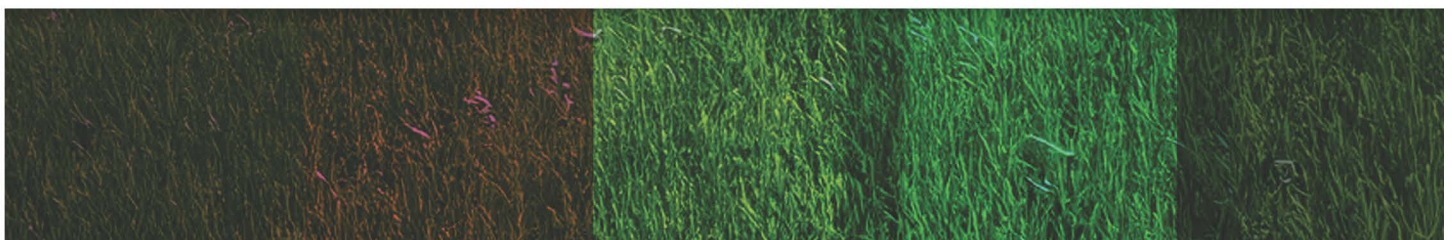




2025 SUNSET REVIEW REPORT

PHYSICAL THERAPY BOARD OF CALIFORNIA

SUBMITTED TO THE SENATE COMMITTEE ON BUSINESS AND PROFESSIONS



The Physical Therapy Board of California

Sunset Review Report

2025

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Acronyms List

AB	Assembly Bill
Act	Physical Therapy Practice Act
ADA	Americans with Disabilities Act
AG	Attorney General
AI	Artificial Intelligence
ALJ	Administrative Law Judge
APTA	American Physical Therapy Association
BCP	Budget Change Proposal
Board	Physical Therapy Board of California
BPC	Business and Professions Code
BPPE	Bureau for Private Postsecondary Education
CalHR	California Department of Human Resources
CAL-JAM	California Jurisprudence Assessment Module
CAPTE	Commission on Accreditation in Physical Therapy Education
CCR	California Code of Regulations
CLE	California Law Examination
CLEAR	Council on Licensure, Enforcement and Regulation
CPEI	Consumer Protection Enforcement Initiative
CPI	Clinical Performance Instrument
CPTA	California Physical Therapy Association
CWT	Coursework Tool
DCA	Department of Consumer Affairs
DOJ	Department of Justice
DPT	Doctor of Physical Therapy
DUI	Driving Under the Influence

EHB	Essential Health Benefits
ELDD	Examination, Licensure, and Disciplinary Database
ENMG	Electroneuromyography
EO	Executive Officer
FBI	Federal Bureau of Investigation
FSBPT	Federation of State Boards of Physical Therapy
FTB	Franchise Tax Board
FY	Fiscal Year
HCAI	Department of Health Care Access and Information
IT	Information Technology
KEMG	Kinesiological Electromyography
LPT	Licensed Physical Therapist
MBC	Medical Board of California
NLI	No Longer Interested
NPDB	National Practitioner Databank
NPTE	National Physical Therapy Examination
OA	Occupational Analysis
OAH	Office of Administrative Hearings
OE&E	Operating Expenses and Equipment
OHR	Office of Human Resources
OPES	Office of Professional Examination Services
PEAC	Physiotherapy Education Accreditation Canada
PET	Performance Evaluation Tool
PLR	Public Letter of Reprimand
PM	Performance Measure
PT	Physical Therapist
PTA	Physical Therapist Assistant

PTBC	Physical Therapy Board of California
PTEC	Physical Therapy Examining Committee
QA	Quality Assurance
RPT	Registered Physical Therapist
SB	Senate Bill
SCSA	State and Consumer Services Agency
SOGI	Sexual Orientation and Gender Identity
SOI	Statement of Issues
SOLID	Strategic Organization, Leadership and Individual Development
SSA	Staff Services Analyst
SSMII	Staff Services Manager II

Methodology for Preparing the 2025 Sunset Review Report

The Physical Therapy Board of California (Board) prepared this Sunset Review Report (Report) to provide the Legislature with a comprehensive and transparent assessment of the Board's activities, achievements, and challenges during the review period of July 1, 2021, through June 30, 2025.

To ensure accuracy, completeness, and consistency, the following methodology was employed:

- **Board Oversight and Subcommittee Review**
 - The Board Sunset Review Subcommittee, with support from staff and subject matter experts, coordinated the development of the Report.
- **Primary Source Documents**
 - Board Annual Reports (FY 2021–22, FY 2022–23, FY 2023–24).
 - Board meeting minutes, agendas, and supporting materials.
 - Board Strategic Plans (2018–2022 and 2024–2029) and performance measure targets.
 - Fiscal data, including budget change proposals, expenditure reports, and fund condition statements.
 - Licensing, enforcement, administrative, and continuing competency program data extracted directly from Board's internal systems and BreZE.
 - Prior Sunset Review Reports (2016 and 2021) for historical context and trend analysis.
- **Stakeholder Engagement**
 - Input was received from licensees, professional associations, consumers, and the Department of Consumer Affairs (DCA).
 - Updates to the Report and process were discussed in open session during Board meetings, allowing public comment and participation.
- **Use of Generative Artificial Intelligence (AI)**
 - In alignment with the Board's commitment to transparency, the Board discloses the use of generative AI as a drafting and organizational tool in the preparation of this Report.
 - Only publicly available information was provided to AI. No confidential, personally identifiable, or sensitive data was disclosed.
 - AI was provided with Board's official public documents, including annual reports, meeting materials, and historical Sunset Reports, to generate structured draft responses.
 - All AI-assisted content was subject to rigorous human review, verification, and editing by Board staff and Board members. No AI-generated content was accepted without cross-checking against source documents.
 - The Board used AI to enhance efficiency in drafting but retained full responsibility for the accuracy, integrity, and final approval of all report content.

This methodology ensured that the Report reflects the most current, accurate, and relevant information available to support the Legislature in evaluating the continued regulation of the physical therapy profession in California.

Section 1

BACKGROUND AND DESCRIPTION OF THE BOARD AND REGULATED PROFESSION

- **Provide a short explanation of the history and function of the board.¹ Describe the occupations/professions that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).²**

History of the Board

The Physical Therapy Practice Act (Act) was established in 1953 through AB 17 (Chapter 1823, Statutes of 1953) and AB 1001 (Chapter 1826, Statutes of 1953), creating the Physical Therapy Examining Committee (Committee) under the Medical Board of California (MBC). The Act mandated the regulation of physical therapy by the Committee. A “practice act” safeguards the public by regulating a defined scope of practice, whereas a “title act” only restricts the use of a title without limiting practice.

Between 1971 and 1996, legislative amendments transferred administrative oversight from the MBC to the Committee. AB 3473 (Chapter 829, Statutes of 1996) renamed the Committee as the Physical Therapy Board of California (Board).

The current Board is composed of four physical therapist members, including one involved in physical therapy education, and three public members. The Governor appoints all licensed members and one public member, the Senate Rules Committee appoints one public member, and the Speaker of the Assembly appoints one public member.

Function of the Board

The Board protects the public from the incompetent, unprofessional, and fraudulent practice of physical therapy. The Board’s mission is “to protect the people of California by the effective administration of the Physical Therapy Practice Act.” To carry out this mission, the Board:

- Verifies that applicants demonstrate the required education, examination, and experience qualifications before licensure is granted;
- Requires licensees to maintain licensure by complying with continuing competency requirements;
- Informs consumers of their rights and how complaints may be filed with the Board;
- Investigates consumer complaints thoroughly and efficiently to protect the public;
- Imposes appropriate disciplinary action on licensees found in violation of the Act; and
- Enforces laws and regulations that uphold the Board's mandate, mission, and vision.

Profession of Physical Therapy

Physical therapists provide services to individuals and diverse populations across the lifespan to develop, maintain, and restore movement to maximize functional ability. These services address circumstances where movement and function are affected by aging, injury, disease, disorders, conditions, or developmental and environmental factors.

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

² The term “license” in this document includes a license, certificate, permit or registration.

The practice of physical therapy combines art and science to enhance quality of life and movement potential through promotion, prevention, treatment/intervention, habilitation, and rehabilitation. This scope includes physical, psychological, emotional, and social well-being. Physical therapy is delivered through collaboration between the physical therapist, patients/clients, other health professionals, families, caregivers, and communities. In this process, movement potential is assessed, and goals are established, using knowledge and skills unique to physical therapists.

Physical therapists are professionally qualified and required to:

- Conduct comprehensive examinations/assessments of the patient/client or of a client group;
- Evaluate the findings to make clinical judgments regarding the patient's/client's health and well-being;
- Formulate a prognosis and treatment plan;
- Provide consultation within their areas of expertise and determine when referral to another health care professional is necessary;
- Implement physical therapy interventions and treatment programs;
- Assess the outcomes of interventions and treatments; and
- Recommend strategies for self-management.

Physical therapists practice independently as health care providers and as part of interdisciplinary rehabilitation and habilitation programs, with the goal of preventing movement disorders and maintaining or restoring optimal function and quality of life.

In 2014, AB 1000 (Wieckowski, Chapter 620, Statutes of 2013) authorized patients to directly access and initiate treatment from a licensed physical therapist without a medical diagnosis for up to 45 calendar days or 12 visits, whichever occurs first. If treatment extends beyond this limit, the patient must undergo an in-person examination by a physician, who must also sign the physical therapist's plan of care. In 2022, SB 1438 (Roth, Chapter 509, Statutes of 2022) expanded this provision to allow physicians or surgeons to perform these examinations through telehealth when approving a physical therapist's plan of care that exceeds 45 days or 12 visits if the care was initiated by the physical therapist without a diagnosis.

Occupations Licensed by the Board

When the Act was created in 1953, the Committee regulated two forms of licensure. One required a physical therapist to work under the direction of a physician and was designated as a Licensed Physical Therapist (LPT), while the other permitted independent practice and was designated as a Registered Physical Therapist (RPT). In 1968, SB 1006 (Chapter 1284, Statutes of 1968) unified these categories, resulting in a single Physical Therapist (PT) license that authorized all PTs to practice independently without physician direction.

The Board has regulated Physical Therapist Assistants (PTAs) since 1971 and began licensing them in 1997. PTAs are licensed and required to provide physical therapy care under the supervision of a PT. In 1973, PTs were also granted authority to utilize the services of a Physical Therapy Aide (Aide), who is not licensed. Aides may perform physical therapy tasks only under the direct and immediate supervision of a PT.

