | 5  | 6  | 7  | 8  | 9  |
| 10    | 11 | 12 | 13 | 14 | 15 | 16 |
| 17    | 18 | 19 | 20 | 21 | 22 | 23 |
| 24    | 25 | 26 | 27 | 28 | 29 | 30 |

- Apr. 1** Cesar Chavez Day Observed.
- Apr. 22** Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

| MAY |    |    |    |    |    |    |
|-----|----|----|----|----|----|----|
| S   | M  | T  | W  | TH | F  | S  |
| 1   | 2  | 3  | 4  | 5  | 6  | 7  |
| 8   | 9  | 10 | 11 | 12 | 13 | 14 |
| 15  | 16 | 17 | 18 | 19 | 20 | 21 |
| 22  | 23 | 24 | 25 | 26 | 27 | 28 |
| 29  | 30 | 31 |    |    |    |    |

- May 6** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to June 6 (J.R. 61(b)(7)).
- May 27** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 6 (J.R. 61 (b)(9)).
- May 30** Memorial Day observed.
- May 31 - June 3** **Floor Session only.** No committee may meet for any purpose (J.R. 61(b)(10)).

\*Holiday schedule subject to Senate Rules committee approval

**2016 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
 10/7/2015

| JUNE |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| S    | M  | T  | W  | TH | F  | S  |
|      |    |    | 1  | 2  | 3  | 4  |
| 5    | 6  | 7  | 8  | 9  | 10 | 11 |
| 12   | 13 | 14 | 15 | 16 | 17 | 18 |
| 19   | 20 | 21 | 22 | 23 | 24 | 25 |
| 26   | 27 | 28 | 29 | 30 |    |    |

- June 3** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 6** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elections Code Sec. 9040).

| JULY |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| S    | M  | T  | W  | TH | F  | S  |
|      |    |    |    |    | 1  | 2  |
| 3    | 4  | 5  | 6  | 7  | 8  | 9  |
| 10   | 11 | 12 | 13 | 14 | 15 | 16 |
| 17   | 18 | 19 | 20 | 21 | 22 | 23 |
| 24   | 25 | 26 | 27 | 28 | 29 | 30 |
| 31   |    |    |    |    |    |    |

- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins upon adjournment provided the Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day observed.

| AUGUST |    |    |    |    |    |    |
|--------|----|----|----|----|----|----|
| S      | M  | T  | W  | TH | F  | S  |
|        | 1  | 2  | 3  | 4  | 5  | 6  |
| 7      | 8  | 9  | 10 | 11 | 12 | 13 |
| 14     | 15 | 16 | 17 | 18 | 19 | 20 |
| 21     | 22 | 23 | 24 | 25 | 26 | 27 |
| 28     | 29 | 30 | 31 |    |    |    |

- Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committees may meet for any purpose (J.R. 61(b)(15)).
- Aug. 19** Last day to **amend** on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).  
**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

**IMPORTANT DATES OCCURRING DURING FINAL RECESS**

**2016**

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).
- Nov. 8 General Election.
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 5 12 Noon convening of the 2017-18 Regular Session (Art. IV, Sec. 3(a)).

**2017**

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

\*Holiday schedule subject to Senate Rules committee approval

**Legislation - Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation**

*(Board Policy)*

The Board will 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.

**Watch:** The watch position adopted by the Board will indicate interest regarding the proposed legislation. The 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.

**2016 Legislative Summary**

| Bill  | Author                          | Summary  | Board's Position | Status  |  |
|---|---------------------------------|--|------------------|---------|--|
| <a href="#">AB 12</a><br>(Amended<br>8/19/15) | Cooley                          | <p><b>State Government: Administrative Regulations Review</b></p> <p>This bill would, require every state office, agency, department, division, board, bureau, and commission to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions. Revisions must be adopted by January 1, 2018. This bill would also require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions. These provisions would be repealed January 1, 2019.</p>   | Watch            | 8/27/15 | <p>Senate Appropriations Committee- Held under submission</p> <p><b>**The Department does not anticipate this 2 year bill will be moving forward**</b></p> |
| <a href="#">AB 507</a><br>(Amended<br>7/9/15) | Chang, Dodd, Obernolte, Waldren | <p><b>Department of Consumer Affairs: BreEZe System: Annual Report</b></p> <p>This bill would on, or before March 1, 2016, or thereafter when available, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the department's 3<sup>rd</sup> phase of the BreEZe implementation project, when available, including but not limited to, a timeline for the implementation. The bill would also require the department to post on its Internet Website the name of each regulatory entity that is utilizing the BreEZe system once the regulatory entity begins using the BreEZe system. This bill would declare that it is to take effect immediately as an urgency statute.</p> | No Position      | 8/17/15 | In Senate Committee on Business, Professions & Economic Development. Hearing cancelled at the request of the author.                                       |

**2016 Legislative Summary**

| Bill   | Author             | Summary  | Board's Position   | Status         |  |
|--|--------------------|--|--------------------|----------------|--|
|  |                    |  |                    |                |  |
| <p><b><a href="#">AB 2744</a></b><br/>(Amended 8/8/16)</p> | <p>Gordon Hill</p> | <p><b>Healing Arts: Referrals</b><br/>Under current law, it is unlawful for licensed healing arts practitioners, except as specified, to offer, deliver, receive, or accept any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person. This bill would provide that the payment or receipt of consideration for advertising, wherein a licensed healing arts practitioner offers or sells services through a third-party advertiser, does not constitute a referral of patients when the third-party advertiser does not itself recommend, endorse, or otherwise select a licensee. The bill would require that the fee paid to the third-party advertiser be commensurate with the service provided by the third-party advertiser.</p> | <p>No Position</p> | <p>8/9/16</p>  | <p>Senate. Read second time. Ordered to third reading.</p> |
| <p><b><a href="#">AB 2859</a></b><br/>(Amended 8/3/16)</p> | <p>Low</p>         | <p><b>Professions and Vocations: Retired Category: Licenses</b><br/>This bill would authorize any of the boards within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in</p>  | <p>No Position</p> | <p>8/11/16</p> | <p>Senate. Ordered to special consent calendar.</p>        |

**2016 Legislative Summary**

| Bill  | Author         | Summary   | Board's Position   | Status        |   |
|---|----------------|---|--------------------|---------------|---|
|   |                | <p>the practice of their profession or vocation. It would require that regulation to include specified provisions, including that a retired license be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons. The bill also would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive. The bill would not apply to a board that has other statutory authority to establish a retired license.</p> |                    |               |   |
| <p><b><a href="#">SB 1155</a></b><br/>(Amended 6/23/16)</p> | <p>Morrell</p> | <p><b>Professions and Vocations: Licenses: Military Service</b><br/>This bill, on and after January 1, 2018, would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.</p>   | <p>No Position</p> | <p>8/3/16</p> | <p>Assembly Appropriations Committee. Placed on suspense file.</p>  |
| <p><b><a href="#">SB 1195</a></b><br/>(Amended 6/1/16)</p>  | <p>Hill</p>    | <p><b>Professions and Vocations: Board Actions: Competitive Impact</b><br/>Current law provides for the licensure and regulation of various professions and</p>   | <p>No Position</p> | <p>6/2/16</p> | <p>Senate. Ordered to inactive file on request of Senator Hill.</p> |

**2016 Legislative Summary**

| Bill  | Author          | Summary  | Board's Position   | Status         |                                   |
|---|-----------------|--|--------------------|----------------|-----------------------------------|
|   |                 | <p>vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. This bill would authorize the Director of Consumer Affairs, upon his or her own initiative, and require the director, upon the request of the board making the decision or the Legislature, to review any non-ministerial market- sensitive decision or other action, except as specified, of a board within the department to determine whether it furthers state law and to approve, disapprove, request further information, or modify the board decision or action, as specified. The bill would require the director to issue and post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request for review or the director's decision to review the board decision.</p> |                    |                |                                   |
| <p><b><a href="#">SB 1348</a></b><br/>(Amended 5/31/16)</p> | <p>Cannella</p> | <p><b>Licensure Applications: Military Experience</b><br/>This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, that Board shall post information on the Board's Internet Website about the ability of veteran applicants to apply military experience and training towards licensure requirements.</p>  | <p>No Position</p> | <p>8/10/16</p> | <p>Presented to the Governor.</p> |

AMENDED IN SENATE AUGUST 03, 2016  
AMENDED IN SENATE JUNE 15, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2859**

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**Introduced by Assembly Member Low**

February 19, 2016

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An act to add Section ~~463~~ 464 to the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2859, as amended, Low. Professions and vocations: retired category: licenses.

Existing law provides for numerous boards, bureaus, commissions, or programs within the Department of Consumer Affairs that administer the licensing and regulation of various businesses and professions. Existing law authorizes any of the boards, bureaus, commissions, or programs within the department, except as specified, to establish by regulation a system for an inactive category of license for persons who are not actively engaged in the practice of their profession or vocation. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. Existing law defines "board" for these purposes to include, unless expressly provided otherwise, a bureau, commission, committee, department, division, examining committee, program, and agency.

This bill would additionally authorize any of the boards within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation. The bill would require that regulation to include specified provisions, including that a retired license be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons. The bill also would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee,

including, among others, a person with a license that is retired or inactive. The bill would not apply to a board that has other statutory authority to establish a retired license.

## Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section ~~463~~ 464 is added to the Business and Professions Code, to read:

#### ~~463.~~464.

(a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

*(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.*

~~(4)~~

*(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:*

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.



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



### Briefing Paper

Date: August 3, 2016  
Prepared for: PTBC Members  
Prepared by: Brooke Arneson  
Subject: Rulemaking Report

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#### **Purpose:**

To update the Board on the status of proposed rulemaking in progress.

**Attachments:** [2015/16 Rulemaking Tracking Form](#)

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#### **Background:**

At the November 2015 meeting, the Board adopted the 2016 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

From the 2016 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

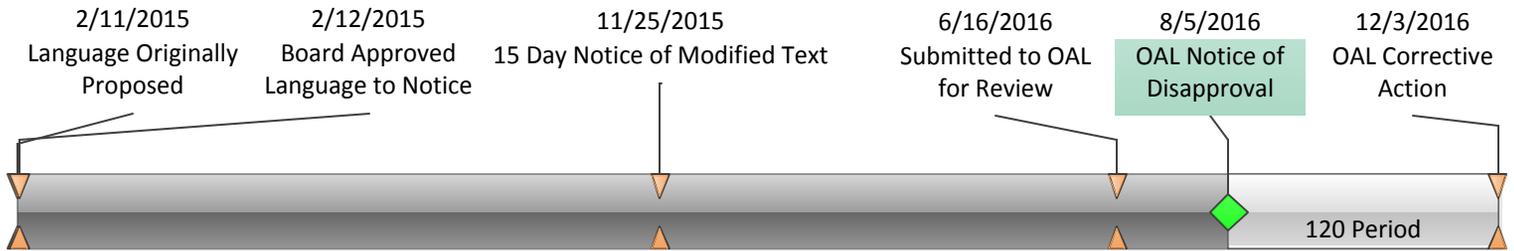
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#### **Action Requested:**

No action is requested on presentation of the rulemaking report; however, staff is requesting action which will be addressed during the presentation of agenda item 19(B) and (C).

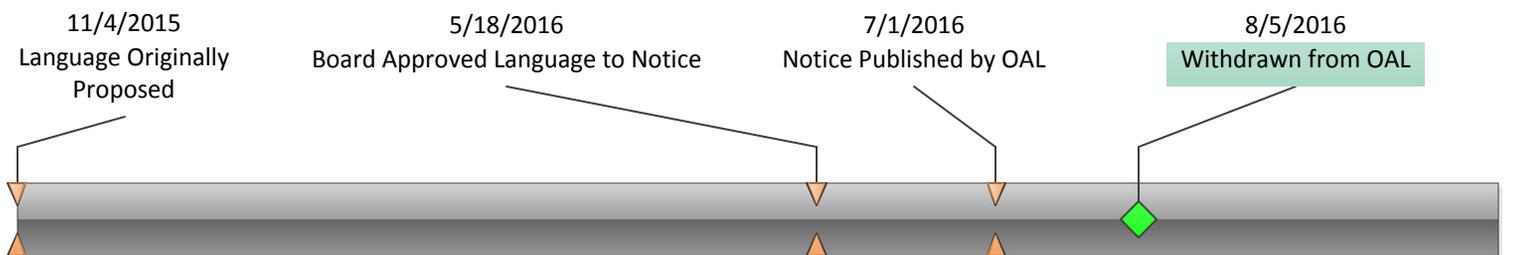
# 2015/16 Rulemaking Tracking Form

## (2015/16) Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)



| OAL No.            | Summary   | Status   |
|--------------------|---|--|
| No. Z-2015-0317-07 | Business and Profession Code (BPC) § 2653 was amended by Chapter 338, Statutes of 2013 (SB 198, Lieu), which added a provision requiring applicants who graduated from non-accredited physical therapist programs to demonstrate English proficiency by achieving a score specified by the Board on the TOEFL. This regulation will set a Board established passing score that must be met within a single administration of the TOEFL. The proposed language also requires approved credential evaluation services (CES) to report on the evaluation the applicant's compliance on the TOEFL examination or exemption. | The Language was modified per Agency's recommendations and the 15 day Notice of Modified Text commenced on December 10 <sup>th</sup> . Board staff updated the rulemaking file and it was returned to the Department for additional review. A 90 day extension was filed by the Department to complete their review, and it was resubmitted to Agency and approved on April 27, 2016. The file was submitted to the Office of Administrative Law (OAL) on June 16, 2016 and was disapproved on August 5, 2016. In OAL's Decision of Disapproval, the Board was given direction for correcting minor procedural issues and consistency, clarity and necessity standards within the file. The Board has 120 days to resubmit the revised regulation to OAL for approval. |

## (2015/2016) License Renewal Exemptions: Retired Status



| OAL No.            | Summary   | Status  |
|--------------------|---|---|
| No. Z-2016-0621-06 | SB 198 added Business and Professions Code (BPC) § 2648.7 to the Act when it was chaptered into law. The amendment to the Act exempts a licensee from the payment of the renewal fee and from meeting the requirements set forth in § 2649 (Continuing Competency) if the licensee applies to the Board for retired license status. A licensee in retired status pursuant to this section shall not engage in the practice of, or assist in the provision of physical therapy unless the licensee applies for renewal and meets all of the renewal requirements set forth in § 2644. This regulation will establish procedures for a licensee with a current, valid and unrestricted license to apply for retired license status. | During the 45 day comment period the Notice was withdrawn from OAL per advice from the Board's legal counsel. Legal Counsel had concerns whether the Board met the authority, consistency and clarity requirements and in order to eliminate the possibility of disapproval by OAL, staff withdrew the rulemaking Notice. In the meantime, AB 2859 (See Agenda Item 18(A)(iv)) was recently amended which led staff to revisit the language of the bill. It was brought to staff's attention that the Board's authority in BPC § 2648.7 may be limited to exempting the renewal fee only and does not give the authority that AB 2859 would give through adding BPC General Provision 464. At this time, staff is of the opinion that the language included in AB 2859 gives sufficient authority for retired license status. |

# 2015/16 Rulemaking Tracking Form

## (2016) Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a PT or PTA/Coursework Tool

11/5/2015

Added to 2016 Rulemaking Calendar

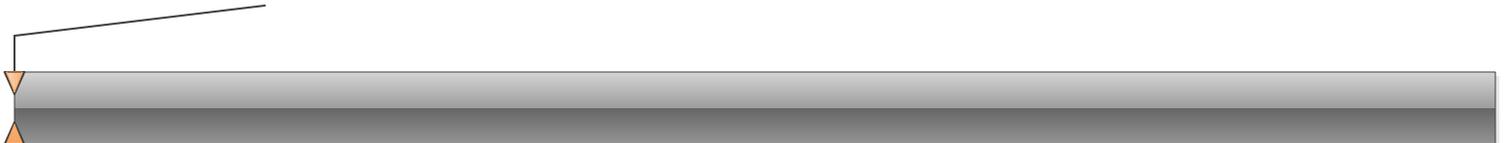


| OAL No. | Summary | Status  |
|---------|---------|---|
|         |         | Placed on the 2016 Rulemaking Calendar that was adopted at the November 2015 Board Meeting. |

## (2016) Examination Passing Standard/Setting Exam Score

11/5/2015

Added to 2016 Rulemaking Calendar



| OAL No. | Summary | Status  |
|---------|---------|---|
|         |         | Placed on the 2016 Rulemaking Calendar that was adopted at the November 2015 Board Meeting. |

## (2016) License Renewal Exemptions: Disability

11/5/2015

Added to 2016 Rulemaking Calendar



| OAL No. | Summary | Status  |
|---------|---------|---|
|         |         | Placed on the 2016 Rulemaking Calendar that was adopted at the November 2015 Board Meeting. |

# 2015/16 Rulemaking Tracking Form

## (2016) Application and Licensing Regulations, Continuing Competency

11/5/2015

Added to 2016 Rulemaking Calendar



| OAL No. | Summary | Status  |
|---------|---------|---|
|         |         | Placed on the 2016 Rulemaking Calendar that was adopted at the November 2015 Board Meeting. |

## (2016) Unprofessional Conduct

11/5/2015

Added to 2016 Rulemaking Calendar



| OAL No. | Summary | Status  |
|---------|---------|---|
|         |         | Placed on the 2016 Rulemaking Calendar that was adopted at the November 2015 Board Meeting. |

## Processing Times

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

| <b>Date Filed with the Secretary of State</b>               | <b>Effective Date</b>   |
|---|-------------------------|
| September 1 <sup>st</sup> – November 30 <sup>th</sup> ..... | January 1 <sup>st</sup> |
| December 1 <sup>st</sup> – February 29 <sup>th</sup> .....  | April 1 <sup>st</sup>   |
| March 1 <sup>st</sup> – May 31 <sup>st</sup> .....          | July 1 <sup>st</sup>    |
| June 1 <sup>st</sup> – August 31 <sup>st</sup> .....        | October 1 <sup>st</sup> |



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



Physical Therapy Board of California

## Issue Paper

**Date:** August 10, 2016

**Prepared for:** PTBC Members

**Prepared by:** Becky Marco

**Subject:** English proficiency regulation update

**Purpose:** To brief the Board on the current status of the proposed rulemaking to establish English proficiency requirements into regulation.

**Attachments:**

1. [Proposed Text with FSBPT's 2018 TOEFL Requirements](#)
2. [Modified Text that was disapproved by OAL](#)
3. [Appendix A: Description of minimal proficiency in language skills necessary for physical therapists and physical therapist assistants](#)

**Background:** SB 198 amended Business and Professions Code (BPC) § 2653 (b) of the Physical Therapy Practice Act (Act) when it was chaptered into law. The amendment 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 Board and is not located in the United States, 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 Board by regulation.

Since TOEFL was required by statute prior to the promulgation of regulation, the Board defers to the examination score minimums set by the United States Citizenship and Immigration Services (USCIS) for immigrants seeking to come into the United States to practice physical therapy.

The Board determined the USCIS scores were insufficient for consumer protection and as a result, the Board directed staff to proceed with the rulemaking process at its May, 2015 meeting (please refer to the [English Proficiency Requirements Briefing Paper](#) presented at the February, 2015 meeting for further background). During the review by State and Consumer Services Agency (Agency) an error in the citation of the Code of Federal Regulations (CFR) was noted and corrected by staff with a 15 day Notice of Modified Text. The modified text was thought to be non-substantive; therefore with the approval of the Board President, the Executive Officer made the correction to the text. However, the Office of Administrative Law (OAL) qualified it as a substantive revision which requires the Board's vote and adoption.

On June 16, 2016 staff filed the Board's proposed rulemaking with OAL. On August 5, 2016, the Board received a Decision of Disapproval from OAL indicating it disapproved the proposed regulations for some minor procedural issues and for failing to meet the following standards:

## 1. Consistency Standard

Government Code section 11349.1, subdivision (a)(4), requires that OAL review all regulations for compliance with the consistency standard. Government Code section 11349, subdivision (d), defines "consistency" to mean "being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law."

English proficiency exemption criteria established in the proposed regulatory text are inconsistent with Business and Professions Code section 2653. Business and Professions Code section 2653 provides in part as follows:

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

(a) ...

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

(c) ...

Proposed section 1398.26.3, subdivision (b), seeks to establish a procedure for specific foreign applicants to be exempted from the English proficiency requirement described in section 1398.26.3, subdivision (a). Business and Professions Code section 2653 does not contain any language that permits the Board to exempt specific applicants from demonstrating English proficiency. Rather than rely upon the statutory language found in the Business and Professions Code, the Board opted to model its exemption criteria after the exemption criteria found in section. 212.15 of title 8 of the Code of Federal Regulations (CFR). However, the rulemaking file is devoid of any specific citation within the CFR that requires the Board to establish criteria for exemption from the English proficiency requirement for foreign applicants applying for physical therapy licensure in California. Rather, section 212.15 of title 8 of the CFR addresses general documentary requirements for foreign healthcare workers seeking admission to the United States "as ... immigrant[s] or ... nonimmigrant[s] for the primary purpose of performing labor in a health care occupation."

Based on the language of section 212.15 of title 8 of the CFR, the Department of Homeland Security may allow for the exemption of specific individuals from the English proficiency requirement upon entering the United States. However, Business and Professions Code section 2653 contains no similar exemption for foreign applicants seeking licensure from the Board.

Based on the express language of Business and Professions Code section 2653, demonstration of proficiency in English by achieving a specific score of the TOEFL or such other examination specified by the Board is one of the requirements for applicants from foreign schools seeking licensure as a physical therapist. The Board must revise the regulation text to be consistent with Business and Professions Code section 2653.

## 2. Clarity Standard

In adopting the Administrative Procedures Act, the Legislature found the language of many regulations was unclear and confusing to persons who must comply with the regulations. (Gov. Code, sec. 11340, subd. (b).) Government Code section 11349.1, subdivision (a)(3), requires that OAL review all regulations for compliance with the clarity standard. Government Code section 11349, subdivision (c), defines "clarity"

to mean: "written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them." The clarity standard is further defined in section 16 of title 1 of the CCR, OAL's regulation on "clarity," which provides the following:

In examining a regulation for compliance with the "clarity" requirement of

Government Code section 11349.1, OAL shall apply the following standards and presumptions:

(a) A regulation shall be presumed not to comply with the "clarity" standard if any of the following conditions exists:

(1) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or

(2) the language of the regulation conflicts with the agency's description of the effect of the regulation; or

(3) the regulation uses terms which do not have meanings generally familiar to those "directly affected" by the regulation, and those terms are defined neither in the regulation nor in the governing statute; or

(4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or

(5) the regulation presents information in a format that is not readily understandable by persons "directly affected;" or

(6) the regulation does not use citation styles which clearly identify published material cited in the regulation.

(b) Persons shall be presumed to be "directly affected" if they:

(1) are legally required to comply with the regulation; or

(2) are legally required to enforce the regulation; or

(3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or

(4) incur from the enforcement of the regulation a detriment that is not common to the public in general.

In this rulemaking action, proposed section 1398.26.3 fails to comply with the clarity standard of the APA.

Proposed section 1398.26.3, subdivision (b), reads as follows:

(b) A foreign applicant who meets the following criteria is exempt from the requirement in subsection (a) above:

(1) One who graduated from a college, university or professional training school in Australia, Canada, (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States;

(2) One who is or would be exempt from TOEFL requirements pursuant to

Title 8, Code of Federal Regulations, section 212.1 S, subsection (i)(3) as it currently exists or is hereafter amended.

Proposed section 1398.26.3, subdivision (b), is unclear for two reasons. First, subdivision (b) is unclear as a whole because the language of subdivision (b) conflicts with the Board's description of the effect of the regulation. (Cal. Code Regs., tit. 1, sec. 16, subd. (a)(2).)

As written, proposed subdivision (b) identifies two criteria that must be met in order for a foreign applicant to be deemed exempt from the English proficiency requirement described in subdivision (a) of proposed section 1398.26.3.

Regarding the proposed exemption criteria, the initial statement of reasons (ISOR) provides:

Although, consistent with federal regulation the board proposes to define in regulation those considered to be exempt from the TOEFL requirement for having studied in countries where English is not a foreign language. Code of Federal Regulations (CFR), Title 8, § 212.15, subdivision (g)(2)(ii), states, "The following aliens are exempt from the English language requirements:

Aliens who 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."

Additionally, CSR, Title 8, § 212.15, subdivision (h)(4)(i)(3), states: "Physical therapists. An alien physical therapist who has graduated from a program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA) is exempt from the educational comparability review and English language proficiency testing."

Therefore, the Board proposed to cross reference the CFR, so individuals who studied in a country where English was not a foreign language, are exempt from the TOEFL requirement. In this rulemaking action, the Board is seeking to cross-reference the CFR so that individuals who studied in a country where English is not a foreign language are exempt from the English proficiency requirement. In comparing the Board's ISOR to the text of subdivision (b) of section 1398.26.3, it is clear that proposed subdivision (b)(1) is modeled after the language of subdivision (g)(2)(ii) of section 212.15 of title 8 of the CFR, while proposed subdivision (b)(2) cites directly to subdivision (i)(3) of the same section. Both of these subdivisions address individuals who studied in a country where English was not a foreign language. Based on the language of the ISOR, it is unclear whether the Board intends to require foreign applicants to satisfy both subdivisions (b)(1) and (b)(2) in order to be deemed exempt from the English proficiency requirement, or whether satisfaction of subdivision (b)(1) or (b)(2) is sufficient.

However, the text of subdivision (b) specifies that the foreign applicant is to "meet the following criteria," indicating both subdivisions (b)(1) and (b)(2) must be satisfied in order to be deemed exempt from the English proficiency requirement.

Based on the aforementioned reasons, the language of the regulation conflicts with the Board's description of the effect of the regulation and thus, is unclear.

Second, subdivision (b)(2) is unclear because the regulation presents information in a format that is not readily understandable by persons "directly affected" and the regulation does not use citation styles which clearly identify published material cited in the regulation. (Cal. Code Regs., tit. 1, sec. 16, subd. (a)(5) and (6).) In proposed subdivision (b)(2), the Board fails to identify section 212.15 of title 8 of the CFR by a specific date of publication. Rather than include a specific publication date, the Board opted to utilize the following language, "as it currently exists or is hereafter amended."

This language, in essence, incorporates by reference the criteria currently included in section 212.15, subdivision (i)(3), as well as any new or additional criteria that maybe added to section 212.15, subdivision (i)(3), in the future. This language would allow the Board to update the exemption criteria without having to comply with the APA rulemaking process or seek public input on any future revisions. Therefore, as written, the section violates the clarity standard because the meaning of the proposed regulation would not be easily understood by those persons directly affected by the regulation.

Furthermore, adoption of proposed section 1398.26.3, subdivision (b)(2), violates subdivision (c)(4) of section 20 of title 1 of the CCR, which requires the regulation text to "[state] that the document is incorporated by reference and [identify] the document by title and date of publication or issuance."

### 3. Necessity Standard

OAL must review regulations for compliance with the necessity standard of Government Code section 11349.1, subdivision (a)(1). Government Code section 11349, subdivision (a), defines "necessity" as follows:

"Necessity" means the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record. For purposes of this standard, evidence includes, but is not limited to, facts, studies, and expert opinion.

To further explain the meaning of "substantial evidence" in the context of the necessity standard, subdivision (b) of section 10 of title 1 of the CCR provides:

(b) In order to meet the "necessity" standard of Government Code section 11349.1, the record of the rulemaking proceeding shall include:

- (1) A statement of the specific purpose of each adoption, amendment, or repeal; and
- (2) information explaining why each provision of the adopted regulation is required to carry out the described purpose of the provision. Such information shall include, but is not limited to, facts, studies, or expert opinion. When the explanation is based upon policies, conclusions, speculation, or conjecture, the rulemaking record must include, in addition, supporting facts, studies, expert opinion, or other information. An "expert" within the meaning of this section is a person who possesses special skill or knowledge by reason of study or experience which is relevant to the regulation in question.

In order to provide the public with an opportunity to review and comment upon an agency's need for a regulation, the APA requires that the agency describe the need for the regulation in the ISOR. The ISOR is the primary document in the rulemaking record that demonstrates that the adoption, amendment, or repeal satisfies the necessity standard. Specifically, Government Code section 11346.2, subdivision (b), states:

(b) An initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation ... shall include ...

- (1) A statement of the specific purpose of each adoption, amendment, or repeal, the problem the agency intends to address, and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute... .

The ISOR must be submitted to OAL with the notice of the proposed action and be made available to the public during the public comment period, along with all of the information upon which the proposal is based. (Gov. Code, sec. 11346.2, subd. (b); Gov. Code, sec. 11346.5, subds. (a)(16) and (b).) In this way, the public is informed of why the regulation is needed and why the particular provisions contained in the regulation were chosen to fill that need. This information is essential in order for the public to comment knowledgeably. The ISOR and all data and other factual information, studies, or reports upon which the agency relies in the regulatory action must also be included in the rulemaking file. (Gov. Code, sec. 11347.3, subds. (b)(2) and (7).)

Proposed section 1398.26.3, subdivision (a), establishes a list of minimum scores foreign applicants must achieve within a single administration of the TOEFL in order to demonstrate English proficiency in accordance with Business and Professions Code section 2653, subdivision (b). The Board's statement of necessity for the adoption of the minimum TOEFL scores provides in part as follows:

The Federation of State Boards of Physical Therapy (FSBPT) is a member organization of physical therapy state licensing boards. The FSBPT owns the National Physical Therapy examinations and through a vote of its members, in 2017 will require each exam candidate to pass the TOEFL with the following passing scores:

| TOEFL SECTION           | MINIMUM SCORE |             |
|-------------------------|---------------|-------------|
| Reading Comprehension   | 21            | Total of 63 |
| Listening Comprehension | 18            |             |
| Writing                 | 24            |             |
| Speaking                | 26            |             |

The Board's proposed minimum TOEFL scores enumerated in subdivision (a) of proposed section 1398.26.3 align with the FSBPT's recommended minimum TOEFL scores. Although the ISOR goes on to explain why the FSBPT determined that all four sections must be passed in one sitting and that each applicant must pass each section with at least the minimum score, the ISOR is silent regarding why these minimum TOEFL scores are appropriate. Specifically, the ISOR failed to provide sufficient information to explain why the FSBPT's recommended minimum scores should be adopted, as opposed to any other entity's recommended minimum scores. As a result, the Board must prepare an addendum to the ISOR that addresses this issue.

#### WHERE DO WE GO FROM HERE?

For the foregoing reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit revised regulations within 120 days of its receipt of the Decision of Disapproval on August 5, 2016. The Board shall make all substantive regulatory text changes, which are sufficiently related to the original text, and the addendum to the ISOR providing rationale for the modifications, available to the public for at Least 15 days for public comment pursuant to Government Code sections 11346.8 and 11347.1.

Any comments made in relation to these proposed modifications will be presented to the Board for consideration and the Board must approve the final version of the regulation text. Additionally, the Board must make all proposed modifications to the regulation text available to the director of the Department of Consumer Affairs and the State and Consumer prior to resubmitting this regulatory action to OAL for review.

However, there is another part to the equation that arose during this process. In July 2016 the FSBPT announced new TOEFL requirements for eligibility to take the National Physical Therapy Examination (NPTE) effective in 2018. The FSBPT proposes to adjust the exam scores as follows:

| TOEFL SECTION           | MINIMUM SCORE     |                            |
|-------------------------|-------------------|----------------------------|
| Reading Comprehension   | <del>21</del> -22 | Total of <del>63</del> -65 |
| Listening Comprehension | <del>18</del> -21 |                            |
| Writing                 | 24-22             |                            |
| Speaking                | <del>26</del> -24 |                            |

### **FSBPT states the following as its purpose and its process:**

- The purpose of the 2016 TOEFL Standard Setting meeting was to review the recommended standard of the Federation of State Boards of Physical Therapy (FSBPT) for English proficiency for licensing Physical Therapists (PTs), and to consider whether such a standard is necessary for Physical Therapist Assistants (PTAs). The TOEFL is a widely used assessment of English language proficiency.
- Effective in 2018, the FSBPT recommendation will become a requirement to become eligible to take the National Physical Therapy Examination (NPTE) for PTs and PTAs who were educated in a country where the primary language of education is not English.
- The existing TOEFL standard was initially set in 2005 by a small panel of physical therapy experts in a meeting with representatives of other health care professions. The standard only applied to PTs, and was a recommendation to jurisdictional licensing boards (as opposed to an NPTE eligibility requirement). No standard was considered for the NPTE-PTA examination at that time.
- Given the amount of time that had passed since the PT standard was initially set, FSBPT's Technical Advisory Panel (TAP) recommended that we review and possibly reset this standard in recognition of possible changes in the PT field, changes to NPTE eligibility, and changes in the demographics of the NPTE examinee population.
- In relation to the potential need for an English proficiency standard for PTAs, only a small number of candidates educated outside of the US took the PTA exam when the initial standard was set. That number has grown significantly, making it both efficient and advisable to consider whether a standard would be appropriate for the PTA exam at this time.

### **Process**

- FSBPT invited ETS, the publisher of the TOEFL, to lead a group of PTs and PTAs through a professionally acceptable process for determining cut scores, or standards, for the TOEFL.
- The 22 standard setting panelists represented a broad range of practice settings, areas of expertise, and geographic location. Approximately half of the panel were educated outside of the United States. Ten panelists supervised PTAs and one panelist was a PTA. FSBPT made efforts to recruit more PTAs to participate but those efforts were not successful. The meeting took place in Alexandria, VA at the FSBPT offices on March 11-13, 2016.
- ETS led the panelists through a process orienting them to the TOEFL, providing examples of TOEFL questions from each of the four TOEFL sections: Reading, Writing, Listening, and Speaking.
- For each section, panelists reviewed performance examples, and then developed detailed descriptions of minimally acceptable English proficiency relevant to that section. The final versions of these descriptions are included in [Appendix A](#).
- Using the description of minimal proficiency, panelists rated whether the each example from the TOEFL was consistent with the description or exceeded the definition of minimal proficiency. ETS collected these judgments, led a discussion of the differences, and allowed panelists to review and revise their initial ratings. ETS used this information to set initial cut score recommendations from the

panel. During the first two days, panelists considered these standards for the PTs only; the PTA standard was not considered.

Staff have discussed the modifications to the originally proposed regulatory language with the OAL attorney assigned to the rulemaking file and she indicated all the proposed modifications were substantially related to the originally Noticed language; therefore, the changes could be made with a 15 day Notice of Modified Text.

**Action Requested:**

Adopt the proposed modified language as written and direct staff to proceed with addressing the issues resulting in the Decision of Disapproval by OAL.

## ORDER OF ADOPTION- With Proposed 2018 FSBPT TOEFL Scores

### **§ 1398.25 Credentials Evaluation Services**

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

(3) Whether the foreign applicant achieved the minimum required scores within a single administration of the Test of English as a Foreign Language (TOEFL) in accordance with section 1398.26.3.(a) or is exempt from such requirement pursuant 1398.26.3(b).

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, 2651 and 2653, Business and Professions Code.

### **§ 1398.26.3 English Proficiency**

(a) In accordance with Section 2653 of the code, an applicant who graduated from a physical therapist education program that is not approved by the board and is not located in the United States (a "foreign applicant") must demonstrate English proficiency by achieving the following minimum scores within a single administration of the test of English as a Foreign Language (TOEFL):

(1) Reading Section – 2422

(2) Listening Section – 4821

(3) Writing Section – 2422

(4) Speaking Section - 2624

(b) A foreign applicant ~~who meets the following criteria is exempt from the requirement in subsection (a) above:~~

~~(1) One who graduated from a college, university or professional training school in Australia, Canada, (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States; shall be considered to have satisfied proof of English proficiency.~~

~~(2) One who is or would be exempt from TOEFL requirements pursuant to Title 8, Code of Federal Regulations, section 212.15, subsection (i)(3) as it currently exists or is hereafter amended.~~

Note: Authority Cited: Section 2615, Business and Professions Code, Reference: Sections 2650, 2651, and 2653, Business and Professions Code; ~~Title 8, Code of Federal Regulations, section 212.15.~~

## **ORDER OF ADOPTION- Modified Text (Disapproved by OAL )**

### **§ 1398.25 Credentials Evaluation Services**

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

(3) Whether the foreign applicant achieved the minimum required scores within a single administration of the Test of English as a Foreign Language (TOEFL) in accordance with section 1398.26.3(a) or is exempt from such requirement pursuant 1398.26.3(b).