Table 1a. Board Meeting Attendance


 PHYSICAL THERAPY BOARD OF CALIFORNIA	2/24/2021 - Webex	3/24/2021 - Webex	6/24/2021 - Webex	9/16/2021 - Webex	10/15/2021 - Webex Sunset Review	11/4/2021 - Webex Sunset Review	12/9-12/10/21 - Sacramento	3/24/2022 - Webex	8/15/2022 - Webex	9/21-9/22/2022 - San Diego	12/7 -12/8/2022 - Sacramento	3/22-3/23/2023 - Stockton	9/13-9/14/2023 - Los Angeles	12/6-12/8/2023 - Sacramento	6/13-6/14/2024- Sacramento	9/17 -9/15/2024 - Sacramento	12/5-12/6/2024 - Sacramento	3/18-3/19/2025 - Stockton	6/25-26/2025 - Sacramento Webex
BOARD MEMBER	FY 2020/21		FY 2021/22				FY 2022/23			FY 2023/24			FY 2024/25						
Dayle Armstrong*																			
Karen Brandon*																			
Jesus Dominguez*																			
Daniel Drummer*																			
Katarina Eleby*																			
Johnathon Ervin***																			
Tala Khalaf*																			
Tonia McMillian**																			
Samuel Qiu***																			
Alicia Rabena-Amen*																			
Table Legend		Attended			Absent			Not Applicable					Vacant						
* Governor Appointment **Senate Rules Appointment ***Speaker of the Assembly Appointment																			

Table 1b. Board Member Roster 2021-2025					
Name	Date First Appointed	Date Re-Appointed	Date Term Expires	Appointment Authority	Type (Public or Licensed)
Dayle Armstrong	1/2021	5/13/2022	6/1/2025	GOVERNOR	LICENSED
Karen Brandon	1/25/2023	N/A	6/1/2026	GOVERNOR	LICENSED
Jesus Dominguez	9/2014	7/2018	6/1/2022	GOVERNOR	LICENSED
Daniel Drummer	10/2014	7/2018	6/1/2022	GOVERNOR	LICENSED
Katarina Eleby	5/2013	12/2021	6/2/2024	GOVERNOR	PUBLIC
Johnathon Ervin	11/2020	N/A	6/1/2023	ASSEMBLY SPEAKER	PUBLIC
Tala Khalaf	5/2025	N/A	6/1/2026	GOVERNOR	LICENSED
Tonia McMillian	3/2016	6/2023	6/1/2027	SENATE RULES ASSEMBLY	PUBLIC
Samuel Qiu	6/29/2023	N/A	6/1/2027	SPEAKER	PUBLIC
Alicia Rabena-Amen	2/2014	1/2021	6/2/2024	GOVERNOR	LICENSED

*Dayle Armstrong's term expired on 6/1/2025 and since has been serving in a grace period.

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

Committee Participation

Executive Officer Exempt Level Committee (Disbanded)

Established in September 2018 and formally abolished in December 2021, this ad hoc committee included either the Board President or Vice President and another Board member depending on availability and expertise. The committee received staff support from the Executive Officer, legal counsel, and the Department of Consumer Affairs Office of Human Resources.

Function:

The committee's primary responsibility was to review and recommend adjustments to the Executive Officer's exempt salary level. This included evaluating compensation considering evolving responsibilities, increased regulatory demands, and ensuring parity with executive roles across other boards within the Department of Consumer Affairs (DCA).

Impact:

The committee voted and approved a request for the DCA Office of Human Resources to work with Board staff and appropriate agencies to pursue an exempt level change. The committee successfully fulfilled its purpose and was disbanded in December 2021, with any future consideration of exempt level changes handled by the full Board.

California Jurisprudence Assessment Module Committee

This ad-hoc committee included either the Board President or Vice President and another Board member depending on the project phase and subject matter needs. The committee worked closely with Board staff and the Federation of State Boards of Physical Therapy (FSBPT).

Function:

The committee provided oversight of the California Jurisprudence Assessment Module (CAL-JAM); a mandatory online examination designed to ensure applicants understand the state's legal standards for physical therapy practice. The committee reviewed the assessment for content relevance, accuracy, and necessary updates based on changes to the Act and Board regulations.

Impact:

CAL-JAM is a critical tool in promoting consumer protection by ensuring that new licensees possess a foundational understanding of California-specific laws governing physical therapy. The committee ensured the assessment is legally sound, educationally effective, and aligned with the Board's public protection mandate.

Sunset Review Committee (2021 Sunset Review)

This ad hoc committee was composed of two Board members, typically including either the President or Vice President and another Board member based on availability and expertise. The committee worked closely with the Executive Officer, legal counsel, and key staff, including Board analysts and subject matter experts.

Function:

The committee was responsible for overseeing the development of the Board's comprehensive 2021 Sunset Review Report submitted to the Legislature. Its duties included:

- Identifying and prioritizing Board issues and accomplishments for inclusion in the report.
- Reviewing and revising narrative responses to the Background Paper.
- Coordinating internal feedback and ensuring transparency throughout the development process.
- Assisting in preparation for legislative hearings.

Impact:

The committee played a vital role in shaping the 2021 Sunset Review Report, meeting frequently with Board staff, reviewing proposed content, and refining responses to ensure they reflected the Board's public protection mandate and operational effectiveness. Its work ensured the timely, thorough, and thoughtful submission of the report, positioning the Board to engage effectively with legislative stakeholders during the 2021 Sunset Review hearings.

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?

During the current Sunset Review period, the Board was unable to hold three scheduled meetings due to quorum or travel-related challenges:

- The **June 2022 and June 2023 meetings** were cancelled due to Board member availability and the resulting inability to establish quorum. In 2023, a Board member vacancy further contributed to the challenge of securing quorum.
- The **March 2024 meeting** was cancelled due to statewide travel restrictions imposed by Budget Letter 23-27, which was issued by the Department of Finance on December 12, 2023. The Budget Letter directed all departments under the Governor's direct authority to reduce non-essential expenditures, including travel. As a result, Board member travel to attend the March meeting in person was restricted, and the meeting was not rescheduled in a virtual format.

Although these cancellations delayed certain agenda items, they did not interfere with the Board's ability to meet its statutory obligations. Staff ensured that critical business was addressed at the next available meeting, and future agendas were revised accordingly to maintain operational continuity.

The Board successfully convened all other scheduled meetings during the Sunset Review period. These meetings supported key priorities, such as rulemaking, disciplinary decisions, and the adoption of the 2024–29 Strategic Plan.

Despite these temporary disruptions, the Board remained committed to its consumer protection mandate. When in-person meetings were not feasible, the Board utilized virtual meeting platforms in compliance with the Bagley-Keene Open Meeting Act to maintain transparency, accessibility, and public participation.

3) Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

Since the 2021 Sunset Review, the Board has undergone several internal improvements and organizational developments aimed at enhancing operational efficiency and public protection:

Leadership and Staffing

Jason Kaiser has continued to serve as Executive Officer throughout the current Sunset Review period, providing consistent and mission-focused leadership. His tenure has contributed to continuity in strategic direction, improved regulatory responsiveness, and increased stakeholder engagement. In addition, staffing enhancements have included the addition of key positions to support licensing, administrative operations, and consumer protection services. Notably, a dedicated military liaison position was created to support applicants with military experience and assist with military-related licensing inquiries.

- **Benefits of Leadership Retention**
 - **Continuity in Strategic Direction:** Long-term leadership ensures consistent implementation of the Board's Strategic Plan, regulatory priorities, and legislative mandates.
 - **Institutional Knowledge:** The Executive Officer's longstanding service has preserved institutional knowledge critical to navigating regulatory complexities and fiscal oversight.
 - **Stable External Relations:** Retained leadership has strengthened partnerships with key stakeholders including the DCA, Legislature, consumer advocates, educational institutions, and the FSBPT.
 - **Operational Resilience:** Continuity at the executive level allowed the Board to remain nimble in response to fiscal challenges, staffing shortages, and shifts in state operations, particularly during times of budget restrictions and remote operations.
 - **Strengthened Unit-Level Leadership:** Several unit managers have been promoted internally, having previously served as analysts within their respective units. This succession approach ensures that managers bring deep operational knowledge, familiarity with Board processes, and established working relationships. This resulted in smoother transitions, more informed decision-making, and enhanced mentoring of staff.
- **Benefits of Staff Retention**
 - **Preservation of Expertise and Institutional Knowledge:** Retained staff bring deep familiarity with the Board's regulatory framework, systems, and historical context. This institutional knowledge reduces training time, enhances continuity of service, and improves operational efficiency across core programs.
 - **Improved Customer Service:** Long-tenured staff provide high-quality service to applicants, licensees, and the public due to their experience handling a broad range of scenarios and regulatory questions.
 - **Cross-Unit Collaboration:** Staff familiarity and established working relationships enhance interdepartmental communication and coordination, especially in high-volume workflows such as application review, complaint processing, and probation monitoring.

- **Staff Morale and Engagement:** Retention efforts contribute to a positive workplace culture, which in turn supports staff motivation, accountability, and a shared commitment to the Board's mission.

Internal Reorganization and Creation of Executive Unit

The Board has experienced notable internal growth during the current Sunset Review period, driven by sustained increases in licensing and enforcement activity. Between FY 2020–21 and FY 2024–25, the Board's licensee population grew from 43,570 to 49,864, representing a 14.4% increase. During that same period, annual applications received rose from 2,585 to 2,837, and complaints received increased from 407 to 576, marking a 41.5% increase in enforcement intake. These trends reflect continued growth in the physical therapy profession and increased demand for the Board's services across all program areas. In response, the Board has adjusted internal processes, reassessed resource allocation, and implemented system improvements to maintain operational efficiency while meeting its public protection mandate.

In October 2023, the Board underwent an internal reorganization to enhance operational alignment and support cross-functional activities, resulting in the establishment of a dedicated Executive Unit. This new unit centralized functions that directly support Board governance, stakeholder engagement, and strategic execution. Reallocating positions from the Administrative Services Unit to the newly formed Executive Unit was implemented without expanding overall staffing levels.

The Executive Unit includes the following key functional areas:

- **Legislative and Policy Affairs** – Tracks, analyzes, and ensures appropriate implementation of legislation. Leads the rulemaking process by drafting regulations, preparing rulemaking packages, and coordinating with oversight entities to ensure compliance with the Administrative Procedure Act. Monitors emerging policy issues and serves as a liaison with external stakeholders to ensure the Board's priorities are effectively represented.
- **Board Member Relations** – Manages Board meeting logistics and member support to ensure compliance with the Bagley-Keene Open Meeting Act and continuity of governance operations. Coordinates travel, per diem, and reimbursements per state guidelines. Manages onboarding by providing materials, scheduling briefings, and tracking completion of required training. Maintains ongoing communication with members to support their participation in meetings, subcommittees, and other governance activities.
- **Public Affairs and Outreach** – Leads public and professional engagement efforts through media relations and educational campaigns that promote awareness of the Board's mission, support consumer protection, and enhance visibility and accessibility to applicants and licensees. Manages the Board's digital presence, using website and social media channels to share timely updates and promote transparency. Through these efforts, the Board delivers consistent messaging and resources to a wide range of audiences and strengthens its role as a trusted public health resource.
- **Organizational Improvement and IT Support** – Supports business modernization initiatives, process improvement efforts, and internal systems maintenance, including automation, dashboards, and staff technology resources. Efforts are aimed at streamlining workflows, increasing access to real-time data, and improving the overall efficiency of internal operations. This area also supports staff by identifying technology needs, coordinating solutions, and facilitating system enhancements in collaboration with internal and external partners. Accessibility improvements, including compliance with the Americans with Disabilities Act (ADA), are also prioritized to ensure that systems and services remain inclusive and usable by all staff and stakeholders.

These internal developments reflect not only the Board's adaptability, but also its commitment to proactive governance, operational efficiency, and service delivery. Growth in licensee population, increased enforcement workload, and restructuring through the formation of the Executive Unit have all contributed to strengthening the Board's infrastructure and responsiveness. Collectively, these changes directly advance the objectives outlined in the Board's Strategic Plan, particularly in the areas of organizational effectiveness, outreach and communication, enforcement, and licensing.

Board Member Appointments and Organizational Dynamics

During the current Sunset Review period, the Board welcomed several new members who have brought diverse professional backgrounds and fresh perspectives to Board deliberations. These appointments have strengthened the Board's ability to address evolving consumer needs, evaluate policy impacts, and engage in long-term planning. New members have demonstrated strong engagement with the Board's statutory mandate and have participated actively in committee work, enforcement matters, and strategic oversight.

The integration of new Board members has been enhanced by the organizational stability of the Board's staff and management team. While the composition of the Board itself has evolved, internal staffing retention, particularly at the management level, has provided critical continuity.

This blend of new governance voices and established program leadership has allowed the Board to remain responsive and cohesive, even as it confronts shifting regulatory demands, legislative updates, and emerging public protection challenges. As a result, the Board has maintained forward momentum without interruption to service delivery or mission integrity.

Strategic Planning

The Board continues to prioritize strategic planning as a framework for aligning its operations with its mission to protect the public. During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board completed nearly all objectives outlined in its 2018–2022 Strategic Plan and has used its regular meeting structure to monitor progress and adapt to emerging needs. The following highlights summarize the Board's key initiatives and accomplishments during the current Sunset Review period.

- **Implementation-Focused Governance:** Strategic goals and objectives were not only adopted but actively tracked and discussed in public meetings, including the Board's March 2023 review of its final Strategic Plan status report. This accountability structure ensures that planning remains a living process, rather than a static document.
- **Cross-Program Engagement:** Each operational unit including Licensing, Enforcement, Continuing Competency, Administrative, and Outreach, has participated in implementing strategic goals relevant to their functions. This has reinforced alignment and shared ownership of performance improvement across the Board.
- **Transparency and Public Engagement:** Updates to strategic objectives and related outcomes are regularly presented at publicly noticed Board meetings, inviting feedback and fostering trust through transparency.
- **Structural Enhancements Guided by Strategy:** Strategic planning has helped the Board navigate increasing application volume, new workload demands, and fiscal constraints by prioritizing staffing needs, reviewing unit structures, and strengthening internal processes. This includes clearer communication pathways, refined role definitions, and resource alignment across units to sustain service delivery and operational continuity.
- **Forward Momentum:** Building on the lessons and successes of the 2018–2022 plan, the Board has already developed and adopted its 2024–2029 Strategic Plan. This forward-looking document reflects current challenges, stakeholder input, and emerging priorities.

This ensures that the Board remains responsive, accountable, and effective in its public protection mandate.

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

Legislation Affecting the Board (2021–2025)

During the current Sunset review period (July 1, 2021 – June 30, 2025), the Board tracked and analyzed a range of legislative measures that influenced its regulatory framework and operational priorities. While not all bills directly amended Act, many addressed broader issues such as healthcare workforce development, licensing reform, equity in data collection, and interprofessional collaboration. These efforts have impacted Board's strategic planning, outreach, and implementation activities.

The following legislative actions were either enacted or formally submitted since the last Sunset review. For each bill listed, only the relevant sections within the Act (commencing with Business and Professions Code [BPC] §2600), the General Provisions of the BPC, or other applicable codes affecting Board are included.

This summary reflects Board's ongoing commitment to legislative engagement and its role in supporting policy initiatives that enhance public protection, professional accountability, and access to care.

2022

- **AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Civil Service: Examinations: Classifications – Chaptered**
 - This bill amended the Government Code to strengthen equity and transparency within California's civil service system. The bill expanded the oversight authority of the Department of Human Resources (CalHR) and the State Personnel Board to monitor hiring, discipline, and promotion practices across state agencies. It also required public notice of proposed regulatory changes and encouraged the development of upward mobility programs for underrepresented groups. While AB 1604 does not directly affect the Act, the Board tracked its implementation due to its relevance to workforce equity, recruitment practices, and alignment with broader state goals for inclusive public service.
- **SB 731 (Durazo and Bradford) Criminal Records: Relief – Chaptered**
 - This bill allows certain criminal records to be sealed automatically, provided the individual has completed their sentence and remained conviction-free for a specified period. The law applies to both felony and misdemeanor convictions, with some exceptions for serious or violent crimes. This legislation is intended to reduce barriers to employment, housing, and licensing for rehabilitated individuals. The Board monitored SB 731 closely due to its potential impact on license applicants with prior convictions and its alignment with broader state efforts to promote equity and reintegration.
- **SB 1237 (Newman) Licenses: Military Service – Chaptered**
 - This bill amended Section 114.3 of the BPC to support licensees and registrants who served in the California National Guard or U.S. Armed Forces. The bill allows individuals whose licenses expired while on active duty to reinstate them without examination or penalty, provided certain conditions are met. It also authorizes boards under the DCA,

including the Board, to waive renewal fees and continuing education requirements for these individuals. The Board tracked this legislation due to its direct relevance to license reinstatement procedures and its alignment with the Board's commitment to supporting military service members.

- **SB 1438 (Roth) Physical Therapy Board of California – Chaptered – Board Support Position**
 - This bill extended the Board's authority to enforce and administer the Act and to appoint an executive officer through January 1, 2027. The bill also updated supervision requirements by allowing a physician, surgeon, or podiatrist to approve a physical therapist's plan of care via telehealth, rather than requiring an in-person examination. Additionally, it clarified patient recordkeeping standards. The Board sponsored this legislation as part of its Sunset review process to ensure continued regulatory oversight and to align with evolving health care delivery models.

2023

- **AB 931 (Irwin) Prior Authorization: Physical Therapy – Vetoed – Board Support Position**
 - This bill sought to improve timely access to physical therapy services by prohibiting health care service plans and insurers from requiring prior authorization for the first 12 visits in a new episode of care. Additionally, it aimed to reduce administrative delays and support better patient outcomes. Although it passed both houses of the Legislature, it was ultimately vetoed by the Governor and did not take effect. The Board monitored this legislation closely and took a support position due to its potential impact on patient access and provider workflows.
- **AB 1163 (Luz Rivas) Lesbian, Gay, Bisexual and Transgender Disparities Reduction Act– Chaptered**
 - This bill was enacted to expand the scope of the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act. The bill requires additional state entities to collect voluntary sexual orientation and gender identity (SOGI) data to improve equity in public services. While AB 1163 did not directly amend the Act, the Board tracked its progress due to its relevance to inclusive data practices and potential implications for future licensing and workforce reporting.
- **SB 14 (Grove, Caballero, and Rubio) Violent Felonies: Serious Felonies: Human Trafficking – Chaptered**
 - This bill amended the Penal Code to classify human trafficking of a minor as a *violent felony* under California law. This change subject's offenders to enhanced sentencing provisions, including eligibility under the Three Strikes Law. While SB 14 does not directly impact the Act, the Board tracked the bill due to its broader implications for public protection and its alignment with the Board's mission to safeguard vulnerable populations.
- **SB 143 (Committee on Budget & Fiscal Review): State Government- Chaptered**
 - This bill was enacted as part of the state's budget process and amended provisions of the Bagley-Keene Open Meeting Act. The bill temporarily authorized state bodies to hold public meetings via teleconference without requiring a physical location for public attendance, provided certain notice and accessibility requirements were met. These provisions were designed to enhance public access and operational flexibility, particularly in response to evolving workplace norms. Although SB 143 did not directly affect the Act, the Board monitored its implementation due to its relevance to board meeting procedures and public engagement strategies.

- **SB 372 (Menjivar) DCA: Licensee and Registrant Records: Name and Gender Changes – Chaptered**
 - This bill amended the BPC to require boards under the DCA to update licensee and registrant records; including online license verification systems to reflect an individual's current legal name and gender information. This legislation supports the privacy, dignity, and safety of transgender and nonbinary licensees by ensuring that outdated or incorrect personal identifiers are not publicly displayed. The Board tracked this bill closely due to its direct implications for licensing systems and its alignment with the Board's commitment to equity and respectful representation.
- **SB 525 (Durazo) Minimum Wage: Health Care Workers – Chaptered**
 - This bill established a statewide minimum wage for covered health care workers, gradually increasing to \$25 per hour depending on the type and size of the employer. The bill creates five separate wage schedules, with implementation beginning in 2024 and continuing through 2028. Covered workers include those employed at hospitals, skilled nursing facilities, clinics, and other health care settings. While SB 525 does not directly amend the Act, the Board monitored its progress due to its potential impact on licensees working in affected facilities and its broader implications for workforce stability and compensation equity in the health care sector.
- **SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing- Chaptered – Board Support Position**
 - This bill amended the Bagley-Keene Open Meeting Act to provide temporary flexibility for state bodies conducting public meetings via teleconference. Under this bill, a majority of board members must be physically present at a single location, while additional members may participate remotely from undisclosed locations not accessible to the public. These provisions are set to expire on January 1, 2026. Although SB 544 does not directly impact the Act, the Board tracked its implementation due to its relevance to board meeting logistics, transparency requirements, and public accessibility.
- **SB 816 (Roth) Professions and Vocations – Chaptered**
 - This bill was enacted to make technical and administrative updates across various licensing boards under the DCA. The bill amended multiple sections of the BPC to revise fee structures, clarify licensing procedures, and improve operational consistency. While SB 816 did not directly amend the Act, the Board monitored its progress due to its relevance to board administration and potential implications for future regulatory alignment across DCA entities.

2024

- **AB 796 (Weber) Athletic Trainers- Chaptered - Board Support Position**
 - This bill prohibits individuals from using the title "athletic trainer" or similar designations unless they are registered with the newly established Athletic Trainer Registration Committee under the Medical Board of California. The bill sets minimum qualifications for registration, outlines disciplinary procedures, and includes a sunset date of January 1, 2028. While AB 796 does not directly amend the Act, the Board monitored its progress and took a support position on this bill due to its relevance to allied health professions, title protection, and inter-board coordination within the DCA.

- **AB 814 (Lowenthal) Veterinary Medicine: Animal Rehabilitation- This bill did not advance beyond the Senate Business, Professions, and Economic Development Committee in 2024**
 - This bill sought to clarify the scope of practice and supervision requirements for animal physical rehabilitation services in California. The bill proposed amendments to the Veterinary Medicine Practice Act to define the roles of licensed veterinarians and physical therapists in providing rehabilitation to animals, including provisions for training, oversight, and interprofessional collaboration. While the bill passed the Assembly, it did not advance in the Senate and was ultimately held in committee as of June 2024. As such, AB 814 was not enacted. The Board monitored this legislation closely due to its relevance to scope-of-practice boundaries and potential implications for licensed physical therapists working in animal rehabilitation settings.
- **AB 1991 (Bonta) Licensee and Registrant Renewal: National Provider Identifier- Chaptered**
 - This bill amended Section 502 of the BPC to improve data collection and coordination across California's health care system. The bill requires healing arts boards under the DCA, including the Board, to request a licensee's or registrant's National Provider Identifier (NPI) during electronic renewal. The NPI is a federal standard used to identify health care providers in administrative and billing transactions. This legislation aims to enhance workforce planning, streamline provider identification, and support interoperability between state and federal health systems. The Board implemented this requirement as part of its renewal process beginning in 2025. The Board supported AB 1991 due to its alignment with broader efforts to modernize health care infrastructure and improve regulatory efficiency.
- **AB 2269 (Flora) Board Membership Qualifications: Public Members- Died in the Senate Business Professions and Economic Development Committee**
 - This bill proposed amendments to Section 450 of the BPC to strengthen public member qualifications for boards under the DCA. Specifically, the bill would have prohibited a public or lay member from having a financial or familial relationship with a licensee of the board within five years prior to their appointment. The intent was to enhance impartiality and public trust in board governance. The bill passed the Assembly unanimously on April 25, 2024, but stalled in the Senate. It was referred to the Senate Committee on Business, Professions and Economic Development, where its second hearing was canceled at the author's request. As a result, AB 2269 was not chaptered and did not become law. The Board tracked this legislation due to its relevance to board composition, ethics, and governance standards across DCA entities.
- **AB 2289 (Low) Vehicles: Parking Placards and Special License Plates for Disabled Veterans and Persons with Disabilities – Died in the Senate Appropriations Committee**
 - This bill proposed amendments to the California Vehicle Code to expand eligibility for disabled parking placards and license plates. Notably, the bill would have authorized licensed physical therapists; alongside physicians and other health professionals to certify individuals for disability placards or plates issued by the Department of Motor Vehicles (DMV). This change aimed to streamline access for patients receiving rehabilitative care and recognize physical therapists' role in evaluating mobility limitations. The bill passed the Assembly with unanimous support and cleared the Senate Transportation Committee. However, it was held under submission in the Senate Appropriations Committee on August 15, 2024, and did not advance to a floor vote. As a result, AB 2289 was not chaptered and did not become law. The Board supported this legislation due to its alignment with the Board's mission to promote access to care

and recognize the clinical expertise of licensed physical therapists in mobility assessment.