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, 2651 and 2653, Business and Professions Code.

### **§ 1398.26.3 English Proficiency**

(a) In accordance with Section 2653 of the code, an applicant who graduated from a physical therapist education program that is not approved by the board and is not located in the United States (a "foreign applicant") must demonstrate English proficiency by achieving the following minimum scores within a single administration of the test of English as a Foreign Language (TOEFL):

(1) Reading Section – 21

(2) Listening Section – 18

(3) Writing Section – 24

(4) Speaking Section - 26

(b) A foreign applicant who meets the following criteria is exempt from the requirement in subsection (a) above:

(1) One who graduated from a college, university or professional training school in Australia, Canada, (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States;

(2) One who is or would be exempt from TOEFL requirements pursuant to Title 8, Code of Federal Regulations, section 212.15, subsection (i)(3) as it currently exists or is hereafter amended.

Note: Authority Cited: Section 2615, Business and Professions Code, Reference: Sections 2650, 2651, and 2653, Business and Professions Code; Title 8, Code of Federal Regulations, section 212.15.

**Appendix A: Description of minimal proficiency in language skills necessary for physical therapists and physical therapist assistants**

| Skill                  | <p style="text-align: center;"><b>Description of Minimal Proficiency</b></p> <p style="text-align: center;"><b>** Minimally proficient communicators demonstrate all language skills without compromising patient safety. **</b></p>   |
|------------------------|--|
| <p><b>Writing</b></p>  | <p>Always:</p> <ul style="list-style-type: none"> <li>• Writes with only minor flaws in spelling, grammar, and use of abbreviations; flaws do not interfere with the reader's understanding</li> <li>• Provides adequate support when explaining an opinion or conclusion</li> <li>• Is aware of the audience, e.g., aware of differences between writing to a physician and writing to a patient</li> </ul> <p>Most of the time:</p> <ul style="list-style-type: none"> <li>• Organizes writing logically</li> <li>• Provides information that is accurate, clear, and concise</li> </ul>   |
| <p><b>Speaking</b></p> | <p>Always:</p> <ul style="list-style-type: none"> <li>• Speaks fluidly; lapses or pauses do not interfere with the listener's understanding</li> <li>• Uses basic vocabulary and grammar adequately and correctly; minor errors do not impact patient care</li> <li>• Is able to paraphrase (express a message using different words to achieve greater clarity)</li> <li>• Requires only a reasonable amount of effort by the listener to understand his/her message; does not confuse or frustrate the listener</li> <li>• Responds to questions with relevant information</li> <li>• Advocates for the patient's best interests in discussions with other health care professionals using appropriate language and tone</li> </ul> <p>Most of the time:</p> <ul style="list-style-type: none"> <li>• Self-corrects errors in speaking</li> <li>• Conveys messages clearly and concisely</li> </ul> <p>Some of the time:</p> <ul style="list-style-type: none"> <li>• Adapts speech to the audience (e.g., gender, culture, role of the listener [patient, physician, etc.]</li> </ul> |

| Skill            | <p style="text-align: center;"><b>Description of Minimal Proficiency</b></p> <p style="text-align: center;"><b>** Minimally proficient communicators demonstrate all language skills without compromising patient safety. **</b></p>   |
|------------------|--|
| <b>Listening</b> | <p>Always:</p> <ul style="list-style-type: none"> <li>• Recognizes information that has urgent/emergency implications</li> </ul> <p>Most of the time:</p> <ul style="list-style-type: none"> <li>• Understands the speaker's explicitly stated meaning and implicit meaning, including basic vocabulary, regardless of the speaker's accent/dialect</li> <li>• Uses context clues and intonation clues to understand the speaker's intended meaning or to understand unfamiliar words</li> <li>• Synthesizes and organizes key information in order to determine next steps/actions</li> <li>• Understands lengthy speech or discourse and picks out key information</li> <li>• Extracts and recalls relevant/essential information during conversations in all media (by telephone, face-to-face, etc.)</li> </ul>  |
| <b>Reading</b>   | <p>Always:</p> <ul style="list-style-type: none"> <li>• Adjusts reading strategy (e.g., pace) for different types of documents</li> <li>• Makes connections between different parts of documents</li> <li>• Understands basic vocabulary and simple grammatical structures</li> <li>• Identifies errors or inconsistencies in documents and infers the intended meaning</li> </ul> <p>Most of the time:</p> <ul style="list-style-type: none"> <li>• Comprehends the key points of documents (e.g., patient charts)</li> <li>• Understands the tone and perspective of documents' authors</li> <li>• Infers implicit meaning of documents from stated information</li> <li>• Distinguishes important/relevant details from less important/relevant details</li> </ul> <p>Some of the time:</p> <ul style="list-style-type: none"> <li>• Understands less frequently used words and complex grammatical structures</li> </ul> |



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



**Date:** 08-15-2016

**Prepared for:** PTBC Members

**Prepared by:** Liz Constancio, Administrative Services Manager

**Subject:** Budget Report

## Purpose:

To provide an update on the PTBC's Budget activities for CY 2015-16 (Apr-Jun (Q4)).

- Attachments:
1. [Revenue Report](#)
  2. [Revenue Measures](#)
  3. [Expenditure Report](#)
  4. [Expenditure Measures](#)
  5. [Fund Condition \(DCA-Budget Office 8/2016\)](#)
  6. [Revenue Definition Key](#)
  7. [Expenditure Definition Key](#)

## Background:

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current year, In addition, the review may include review of the previous fiscal year to outline trends, projections, etc. The data is collected from the DCA, CalStars Financial Monthly Reports and generated by staff quarterly: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4). The current fiscal year (CY) reflects data for July 1, 2015 through June 30, 2016.

During the previous quarter (Q3), the PTBC reported revising its reports and charts to be consistent with the data collection accounts from the PTBC's new licensing and enforcement online system - Breeze. This quarter, reports have been updated to reflect revenues and expenditures for the entire year – per quarter and year-to-date.

The PTBC also reported, implementing its new application and licensing fee schedule, effective May 6, 2016. As informed, this action was necessary to avoid financial insolvency, FY 2017-18.

This CY 2015-16, the PTBC is authorized a budget of \$4,227,000 to support all board operational costs, which includes, personnel services, operating expenses and equipment.



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## Analysis:

In reviewing revenues and expenditures for both CY 2015-16 and FY 2014-15, the staff identified the following:

### REVENUES

The PTBC collected \$736,813 in revenues during Q4, with a total revenue intake of \$3,849,261 (year-to-date). Revenues for the same period in FY 2014-15 were \$608,883 (Q4) and \$3,514,272 year-to-date.

In comparison to FY 2014-15, revenues increased by \$127,930 or 20.35% (Q4) and by \$330,993 or 9.41% year-to-date over previous fiscal year. The primary source of revenue for this CY-Q4 was license renewal fees at \$385,540, followed by application and licensure fees at \$254,627. Overall, the PTBC's primary source of revenue for the CY 2015-16 was license renewal fees, totaling \$2,934,030 year-to-date.

### EXPENDITURES

The PTBC spent \$488,698 in Personnel Services (PERS SVS) and \$652,855 in Operating Expenses & Equipment (OE&E), totaling \$1,141,553 (not including reimbursements) for Q4 and \$4,108,884 year-to-date. Expenditures for the same period in FY 2014-15 were \$1,192,333 Q4 and \$3,995,523 year-to-date.

In comparison to FY 2014-15, expenditures decreased by 4.25% over FY 2014-15 (Q4); however, the PTBC had an overall 2.83% increase year-to-date.

Further, the PTBC collected \$3,849,261 in revenues, but spent \$4,108,884 or 97.20% of its authorized budget (4,227,000). The year-to-date remaining balance was of \$118,116 or 2.8% reversion for CY 2015-16.

Lastly, the DCA-Budget Office projects a 2.9 months in reserve year-end; however, projects the fund to decrease, FY 2016-17 and thereafter (Fund Condition- attachment 5).

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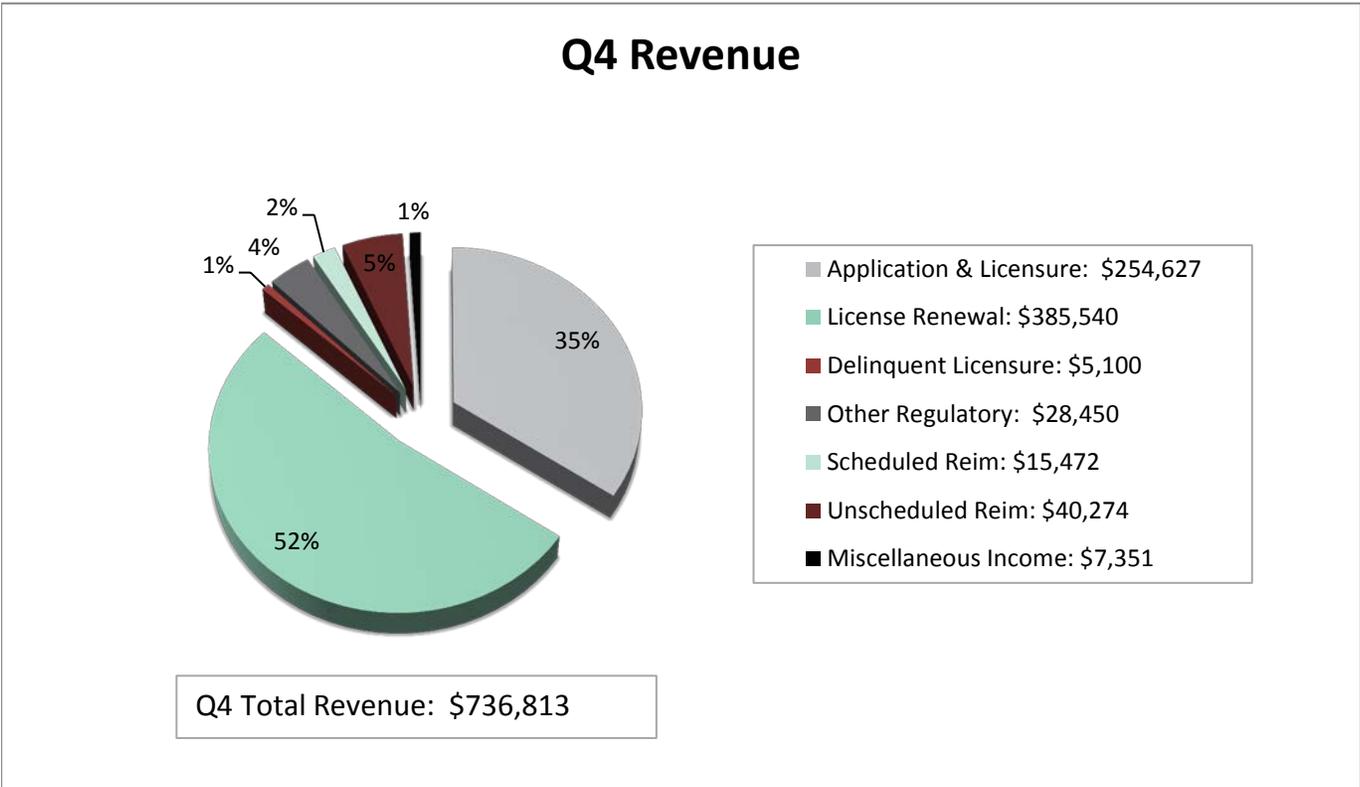
## Action Requested:

No action required.

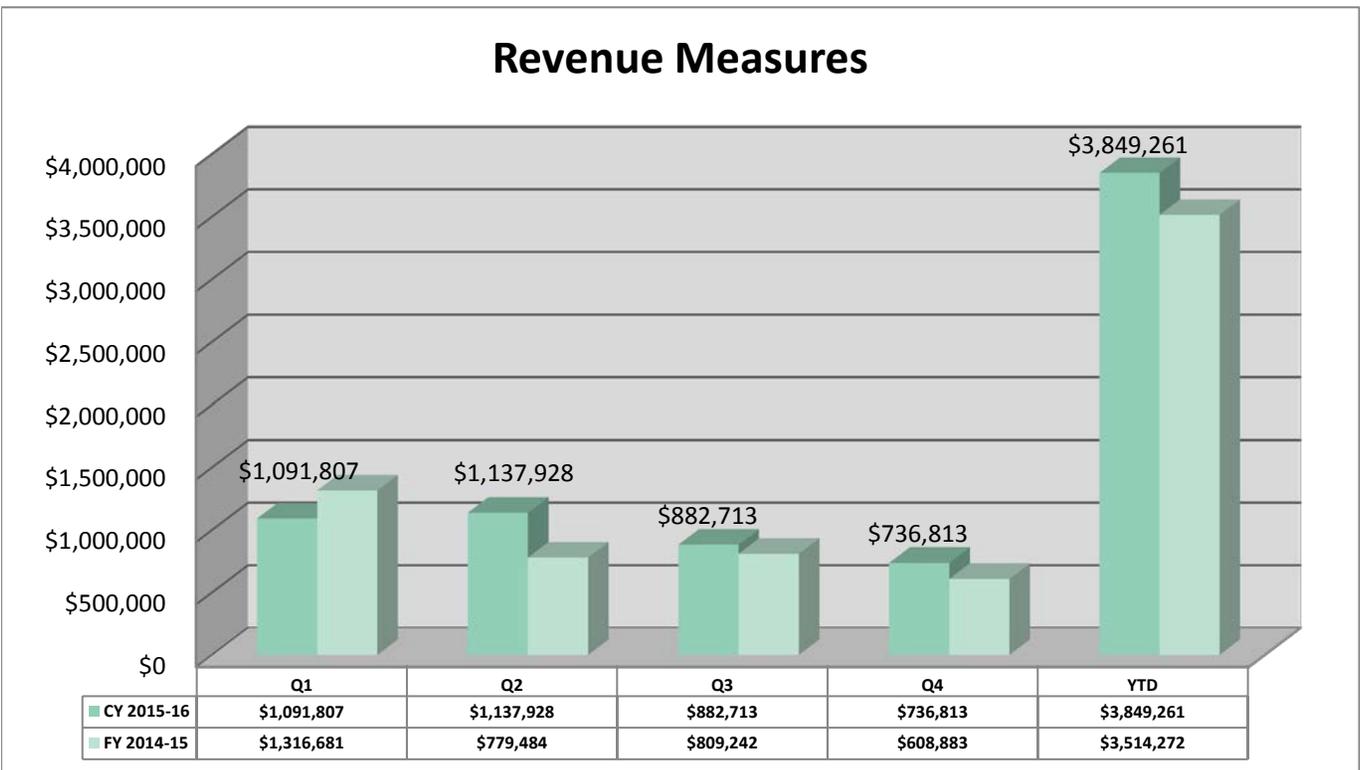
Physical Therapy Board of California  
 Budget Report - Q4  
 CY 2015-16 / FY 2014-15