- **AB 2725 (Rubio & Muratsuchi) Teacher Credentialing: Administrative Services Credential: Occupational and Physical Therapists – Vetoed – Board Support Position**
 - This bill proposed amendments to the Education Code to allow licensed occupational therapists and physical therapists to qualify for an administrative services credential issued by the Commission on Teacher Credentialing. The bill aimed to recognize the leadership roles these professionals often hold in school settings and expand eligibility for administrative positions within local educational agencies. The bill passed both the Assembly and Senate with bipartisan support and was enrolled on August 31, 2024. However, Governor Gavin Newsom vetoed AB 2725 on September 27, 2024, stating that there is no state requirement for occupational or physical therapists to hold an administrative services credential to serve in supervisory roles, and that the bill was unnecessary given existing pathways. As a result, AB 2725 was not chaptered and did not become law. The Board monitored this legislation and took a support position due to its relevance to professional recognition and credentialing pathways for physical therapists working in educational environments.
- **AB 2862 (Gipson) Department of Consumer Affairs; African American Applicants – Died in the Senate Business, Professions and Economic Development Committee**
 - This bill proposed the creation of a new division within the BPC to require boards under the DCA to prioritize African American applicants seeking professional licensure. The bill specifically emphasized support for applicants descended from enslaved individuals in the United States, aiming to address historical inequities and improve access to licensed professions such as teaching, nursing, counseling, and the healing arts. The bill passed the Assembly on May 22, 2024, and was referred to the Senate Committees on Business, Professions and Economic Development and Judiciary. However, its first hearing in the Senate was canceled at the author's request on July 1, 2024, and the bill did not advance further. As a result, AB 2862 was not chaptered and did not become law. The Board tracked this legislation due to its potential impact on licensure pathways, equity initiatives, and inter-board coordination across DCA entities.
- **AB 3127 (McKinnor) Reporting of Crimes; Mandated Reporting – Died in the Senate Appropriations Committee**
 - This bill proposed significant changes to California's mandated reporting laws for health practitioners. The bill sought to remove the requirement that health practitioners report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, such as elder abuse, sexual assault, or domestic violence. Instead, it emphasized patient autonomy and trauma-informed care, allowing victims to decide whether to involve law enforcement. The bill passed the Assembly and was heard in the Senate Public Safety Committee, where it advanced. However, it was held under submission in the Senate Appropriations Committee on August 15, 2024, and did not proceed to a floor vote. As a result, AB 3127 was not chaptered and did not become law. The Board tracked this legislation due to its potential impact on reporting obligations for licensed physical therapists and other health care providers. The bill raised important considerations about balancing mandatory reporting with patient-centered care and privacy.
- **SB 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process: Medically Underserved Population - Vetoed**

- This bill proposed an expedited licensure process for certain healing arts professionals regulated by boards under the DCA. The bill aimed to streamline licensing for applicants who intended to provide care in underserved areas or offer abortion services within their scope of practice. It required boards to create fast-track pathways for qualifying applicants. The bill passed both the Senate and Assembly and was enrolled on September 3, 2024. However, Governor Gavin Newsom vetoed SB 1067 on September 27, 2024, citing concerns about creating preferential treatment based on practice intent and geographic location. He emphasized the need for uniform standards across all applicants and boards. As a result, SB 1067 was not chaptered and does not affect current licensure procedures. The Board tracked this legislation due to its potential impact on licensing timelines and equity initiatives across healing arts professions.

2025

▪ **AB 224 (Bonta) Health Care Coverage: Essential Health Benefits - Chaptered**

- This bill amended Section 10112.27 of the California Insurance Code to modernize the definition of essential health benefits for individual and small group health insurance policies. The bill directs the Department of Insurance to review and revise California's benchmark health plan to align with evolving federal standards under the Affordable Care Act (ACA), with the goal of establishing a new benchmark plan for the 2027 plan year. Key provisions include updating coverage requirements to reflect current clinical guidelines, promoting health equity, and ensuring access to comprehensive care, including behavioral health, maternity services, and preventive care. AB 224 was signed into law on October 13, 2025. The Board tracked this legislation due to its relevance to health care coverage standards that may affect physical therapy benefits under regulated insurance plans.

▪ **AB 489 (Bonta) Health Care Professions: Deceptive Terms or Letters: Artificial Intelligence - Chaptered**

- This bill added Chapter 15.5 (commencing with Section 4999.8) to Division 2 of the BPC to regulate the use of deceptive terms, letters, and representations in health care settings—particularly those involving artificial intelligence (AI). The bill prohibits individuals and entities from using titles or descriptors that falsely imply licensure or professional status in healing arts fields, including physical therapy, when such claims are made by or through AI-generated profiles or communications. The legislation responds to growing concerns about “companion AI” and other generative technologies that simulate health care interactions. AB 489 establishes enforcement authority for healing arts boards under the DCA to investigate and take action against misleading representations that could confuse or mislead consumers. The Board tracked this legislation due to its relevance to professional integrity, consumer protection, and the responsible use of emerging technologies in health care communication.

▪ **AB 574 (González) Prior Authorization: Physical Therapy – Vetoed – Board Support Position**

- This bill sought to streamline access to physical therapy services by prohibiting health care service plans and health insurance policies from requiring prior authorization for outpatient physical therapy provided by licensed physical therapists. The bill applied to contracts issued, amended, or renewed on or after January 1, 2026, and aimed to reduce administrative delays and improve continuity of care. The legislation passed both the Assembly and Senate with strong bipartisan support, including a 73–1 vote in the Assembly and unanimous approval in the Senate Health and Appropriations

Committees. However, Governor Gavin Newsom vetoed AB 574 on October 6, 2025, citing concerns about cost impacts and the need for broader utilization management reforms across all provider types. As a result, AB 574 was not chaptered and did not become law. The Board took a support position on this legislation due to its direct relevance to physical therapy access, insurance regulation, and patient care delivery.

- **AB 1009 (Blanca Rubio) Teacher Credentialing: Administrative Services Credential: Occupational and Physical Therapists – Chaptered – Board Support Position**
 - This bill amended Section 44270 of the Education Code to allow licensed occupational therapists and physical therapists to qualify for a preliminary administrative services credential issued by the Commission on Teacher Credentialing. This credential enables holders to serve in administrative roles within local educational agencies, such as school districts and county offices of education. Previously, eligibility for the credential was limited to individuals holding teaching or pupil personnel services credentials. AB 1009 expands access by recognizing the leadership and supervisory roles that occupational and physical therapists often fulfill in school-based settings. The Board tracked this legislation and took a support position due to its relevance to professional recognition and credentialing pathways for physical therapists working in educational environments.
- **AB 1458 (Wallis) Physical Therapy and Veterinary Medicine: Animal Physical Therapy – This bill did not advance beyond the Senate Business, Professions, and Economic Development Committee in 2025 but could be reconsidered in the 2026 legislative session**
 - This bill proposes amendments to the BPC to clarify the scope of practice for animal physical therapy. The bill seeks to define the roles of licensed physical therapists and veterinarians in providing rehabilitative services to animals, including supervision requirements, training standards, and interprofessional collaboration. As of October 2025, the bill remains in the Assembly Business and Professions Committee, where its hearing was postponed on April 24, 2025. It has not advanced to a floor vote and has not been chaptered. The Board is tracking this legislation due to its relevance to scope-of-practice boundaries and potential implications for licensed physical therapists working in animal rehabilitation settings.
- **SB 62 (Menjivar) Health Care Coverage: Essential Health Benefits - Chaptered**
 - This bill amended Section 1367.005 of the Health and Safety Code to require the Department of Managed Health Care (DMHC) to review and revise California's essential health benefits (EHB) benchmark plan. The bill aligns California's EHB standards with evolving federal requirements under the Affordable Care Act (ACA) and directs the DMHC to establish a new benchmark plan for the 2027 plan year. The legislation modernizes the scope of required benefits for individual and small group health care service plans regulated under the Knox-Keene Health Care Service Plan Act of 1975. It ensures that the benchmark plan reflects current clinical guidelines, public health priorities, and the needs of diverse and underserved populations. Covered services include behavioral health, maternity care, preventive services, and other categories essential to comprehensive care. The Board tracked SB 62 due to its relevance to health care coverage standards that may affect physical therapy benefits under regulated health plans. While the Board did not take a formal position on the bill, it recognizes the importance of monitoring benchmark plan updates that could influence patient access to physical therapy services.

- **SB 470 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing – Chaptered – Board Support Position**
 - This bill amended provisions of the Bagley-Keene Open Meeting Act to extend and revise teleconferencing rules for state Board's and advisory bodies through January 1, 2030. The bill preserves remote meeting flexibility while reinforcing public access and transparency. It requires that a majority of members be physically present at publicly accessible locations and that at least one member be present at each teleconference site. These updates reflect the evolving norms of hybrid governance and ensure continued compliance with open meeting standards. The Board took a support position on SB 470 due to its direct impact on Board operations, meeting accessibility, and public engagement. The Board continues to monitor changes to open meeting laws that affect its administrative practices and values the flexibility this legislation provides for conducting business transparently and efficiently.
- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

Regulatory Changes Approved by the Board

The following regulatory changes were previously reported in the 2021 Sunset Review Report as pending and have since been approved:

- **Disciplinary Guidelines – 6th Edition**
 - Effective: April 1, 2022
 - Title 16, California Code of Regulations (CCR) Section: 1399.15
 - Summary: Updated guidelines to reflect contemporary disciplinary standards and enforcement practices.
- **Equivalent Degree Evaluation – Coursework Tool (CWT) Revisions**
 - Effective: January 1, 2023
 - Title 16, CCR Section: 1398.26.1
 - Summary: Incorporated CWT 6; clarified evaluation process for foreign-educated applicants.
- **Performance Evaluation Tool (PET) for Foreign-Trained PTs**
 - Effective: May 9, 2023
 - Title 16, CCR Section: 1398.26.5
 - Summary: Authorized use of FSBPT's PET as an option alongside APTA's Clinical Performance Instrument.
- **License Renewal Exemptions – Retired Status**
 - Effective: January 1, 2023
 - Title 16, CCR Section: 1399.57
 - Summary: Implemented changes from BPC §464, establishing new criteria for retired license status.

The Board has not proposed new regulations as the Board's existing regulatory framework continues to effectively safeguard public protection and support professional standards.

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

The Board has not conducted any major studies during the current Sunset Review period (July 1, 2021 – June 30, 2025).

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

- Does the board's membership include voting privileges?
- List committees, workshops, working groups, task forces, etc., on which the board participates.
- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The Board maintains active membership and participation with both the FSBPT and the Council on Licensure, Enforcement and Regulation (CLEAR). Through these affiliations, the Board engages in national dialogue on best regulatory practices, professional standards, and emerging issues affecting physical therapy licensure and oversight. Board members and Board staff regularly serve as delegates, presenters, and committee participants, contributing California's perspective to broader policy development and benefiting from shared expertise across jurisdictions.