**Revenue Statistics Report**

| Budget Line Items                                  | FY 2014-15     |                  | CY 2015-16       |                  |                |                |                  |
|--|----------------|------------------|------------------|------------------|----------------|----------------|------------------|
|  | Q4             | YTD              | Q1               | Q2               | Q3             | Q4             | YTD              |
|  | Apr - Jun      | As of 6/30/15    | Jul - Sep        | Oct - Dec        | Jan - Mar      | Apr - Jun      | As of 6/30/16    |
| <b>OTHER REGULATORY</b>                            |                |                  |                  |                  |                |                |                  |
| Cite and Fine (Citations)                          | 5,000          | 24,650           | 12,150           | 39,290           | 6,500          | 7,950          | 65,890           |
| Endorsement (License Verification)                 | 17,640         | 54,540           | 13,405           | 14,015           | 16,320         | 17,340         | 61,080           |
| Duplicate License / Certificate                    | 1,840          | 11,440           | 2,550            | 3,300            | 3,800          | 3,160          | 12,810           |
| <b>TOTALS</b>                                      | <b>24,480</b>  | <b>90,630</b>    | <b>28,105</b>    | <b>56,605</b>    | <b>26,620</b>  | <b>28,450</b>  | <b>139,780</b>   |
| <b>INITIAL APPLICATION &amp; LICENSE</b>           |                |                  |                  |                  |                |                |                  |
| FPTA Application & Initial License Fee             | 4,200          | 13,800           | 3,000            | 3,200            | 3,725          | 4,149          | 14,074           |
| FPT Application Fee                                | 12,675         | 46,475           | 12,600           | 10,000           | 11,125         | 21,671         | 55,396           |
| ENMG Exam Fee                                      | 0              | 0                | 500              | 0                | 0              | 100            | 600              |
| ENMG Application Fee                               | 0              | 0                | 100              | 0                | 0              | (100)          | 0                |
| KEMG Exam Fee                                      | 0              | 0                | 0                | 0                | 0              | 0              | 0                |
| KEMG Application Fee                               | 0              | 0                | 0                | 0                | 0              | 0              | 0                |
| PTA Application & Initial License Fee              | 25,250         | 66,750           | 11,750           | 20,875           | 20,094         | 43,643         | 96,362           |
| PT Application Fee                                 | 64,250         | 163,000          | 56,875           | 32,625           | 25,066         | 105,990        | 220,556          |
| PT Initial License Fee                             | 52,975         | 140,700          | 48,400           | 28,400           | 3,275          | 69,401         | 149,476          |
| Refunded Reimbursements                            | 0              | 0                | 49               | (49)             | 0              | 0              | 0                |
| Overt/Short Fees                                   | 1              | 20               | 75               | 32               | 15,503         | 5,597          | 21,206           |
| Suspended Revenue                                  | 0              | 800              | 650              | 500              | 9,676          | 4,176          | 15,002           |
| Prior Year Revenue Adjustment                      | (5,949)        | (11,149)         | (3,285)          | (5,500)          | (2,774)        | 0              | (11,559)         |
| <b>TOTALS</b>                                      | <b>153,402</b> | <b>420,396</b>   | <b>130,714</b>   | <b>90,083</b>    | <b>85,690</b>  | <b>254,627</b> | <b>561,113</b>   |
| <b>LICENSE RENEWAL</b>                             |                |                  |                  |                  |                |                |                  |
| PTA Renewal Fee                                    | 77,200         | 545,300          | 169,400          | 186,600          | 149,000        | 90,700         | 595,700          |
| PT Renewal Fee                                     | 310,150        | 2,255,650        | 704,400          | 769,780          | 566,608        | 294,042        | 2,334,830        |
| ENMG   | 50             | 400              | 250              | 50               | 300            | 50             | 650              |
| KEMG   | 0              | 650              | 250              | 200              | 100            | 300            | 850              |
| Automated Revenue Refund Claim                     | (2,200)        | 0                | 1,825            | (125)            | (150)          | 448            | 1,998            |
| Overt/Short Fees                                   | 0              | 7                | 0                | 2                | 0              | 0              | 2                |
| <b>TOTALS</b>                                      | <b>385,200</b> | <b>2,802,007</b> | <b>876,125</b>   | <b>956,507</b>   | <b>715,858</b> | <b>385,540</b> | <b>2,934,030</b> |
| <b>DELINQUENT LICENSE RENEWAL</b>                  |                |                  |                  |                  |                |                |                  |
| PTA Delinquent Fee                                 | 1,500          | 5,000            | 1,500            | 1,200            | 2,400          | 1,700          | 6,800            |
| PT Delinquent Fee                                  | 4,000          | 13,200           | 2,600            | 3,100            | 4,100          | 3,400          | 13,200           |
| EN Delinquent Fee                                  | 0              | 0                | 0                | 0                | 0              | 0              | 0                |
| EK Delinquent Fee                                  | 0              | 50               | 0                | 0                | 0              | 0              | 0                |
| <b>TOTALS</b>                                      | <b>5,500</b>   | <b>18,250</b>    | <b>4,100</b>     | <b>4,300</b>     | <b>6,500</b>   | <b>5,100</b>   | <b>20,000</b>    |
| <b>MISCELLANEOUS</b>                               |                |                  |                  |                  |                |                |                  |
| Public Sales (142500)                              | 107            | 251              | 0                | 0                | 50             | 55             | 105              |
| Surplus Money Investments (150300)                 | 1,127          | 2,661            | 0                | 1,831            | 2,400          | 4,483          | 8,714            |
| Attorney General Proceeds (160100)                 | 0              | 0                | 0                | 0                | 0              | 33             | 33               |
| Unclaimed/Cancelled Warrants (161000)              | 0              | 0                | 1,555            | 600              | 0              | 1,825          | 3,980            |
| Miscellaneous Income (161400)                      | 509            | 5,330            | 650              | 574              | 0              | 955            | 2,179            |
| <b>TOTALS</b>                                      | <b>1,743</b>   | <b>8,242</b>     | <b>2,205</b>     | <b>3,005</b>     | <b>2,450</b>   | <b>7,351</b>   | <b>15,011</b>    |
| <b>SCHEDULED REIMBURSEMENTS</b>                    |                |                  |                  |                  |                |                |                  |
| Fingerprint Reports                                | 11,613         | 33,075           | 8,232            | 7,437            | 8,771          | 12,887         | 37,327           |
| External/Private/Grant                             | 2,115          | 7,520            | 1,880            | 3,055            | 705            | 2,585          | 8,225            |
| <b>TOTALS</b>                                      | <b>13,728</b>  | <b>40,595</b>    | <b>10,112</b>    | <b>10,492</b>    | <b>9,476</b>   | <b>15,472</b>  | <b>45,552</b>    |
| <b>UNSCHEDULED REIMBURSEMENTS</b>                  |                |                  |                  |                  |                |                |                  |
| Investigative Cost Recovery - Investigations       | 20,518         | 120,501          | 36,524           | 13,523           | 34,481         | 36,042         | 120,570          |
| Investigative Cost Recovery - Probation Monitoring | 4,312          | 13,651           | 3,923            | 3,413            | 1,638          | 4,232          | 13,205           |
| <b>TOTALS</b>                                      | <b>24,830</b>  | <b>134,152</b>   | <b>40,446</b>    | <b>16,936</b>    | <b>36,119</b>  | <b>40,274</b>  | <b>133,775</b>   |
| <b>TOTAL REVENUES</b>                              | <b>608,883</b> | <b>3,514,272</b> | <b>1,091,807</b> | <b>1,137,928</b> | <b>882,713</b> | <b>736,813</b> | <b>3,849,261</b> |



1. Chart shows Q4 revenues and % contributed to the quarterly total.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows Q1-Q4 and year-to-date revenues for both CY2015-16 and FY2014-15.
2. Chart reveals, revenues increased by 20.35% Q4 over FY 2014-15.
3. Chart reveals, revenues increased by 9.41% year-to-date over FY 2014-15.

Physical Therapy Board of California

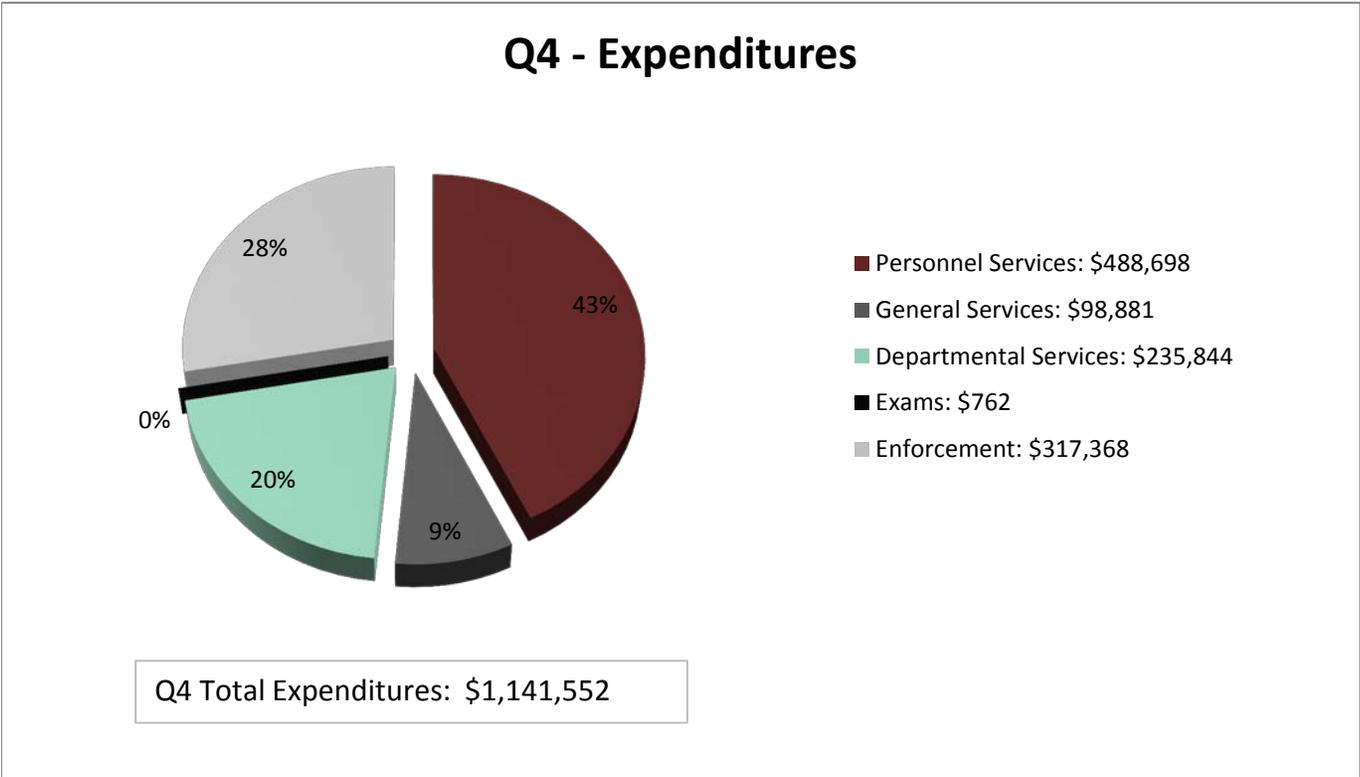
Budget Report Q4

CY 2015-16 / FY 2014-15

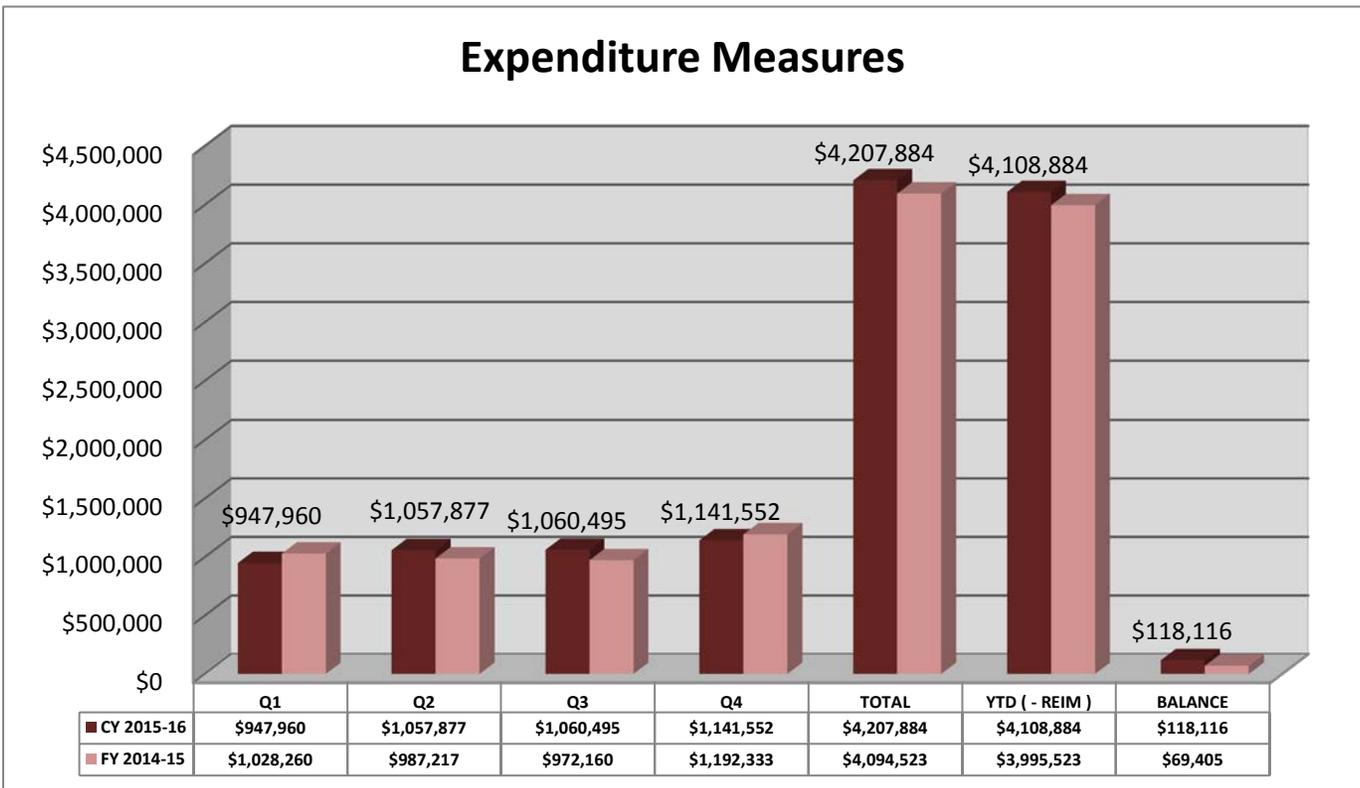
**Expenditure Statistics Report**

| Budget Line Items                         | FY 2014-15       |                  | CY 2015-16       |                |                  |                  |                  |                  |                | Balance Remaining |
|---|------------------|------------------|------------------|----------------|------------------|------------------|------------------|------------------|----------------|-------------------|
|   | Q4               | YTD              | Authorized       | Q1             | Q2               | Q3               | Q4               | YTD              |                |                   |
|   | Apr - Jun        | As of 6/30/15    | Budget           | Jul - Sep      | Oct - Dec        | Jan - Mar        | Apr - Jun        | As of 6/30/16    |                |                   |
| <b>PERSONNEL SERVICES</b>                 |                  |                  |                  |                |                  |                  |                  |                  |                |                   |
| Civil Services Permanent                  | 224,892          | 881,329          | 1,055,000        | 221,575        | 231,626          | 234,893          | 247,536          | 935,630          | 119,370        |                   |
| Temp help                                 | 17,431           | 101,311          | 0                | 21,572         | 27,230           | 28,232           | 37,679           | 114,712          | (114,712)      |                   |
| Statutory Exempt                          | 21,788           | 82,484           | 77,000           | 20,739         | 20,967           | 21,258           | 24,528           | 87,492           | (10,492)       |                   |
| Board Members                             | 10,700           | 31,400           | 20,383           | 4,100          | 6,600            | 9,200            | 7,800            | 27,700           | (7,317)        |                   |
| Overtime                                  | 413              | 413              | 0                | 0              | 0                | 0                | 1,196            | 1,196            | (1,196)        |                   |
| Staff Benefits                            | 135,397          | 546,079          | 609,000          | 136,187        | 140,733          | 153,758          | 169,959          | 600,637          | 8,363          |                   |
| <b>TOTAL PERS SVS</b>                     | <b>410,621</b>   | <b>1,643,016</b> | <b>1,761,383</b> | <b>404,173</b> | <b>427,156</b>   | <b>447,341</b>   | <b>488,698</b>   | <b>1,767,367</b> | <b>(5,984)</b> |                   |
| <b>OPERATING EXPENSES &amp; EQUIPMENT</b> |                  |                  |                  |                |                  |                  |                  |                  |                |                   |
| <b>General Services Totals</b>            | <b>84,767</b>    | <b>267,737</b>   | <b>401,072</b>   | <b>50,274</b>  | <b>66,264</b>    | <b>68,946</b>    | <b>98,881</b>    | <b>283,212</b>   | <b>117,860</b> |                   |
| Fingerprints                              | 13,590           | 33,267           | 99,000           | 5,944          | 8,115            | 6,846            | 17,351           | 38,256           | 60,744         |                   |
| General Expense                           |                  | 21,694           | 17,402           | 1,622          | 5,468            | 3,890            | 5,824            | 16,804           | 598            |                   |
| Minor Equipment                           | 6,841            | 9,514            | 3,000            | 0              | 1,952            | 9,223            | 2,956            | 14,131           | (11,131)       |                   |
| Major Equipment                           | 0                | 0                | 15,000           | 0              | 0                | 0                | 0                | 0                | 15,000         |                   |
| Printing                                  | 1,742            | 6,265            | 13,000           | 1,450          | 1,708            | 5,850            | 8,960            | 16,815           | (3,815)        |                   |
| Communications                            | 4,932            | 11,402           | 10,000           | 1,197          | 2,968            | 2,596            | 5,960            | 12,721           | (2,721)        |                   |
| Postage                                   | 11,203           | 31,695           | 25,322           | 7,613          | 6,729            | 3,503            | 5,717            | 23,562           | 1,760          |                   |
| Travel in State                           | 10,705           | 17,947           | 18,000           | 296            | 5,576            | 2,699            | 10,246           | 18,817           | (817)          |                   |
| Training                                  | 0                | 430              | 1,000            | 0              | 0                | 0                | 0                | 0                | 1,000          |                   |
| Facilities Operations                     | 28,370           | 113,021          | 118,000          | 27,740         | 28,450           | 28,102           | 28,300           | 112,592          | 5,408          |                   |
| C&P Services Interdepartmental            | 0                | 0                | 348              | 0              | 0                | 0                | 0                | 0                | 348            |                   |
| C&P Services External                     | 7,384            | 22,502           | 81,000           | 4,412          | 5,298            | 6,237            | 13,567           | 29,514           | 51,486         |                   |
| <b>Departmental Services Totals</b>       | <b>232,734</b>   | <b>765,634</b>   | <b>956,495</b>   | <b>233,580</b> | <b>234,004</b>   | <b>248,864</b>   | <b>235,844</b>   | <b>952,330</b>   | <b>4,165</b>   |                   |
| OIS Pro Rata                              | 133,434          | 389,025          | 550,000          | 136,000        | 136,000          | 141,250          | 132,569          | 545,819          | 4,181          |                   |
| Indirect Distributed Cost                 | 52,553           | 188,201          | 238,000          | 58,000         | 58,000           | 62,500           | 59,249           | 237,749          | 251            |                   |
| Interagency Services                      | 0                | 0                | 500              | 0              | 0                | 0                | 0                | 0                | 500            |                   |
| DOI Pro Rata                              | 1,125            | 5,358            | 5,000            | 1,250          | 1,250            | 1,250            | 1,166            | 4,916            | 84             |                   |
| Communications Pro Rata                   | 1,096            | 5,224            | 7,000            | 1,500          | 1,500            | 7,500            | 3,500            | 14,000           | (7,000)        |                   |
| PPRD Pro Rata                             | 1,472            | 6,002            | 8,000            | 0              | 0                | 0                | 0                | 0                | 8,000          |                   |
| Consolidated Data Center                  | 666              | 1,355            | 2,795            | 821            | 639              | 356              | 51               | 1,905            | 890            |                   |
| Data Processing                           | 0                | 918              | 1,200            | 0              | 606              | 0                | 3,300            | 3,906            | (2,706)        |                   |
| Central Admin Services Pro Rata           | 42,388           | 169,551          | 144,000          | 36,009         | 36,009           | 36,008           | 36,009           | 144,035          | (35)           |                   |
| <b>Exams Totals</b>                       | <b>3,513</b>     | <b>6,233</b>     | <b>5,050</b>     | <b>570</b>     | <b>1,563</b>     | <b>726</b>       | <b>762</b>       | <b>3,621</b>     | <b>1,429</b>   |                   |
| Exam Administrative External              | 3,513            | 6,233            | 5,050            | 570            | 1,563            | 726              | 762              | 3,621            | 1,429          |                   |
| Exam Contracts                            | 0                | 0                | 0                | 0              | 0                | 0                | 0                | 0                | 0              |                   |
| Exam Subject Matter Experts               | 0                | 0                | 0                | 0              | 0                | 0                | 0                | 0                | 0              |                   |
| <b>Enforcement Totals</b>                 | <b>460,698</b>   | <b>1,411,903</b> | <b>1,202,000</b> | <b>259,363</b> | <b>328,890</b>   | <b>294,619</b>   | <b>317,368</b>   | <b>1,200,239</b> | <b>1,761</b>   |                   |
| Attorney General                          | 230,514          | 632,454          | 428,000          | 104,982        | 140,273          | 91,149           | 123,756          | 460,159          | (32,159)       |                   |
| Office of Admin Hearings                  | 47,627           | 109,382          | 60,000           | 0              | 22,020           | 20,985           | 18,036           | 61,041           | (1,041)        |                   |
| Evidence/Witness                          | 36,275           | 105,327          | 100,000          | 4,777          | 17,422           | 19,203           | 29,610           | 71,012           | 28,988         |                   |
| Court Reporters                           | 2,317            | 4,684            | 0                | 604            | 175              | 782              | 2,640            | 4,201            | (4,201)        |                   |
| DOI Investigation                         | 143,965          | 560,056          | 614,000          | 149,000        | 149,000          | 162,500          | 143,326          | 603,826          | 10,174         |                   |
| <b>TOTAL OE &amp; E</b>                   | <b>781,712</b>   | <b>2,451,507</b> | <b>2,564,617</b> | <b>543,787</b> | <b>630,721</b>   | <b>613,155</b>   | <b>652,855</b>   | <b>2,439,402</b> | <b>125,215</b> |                   |
| <b>TOTALS, PERS SVS/OE&amp;E</b>          | <b>1,192,333</b> | <b>4,094,523</b> | <b>4,326,000</b> | <b>947,960</b> | <b>1,057,877</b> | <b>1,060,495</b> | <b>1,141,552</b> | <b>4,207,884</b> | <b>118,116</b> |                   |
| Scheduled Reimbursements                  | (13,728)         | (40,595)         | (99,000)         | (10,112)       | (10,492)         | (9,476)          | (15,472)         | (45,552)         | 0              |                   |
| Non-Scheduled Reimbursements              | (24,830)         | (58,405)         | 0                | (40,446)       | (16,935)         | (36,118)         | (40,275)         | (53,448)         | 0              |                   |
| <b>TOTALS, PERS SVS/OE&amp;E (-REIM)</b>  | <b>1,153,775</b> | <b>3,995,523</b> | <b>4,227,000</b> | <b>897,402</b> | <b>1,030,450</b> | <b>1,014,901</b> | <b>1,085,805</b> | <b>4,108,884</b> | <b>118,116</b> |                   |

\*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred to fund.