Federation of State Boards of Physical Therapy

The FSBPT carries out its mission, "to protect the public by providing service and leadership that promote safe and competent physical therapy practice," by training regulators, creating tools, and facilitating collaboration across states through:

- Developing, maintaining, and administering the **National Physical Therapy Examinations (NPTE)** for physical therapists and assistants to determine minimum competency. The DCA, Office of Professional Examinations reviewed the NPTE to ensure it meets California standards.
- Developing the **Coursework Tool (CWT)** and the **Performance Evaluation Tool (PET)** for credentialing foreign-educated applicants.
- Creating the **Model Practice Act for Physical Therapy in collaboration with the APTA**, which provides jurisdictions with a comprehensive framework to evaluate, modernize, and strengthen their practice acts, rules, and regulations to ensure alignment with contemporary practice and public protection.
- Offers the **CAL-JAM**, an innovative assessment tool, which evaluates an applicant's knowledge of California laws, rules, and regulations. CAL-JAM provides a modernized, scenario-based evaluation designed to ensure that licensees understand the legal and ethical obligations of practice in California.

Board participates in FSBPT's Leadership Issues Forum, Delegate Assembly, and task forces to shape national regulatory policy, ensuring California's perspective is included. Annually, the Board elects a member as the California Delegate to the FSBPT Assembly of Delegates. The delegate attends the FSBPT annual meeting, representing California as a voting member. Delegates and Associate Members may also serve on committees and task forces, while the

Board's Executive Officer attends meetings, serves on committees, and is eligible to run for the FSBPT Board of Directors.

Council on Licensure, Enforcement and Regulation

CLEAR promotes regulatory excellence through international conferences, educational programs, webinars, seminars, and symposia. It provides networking opportunities, publications, and research services for those involved in professional and occupational regulation. As an inclusive, non-lobbying organization, CLEAR brings together regulators, policymakers, and stakeholders from diverse backgrounds to exchange information, identify best practices, and strengthen regulatory frameworks.

CLEAR's work is centered on four substantive areas of inquiry:

- Compliance, discipline, and enforcement – supporting regulators in applying fair and effective enforcement practices.
- Testing and examination issues – ensuring sound assessment methods for licensure.
- Entry-to-practice standards and continuing competence – promoting strong standards for initial licensure and ongoing competency.
- Regulatory agency administration – sharing best practices for effective regulatory governance and operations.

Through training programs such as the National Certified Investigator & Inspector Training, Board member training, and executive leadership programs, CLEAR provides the Board and its members with essential tools to strengthen consumer protection and maintain regulatory effectiveness. The Board's CLEAR membership is part of DCA's organizational membership, which includes voting privileges represented by one single organizational vote.

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

Board Member FSBPT Participation			
Board Member	Event	Date	Location
Dayle Armstrong	2021 August Virtual Board Member and Administrator Regulatory Training	8/28/2021	Virtual
	2021 Delegate Workshop and Delegate Assembly	10/23/2021	Virtual
	2022 Annual Education Meeting	10/24/2022	Orange County, California
Karen Brandon	2024 Annual Education Meeting	10/29/2024	Cedar Rapids, Iowa
	2025 Regulatory Workshop	4/24/2025	Alexandria, Virginia
Jesus Dominguez	2022 Annual Education Meeting	10/24/2022	Orange County, California
	Education Committee	1/1/2019-12/31/2022	
Daniel Drummer	2022 Annual Education Meeting	10/24/2022	Orange County, California
Katarina Eleby	2022 Annual Education Meeting	10/24/2022	Orange County, California
	2023 Leadership Issues Forum	7/15/2023	Arlington, Virginia
	2023 Model Practice Act Workshop	7/17/2023	Arlington, Virginia
Johnathon Ervin	2021 Delegate Workshop and Delegate Assembly	10/23/2021	Virtual
	2022 Leadership Issues Forum	6/10/2022	Alexandria, Virginia
	2022 Annual Education Meeting	10/24/2022	Orange County, California
	2022 Delegate Assembly	10/24/2022	Virtual
Tonia McMillian	2022 Annual Education Meeting	10/24/2022	Orange County, California
Samuel Qiu	2023 Annual Education Meeting	10/16/2023	Jacksonville, Florida
	2024 Leadership Issues Forum	7/13/2024	Arlington, Virginia
	2024 Annual Education Meeting	10/29/2024	Cedar Rapids, Iowa

Section 2

Fiscal and Staff

Fiscal Issues

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

No. The Physical Therapy Board of California's (Board) fund is not continuously appropriated. The Board's budget is developed on an annual basis and remains subject to legislative approval through the state's budget process.

7) Using Table 2. Fund Condition, describe the board's current reserve level, spending, and if a statutory reserve level exists.

Table 2. Fund Condition (list dollars in thousands)						
	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26*	FY 26/27*
Beginning Balance	5,740	5,323	5,456	5,589	5,652	5,235
Revenues and Transfers	6,300	6,967	7,217	7,372	7,472	7,381
Total Resources	12,040	12,290	12,673	12,961	13,124	12,616
Budget Authority	6,637	7,127	7,517	7,179	7,270	7,488
Expenditures	6,740	6,871	7,084	7,309	7,889	8,044
Loans to General Fund	0	0	0	0	0	0
Accrued Interest, Loans to General Fund	0	0	0	0	0	0
Loans Repaid From General Fund	0	0	0	0	0	0
Fund Balance	5,300	5,419	5,589	5,652	5,235	4,572
Months in Reserve	9.3	9.2	9.2	8.6	7.8	6.6

The Board does not have a statutory reserve requirement. As of FY 2024–25, the Board maintains a reserve level of 8.6 months. Over the past year, the Board experienced over-expenditures for Attorney General (AG) and Office of Administrative Hearings (OAH) services. These increased costs were primarily due to higher rates for legal and hearing services, combined with enforcement program workload demands.

To manage these pressures, the Board redirected operating expense resources and secured augmentations for AG and OAH costs, ensuring that the Board could continue fulfilling its consumer protection mandate without interruption. The Board will continue to monitor these expenditures closely and pursue relief through the Budget Change Proposal (BCP) process when necessary.

Expenditure trends show steady growth, increasing from \$6.74 million in FY 2021–22 to a projected \$7.31 million in FY 2024–25, while the reserve level decreased from 9.3 months in FY 2021–22 to 8.6

months in FY 2024–25. If current expenditure trends persist, projections indicate the reserve level will decline further to approximately 6.6 months by FY 2026–27.

Although the Board's reserve remains sufficient to support its operations, it currently falls below the Department of Consumer Affairs' (DCA) recommended reserve level of 12–15 months. Maintaining a reserve within this recommended range is critical to absorbing rising enforcement and pro rata costs, ensuring fiscal stability, and protecting the Board's ability to meet its highest priority, which is public protection.

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

The Board is funded through revenues received from applicants and licensees, including initial licensure, license renewal, endorsements (license verifications), and administrative actions such as citations, cost recovery, and probation monitoring.

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board identified a structural fund imbalance beginning in FY 2024–25, when operational costs began exceeding fee revenues. This trend is projected to continue through FY 2025–26 and FY 2026–27. Although the Board's reserve remains stable in the near term, fund condition projections indicate that current fees will not sustain ongoing program operations beyond FY 2030–31.

Reserves are expected to decline steadily, reaching approximately 6.6 months in FY 2026–27. This is well below the DCA's recommended reserve level of 12–15 months. Without corrective action, a structural deficit is projected by FY 2030–31.

The Board's current licensing and application fees have been set at the statutory maximums since 2016. This includes the \$300 Physical Therapist renewal fee and the \$300 application processing fee, as established in Business and Professions Code (BPC) sections 2688 and 2688.1. Any increase would therefore require a statutory change.

Given these fiscal pressures, the Board may need to pursue a fee increase within the next four years to preserve solvency and ensure the continued delivery of its consumer protection mission. The Board continues to monitor its fund condition closely and, if necessary, will seek legislative authority to adjust statutory fee limits to ensure revenue levels adequately support ongoing operations.

Historically, the Board has demonstrated strong fiscal stewardship, managing resources responsibly by redirecting funds, obtaining expenditure augmentations when necessary to address workload increases, and maintaining essential operations despite rising legal and enforcement costs. Any future fee adjustment would reflect a measured and necessary response to preserve the Board's long-term financial stability and ability to protect California consumers.

9) Using Table 2, Fund Condition, describe year over year expenditure fluctuations and the cause for the fluctuations.

In FY 2021–22, Board expenditures were \$6.74 million, increasing slightly to \$6.87 million in FY 2022–23, a growth of \$131,000 (1.9%). This modest rise reflected normal operating cost adjustments, salary and

benefit restorations from prior furloughs, and incremental workload growth. The first significant AG and OAH service rate increases also took effect July 1, 2021, creating new budgetary pressure that began to influence expenditures.

In FY 2022-23, expenditures increased from \$6.87 million to \$7.08 million in FY 2023-24, an increase of \$213,000 (3.1%). Continued AG and OAH rate escalations, along with cost-of-living adjustments and expanded enforcement activity, were key contributors to this growth.

In FY 2023-24, expenditures rose from \$7.08 million to \$7.38 million in FY 2024-25, an increase of \$294,000 (4.2%). By this time, AG and OAH costs had become a significant factor in over-expenditures, compounded by higher case volume and enforcement complexity. To address these mandated enforcement obligations, the Board was required to redirect resources and obtain augmentations to sustain operations.

The Board projects rising expenditures from \$7.38 million in FY 2024-25 to \$7.89 million in FY 2025-26 (6.9%), and from \$7.89 million in FY 2025-26 to \$8.04 million in FY 2026-27 (2.0%). These increases are expected to be driven by multiple factors, including AG and OAH costs, personnel expenses tied to collective bargaining agreements, new staffing to meet program needs, and general inflationary pressures.

Overall, while many elements contribute to expenditure fluctuations, AG and OAH service rate increases since FY 2021-22 remain a significant reason for upward cost trends alongside staffing, regulatory implementation, and operational needs.

- 10) Using Table 3, *Expenditures by Program Component*, describe the amounts and percentages of expenditures by program component, including the cause of fluctuations aside from increasing personnel costs. Provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

Table 3. Expenditures by Program Component								(list dollars in thousands)
	FY 21/22		FY 22/23		FY 23/24		FY 24/25	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	878	1,054	894	859	861	934	925	1,144
Examination	-	-	-	-	-	-	-	57
Licensing	1,046	125	1,065	107	1,247	169	1,340	91
Administration *	1,292	134	1,327	115	1,274	150	1,372	81
DCA Pro Rata	-	1,771	-	1,970	-	1,934	-	1,762
Diversion (if applicable)	-	-	-	-	-	-	-	-
TOTALS	3,216	3,084	3,286	3,051	3,382	3,187	3,637	3,135

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

During the current Sunset Review period (July 1, 2021 – June 30, 2025), total Board expenditures increased from \$6.30 million in FY 2021–22 to a projected \$6.77 million in FY 2024–25. This steady growth reflects statewide cost adjustments, personnel allocations, and rising DCA Pro Rata assessments.

Expenditure Distribution and Trends

- **Personnel Services** accounted for an average of 52 percent of total expenditures across FY 2021–22 through FY 2024–25, increasing from \$3.2 million to \$3.6 million as a result of statewide salary and benefit adjustments and position reclassifications supporting program operations.
- **Operating Expenses and Equipment (OE&E)** averaged 48 percent of total costs over the same period, remaining stable overall with minor fluctuations tied to legal and shared-service costs.
- **Enforcement** expenditures increased by approximately 7 percent over the four-year period, primarily due to higher AG and OAH service costs.
- **Licensing** expenditures rose approximately 22 percent, increasing from \$1.17 million in FY 2021–22 to \$1.43 million in FY 2024–25, due to additional staffing to address increased workload.
- **Administration** expenditures remained consistent, showing only minimal year-to-year changes aligned with steady operational support and fiscal management needs.
- **DCA Pro Rata** costs, which fund shared departmental services, averaged 29 percent of total **expenditures across** the four-year period.
- **Examination** costs appear for the first time in FY **2024–25 (\$57 thousand) due to an interagency contract to conduct the exam occupational analysis.**

Overall, the Board's expenditures reflect stable and responsible fiscal management. Growth during this period was primarily driven by essential personnel and statewide cost adjustments, allowing the Board to maintain efficient licensing, enforcement, and administrative operations in fulfillment of its consumer protection mission.

11) Describe the amount the board has spent on business modernization, including contributions to the BreEZe program, which should be described separately.

The chart below provides the BreEZe maintenance costs for the current Sunset Review reporting period:

BreEZe Maintenance Costs					
FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FYs 2021-2025
Actual	Actual	Actual	Actual	Budget	Total
\$145,000	\$136,000	\$112,000	\$104,000	\$123,000	\$620,136

For other non-BreEZe business needs, the Board is currently piloting the utilization of existing Microsoft programs for communication, collaboration, process routing, tracking status, record keeping, and collecting workload data. By leveraging tools such as Microsoft Teams, SharePoint, and Power BI, the Board aims to streamline processes, enhance productivity, and increase data collection opportunities. For example, Microsoft Teams is used for efficient communication and collaboration among team members, while SharePoint serves as a central repository for document management and sharing. Power BI helps in visualizing data and tracking progress. This initiative has already

improved operational efficiency and provided better insight into workload volume and status at no additional cost than the existing software licenses.

12) Describe license renewal cycles and the history of fee changes over the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citations) for each fee charged by the board.

Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 21/22 Revenue	FY 22/23 Revenue	FY 23/24 Revenue	FY 24/25 Revenue	% of Total Revenue
PT Application	300	300	537,250	584,339	557,198	565,200	7.37%
PT Application (Non U.S.)	300	300	48,949	50,489	49,696	44,948	0.59%
PT Initial License	150	150	295,749	321,288	304,338	304,696	3.97%
PT Biennial Renewal	300	300	4,135,680	4,242,000	4,381,369	4,470,193	58.24%
PT Delinquent Renewal	150	150	32,400	36,000	34,050	38,250	0.5%
PTA Application & Initial License	300	300	203,700	244,500	223,800	227,405	2.96%
PTA Application & Initial License (Non U.S.)	300	300	11,400	13,500	14,700	11,400	0.15%
PTA Biennial Renewal	300	300	1,148,100	1,193,700	1,270,050	1,308,300	17.05%
PTA Delinquent Renewal	150	150	10,350	10,800	10,950	11,700	0.15%
ENMG Examination	500	500	0	1,500	500	500	0.01%
ENMG Specialty Certification	100	200	0	300	100	100	0.01%
ENMG Biennial Renewal	50	200	550	350	550	450	0.01%
ENMG Delinquent Renewal	25	100	0	0	0	25	0.01%
KEMG Examination	500	500	0	0	500	1,000	0.01%
KEMG Specialty Certification	100	200	0	0	100	200	0.01%
KEMG Biennial Renewal	50	200	800	500	650	500	0.01%
KEMG Delinquent Renewal	25	100	0	25	0	50	0.01%
Endorsement Application	60	100	85,620	87,460	71,640	60,840	0.79%
Duplicate Certificate	50	100	14,200	14,800	12,150	10,950	0.14%

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

The Board's licenses are issued on a biennial renewal cycle, with licenses expiring on the last day of the licensee's birth month (BPC §2644(a)).

- Physical therapists and physical therapist assistants must complete 30 hours of continuing competency each renewal cycle (Title 16, California Code of Regulations (CCR) §1399.94).
- Electromyography certifications (kinesiological and electroneuromyography) renew every two years in conjunction with a physical therapist license.

Over the past 10 years, the Board has implemented one major fee increase in FY 2015–16:

- Physical Therapist Fees (BPC §2688; Title 16, CCR §1399.50)
- Application fee: increased from \$125 → \$300
- Foreign-educated application fee: increased from \$200 → \$300
- Initial license fee: increased from \$100 → \$150
- Biennial renewal fee: increased from \$200 → \$300
 - Delinquent fee: increased from \$100 → \$150
- **Physical Therapist Assistant Fees** (BPC §2688; Title 16, CCR §1399.52)
- Application fee: increased from \$125 → \$300
- Foreign-educated application fee: increased from \$200 → \$300
- Initial license fee: increased from \$125 → \$300
- Biennial renewal fee: increased from \$200 → \$300
 - Delinquent fee: increased from \$100 → \$150
- Electromyography Certification Fees (Title 16, CCR §§1399.54, 1399.55)
- Application processing fee: \$100 (unchanged)
- Written examination fee: \$500 (unchanged)
 - Renewal fee: \$50 (unchanged)
- Retired License Status
 - In 2023, the Board established a \$100 one-time application fee for retired license status (Title 16, CCR §§1399.50, 1399.52).

All current application and licensing fees are set at their statutory limit.

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

Over the past four fiscal years, the Board has submitted only one Budget Change Proposal (BCP), demonstrating fiscal prudence and a commitment to requesting additional resources only when essential to fulfill its mission. In FY 2023–24, the Board received approval for a BCP (1111-028-BCP-2023-GB) that provided an augmentation consisting of both position authority and funding for two permanent Staff Services Analyst (SSA) positions within its Licensing Services Program.

This augmentation replaced temporary, limited-term staffing with permanent positions to establish long-term stability in meeting licensing demands. The additional resources were necessary to ensure compliance with Chapter 399, Statutes of 2012 (AB 1904), which mandates expedited processing of license applications for military spouses and partners, and to manage the growing workload of endorsement applications. The augmentation included position authority for two SSA positions and funding of \$267,000 in FY 2023–24 and \$251,000 in FY 2024–25 and ongoing to sustain these positions and support the Board's consumer protection mission. This augmentation also strengthens the Board's ability to meet its application processing performance targets, ensuring licensure decisions are timely.

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

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
1111-028	23/24	Licensing Services	2.0	2.0	201	201	66	66

Staffing Issues

14) Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

During the current Sunset Review period (July 1, 2021, through June 30, 2025), the Board continued to demonstrate strong operational performance despite statewide hiring constraints and increased competition for qualified candidates. The Board experienced periodic vacancies across several analyst and managerial positions, driven largely by promotions, retirements, and internal mobility. When the Board fills vacancies internally, it benefits from retaining staff with historical knowledge and proven experience. However, this creates a secondary vacancy that must then be recruited for, which results in a ripple effect that can extend overall hiring timelines. Throughout this period, the Board proactively managed these staffing challenges to ensure uninterrupted consumer protection services.

The Board also relies on several highly specialized positions that require significant subject matter expertise, historical program knowledge, and familiarity with legacy processes. Vacancies in these roles present a substantial operational challenge because the depth of expertise required can be difficult to replace quickly. To reduce this vulnerability, the Board prioritized expanded documentation of workflows, targeted cross-training, and increased knowledge sharing across units so that essential responsibilities are not concentrated in a single individual. While these mitigation strategies do not eliminate the difficulty of recruiting and training new staff for these niche positions, they have strengthened organizational resilience and helped maintain continuity of critical functions during staff transitions.

The Board further adapted to statewide fiscal controls described in Budget Letter 23-27, which required significant scrutiny of staffing transactions, limited backfilling of vacancies, and imposed an anticipated statewide vacancy sweep. To maintain service quality, the Board cross-trained staff where feasible, reassigned work temporarily, and prioritized essential functions consistent with its consumer protection mandate. These strategies allowed the Board to sustain licensing throughput, maintain enforcement timeframes, and support ongoing modernization and outreach initiatives.

Overall, while staffing shortages and recruitment delays presents challenges for the Board, particularly when internal promotions create sequential vacancies, the Board consistently implements strategies that ensure continuity of operations and protection of the public. The Board remains committed to ongoing succession planning, talent development, and recruitment approaches that support a resilient workforce capable of meeting future workload demands.

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

During the current Sunset Review period, the Board continued to prioritize staff development as a key component of organizational effectiveness and public protection. The Board encourages continuous learning through participation in internal and external training opportunities that enhance leadership, analytical, and technical skills essential to effective regulatory oversight.

Staff training is supported through multiple avenues, including programs offered by the DCA such as Strategic Organization, Leadership and Individual Development (SOLID) Training Solutions, the Council on Licensure, Enforcement and Regulation (CLEAR), the National Certified Investigator and Inspector Training (NCIT) program, and the Federation of State Boards of Physical Therapy (FSBPT). These opportunities provide staff with exposure to national best practices in complaint resolution, administrative law, investigative techniques, data management, and professional standards of physical therapy regulation. The Board also utilizes internal DCA resources for mandatory statewide training such as Ethics, Information Security, and Sexual Harassment Prevention.

In addition to external training, Board prioritizes modernization within the organization by offering ongoing internal training and video-based learning resources to familiarize staff with new systems and digital tools. Training sessions are routinely provided for Microsoft Teams, SharePoint, BreZze, and other workflow automation systems to ensure staff are proficient in modern technologies that support efficiency, collaboration, and transparency.

Training costs are incorporated into the Board's Pro Rata assessment, which represents the distribution of shared administrative and programmatic costs for services provided by DCA to all boards and bureaus, including personnel development and leadership training. However, the Board also tracks direct expenditure on staff development. The Board spent the following amounts on training and development activities:

- FY 2021–22: \$0
- FY 2022–23: \$8,528
- FY 2023–24: \$2,297
- FY 2024–25: \$1,840 (projected)

In FY 2022-23, all Board enforcement staff attended CLEAR's NCIT training, which constituted most of the year's training expenditure.

The Board's 2024–29 Strategic Plan reinforces staff development as a central priority under its goal of Organizational Effectiveness. The plan directs the Board to invest in professional growth opportunities, strengthen internal communication systems, and continually assess technological needs to improve service delivery. These efforts ensure that Board's workforce remains knowledgeable, adaptive, and equipped to meet evolving regulatory demands while maintaining the highest standards of performance and accountability.

Together, these initiatives cultivate a skilled and forward-thinking workforce that supports the Board's mission to protect the public and deliver high-quality, efficient services to consumers, applicants, and licensees.

Section 3

Licensing Program

Table 6. Licensee Population

		FY 21/22	FY 22/23	FY 23/24	FY 24/25
Physical Therapist (PT)	Active ³	28,553	29,458	30,888	31,023
	Out of State	-	-	-	-
	Out of Country	-	-	-	-
	Delinquent/Expired	4,886	4,999	5,479	5,778
	Retired Status <i>if applicable</i>	388	397	419	439
	Inactive	1,240	1,302	1,269	1,208
	Other ⁴	-	-	-	-
Physical Therapist Assistant (PTA)	Active	8,096	8,469	8,843	9,255
	Out of State	-	-	-	-
	Out of Country	-	-	-	-
	Delinquent/Expired	1,490	1,547	1,629	1,737
	Retired Status <i>if applicable</i>	116	109	100	103
	Inactive	333	336	314	321
	Other	-	-	-	-

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

16) What are the board's performance targets/expectations for its licensing⁵ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Physical Therapy Board of California (Board) continued to prioritize timely and efficient processing of licensure applications to ensure qualified physical therapists and physical therapist assistants enter the workforce without unnecessary delays. The Board's performance targets for processing complete applications are as follows:

- U.S. Educated Exam Applicants: 90 days
- Endorsement Applicants: 45 days
- Military Applicants: 14 days
- Foreign-Educated Applicants: No formal target established due to the greater complexity of documentation review.

For most application types, the Board consistently met or exceeded its performance expectations during the current Sunset Review period (July 1, 2021 – June 30, 2025). While foreign-educated applications remain more complex, the Board has taken steps to streamline internal review procedures and improve transparency for applicants.

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

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

To support continuous improvement, the Board implemented a number of process enhancements. These include updating and simplifying application instructions, improving document tracking in the BreEZe system, and leveraging electronic verification methods that streamline submission of required materials and reduce administrative burden on applicants. These efforts have contributed to a more applicant-friendly and efficient licensing process.