1. Chart shows Q4 expenditures and % contributed to the quarterly total.
2. Chart reveals, personnel services was the highest contributing expense, followed by enforcement.



1. Chart shows total expenditures for Q1-Q4 for both CY2015-16 and FY2014-15.
2. Chart reveals, expenditures decreased by 4.25% Q4 over FY 2014-15.
3. Chart reveals, expenditures increased by 2.83% year-to-date over FY 2014-15.

# 0759 - Physical Therapy Analysis of Fund Condition

8/16/2016

(Dollars in Thousands)

## 2016 Budget Act

|   | ACTUAL<br>2015-16 | Budget<br>Act<br>CY<br>2016-17 | BY<br>2017-18 | BY+1<br>2018-19 |
|---|-------------------|--------------------------------|---------------|-----------------|
| <b>BEGINNING BALANCE</b>  | \$ 303            | \$ 1,250                       | \$ 1,257      | \$ 1,169        |
| Prior Year Adjustment   | \$ -              | \$ -                           | \$ -          | \$ -            |
| Adjusted Beginning Balance  | \$ 303            | \$ 1,250                       | \$ 1,257      | \$ 1,169        |
| <b>REVENUES AND TRANSFERS</b>                                       |                   |                                |               |                 |
| Revenues:   |                   |                                |               |                 |
| 125600 Other regulatory fees  | \$ 140            | \$ 140                         | \$ 140        | \$ 140          |
| 125700 Other regulatory licenses and permits                        | \$ 561            | \$ 853                         | \$ 853        | \$ 853          |
| 125800 Renewal fees   | \$ 2,932          | \$ 4,202                       | \$ 4,202      | \$ 4,202        |
| 125900 Delinquent fees  | \$ 20             | \$ 27                          | \$ 27         | \$ 27           |
| 141200 Sales of documents   | \$ -              | \$ -                           | \$ -          | \$ -            |
| 142500 Miscellaneous services to the public                         | \$ -              | \$ -                           | \$ -          | \$ -            |
| 150300 Income from surplus money investments                        | \$ 9              | \$ 8                           | \$ 12         | \$ 10           |
| 160400 Sale of fixed assets   | \$ -              | \$ -                           | \$ -          | \$ -            |
| 161000 Escheat of unclaimed checks and warrants                     | \$ 4              | \$ 4                           | \$ 4          | \$ 4            |
| 161400 Miscellaneous revenues                                       | \$ 2              | \$ 2                           | \$ 2          | \$ 2            |
| Totals, Revenues  | \$ 3,668          | \$ 5,236                       | \$ 5,240      | \$ 5,238        |
| Transfers from Other Funds  |                   |                                |               |                 |
| GF Loan per item 1110-011-0759 BA of 2011 (repay)                   | \$ 1,500          | \$ -                           | \$ -          | \$ -            |
| Totals, Revenues and Transfers                                      | \$ 5,168          | \$ 5,236                       | \$ 5,240      | \$ 5,238        |
| Totals, Resources   | \$ 5,471          | \$ 6,486                       | \$ 6,497      | \$ 6,407        |
| <b>EXPENDITURES</b>   |                   |                                |               |                 |
| Disbursements:  |                   |                                |               |                 |
| 0840 State Controller (State Operations)                            | \$ -              | \$ -                           | \$ -          | \$ -            |
| 1110 Program Expenditures (State Operations)                        | \$ 4,214          | \$ -                           | \$ -          | \$ -            |
| 1111 Program Expenditures (State Operations)                        | \$ -              | \$ 5,224                       | \$ 5,328      | \$ 5,435        |
| 8880 Financial Information System for California (State Operations) | \$ 7              | \$ 5                           | \$ -          | \$ -            |
| Total Disbursements   | \$ 4,221          | \$ 5,229                       | \$ 5,328      | \$ 5,435        |
| <b>FUND BALANCE</b>   |                   |                                |               |                 |
| Reserve for economic uncertainties                                  | \$ 1,250          | \$ 1,257                       | \$ 1,169      | \$ 972          |
| <b>Months in Reserve</b>  | 2.9               | 2.8                            | 2.6           | 2.1             |

### NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+2
- C. ASSUMES 1% GROWTH IN INCOME FROM SURPLUS MONEY

**Physical Therapy Board of California**  
**Budget Report - Q4**  
**CY 2015-16 / FY 2014-15**

**Revenue Source - Definition Key**

**Other Regulatory Fees**

|                                     |  |
|-------------------------------------|--|
| Citation/Fine FTB Collection        | Fines collected by the Franchise Tax Board on behalf of PTBC for fines past due. |
| Admin Citation Fines-Variou         | Fines collected from administrative citations issued.                            |
| Endorsement Fee                     | Processing fee for endorsement (license verifications).                          |
| Duplicate License/Certification Fee | Processing fee for duplicate license or wall certificate.                        |

**Initial Application & License Fees**

|                                    |   |
|------------------------------------|---|
| FPTA Application & Initial License | Application & Initial License processing fees for foreign educated Physical Therapist Assistants. |
| FPT Application                    | Application processing fee for foreign educated Physical Therapists.                              |
| FPT Initial License                | Initial License processing fee for foreign educated Physical Therapists.                          |
| PTA Application & Initial License  | Application and Initial License processing fee for U.S educated Physical Therapist Assistants.    |
| PT Application                     | Application processing fee for U..S educated Physical Therapists.                                 |
| PT Initial License                 | Initial License processing fee for U.S. educated Physical Therapists.                             |
| Refunded Reimbursements            | Used for cashiering errors, i.e., fingerprint fee cashiered with application fee.                 |
| Over/Short                         | Application or Initial License Fees paid over or short of established fee.                        |
| Suspended Revenue                  | Fee unable to identify/allocate -temporarily cashiered in suspense (reconciled year-end).         |
| Prior Year Revenue Adjustment      | Correction of prior year revenue reported.  |

**License Renewal Fees**

|                                |  |
|--------------------------------|--|
| Renewal - ENMG                 | Renewal Fees for Renewal ENMG Certification.                         |
| Renewal - KEMG                 | Renewal Fees for Renewal KEMG Certification.                         |
| Biennial Renewal - PTA         | Renewal Fees for PTA license.  |
| Biennial Renewal - PT          | Renewal Fees for PT license.   |
| Automated Revenue Refund Claim | Renewal Fees refunded to licensees (e.g., duplicate payments, etc.). |
| Over/Short Fee                 | Renewal Fees paid/collected over or short of established fee.        |

**Miscellaneous Income**

|                                |  |
|--------------------------------|--|
| Public Sales                   | Services to Public - e.g., DCA sales of PT/PTA mailing list.                           |
| Surplus Money Investments      | Shared Revenues by State Controllers Office of earned interest from investment.        |
| Unclaimed Checks / Warrants    | Cancelled warrant (check) paid to applicant/licensee/agency-uncashed for 1 year.       |
| Miscellaneous Income (General) | Revenues collected, i.e., Franchise Tax Board collections, dishonored check fees, etc. |

**Scheduled Reimbursements**

|                        |  |
|------------------------|--|
| Fingerprint Cards      | Scheduled Reimbursements - applicants/licensees fingerprint processing fees collected. |
| External/Private Grant | Scheduled Reimbursements - received for OIS Public Sales                               |

**Unscheduled Reimbursements**

|                                    |   |
|------------------------------------|---|
| Investigative Cost Recovery        | Money received from individuals for reimbursement of the investigative cost incurred by PTBC. |
| Probation Monitoring Cost Recovery | Money received from Probationers for their probation monitoring.                              |

Physical Therapy Board of California  
 Budget Report - Q4  
 CY 2015-16 / FY 2014-15

| <b>Expenditure Source - Definition Key</b>   |  |
|--|--|
| <b>Personnel Services</b>  |  |
| Civil Services Permanent   | Salary / Wages of civil service - permanent employees (authorized positions).  |
| Statutory Exempt   | Salary / Wages of employees appointed/elected to state (Executive Officer).  |
| Temp help  | Salary / Wages of employees in blanket (permanent-intermittent/retired annuitant).   |
| Board Commission   | Per Diem reimbursement (Board Members).  |
| Overtime   | Ordered work time in excess of employee regular scheduled workweek.  |
| Staff Benefits   | Employer contributions for health, dental, vision, etc. (permanent, exempt and temp).  |
| <b>General Services</b>  |  |
| Fingerprints   | Criminal and background checks by DOJ (new employees, applicants and licensees).   |
| General Expense  | Office supplies, freight (FedEx), subscriptions, admin overhead (DGS charge: purchase orders, contracts, etc.).  |
| Minor Equipment  | Replacement/additional equipment - less than \$5k per unit (copier, fax, etc.).  |
| Major Equipment  | Replacement/additional equipment - over \$5k per unit (copier, printer, etc.).   |
| Printing   | Publications, i.e., strategic plan, newsletter, etc. printed by State Printing and DCA.  |
| Communication  | Office and staff land lines, fax line, etc.  |
| Postage  | Standard U.S. mail, certified mail, wall certificate, pocket license, renewal notice, etc.   |
| Travel In-State and Out-of-State   | Travel reimbursements, i.e., per diem, lodging, transportation, business expense, and CalAters.  |
| Training   | Tuition/registration fees for training classes/conferences through External Vendors.   |
| Facilities Ops   | Rent - Building and Grounds (Non-State Owned), includes, self storage and utility charges.   |
| C&P Services Internal  | Consultant/Professional services provided by other state agencies or DCA interagency agreement.  |
| C&P Services External  | Consultant/Professional Services provided by external agency, i.e., online credit card payments.   |
| <b>Departmental Services</b>   |  |
| *OIS Pro Rata  | DCA- Office of Information Services, i.e., PC Support, Telecom, etc.   |
| *Indirect Distributed Cost Pro Rata  | DCA - Office of Administrative Services, i.e., Personnel, Budgets, etc.  |
| *DOI Pro Rata  | DCA Special Operations Unit Services i.e., criminal background checks on employees.  |
| *Communications Pro Rata   | DCA Media Services, i.e., responses, creation/execution of marketing plans and outreach.   |
| *PPRD Pro Rata   | Conveys boards message to public through publications, i.e., outreach, correspondence, etc.  |
| *Central Admin Services Pro Rata   | Administrative Services conducted by CalHR, DOF, SCO, State Treasurer, Legislature, Agency, etc.   |
| <i>*DCA Pro-Rata is based on annual assessment of program size, workload, and overall operational need of services. Adjustments are made annually.</i> |  |
| Interagency Services   | Services provided by another DCA-Board/Bureau to PTBC (inter-agency agreement).  |
| Consolidated Data Center   | TEALE data center i.e., costs for maintaining records on Consumer Affairs System (CAS).  |
| Data Processing  | Technology maintenance, copier/printer paper, software, hardware, electronic waste recycling and disposal.   |
| <b>Exams</b>   |  |
| C/P Administrative   | External -Consultant/Professional Services (i.e. FSBPT service contract).  |
| C/P Exam Subject Matter Experts  | External -Consultant/Professional Services: Wages for services provided by Subject Matter Experts in the oral/written exam process, including travel.                              |
| <b>Enforcement</b>   |  |
| Attorney General   | Services provided for enforcement case process initiated to the Attorney General Office.   |
| Office of Admin Hearings   | Services provided for hearing officer, administrative law judges, and filing fees, etc.  |
| Evidence/Witness   | Services provided by witness, i.e., witness fee, hourly wages, travel expenses, undercover operative fees; and, cost of film, including medical services for use as evidence, etc. |
| Court Reporters  | Services provided by Court Reporter, including transcriptions (i.e. hearing transcripts, etc.).  |
| DOI Investigation  | Services provided by Division of Investigations (DOI) for investigative services.  |



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



## Briefing Paper

**Date:** 8/8/16

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Application Services Program Report

### **Purpose:**

To update the Board on the most recent activities of the Application Services program

**Attachments:** [Application Services Statistics](#)  
[Examination Statistics](#)

### **Update:**

Application Services is in the midst of and facing substantial program changes – staffing, Alternate Approval Pathway for examination eligibility, Licensing Performance Measures, continued system enhancements, and program restructuring

Overall staffing changes may be addressed in other areas of the agenda; however, a couple points of interest to note here are that the program has a new team member, Angel Ottley, who is providing clerical support to the Analysts; Ms. Ottley joined the PTBC July 15<sup>th</sup>. Two vacancies still remain, one of which has already been advertised and the filing period to receive applications has been closed. Therefore, although great progress has been made to achieve the PTBC’s goal to adequately staff the program to improve application processing time, the program remains understaffed at this time and continues to rely on staff that has been temporarily redirected from other programs to address workload.

Alternate Approval Pathway is addressed under Agenda Item #21(A).

As of July 1<sup>st</sup>, Application Services is recording data to report the length of time in which an application is processed; this data collection is the first step in establishing Licensing Performance Measures. At this time, the data collection is focused on identifying overall processing times for applications that are deficient and applications that are complete upon PTBC receipt as well as recording the length of time an application is pending action by the applicant.

As system enhancements are made and the gaps between business process and system capability are narrowed, efficiency is increasing. However, system enhancements are subject to a department-

wide project schedule that accounts for resource availability and pre-implementation activities, such as system tests, so although system changes are on-going, they are not immediate.

This is the first reporting quarter that the PTBC has had the opportunity to retrieve statistical data using the Quality Business Interactive Report Tool (QBIRT). As with BreEZe, staff is still realizing the system's full potential, but the outlook is favorable. This tool enables greater reporting accuracy and provides access to information necessary to make informed policy and process determinations.

As previously reported, the Applications and Licensing Services program has been separated to create two individual programs – Application Services and License Maintenance. This division provides improved workload tracking and increases service efficiency.

Since the last meeting communication went out to each PT and PTA program soliciting feedback on various PTBC-related topics. Programs responded with valuable feedback that staff is considering in process development.