The Board also strengthened its infrastructure by filling key staffing positions, including a Licensing Services Manager, and by cross-training team members to enhance flexibility and program resilience. Outreach to educational programs has been sustained to inform graduating students about the licensing process, equipping them to submit timely and accurate applications.

Through these collective measures, the Board has upheld its commitment to timely licensure, workforce access, and public protection, ensuring that only qualified individuals are licensed to practice physical therapy in California.

- 17) Using Table 7a, Licensing Data by Type, 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?**

Table 7a. Licensing Data by Type – Physical Therapist (PT)

		Pending Applications						Application Process Times		
		Received	Approved /Issued	Closed	Complete (within Board control)*	Incomplete (outside Board control)*	Total (Close of FY)	Complete Apps*	Incomplete Apps*	Total (Close of FY)
FY 21/22	(Exam/License)	1,675	1,915	16	-	-	735	22	69	62
	(Renewal)	14,826	14,602	806	-	-	7,047	2	-	2
FY 22/23	(Exam/License)	2,285	1,986	136	-	-	879	31	86	78
	(Renewal)	15,365	14,235	895	-	-	7,290	2	-	2
FY 23/24	(Exam/License)	2,122	1,910	130	-	-	860	39	101	87
	(Renewal)	15,674	14,428	813	-	-	7,760	1	-	1
FY 24/25	(Exam/License)	2,113	2,075	112	-	-	651	28	94	80
	(Renewal)	16,200	14,900	891	-	-	8,128	2	-	2

* Optional. List if tracked by the board.

Table 7a. Licensing Data by Type – Physical Therapist Assistant (PTA)

					Pending Applications			Application Process Times		
		Received	Approved /Issued	Closed	Complete (within Board control)*	Incomplete (outside Board control)*	Total (Close of FY)	Complete Apps*	Incomplete Apps*	Total (Close of FY)
FY 21/22	Exam/(License)	607	673	3	-	-	324	41	104	97
	(Renewal)	4,139	3,806	235	-	-	2,193	2	-	2
FY 22/23	(Exam/License)	917	672	44	-	-	445	26	104	99
	(Renewal)	4,362	4,001	255	-	-	2,281	2	-	2
FY 23/24	(Exam/License)	811	697	37	-	-	442	35	104	98
	(Renewal)	4,533	4,187	268	-	-	2,384	2	-	2
FY 24/25	(Exam/License)	830	788	46	-	-	340	43	98	92
	(Renewal)	4,739	4,347	257	-	-	2,497	3	-	3

* Optional. List if tracked by the board.

Table 7b. License Denial

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
License Applications Denied (no hearing requested)	0	3	4	2
SOIs Filed	4	3	4	1
Average Days to File SOI (from request for hearing to SOI filed)	96	98	78	100
SOIs Declined	1	0	0	1
SOIs Withdrawn	3	1	1	0
SOIs Dismissed (license granted)	0	0	0	0
License Issued with Probation / Probationary License Issued	1	0	0	1
Average Days to Complete (from SOI filing to outcome)	101	168	38	284
License Denied After Appeal	0	1	1	3

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has demonstrated consistent performance in processing applications and issuing licenses, with only slight year-to-year variation. The number of initial applications received each year has decreased modestly, while the number of licenses issued has remained steady, and even increased slightly in the most recent fiscal year. This indicates that the Board has successfully kept pace with demand and has not experienced a growth in pending applications that exceeds completions.

Although fluctuations in application volume tend to follow predictable patterns such as graduation cycles and FSBPT examination windows, the Board has proactively adjusted workflows to accommodate these surges and minimize delays. Applications from foreign-educated individuals continue to require longer processing timelines due to the complexity of their evaluations; however, these are expected and managed within the Board's overall licensing framework.

To enhance processing efficiency and support long-term performance, the Board has implemented several key strategies:

- **Streamlined Verification:** The Board leveraged electronic submission processes for verifying educational completion, reducing manual steps and increasing accuracy and timeliness.
- **Process Flexibility:** Internally, staff are cross-trained to assist across high-demand areas during peak periods, enabling adaptive responses to shifting workloads.
- **Applicant Education:** Outreach efforts to physical therapist and physical therapist assistant programs statewide have been expanded, equipping future applicants with guidance that helps reduce submission errors and incomplete applications.
- **Regulatory Improvements:** The Board has actively pursued regulatory updates to support clearer standards and more efficient licensing pathways.
- **Planning for Growth:** As new physical therapist assistant programs launch across California, the Board continues to monitor trends and adjust internal operations to maintain licensing timelines as the applicant pool expands.

Looking forward, the Board remains committed to continuous improvement of its licensing processes and will continue evaluating and refining systems to ensure timely and effective service to applicants and licensees while maintaining the Board's highest priority of public protection.

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

In the last four fiscal years, the Board denied 13 license applications based on criminal history that was determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to Business and Professions Code (BPC) § 480. The Board initially denied 15 license applications, and of those, 7 appeals were received, resulting in one probationary license issued, and one unrestricted license issued.

The table below reflects the breakdown of license applications denied, and the final outcomes for each fiscal year.

Criminal Conviction Denials					
	FY 21/22	FY 22/23	FY 23/24	FY 24/25	Total
Initially Denied	2	8	4	1	15
Appealed	2	3	2	0	7
Issued Probationary License	0	1	0	0	1
Issued Unrestricted License	1	0	0	0	1
Denied	1	7	4	1	13

FY 2021/22

- **Physical Therapist Applicant:** Denied due to 2017 felony convictions of Attempt and Conspiracy to Commit Mail Fraud and Healthcare Fraud, and Money Laundering-Fraud and Other Conspiracy. The applicant appealed and the denial was upheld.
- **Physical Therapist Assistant Applicant:** Denied due to a 2012 DUI conviction, a 2013 conviction of Driving on a Suspended or Revoked License, a 2015 DUI conviction, a 2018 conviction of Driving Without a Valid Driver's License, and insufficient evidence of

rehabilitation. The applicant appealed and was later granted an unrestricted physical therapist assistant license.

FY 2022/23

- Physical Therapist Assistant Applicant: Denied due to a 2015 DUI conviction, a 2022 DUI conviction, and insufficient evidence of rehabilitation. The applicant appealed and was later granted a probationary physical therapist assistant license.
- Physical Therapist Assistant Applicant: Denied due to a 2015 conviction of Reckless Driving, a 2017 DUI conviction, a 2019 DUI conviction, multiple sentence/probation violations in 2017 and 2019, and insufficient evidence of rehabilitation. The applicant appealed but later withdrew their appeal.
- Physical Therapist Assistant Applicant: Denied due to 2021 convictions of DUI, Open Container, and Illegal Stop/Stand/Park Where Prohibited, and insufficient evidence of rehabilitation. The applicant appealed but later withdrew their appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2020 conviction of Disorderly Conduct. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2022 conviction of DWI over .15%, and insufficient evidence of rehabilitation. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2020 DUI conviction, and insufficient evidence of rehabilitation. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2022 conviction of Reckless Driving, and insufficient evidence of rehabilitation. The applicant did not appeal.
- Physical Therapist Assistant Applicant: Denied due to a 2017 felony conviction of False Imprisonment, and insufficient evidence of rehabilitation. The applicant did not appeal.

FY 2023/24

- Physical Therapist Applicant: Denied due to a 2018 conviction of Disorderly Conduct, a 2020 conviction of Resisting Arrest, a 2020 conviction of 4th degree Assault, a 2021 conviction of Obstruction, and insufficient evidence of rehabilitation. The applicant appealed and the denial was upheld.
- Physical Therapist Assistant Applicant: Denied due to a 2022 conviction of Battery. The applicant appealed and the denial was upheld.
- Physical Therapist Applicant: Denied due to a 2018 conviction of Electronic Stalking. The applicant did not appeal.
- Physical Therapist Applicant: Denied due to a 2022 conviction of two felony counts of Bank Submit Fake/Unfiled Returns, Evade Taxes, and insufficient evidence of rehabilitation. The applicant did not appeal.

FY 2024/25

- Physical Therapist Assistant Applicant: Denied due to a 2024 felony conviction of Grand Theft by Servant, and insufficient evidence of rehabilitation. The applicant did not appeal.

19) How does the board verify information provided by the applicant?

- **What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information**

on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has continued its commitment to public protection through a robust applicant screening process designed to identify criminal history and prior disciplinary actions. The Board utilizes fingerprint-based background checks through the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI). Applicants are required to submit fingerprints via Live Scan or hard card submission, which allows the Board to receive both California and federal criminal history information.

In alignment with statutory changes implemented in response to AB 2138 and amendments to BPC section 480, effective January 1, 2023, the Board no longer requires applicants to self-disclose criminal convictions on the application. However, applicants must still disclose prior professional license discipline from other states or jurisdictions. For applicants applying via endorsement, Application Services staff verify licensure history and discipline using the Federation of State Boards of Physical Therapy (FSBPT) Exam, Licensure, and Disciplinary Database (ELDD). This database includes nationwide disciplinary actions reported by member jurisdictions.

Denial decisions are made when the conduct itself is substantially related to the qualifications, functions, or duties of a licensee and met denial criteria under Business and Professions Code sections 480 and 2660. Between July 1, 2021, and June 30, 2024 (data for FY 2024–25 not yet complete), the Board denied a small number of applications due to nondisclosure of required information, including prior license discipline and, in some cases, criminal convictions verified through background checks. The Board evaluates each case individually using rehabilitation criteria outlined in Title 16, California Code of Regulations (CCR) section 1398.45 and its updated disciplinary guidelines.

The Board remains committed to improving the clarity of the application process and ensuring applicants are aware of disclosure requirements and the implications of failing to comply. Staff also participate in outreach presentations at physical therapy schools to educate prospective applicants about these expectations.

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

Yes, the Board requires all applicants to submit fingerprints. All applicants are required to submit fingerprints either through Live Scan (in-state) or hard card (out-of-state), which enables the Board to receive state and federal criminal history information from the DOJ and FBI. This process is mandated by BPC section 144 and ensures that the Board conducts a thorough background check on every applicant to protect the public.

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

While all applicants are required to undergo fingerprinting prior to initial licensure, the Board does not require licensees to be re-fingerprinted after licensure or during the renewal process.

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

Yes, there are national databanks relating to disciplinary actions, and the Board checks them prior to issuing a license. The Board utilizes both the FSBPT and the National Practitioner Data Bank (NPDB) to identify any prior disciplinary actions reported by other licensing jurisdictions or healthcare entities. These checks are an essential part of the initial licensure process, especially for applicants seeking licensure by endorsement.

However, the Board does not routinely check FSBPT or NPDB records at the time of license renewal, as current law does not require these reviews during renewal. If concerns arise or additional information is brought to the Board's attention such as through a complaint or report, the Board may access these resources as part of its investigation process.

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

Yes, the Board requires primary source verification, but not from the applicant directly. While applicants are required to disclose all licenses held in other jurisdictions, the Physical Therapy Board of California does not require hard copies of those licenses. Instead, Board staff independently verify the status and history of each license through online primary sources, such as official state licensing websites and the FSBPT. This approach ensures the accuracy and authenticity of licensure information without placing the burden on the applicant to provide physical documentation.

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

Yes, the Board sends No Longer Interested (NLI) notifications to DOJ on a regular and ongoing basis. This process is automated through the BreEZe licensing system and is triggered by changes in license status for individuals over whom the Board no longer has jurisdiction. NLI requests are transmitted electronically to DOJ, and there is no current backlog.