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**Action Requested:**

None

## Applications Statistics Report

### Applications Received

|              | Fiscal Year 2014/15 |            |            |            |             | Fiscal Year 2015/16 |            |            |            |             | Year → Year Change |
|--------------|---------------------|------------|------------|------------|-------------|---------------------|------------|------------|------------|-------------|--------------------|
|              | Q1                  | Q2         | Q3         | Q4         | YTD         | Q1                  | Q2         | Q3         | Q4         | YTD         |                    |
|              | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |             | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |             |                    |
| PT           | 419                 | 239        | 146        | 496        | 1300        | 455                 | 261        | 199        | 581        | 1496        | ↑ 15%              |
| FPT          | 59                  | 43         | 68         | 69         | 239         | 63                  | 50         | 50         | 85         | 248         | ↑ 4%               |
| PTA          | 94                  | 162        | 85         | 194        | 535         | 94                  | 167        | 122        | 96         | 479         | ↓ -10%             |
| FPTA         | 39                  | 12         | 18         | 18         | 87          | 15                  | 16         | 14         | 18         | 63          | ↓ -28%             |
| E-PTA        | 5                   | 1          | 0          | 6          | 12          | 3                   | 0          | 3          | 2          | 8           | ↓ -33%             |
| <b>Total</b> | <b>616</b>          | <b>457</b> | <b>317</b> | <b>783</b> | <b>2173</b> | <b>630</b>          | <b>494</b> | <b>388</b> | <b>782</b> | <b>2294</b> | <b>↑ 6%</b>        |

### Licenses Issued

|              | Fiscal Year 2014/15 |            |            |            |             | Fiscal Year 2015/16 |            |            |            |             | Year → Year Change |
|--------------|---------------------|------------|------------|------------|-------------|---------------------|------------|------------|------------|-------------|--------------------|
|              | Q1                  | Q2         | Q3         | Q4         | YTD         | Q1                  | Q2         | Q3         | Q4         | YTD         |                    |
|              | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |             | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |             |                    |
| PT           | 329                 | 357        | 351        | 188        | 1225        | 523                 | 436        | 271        | 213        | 1443        | ↑ 18%              |
| PTA          | 103                 | 132        | 113        | 112        | 460         | 161                 | 116        | 102        | 120        | 499         | ↑ 8%               |
| <b>Total</b> | <b>432</b>          | <b>489</b> | <b>464</b> | <b>300</b> | <b>1685</b> | <b>684</b>          | <b>552</b> | <b>373</b> | <b>333</b> | <b>1942</b> | <b>↑ 15%</b>       |

## Examination Statistics Report

### National PT and PTA Examination - California Statistics

| Accredited PT Program |                     |            |            |           |            |                     |            |            |           |            |                          |
|-----------------------|---------------------|------------|------------|-----------|------------|---------------------|------------|------------|-----------|------------|--------------------------|
|                       | Fiscal Year 2014/15 |            |            |           |            | Fiscal Year 2015/16 |            |            |           |            | Year →<br>Year<br>Change |
|                       | Q1                  | Q2         | Q3         | Q4        | YTD        | Q1                  | Q2         | Q3         | Q4        | YTD        |                          |
|                       | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun |            | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun |            |                          |
| Pass                  | 217                 | 176        | 129        | 34        | 556        | 271                 | 268        | 157        | 29        | 725        | ↑30%                     |
| Fail                  | 29                  | 50         | 41         | 29        | 149        | 29                  | 61         | 39         | 22        | 151        | ↑1%                      |
| <b>Total</b>          | <b>246</b>          | <b>226</b> | <b>170</b> | <b>63</b> | <b>705</b> | <b>300</b>          | <b>329</b> | <b>196</b> | <b>51</b> | <b>876</b> | ↑24%                     |
| Pass Rate             | 88%                 | 78%        | 76%        | 54%       | 74%        | 90%                 | 81%        | 80%        | 57%       | 77%        | ↑3%                      |

### Non-Accredited PT Program

| Non-Accredited PT Program |                     |           |           |           |            |                     |           |           |           |            |                          |
|---------------------------|---------------------|-----------|-----------|-----------|------------|---------------------|-----------|-----------|-----------|------------|--------------------------|
|                           | Fiscal Year 2014/15 |           |           |           |            | Fiscal Year 2015/16 |           |           |           |            | Year →<br>Year<br>Change |
|                           | Q1                  | Q2        | Q3        | Q4        | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD        |                          |
|                           | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |            |                          |
| Pass                      | 11                  | 3         | 11        | 10        | 35         | 7                   | 9         | 5         | 13        | 34         | ↓-3%                     |
| Fail                      | 42                  | 47        | 29        | 37        | 155        | 39                  | 49        | 16        | 23        | 127        | ↓-18%                    |
| <b>Total</b>              | <b>53</b>           | <b>50</b> | <b>40</b> | <b>47</b> | <b>190</b> | <b>46</b>           | <b>58</b> | <b>21</b> | <b>36</b> | <b>161</b> | ↓-15%                    |
| Pass Rate                 | 21%                 | 6%        | 28%       | 21%       | 19%        | 15%                 | 16%       | 24%       | 36%       | 23%        | ↑4%                      |

### Accredited PTA Program

| Accredited PTA Program |                     |            |            |            |            |                     |            |            |            |            |                          |
|------------------------|---------------------|------------|------------|------------|------------|---------------------|------------|------------|------------|------------|--------------------------|
|                        | Fiscal Year 2014/15 |            |            |            |            | Fiscal Year 2015/16 |            |            |            |            | Year →<br>Year<br>Change |
|                        | Q1                  | Q2         | Q3         | Q4         | YTD        | Q1                  | Q2         | Q3         | Q4         | YTD        |                          |
|                        | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |            | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |            |                          |
| Pass                   | 99                  | 68         | 96         | 60         | 323        | 116                 | 83         | 86         | 66         | 351        | ↑9%                      |
| Fail                   | 50                  | 37         | 35         | 42         | 164        | 53                  | 30         | 26         | 50         | 159        | ↓-3%                     |
| <b>Total</b>           | <b>149</b>          | <b>105</b> | <b>131</b> | <b>102</b> | <b>487</b> | <b>169</b>          | <b>113</b> | <b>112</b> | <b>116</b> | <b>510</b> | ↑5%                      |
| Pass Rate              | 66%                 | 65%        | 73%        | 59%        | 66%        | 69%                 | 73%        | 77%        | 57%        | 69%        | ↑3%                      |

### Non-Accredited PTA Program

| Non-Accredited PTA Program |                     |           |           |           |           |                     |           |           |           |           |                          |
|----------------------------|---------------------|-----------|-----------|-----------|-----------|---------------------|-----------|-----------|-----------|-----------|--------------------------|
|                            | Fiscal Year 2014/15 |           |           |           |           | Fiscal Year 2015/16 |           |           |           |           | Year →<br>Year<br>Change |
|                            | Q1                  | Q2        | Q3        | Q4        | YTD       | Q1                  | Q2        | Q3        | Q4        | YTD       |                          |
|                            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |           | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |           |                          |
| Pass                       | 19                  | 6         | 11        | 2         | 38        | 4                   | 13        | 8         | 3         | 28        | ↓-26%                    |
| Fail                       | 10                  | 15        | 12        | 7         | 44        | 9                   | 15        | 9         | 6         | 39        | ↓-11%                    |
| <b>Total</b>               | <b>29</b>           | <b>21</b> | <b>23</b> | <b>9</b>  | <b>82</b> | <b>13</b>           | <b>28</b> | <b>17</b> | <b>9</b>  | <b>67</b> | ↓-18%                    |
| Pass Rate                  | 66%                 | 29%       | 48%       | 22%       | 41%       | 31%                 | 46%       | 47%       | 33%       | 39%       | ↓-2%                     |

### California Law Examination (CLE)

| Accredited Program |                     |            |            |            |              |                     |            |            |            |              |                          |
|--------------------|---------------------|------------|------------|------------|--------------|---------------------|------------|------------|------------|--------------|--------------------------|
|                    | Fiscal Year 2014/15 |            |            |            |              | Fiscal Year 2015/16 |            |            |            |              | Year →<br>Year<br>Change |
|                    | Q1                  | Q2         | Q3         | Q4         | YTD          | Q1                  | Q2         | Q3         | Q4         | YTD          |                          |
|                    | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |              | Jul - Sep           | Oct - Dec  | Jan - Mar  | Apr - Jun  |              |                          |
| Pass               | 500                 | 418        | 361        | 280        | 1,559        | 648                 | 502        | 335        | 341        | 1,826        | ↑17%                     |
| Fail               | 243                 | 194        | 140        | 165        | 742          | 271                 | 233        | 165        | 201        | 870          | ↑17%                     |
| <b>Total</b>       | <b>743</b>          | <b>612</b> | <b>501</b> | <b>445</b> | <b>2,301</b> | <b>919</b>          | <b>735</b> | <b>500</b> | <b>542</b> | <b>2,696</b> | ↑17%                     |
| Pass Rate          | 67%                 | 68%        | 72%        | 63%        | 68%          | 71%                 | 68%        | 67%        | 63%        | 67%          | ↓0%                      |

Physical Therapy Board of California

Examination Report Q4

Fiscal Year 2015-16

| Non-Accredited Program |                     |                 |                 |                 |            |                     |                 |                 |                 |            |                          |
|------------------------|---------------------|-----------------|-----------------|-----------------|------------|---------------------|-----------------|-----------------|-----------------|------------|--------------------------|
|                        | Fiscal Year 2014/15 |                 |                 |                 |            | Fiscal Year 2015/16 |                 |                 |                 |            | Year →<br>Year<br>Change |
|                        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD        |                          |
| Pass                   | 58                  | 60              | 43              | 61              | 222        | 51                  | 40              | 43              | 41              | 175        | ↓-21%                    |
| Fail                   | 64                  | 44              | 48              | 49              | 205        | 34                  | 36              | 28              | 40              | 138        | ↓-33%                    |
| <b>Total</b>           | <b>122</b>          | <b>104</b>      | <b>91</b>       | <b>110</b>      | <b>427</b> | <b>85</b>           | <b>76</b>       | <b>71</b>       | <b>81</b>       | <b>313</b> | ↓-27%                    |
| Pass Rate              | 48%                 | 58%             | 47%             | 55%             | 52%        | 60%                 | 53%             | 61%             | 51%             | 56%        | ↑4%                      |

National PT and PTA Examination - National Statistics

| Accredited PT Program |                     |                 |                 |                 |               |                     |                 |                 |                 |               |                          |
|-----------------------|---------------------|-----------------|-----------------|-----------------|---------------|---------------------|-----------------|-----------------|-----------------|---------------|--------------------------|
|                       | Fiscal Year 2014/15 |                 |                 |                 |               | Fiscal Year 2015/16 |                 |                 |                 |               | Year →<br>Year<br>Change |
|                       | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD           | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD           |                          |
| Pass                  | 4,575               | 1,376           | 1,104           | 1,906           | 8,961         | 4,613               | 1,416           | 1,170           | 2,165           | 9,364         | ↑4%                      |
| Fail                  | 562                 | 505             | 323             | 397             | 1,787         | 635                 | 641             | 281             | 241             | 1,798         | ↑1%                      |
| <b>Total</b>          | <b>5,137</b>        | <b>1,881</b>    | <b>1,427</b>    | <b>2,303</b>    | <b>10,748</b> | <b>5,248</b>        | <b>2,057</b>    | <b>1,451</b>    | <b>2,406</b>    | <b>11,162</b> | ↑4%                      |
| Pass Rate             | 89%                 | 73%             | 77%             | 83%             | 81%           | 88%                 | 69%             | 81%             | 90%             | 82%           | ↑1%                      |

| Non-Accredited PT Program |                     |                 |                 |                 |              |                     |                 |                 |                 |              |                          |
|---------------------------|---------------------|-----------------|-----------------|-----------------|--------------|---------------------|-----------------|-----------------|-----------------|--------------|--------------------------|
|                           | Fiscal Year 2014/15 |                 |                 |                 |              | Fiscal Year 2015/16 |                 |                 |                 |              | Year →<br>Year<br>Change |
|                           | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD          | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD          |                          |
| Pass                      | 239                 | 183             | 239             | 214             | 875          | 324                 | 316             | 218             | 247             | 1,105        | ↑26%                     |
| Fail                      | 779                 | 923             | 599             | 887             | 3,188        | 888                 | 1,111           | 361             | 445             | 2,805        | ↓-12%                    |
| <b>Total</b>              | <b>1,018</b>        | <b>1,106</b>    | <b>838</b>      | <b>1,101</b>    | <b>4,063</b> | <b>1,212</b>        | <b>1,427</b>    | <b>579</b>      | <b>692</b>      | <b>3,910</b> | ↓-4%                     |
| Pass Rate                 | 23%                 | 17%             | 29%             | 19%             | 22%          | 27%                 | 22%             | 38%             | 36%             | 31%          | ↑9%                      |

| Accredited PTA Program |                     |                 |                 |                 |              |                     |                 |                 |                 |              |                          |
|------------------------|---------------------|-----------------|-----------------|-----------------|--------------|---------------------|-----------------|-----------------|-----------------|--------------|--------------------------|
|                        | Fiscal Year 2014/15 |                 |                 |                 |              | Fiscal Year 2015/16 |                 |                 |                 |              | Year →<br>Year<br>Change |
|                        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD          | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD          |                          |
| Pass                   | 3,181               | 1,349           | 791             | 1,032           | 6,353        | 3,167               | 1,523           | 903             | 1,072           | 6,665        | ↑5%                      |
| Fail                   | 654                 | 1,223           | 424             | 397             | 2,698        | 755                 | 687             | 404             | 454             | 2,300        | ↓-15%                    |
| <b>Total</b>           | <b>3,835</b>        | <b>2,572</b>    | <b>1,215</b>    | <b>1,429</b>    | <b>9,051</b> | <b>3,922</b>        | <b>2,210</b>    | <b>1,307</b>    | <b>1,526</b>    | <b>8,965</b> | ↓-1%                     |
| Pass Rate              | 83%                 | 52%             | 65%             | 72%             | 68%          | 81%                 | 69%             | 69%             | 70%             | 72%          | ↑4%                      |

| Non-Accredited PTA Program |                     |                 |                 |                 |            |                     |                 |                 |                 |            |                          |
|----------------------------|---------------------|-----------------|-----------------|-----------------|------------|---------------------|-----------------|-----------------|-----------------|------------|--------------------------|
|                            | Fiscal Year 2014/15 |                 |                 |                 |            | Fiscal Year 2015/16 |                 |                 |                 |            | Year →<br>Year<br>Change |
|                            | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun | YTD        |                          |
| Pass                       | 84                  | 65              | 55              | 58              | 262        | 67                  | 104             | 76              | 58              | 305        | ↑16%                     |
| Fail                       | 77                  | 110             | 64              | 91              | 342        | 86                  | 113             | 56              | 61              | 316        | ↓-8%                     |
| <b>Total</b>               | <b>161</b>          | <b>175</b>      | <b>119</b>      | <b>149</b>      | <b>604</b> | <b>153</b>          | <b>217</b>      | <b>132</b>      | <b>119</b>      | <b>621</b> | ↑3%                      |
| Pass Rate                  | 52%                 | 37%             | 46%             | 39%             | 44%        | 44%                 | 48%             | 58%             | 49%             | 50%        | ↑6%                      |

**Jurisprudence Examination - National Statistics**

| <b>Accredited Program</b> |                            |              |              |              |              |                            |              |              |              |              |                                   |
|---------------------------|----------------------------|--------------|--------------|--------------|--------------|----------------------------|--------------|--------------|--------------|--------------|-----------------------------------|
|                           | <b>Fiscal Year 2014/15</b> |              |              |              |              | <b>Fiscal Year 2015/16</b> |              |              |              |              | <b>Year →<br/>Year<br/>Change</b> |
|                           | Q1                         | Q2           | Q3           | Q4           | YTD          | Q1                         | Q2           | Q3           | Q4           | YTD          |                                   |
|                           | Jul - Sep                  | Oct - Dec    | Jan -Mar     | Apr - Jun    |              | Jul - Sep                  | Oct - Dec    | Jan -Mar     | Apr - Jun    |              |                                   |
| Pass                      | 1,838                      | 1,328        | 1,134        | 1,919        | 6,219        | 2,091                      | 1,478        | 1,076        | 2,010        | 6,655        | ↑7%                               |
| Fail                      | 476                        | 385          | 872          | 739          | 2,472        | 556                        | 515          | 357          | 479          | 1,907        | ↓-23%                             |
| <b>Total</b>              | <b>2,314</b>               | <b>1,713</b> | <b>2,006</b> | <b>2,658</b> | <b>8,691</b> | <b>2,647</b>               | <b>1,993</b> | <b>1,433</b> | <b>2,489</b> | <b>8,562</b> | ↓-1%                              |
| Pass Rate                 | 79%                        | 78%          | 57%          | 72%          | 72%          | 79%                        | 74%          | 75%          | 81%          | 77%          | ↑6%                               |

**Non-Accredited Program**

|              | <b>Fiscal Year 2014/15</b> |            |            |            |              | <b>Fiscal Year 2015/16</b> |            |            |            |            | <b>Year →<br/>Year<br/>Change</b> |
|--------------|----------------------------|------------|------------|------------|--------------|----------------------------|------------|------------|------------|------------|-----------------------------------|
|              | Q1                         | Q2         | Q3         | Q4         | YTD          | Q1                         | Q2         | Q3         | Q4         | YTD        |                                   |
|              | Jul - Sep                  | Oct - Dec  | Jan -Mar   | Apr - Jun  |              | Jul - Sep                  | Oct - Dec  | Jan -Mar   | Apr - Jun  |            |                                   |
| Pass         | 130                        | 134        | 125        | 149        | 538          | 117                        | 126        | 117        | 108        | 468        | ↓-13%                             |
| Fail         | 82                         | 70         | 180        | 146        | 478          | 51                         | 69         | 56         | 77         | 253        | ↓-47%                             |
| <b>Total</b> | <b>212</b>                 | <b>204</b> | <b>305</b> | <b>295</b> | <b>1,016</b> | <b>168</b>                 | <b>195</b> | <b>173</b> | <b>185</b> | <b>721</b> | ↓-29%                             |
| Pass Rate    | 61%                        | 66%        | 41%        | 51%        | 55%          | 70%                        | 65%        | 68%        | 58%        | 65%        | ↑11%                              |



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



## Briefing Paper

**Date:** 8/8/2016

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Alternate Approval Pathway for Examination Eligibility

### **Purpose:**

To inform the Members of examination eligibility processing changes

### **Background:**

Over the past year, the PTBC has been working with the FSBPT on a way to increase efficiency for applicants to sit for examinations and obtain licensure; Alternate Approval Pathway is the result.

### **Analysis:**

In fall of this year, the Federation of Physical Therapy (FSBPT) will implement Alternate Approval Pathway for examination eligibility processing; this will allow applicants to sit for the National Physical Therapy Examination (NPTE) and the California Law Examination (CLE) prior to applying to the PTBC for licensure.

Currently, an applicant must apply to the PTBC for examination *and* licensure. Once the applicant applies, the PTBC determines examination eligibility and communicates eligibility status to the FSBPT electronically. This can be a lengthy process and processing time is dependent upon the PTBC's workload. For Alternate Approval Pathway, the FSBPT will verify examination eligibility using specific *automated* system checks; these system checks are eligibility requirements established by the FSBPT in consultation with the state licensing jurisdictions.

Unlike now, the process for Alternate Approval Pathway actually begins long before an applicant is ready to apply with the PTBC. During a cohort's first year, the Commission on Accreditation in Physical Therapy Education (CAPTE) programs will electronically provide basic information for the students in the cohort to FSBPT, which will allow students to create FSBPT profiles. In the students' last year, the CAPTE program will validate the students' graduation information, and then the students will be able to register for the exams. Once a student is registered, the system checks will run and, if appropriate, examination eligibility will be granted.

Separating the examination eligibility process from the licensure evaluation process will provide greater efficiency for applicants and streamline the licensure evaluation process for the PTBC. Also, another benefit is that the students' education information will be provided by one source – the CAPTE program – so the FSBPT data will be more accurate. Currently, education information can be provided by the CAPTE programs, the students and/or both, which can result in discrepancies in data collection.

This eligibility method is an optional alternative to traditional eligibility processing for those applicants who meet the criteria to use it. If an applicant does not qualify for eligibility using the FSBPT's automated criteria, but may qualify to sit for the examination based upon State provisions, the PTBC may manually grant the applicant examination eligibility.

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**Action Requested:**

None



Physical Therapy Board of California

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



### Briefing Paper

**Date:** 8/8/16  
**Prepared for:** PTBC Members  
**Prepared by:** Sarah Conley  
**Subject:** License Maintenance Program Report

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### **Purpose:**

To update the Members on the most recent activities of the License Maintenance program

Attachment: [License Maintenance Statistics](#)

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### **Update:**

The License Maintenance program report is not only being provided under a new name (formerly Licensing Services), but also in a new format with new statistics. The program name change was to concisely capture the program's role – maintaining license records. This distinction is important for the PTBC because Licensing Services can also be used to refer to processing applications for licensure as you read in the Applications Services Program Report regarding Licensing Performance Measures, which actually captures application processing data.

The immediately obvious change is the report appearance, but much of the report content has changed as well. Data was consolidated and reorganized and processed transactions data has been added. Processed transactions have not previously been reported, but they *are* the License Maintenance workload.

Staff continues to encourage licensees to renew online using the Breeze system, which is providing a great efficiency for licensees as well as staff; however, there have been some licensees who experienced difficulty creating an account and linking their license. Staff is resolving these issues on an individual basis.

The program is preparing to resume Continuing Competency audits, which was temporarily halted due to resource constraints. Auditing is scheduled to begin when Application Services vacancies are filled.

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### **Action Requested:**

None

## Licensing Statistics Report

### Active License Status

|       | FY 2014/15 | Fiscal Year 2015/16 |                 |                |                 |       | Year → Year Change |
|-------|------------|---------------------|-----------------|----------------|-----------------|-------|--------------------|
|       | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan -Mar | Q4<br>Apr - Jun | YTD   |                    |
| PT    | 22658      | 22956               | 23216           | 23405          | 23580           | 23580 | ↑ 4%               |
| PTA   | 5660       | 5790                | 5857            | 5960           | 5997            | 5997  | ↑ 6%               |
| Total | 28318      | 28746               | 29073           | 29365          | 29577           | 29577 | ↑ 4%               |

### Inactive License Status

|       | FY 2014/15 | Fiscal Year 2015/16 |                 |                |                 |      | Year → Year Change |
|-------|------------|---------------------|-----------------|----------------|-----------------|------|--------------------|
|       | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan -Mar | Q4<br>Apr - Jun | YTD  |                    |
| PT    | 1572       | 1614                | 1637            | 1345           | 1399            | 1399 | ↓ -11%             |
| PTA   | 420        | 431                 | 437             | 636            | 356             | 356  | ↓ -15%             |
| Total | 1992       | 2045                | 2074            | 1981           | 1755            | 1755 | ↓ -12%             |

### Retired License Status

|        | FY 2014/15 | Fiscal Year 2015/16 |                 |                |                 |     | Year → Year Change |
|--------|------------|---------------------|-----------------|----------------|-----------------|-----|--------------------|
|        | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan -Mar | Q4<br>Apr - Jun | YTD |                    |
| PT/PTA | 70         | 90                  | 105             | 101            | 137             | 137 | ↑ 96%              |

### Active Specialty Certifications

|       | FY 2014/15 | Fiscal Year 2015/16 |                 |                |                 |     | Year → Year Change |
|-------|------------|---------------------|-----------------|----------------|-----------------|-----|--------------------|
|       | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan -Mar | Q4<br>Apr - Jun | YTD |                    |
| KEMG  | 31         | 31                  | 30              | 26             | 26              | 26  | ↓ -16%             |
| ENMG  | 23         | 22                  | 21              | 18             | 21              | 21  | ↓ -9%              |
| Total | 54         | 53                  | 51              | 44             | 47              | 47  | ↓ -13%             |

### Transactions Processed

|               | FY 2014/15 | Fiscal Year 2015/16 |                 |                |                 |       | Year → Year Change |
|---------------|------------|---------------------|-----------------|----------------|-----------------|-------|--------------------|
|               | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan -Mar | Q4<br>Apr - Jun | YTD   |                    |
| Renewals      | 13752      | 4369                | 4782            | 2928           | 3671            | 15750 | ↑ 15%              |
| Addresses     | 3181       | 1229                | 991             | 1865           | 1259            | 5344  | ↑ 68%              |
| Names         | 2162       | 587                 | 190             | 106            | 111             | 994   | ↓ -54%             |
| Duplicates    | 277        | 57                  | 64              | 91             | 80              | 292   | ↑ 5%               |
| Verifications | 894        | 230                 | 221             | 230            | 280             | 961   | ↑ 7%               |
| Total         | 20266      | 6472                | 6248            | 5220           | 5401            | 23341 | ↑ 15%              |



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

Internet: www.ptbc.ca.gov



## Briefing Paper

Date: August 15, 2016

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program (CPS)

**Purpose:** Update on Consumer Protection Services Program

Attachments: [Quarter 4 - Performance Measures Report 23 \(A-1\)](#)  
[Consumer Protection Services Data 23 \(A-2\)](#)  
[Disciplinary Summary 23 \(A-3\)](#)

The CPS program continues to adapt to the BreEZe program and its capabilities. In addition, although BreEZe has been in implementation since January, we continue to conduct system tests to enhance our process and collection of data as program updates are done.

Also, on another positive note, we must extend a bitter-sweet farewell to Ms. Karin Thompsen, CPS Analyst as she will be retiring from State service September 2, 2016. Ms. Thompsen has served the Board since 1995 in various programs, and ultimately in the CPS program. Her dedication and quality of work will be immensely missed.

### [Attachment A-1 - Quarter 4 Performance Measures Report :](#)

The Performance Measures Report is used by all DCA organizations to provide the Department's public Performance Measures. Data is collected on a quarterly basis and posted on the Department's public website. [http://www.dca.ca.gov/about\\_dca/enforcement.shtml](http://www.dca.ca.gov/about_dca/enforcement.shtml)

### [Attachment A-2 - Consumer Protection Services \(CPS\) Report](#)

The CPS report provides specific data at various stages of the enforcement process from receipt of initiation of the complaint to closure of the complaint with or without administrative action. This report has been revised and added the following :

- 1) Prior FY - Year to Date (YTD)
- 2) Current YTD (including all four quarters)
- 3) Year – Year Changes

In addition, at the Board's request, included is a Five Year Performance Measures Milestone (A- 2.1). This data captures the performance measures from FY's 2011/2012 through FY 2015/2016. Points of interest to note:

- PM 1 Although the number of complaints (non-conviction/arrest related) have decreased, the number of conviction/arrest cases remain at a high volume. For the last two FY's, the conviction related cases make up at least for 50% of the cases initiated.
- PM 3 The average number of days to complete an investigation from receipt to completion of investigation with no disciplinary action has increased; however, being an average, the increase is attributed to the statistical weight of each case. As there are fewer cases to devise, the number of days has increased proportionately. In prior FY's, there were more complaint cases; however, there was a high volume of cases requiring a lower level of investigation which will skew the average to complete an investigation.
- PM 4 The average days to complete an investigation to the final disposition of a case increased which is due to the number of cases increasing at the discipline level.

The Board also inquired as to the type of violation cases opened for the last five FY's (A-2.2). Complaint class is a broad way of categorizing complaints for statistical purposes. Attached is a five year (by FY) data collection of cases opened by type of violation. Keep in mind, this data captures the violation type at the time of initiation of the complaint; however, may change as the investigation moves along. DCA has standardized the classification code as it is used for standard reporting.

### [Attachment A-3 - Disciplinary Summary](#)

The Disciplinary Summary reports formal discipline and citations issued within this quarter/fiscal year. Disciplinary actions are of public record and are available through the BreEZe online license lookup.

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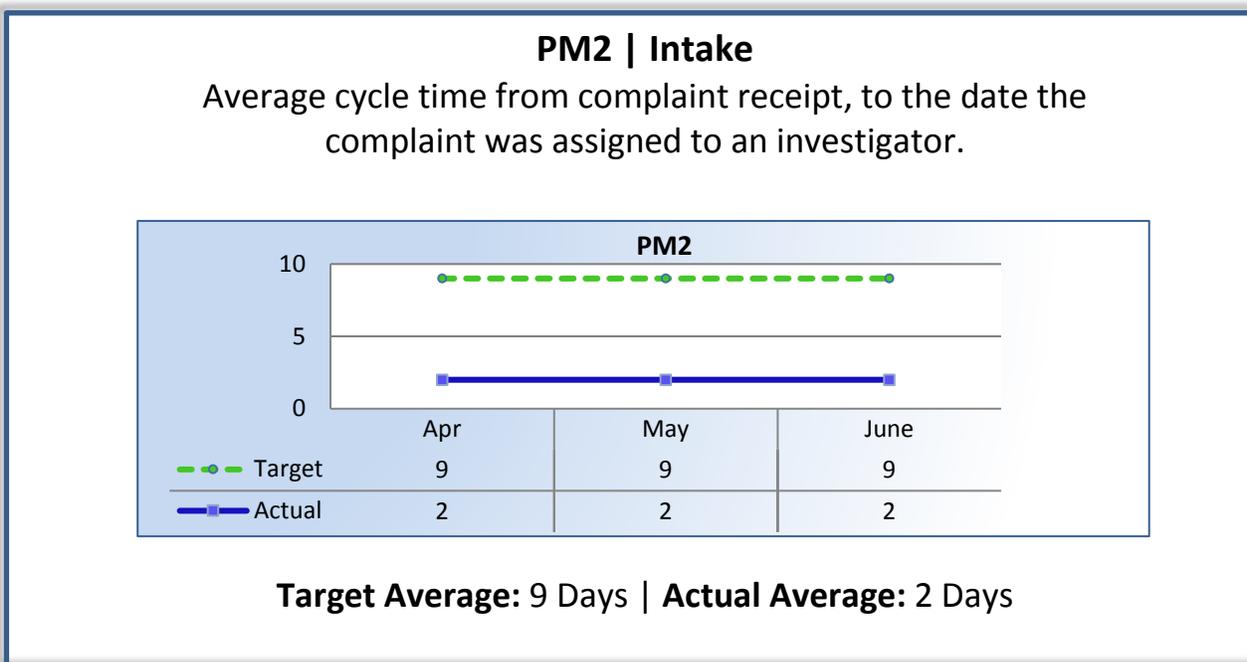
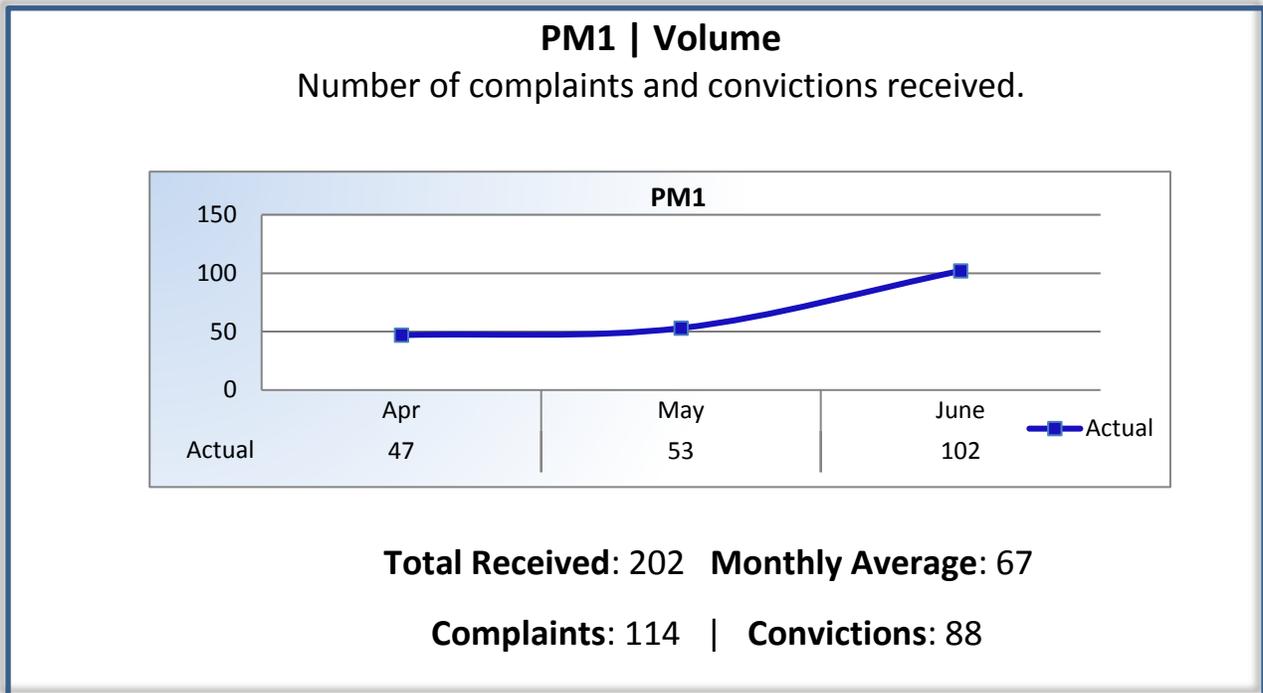
Action Requested:

No Action Required

## Performance Measures

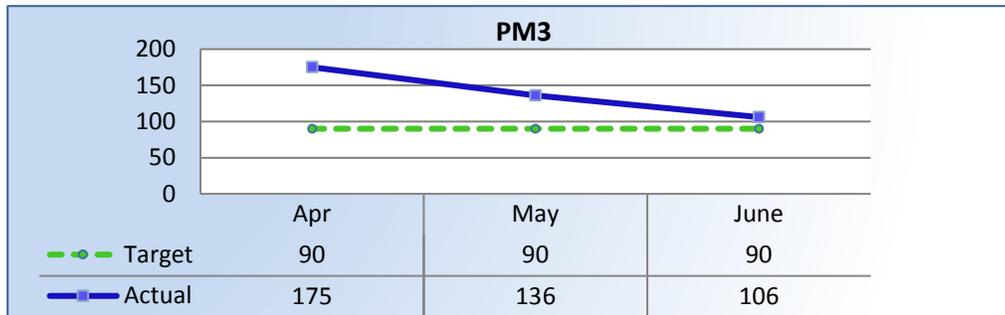
### Q4 Report (April - June 2016)

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



### PM3 | Intake & Investigation

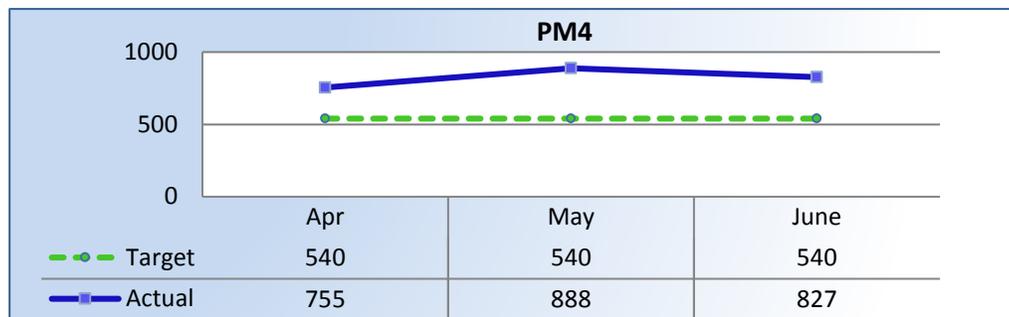
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 139 Days**

### PM4 | Formal Discipline

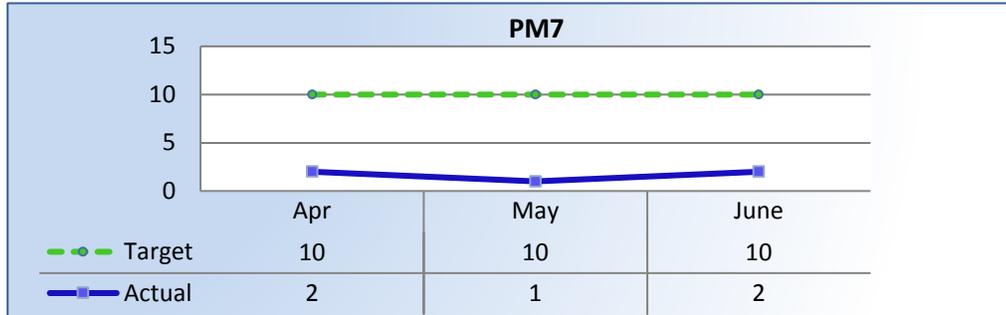
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 806 Days**

### PM7 | Probation Intake

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



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

### PM8 | Probation Violation Response

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

*The Board did not have any probation violations this quarter.*

**Target Average: 7 Days | Actual Average: 1 Day**

## Consumer Protection Services Statistics Report

| Complaint Intake                    |            |                     |                 |                 |                 |                    |        |
|-------------------------------------|------------|---------------------|-----------------|-----------------|-----------------|--------------------|--------|
|                                     | FY 2014/15 | Fiscal Year 2015/16 |                 |                 |                 | Year → Year Change |        |
|                                     | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun |                    | YTD    |
| Complaints Received                 | 670        | 196                 | 56              | 43              | 117             | 412                | ↓ -39% |
| Convictions/Arrest Reports Received | 336        | 63                  | 75              | 65              | 88              | 291                | ↓ -13% |
| Total Received                      | 1006       | 259                 | 131             | 108             | 205             | 703                | ↓ -30% |

**Investigation**  
*Complaints investigated by the program whether by desk investigation or by field investigation. Measured by date the complaint is received to the date the complaint is closed or referred for discipline action. If a complaint is never referred for Field Investigation, it will be counted as "Closed" under Desk Investigation. If a complaint is referred for Field Investigation, it will be counted as "closed" under Sworn.*

| Desk Investigation                  |            |                     |                 |                 |                 |                    |        |
|-------------------------------------|------------|---------------------|-----------------|-----------------|-----------------|--------------------|--------|
|                                     | FY 2014/15 | Fiscal Year 2015/16 |                 |                 |                 | Year → Year Change |        |
|                                     | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun |                    | YTD    |
| Initial Assignment for Desk Invest. | 995        | 254                 | 133             | 106             | 199             | 692                | ↓ -30% |
| Closed                              | 1044       | 267                 | 144             | 147             | 119             | 677                | ↓ -35% |
| Average Days to Close               | 139        | 88                  | 99              | 140             | 91              | 105                | ↓ -25% |
| Pending                             | 231        | 209                 | 189             | 270             | 303             | 303                | ↑ 31%  |

| Field Investigation (Sworn - DOI)  |            |                     |                 |                 |                 |                    |        |
|------------------------------------|------------|---------------------|-----------------|-----------------|-----------------|--------------------|--------|
|                                    | FY 2014/15 | Fiscal Year 2015/16 |                 |                 |                 | Year → Year Change |        |
|                                    | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun |                    | YTD    |
| Assignment for Sworn Field Invest. | 93         | 8                   | 17              | 10              | 9               | 44                 | ↓ -53% |
| Closed                             | 174        | 25                  | 25              | 12              | 16              | 78                 | ↓ -55% |
| Average Days to Close              | 495        | 634                 | 825             | 325             | 343             | 532                | ↑ 7%   |
| Pending                            | 44         | 41                  | 37              | 35              | 29              | 29                 | ↓ -34% |

| All Investigations    |            |                     |                 |                 |                 |                    |        |
|-----------------------|------------|---------------------|-----------------|-----------------|-----------------|--------------------|--------|
|                       | FY 2014/15 | Fiscal Year 2015/16 |                 |                 |                 | Year → Year Change |        |
|                       | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun |                    | YTD    |
| First Assignments     | 995        | 254                 | 134             | 102             | 199             | 689                | ↓ -31% |
| Closed                | 1131       | 292                 | 169             | 159             | 135             | 755                | ↓ -33% |
| Average Days to Close | 167        | 135                 | 206             | 148             | 136             | 156                | ↓ -6%  |
| Pending               | 343        | 307                 | 280             | 270             | 303             | 303                | ↓ -12% |

| All Investigations Aging |            |                     |                 |                 |                 |                    |       |
|--------------------------|------------|---------------------|-----------------|-----------------|-----------------|--------------------|-------|
|                          | FY 2014/15 | Fiscal Year 2015/16 |                 |                 |                 | Year → Year Change |       |
|                          | YTD        | Q1<br>Jul - Sep     | Q2<br>Oct - Dec | Q3<br>Jan - Mar | Q4<br>Apr - Jun |                    | YTD   |
| 1 - 90 Days              | 60%        | 207                 | 89              | 77              | 92              | 62%                | ↑ 2%  |
| 91 - 180 Days            | 15%        | 38                  | 38              | 54              | 17              | 19%                | ↑ 4%  |
| 181 Days - 1 Year        | 8%         | 14                  | 19              | 11              | 17              | 8%                 | ↑ 0%  |
| 1 - 2 Years              | 14%        | 20                  | 6               | 8               | 9               | 6%                 | ↓ -8% |
| 2 - 3 Years              | 2%         | 5                   | 6               | 5               | 5               | 3%                 | ↑ 1%  |
| Over 3 Years             | 1%         | 8                   | 11              | 4               | 0               | 3%                 | ↑ 2%  |

Physical Therapy Board of California  
 Consumer Protection Services Report  
 Fiscal Year 2015/16

**Disciplinary Actions** *This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.*

|                    | FY 2014/15 | Fiscal Year 2015/16 |           |           |           |     | Year → Year Change |
|--------------------|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|                    | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|                    |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| AG Cases Initiated | 60         | 5                   | 5         | 1         | 14        | 25  | ↓ -58%             |
| AG Cases Pending   | 66         | 53                  | 40        | 25        | 28        | 28  | ↓ -58%             |
| SOIs Filed         | 8          | 1                   | 0         | 1         | 1         | 3   | ↓ -63%             |
| Accusations Filed  | 52         | 7                   | 5         | 1         | 7         | 20  | ↓ -62%             |

|                                | FY 2014/15 | Fiscal Year 2015/16 |           |           |           |     | Year → Year Change |
|--------------------------------|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|                                | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|                                |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| Total Final Orders (Dec/Stips) | 54         | 15                  | 17        | 14        | 8         | 54  | → 0%               |
| Total Average Days to Complete | 932        | 813                 | 843       | 873       | 806       | 834 | ↓ -12%             |

|                   | FY 2014/15 | Fiscal Year 2015/16 |           |           |           |     | Year → Year Change |
|-------------------|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|                   | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|                   |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| 1 - 90 Days       | 0%         | 0                   | 0         | 0         | 0         | 0%  | → 0%               |
| 91 - 180 Days     | 0%         | 0                   | 0         | 0         | 0         | 0%  | → 0%               |
| 181 Days - 1 Year | 2%         | 1                   | 1         | 0         | 0         | 4%  | ↑ 2%               |
| 1 - 2 Years       | 44%        | 7                   | 6         | 7         | 4         | 44% | ↑ 0%               |
| 2 - 3 Years       | 19%        | 4                   | 6         | 5         | 2         | 31% | ↑ 12%              |
| Over 3 Years      | 35%        | 3                   | 4         | 2         | 2         | 20% | ↓ -15%             |

|                           | FY 2014/15 | Fiscal Year 2015/16 |           |           |           |     | Year → Year Change |
|---------------------------|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|                           | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|                           |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| Final Citations           | 99         | 32                  | 21        | 17        | 9         | 79  | ↓ -20%             |
| Average Days to Complete* | 204        | 333                 | 262       | 342       | 536       | 368 | ↑ 45%              |

|                                    | FY 2014/15 | Fiscal Year 2015/16 |           |           |           |     | Year → Year Change |
|------------------------------------|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|                                    | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|                                    |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| Interim Suspension & PC 23 Ordered | 2          | 1                   | 1         | 1         | 1         | 4   | ↑ 100%             |

Physical Therapy Board of California  
 Consumer Protection Services Report Fiscal Year 2015/16

| Performance Measures  |            |                     |           |           |           |     |                    |
|---|------------|---------------------|-----------|-----------|-----------|-----|--------------------|
|   | FY 2014/15 | Fiscal year 2015/16 |           |           |           |     | Year → Year Change |
|   | YTD        | Q1                  | Q2        | Q3        | Q4        | YTD |                    |
|   |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |     |                    |
| <b>PM1 Volume - Number of Complaints Received within the specified time period.</b>   | 670        | 196                 | 56        | 43        | 117       | 412 | ↓ -39%             |
| <b>PM1 Volume - Conviction/Arrest Reports Received</b>  | 336        | 63                  | 75        | 65        | 88        | 291 | ↓ -13%             |
| <b>PM2 Cycle Time - Intake</b> Average number of complaint intake during the specified time period.   | 4          | 3                   | 7         | 2         | 2         | 3.5 | ↓ -13%             |
| <b>PM3 Cycle Time - No Discipline</b> (Target 90 Days) Average number of days to complete complaint intake and investigation steps of the enforcement process for Closed Complaints not resulting in Formal Discipline. | 158        | 132                 | 193       | 148       | 136       | 152 | ↓ -4%              |
| <b>PM 4 Cycle Time - Discipline</b> (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investiation, and Formal Discipline steps) for cases closed with Formal Discipline. | 929        | 758                 | 870       | 873       | 806       | 827 | ↓ -11%             |

**Physical Therapy Board of California  
Consumer Protection Services Program**

| <b>5 Year Performance Measures Milestone</b>   |                     |                     |                     |                     |                     |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
|  | <b>FY 2011/2012</b> | <b>FY 2012/2013</b> | <b>FY 2013/2014</b> | <b>FY 2014/2015</b> | <b>FY 2015/2016</b> |
| <b>PM1 Volume</b> - Total Number of Complaints Received. (Non conviction/arrest related)   | 1587                | 1347                | 1019                | 669                 | 419                 |
| <b>PM1 Volume - Conviction/Arrest Reports Received</b>   | 228                 | 181                 | 289                 | 336                 | 291                 |
| <b>Total Complaints Received</b>   | 1814                | 1536                | 1309                | 1006                | 703                 |
| <b>PM2 Cycle Time - Intake</b><br>Average number of complaint intake during the specified time period.   | AVG DAYS<br>5       | AVG DAYS<br>6       | AVG DAYS<br>15      | AVG DAYS<br>4       | AVG DAYS<br>3.5     |
| <b>PM3 Cycle Time-No Discipline</b><br>(Target 90 Days) Average number of days to complete complaint intake and investigation steps of the enforcement process for Closed Complaints not resulting in Formal Discipline. | AVG DAYS<br>75      | AVG DAYS<br>111     | AVG DAYS<br>101     | AVG DAYS<br>155     | AVG DAYS<br>152     |
| <b>Investigations Closed - No Discipline</b>   | 1762                | 1589                | 2617                | 1131                | 755                 |
| <b>PM 4 Cycle Time-Discipline</b> (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investigation, and Formal Discipline steps) for cases closed with Formal Discipline.   | AVG DAYS<br>645     | AVG DAYS<br>692     | AVG DAYS<br>779     | AVG DAYS<br>929     | AVG DAYS<br>827     |
| <b>Total Final Orders</b>  | 32                  | 35                  | 41                  | 54                  | 54                  |

Agenda Item 23 (A-2.1)

| Physical Therapy Board of California<br>Consumer Protection Services |             |             |             |             |             |
|--|-------------|-------------|-------------|-------------|-------------|
| Complaints Received by Category FY 2011/2012 through 2015/2016       |             |             |             |             |             |
|  | FY 11/12    | FY 12/13    | FY 13/14    | FY 14/15    | FY 15/16*** |
| Substance  | 1           | 3           | 0           | 4           |             |
| Drug   | 8           | 5           | 6           | 4           | 5           |
| Unsafe   | 2           | 1           | 4           | 1           | 2           |
| Fraud  | 33          | 17          | 27          | 18          | 35          |
| Non-Juris  | 1           | 6           | 9           | 5           | 1           |
| Incompetence   | 17          | 31          | 34          | 24          | 23          |
| Other*   | 1268        | 827         | 729         | 437         | 137         |
| Unprofessional Cond.**   | 158         | 403         | 125         | 81          | 115         |
| Sexual   | 11          | 11          | 18          | 15          | 16          |
| Discipline   | 25          | 19          | 31          | 34          | 25          |
| Unlicensed   | 62          | 32          | 37          | 47          | 52          |
| Criminal   | 228         | 181         | 289         | 336         | 291         |
| Personal Conduct   | 0           | 0           | 0           | 0           | 1           |
| <b>TOTAL</b>   | <b>1814</b> | <b>1536</b> | <b>1309</b> | <b>1006</b> | <b>703</b>  |

\* **Other:** This Category is used when no other category fits. (i.e. contin. comp, corporation issues, returned mail issues)

\*\* **Unprofessional conduct:** (patient/client abandonment, failure to release/return records, breach of confidentiality, unethical practices, acts of violence, failure to report abuse/child/elder/dependent adult, failure to post NTC.

\*\*\* **FY 15/16:** With the implementation of BreEZe, the "substance and Drug" categories were combined and "Personal Conduct" category was added.

## Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of April, May, & June 2016. The Decisions become operative on the Effective Date, with the exception of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please address your request to:

Physical Therapy Board of California  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8200/ FAX (916) 263-2560

.....  
**April 2016**

**ARECHIGA, GREGORY (PTA 2995)**

Violation of B & P Codes: 2644(b), 2660(d), and 2660(k). Violation of CCR: 1399.24(d)(3) and 1399.24(d)(4). Public Letter of Reprimand Issued 04/29/16.

**GULBRANDSON, CHRISTOPHER JOHN (PT 28076)**

Accusation Filed 07/16/15. Violation of B & P Codes: 2660(g) and 2660(m). Stipulated Settlement and Disciplinary Order Effective 04/18/16, Revocation Stayed, 2 Yrs. & 360 Days Prob.

**KIM, SEONWEON (PT 32717)**

Accusation Filed 04/17/15. Violation of B & P Codes: 490, 493, 810, 2660(a), 2660(e), 2660(j), 2660(r), 2660(s), and 2661. Violation of CCR: 1399.20(a), 1399.20(b), and 1399.20(c). Stipulated Revocation Effective 04/07/16, License Revoked.

**KUKLIS, VIRGINIA CRUZ (PTA 4116)**

Accusation Filed 06/09/15. Violation of B & P Codes: 490, 2660(a), 2660(e), and 2239(a). Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 04/25/16, Revocation Stayed, 3 Yrs. Prob., or until completion of Board's Substance Abuse Rehabilitation Program plus one year, whichever is longer.

**May 2016**

**CORN, KRISTINE N (PT 684)**

Accusation Filed 07/07/14. Violation of B & P Codes: 2620.7, 2660(g), and 2660(h). Violation of CCR: 1398.44 and 1399.85. Stipulated Settlement and Disciplinary Order Effective 05/02/16, Public Reprimand.

**COOPER, JEFFREY WAYNE (PT 26969)**

Accusation Filed 08/28/15. Violation of B & P Codes: 490, 2239, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20(a), and 1399.20(c). Stipulated Settlement and Disciplinary Order Effective 05/23/16, Revocation Stayed, 3 Yrs. Prob., or completion of the Substance Abuse Rehabilitation Program plus one year, whichever is longer.

**PAUL, MARILYN CHRISTINE (PT 5400)**

Accusation Filed 05/24/16. Violation of B & P Codes: 822, 2605(d), and 2660(a). Interim Suspension Ordered 05/24/16, License Suspended.

**BOMMARITO, DEVRA ANNE (PT 15780)**  
Joint Stipulation and Order Effective 05/27/16.

**June 2016**

**HICKEY, SEAN MICHAEL (PT 39392)**  
Accusation Filed 10/30/15. Violation of B & P Codes: 490, 2239, 2660(a), and 2660(e). Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 06/23/16, Revocation Stayed, 3 Yrs. Prob., or until completion of the Board's Substance Abuse Rehabilitation Program plus one year, whichever is longer.

**Initial Probationary Licenses (IPL) Issued**

.....  
**April, May, and June 2016**

(NONE)

**Licenses Denied**

.....  
**April 2016**

**WOODS, ANDREW ROBIN (APPLICANT)**  
Application Denied 04/15/16. Violation of B & P Code: 480 Grounds for Denial of License.

**May 2016**

**WEBB, BREE ANNA ALYCE (APPLICANT)**  
Application Denied 05/03/16. Violation of B & P Code: 480 Grounds for Denial of License.

**WILLIAMS, KIMBERLY CARTER (APPLICANT)**  
Application Denied 05/03/16. Violation of B & P Code: 480 Grounds for Denial of License.

**June 2016**

(NONE FOR THIS MONTH)

**Glossary of Terms**

.....  
B & P Code – Business and Professions Code  
H & S Code – Health and Safety Code  
R & R – Rules and Regulations  
CCR – California Code of Regulations

**Accusations:** Charges and allegations, which still must undergo rigorous tests of proof at later administrative hearings.  
**Petition to Revoke Probation:** A Petition to Revoke Probation is filed when a licensee is charged with violation of a prior disciplinary decision.  
**Probationary License:** Where good cause exists to deny a license, the licensing agency has the option to issue a conditional license subject to probationary terms and conditions.  
**Statement of Issues Filed:** When an applicant for licensure is informed the license will be denied for cause, the applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is initiated by the filing of a Statement of Issues, which is similar to an accusation.  
**Surrender of License:** License surrender as part of a disciplinary order.  
**Statement of Issues Decision:** These are decisions rendered after the filing of a Statement of Issues.  
**Stipulated Decision:** Negotiated settlements waiving court appeals.



Physical Therapy Board of California

STATE AND CONSUMER SERVICES 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



### Briefing Paper

Date: August 10, 2016

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

SUBJECT: Probation Monitoring Program

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**Purpose:** Update on Probation Monitoring Program for FY 2015-2016

Attachments: [Probation Monitoring Report \(A-1\)](#)

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This is the inaugural report on the Board's Probation Monitoring Program. Please refer to attachment A-1 which contains the probation statistics for FY 2015-2016.

Currently there are 104 licensees on probation for various causes from Aiding and Abetting to Driving Under the Influence. Of those 104 licensees on probation, 12 probationers are tolling and not receiving credit toward the completion of probation. The tolling of probation is due to the probationer residing out of state or residing in California; however are not currently working in the profession.

Of the 92 licensees that are not currently tolling, 23 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 22 % of all licensees on probation. At this same time last year, the Board had 88 licensees on probation and 11 of those licensees, or 12.5% of those 88 licensees on probation were enrolled and participating in the Board's Drug and Alcohol Rehabilitation Program.

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### **Action Requested:**

No Action Required

## Probation Statistics Report

| Probation                        |            |                     |           |           |            |                    |              |
|----------------------------------|------------|---------------------|-----------|-----------|------------|--------------------|--------------|
|                                  | FY 2014/15 | Fiscal Year 2015/16 |           |           |            | Year → Year Change |              |
|                                  | YTD        | Q1                  | Q2        | Q3        | Q4         |                    | YTD          |
|                                  |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun  |                    |              |
| Entered Probationer              | 21         | 8                   | 11        | 11        | 9          | 39                 | ↑ 86%        |
| Completed Probation              | 4          | 5                   | 5         | 9         | 3          | 22                 | ↑ 450%       |
| Probation Terminated/Surrendered | 5          | 0                   | 0         | 0         | 0          | 0                  | ↓ -20%       |
| Non-Compliant w/Probation        | 2          | 0                   | 0         | 1         | 0          | 1                  | ↓ -50%       |
| <b>Total Probationers</b>        | <b>88</b>  | <b>92</b>           | <b>94</b> | <b>98</b> | <b>104</b> | <b>104</b>         | <b>↑ 18%</b> |

| Maximus                           |            |                     |           |           |           |                    |               |
|-----------------------------------|------------|---------------------|-----------|-----------|-----------|--------------------|---------------|
|                                   | FY 2014/15 | Fiscal Year 2015/16 |           |           |           | Year → Year Change |               |
|                                   | YTD        | Q1                  | Q2        | Q3        | Q4        |                    | YTD           |
|                                   |            | Jul - Sep           | Oct - Dec | Jan - Mar | Apr - Jun |                    |               |
| Entered Maximus                   | 10         | 5                   | 7         | 7         | 3         | 22                 | ↑ 120%        |
| Completed Maximus                 | 5          | 0                   | 0         | 1         | 1         | 2                  | ↓ -60%        |
| <b>Total Maximus Participants</b> | <b>11</b>  | <b>15</b>           | <b>21</b> | <b>23</b> | <b>23</b> | <b>23</b>          | <b>↑ 109%</b> |