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

Out-of-State Applicants

Pursuant to BPC §2636.5, physical therapists and physical therapist assistants licensed in another U.S. state, district, or territory approved by the Board may apply for licensure in California without retaking the National Physical Therapy Exam (NPTE). However, they are still required to:

- Meet all of California's licensure requirements, including education, experience, and successful completion of a fingerprint-based criminal background check;
- Pass the California Jurisprudence Assessment Module (CAL-JAM) (previously the California Law Examination).

This streamlined endorsement process supports workforce mobility while ensuring applicants meet California's public protection standards.

The Board's target processing time for endorsement applications is 45 days, and it continues to prioritize application efficiency, particularly for military applicants and licensees relocating from other jurisdictions.

Out-of-Country Applicants

Foreign-educated applicants must:

- Submit satisfactory documentary evidence of educational equivalency, as required in Title 16, CCR §1398.26.1;
- Demonstrate English proficiency, as applicable;
- Complete a Board-approved clinical service experience in the U.S. if necessary under Title 16, CCR §1398.26.5;
- Pass both the NPTE and the CAL-JAM;
- Complete a fingerprint-based criminal background check as part of the application process.

No specific processing time target is established for foreign-educated applicants due to the complexity of evaluation.

License Applicant Status

Under BPC §2639, qualified applicants who have submitted a complete application may be granted "license applicant" status, allowing them to practice under direct supervision of a licensed physical therapist while awaiting full licensure.

Public Protection Safeguards

To ensure public safety, all applicants are required to:

- Undergo fingerprint background checks through both the DOJ and the FBI;
- Have all education and licenses verified through primary sources;
- Disclose any disciplinary history or convictions, which are evaluated per AB 2138 rehabilitation criteria and the Board's disciplinary guidelines.

21) 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.

During the current Sunset Review period (July 1, 2021–June 30, 2025), the Board has implemented an internal process to support military service members, veterans, and military spouses seeking licensure. This process complies with BPC sections 35, 114.3, 115.4, 115.5, and 115.6, while ensuring continued consumer protection.

Internal Process for Considering Military Education, Training, and Experience

- **Military Application Identification**
Upon receipt of an application, Board staff screen for any indication that the applicant may qualify for military-related considerations. This includes self-identification as an active-duty service member, veteran, or military spouse. These applications are flagged for expedited handling.
- **Dedicated Military Application Evaluator**
Board has designated a staff member to serve as the subject matter expert for military-

related applications. This individual is trained to evaluate documentation related to military education, training, and experience, and serves as the primary point of contact for military applicants.

- **Expedited Review and Processing Time**

Military applications are given priority processing. The Board has established a performance target of 14 days to process complete military applications, which is significantly shorter than the standard timeframes for other application types.

- **Evaluation of Military Education and Training**

If documentation of military education, training, or experience is submitted, Board staff evaluate it for alignment with the statutory and regulatory requirements for licensure as a physical therapist or physical therapist assistant. Evaluation may include academic coursework, clinical training, or job functions performed in the military.

- **Verification and Documentation**

Military applicants must still meet all applicable licensure requirements. Board verifies all credentials and qualifying experience using primary source documentation.

- **License Fee Waivers and Temporary Licensure**

In accordance with BPC sections 115.4 and 115.5, the Board offers application fee waivers and temporary licenses for qualified military spouses and honorably discharged veterans. Board staff are trained to recognize and apply these provisions during the application process.

- **Ongoing Support and Communication**

The designated staff member provides direct support to military applicants throughout the application lifecycle and post-licensing. This includes assisting with document submission, clarifying requirements, and ensuring that applicants are guided through the process without unnecessary delay.

- **Legislative and Policy Compliance**

The Board monitors and incorporates legislative changes related to military licensure pathways, such as AB 107 (Salas, Chapter 693, Statutes of 2021) and SB 1237 (Newman, Chapter 386, Statutes of 2022), for continued compliance with statewide military licensure policy.

This streamlined internal process reflects the Board's commitment to honoring military service while maintaining rigorous licensing standards that protect the public.

- **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?**

For current Sunset Review period (July 1, 2021 - June 30, 2025), the Board received four applications for individuals who qualified with military education, training or experience. All four were accepted.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Applications received	1 application	1 application	1 application	1 application

- **How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?**

Since FY 2021/22, the Board has waived renewal requirements pursuant to BPC section 114.3 for twelve licensees with no significant impact to Board revenues.

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

	FY 21/22	FY 22/23	FY 23/24	FY 24/25	TOTAL
PT	57	34	33	43	167
PTA	39	39	42	45	165
TOTAL	96	73	75	88	332

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

Yes, the Board sends No Longer Interested (NLI) notifications to DOJ on a regular and ongoing basis. This process is automated through the BreEze licensing system and is triggered by changes in license status for individuals over whom Board no longer has jurisdiction. NLI requests are transmitted electronically to DOJ, and there is no current backlog.

Examinations

23) 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?

For the July 1, 2021–June 30, 2025 Sunset Review period, the Board requires the following examinations for licensure:

- **National Examination**

The Board requires applicants to pass the *NPTE*. These exams are developed and administered by the FSBPT and are recognized nationally.

- **California Specific Examination**

All applicants, regardless of education or endorsement background, must pass the *California Law Examination (CLE)*, which, effective July 1, 2024, was replaced by the *CAL-JAM*. This exam ensures that applicants understand the legal and ethical standards governing physical therapy practice in California.

- **Language Availability**

All examinations used for licensure, including the *NPTE* and *CAL-JAM*, are administered in English only. There are currently no provisions for offering these exams in other languages.

These examination requirements align with the Board's mandate to ensure competent, safe, and lawful practice in California and are consistent with national licensure standards.

- 24) What are pass rates for first time vs. retakes in the past 4 fiscal years? Please include pass rates for all examinations offered, including examinations offered in a language other than English. Include a separate data table for each language offered.**

Table 8. Examination Data						
California Examination (include multiple language) if any:						
		1 st Attempt	More than 1 Attempt	1 st Attempt	More than 1 Attempt	All Attempts
License Type		PT	PT	PTA	PTA	ENMG/KEMG
Exam Title		CAL-Law	CAL-Law	CAL-Law	CAL-Law	ENMG/KEMG
Number of Candidates		8,287	1,252	3,166	1,155	8
FY 21/22	Overall Pass %	82.32%	84.38%	58.90%	67.03%	N/A
	Overall Fail %	17.68%	15.62%	41.10%	32.97%	N/A
FY 22/23	Overall Pass %	85.13%	86.91%	66.09%	66.08%	100%
	Overall Fail %	14.87%	13.09%	33.91%	33.92%	0
FY 23/24	Overall Pass %	82.80%	82.48%	59.68%	63.23%	100%
	Overall Fail %	17.20%	17.52%	40.32%	36.77%	0
FY 24/25	Overall Pass %	98.95%	97.67%	97.47%	90.90%	100%
	Overall Fail %	1.05%	3.33%	2.53%	9.09%	0
Date of Last Occupational Analysis (OA)		2024	2024	2024	2024	1994/1990
Name of OA Developer		Board/FSBPT	Board/FSBPT	Board/FSBPT	Board/FSBPT	Board
Target OA Date		2025	2025	2025	2025	

Table 8. Examination Data					
National Examination (include multiple language) if any:					
		1 st Time	More than 1 Attempt	1 st Time	More than 1 Attempt
License Type		PT	PT	PTA	PTA
Exam Title		NPTE	NPTE	NPTE	NPTE
Number of Candidates		4,865	1,513	2,520	1,032
FY 21/22	Overall Pass %	81.36	53.25%	80.00%	39.06%
	Overall Fail %	18.64%	46.75%	20.00%	60.94%
FY 22/23	Overall Pass %	81.87%	58.17%	79.28%	33.20%
	Overall Fail %	18.13%	41.83%	20.72%	66.80%
FY 23/24	Overall Pass %	81.99%	52.85%	79.53%	33.69%

	Overall Fail %	18.01%	47.15%	20.47%	66.31%
FY 24/25	Overall Pass %	81.29%	53.52%	77.18%	37.50%
	Overall Fail %	18.71%	46.48%	22.82%	62.50%
Date of Last Occupational Analysis (OA)		2024	2024	2024	2024
Name of OA Developer		FSBPT	FSBPT	FSBPT	FSBPT
Target OA Date*		2025	2025	2025	2025

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

FSBPT. "Ensuring Validity." <https://www.fsbpt.org/Free-Resources/NPTE-Development/Ensuring-Validity>. Accessed Dec. 08, 2025.

25) 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?

Yes, the Board utilizes computer-based testing for all required licensure examinations. These include:

- NPTE
- CLE or CAL-JAM (CLE replaced by the CAL-JAM effective July 1, 2024)

Computer-Based Testing Overview

- NPTE and CLE (prior to July 1, 2024) are administered at secure testing centers and offered through the FSBPT in partnership with Prometric.
- CAL-JAM, which replaced the CLE on July 1, 2024, is also administered by FSBPT. It is a computer-based exam delivered online and available remotely, allowing applicants to take it from a location of their choosing.

Testing Availability

- NPTE is typically administered four times per year at Prometric test centers nationwide. Candidates register through FSBPT and schedule their exams at a time and location convenient to them.
- CLE was offered continuously through Prometric until its retirement on June 30, 2024.
- CAL-JAM is available on-demand and can be taken at any time once an applicant is eligible, increasing access and flexibility for candidates.

This computer-based testing structure ensures secure, standardized, and efficient assessment of applicants' readiness for licensure, consistent with Board's mandate to protect the public through effective licensure practices.

26) Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe. Has the Board approved any amendments, or is the Board considering amendments to address the hindrances presented by these statutes?

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has not identified any specific existing statutes that directly hinder the efficient and effective processing of applications or examinations.

However, through its strategic planning and continuous process improvement efforts, the Board has proactively taken steps to identify areas for regulatory enhancement rather than statutory overhaul. The Board has completed several regulatory packages intended to streamline licensing pathways, particularly for foreign-educated applicants by:

- Allowing the use of updated education equivalency tools (e.g., Coursework Tool 6 and PTA Tool 2).
- Authorizing alternative supervised clinical evaluation instruments such as the FSBPT's Clinical Practice Performance Evaluation Tool (PET), in addition to the American Physical Therapy Association's Clinical Performance Instrument (CPI).

Although no statutory amendments have been formally proposed to the Legislature, the Board has been actively engaged in rulemaking and strategic planning that address operational barriers. For instance, the 2024–29 Strategic Plan includes initiatives to:

- Improve processing times across application types.
- Expand stakeholder understanding of licensing laws and processes.

These goals demonstrate the Board's commitment to improving licensing efficiency without needing legislative changes at this time.

Should the Board identify a statutory provision that hinders performance in the future, it is well-positioned through its strategic planning process to recommend appropriate amendments.

27) When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

Pursuant to BPC section 139, the Board is required to evaluate its licensure examinations to ensure they meet minimum psychometric standards and to compare a California occupational analysis of the profession to national occupational analyses to assess the validity of the national examination content for California practice. During the current Sunset Review period (July 1, 2021–June 30, 2025), the DCA Office of Professional Examination Services (OPES) initiated a new occupational analysis and jurisprudence examination review. This effort is ongoing and will provide the Board with updated data to confirm that the NPTE adequately measures entry-level competence for practice in California and that the California jurisprudence requirement remains a valid and necessary tool to assess applicants' understanding of California-specific laws and regulations.

In addition to California's oversight, the FSBPT, as the developer of the NPTE, conducts its own rigorous occupational analyses to ensure the exam remains a valid and reliable measure of entry-level competence. Traditionally, FSBPT conducted a formal practice analysis every five years; however, beginning in 2018 it implemented an enhanced methodology that allows annual collection and analysis of practice data, with a formal review and revision of the test content outline continuing on a five-year cycle. This dual approach enables FSBPT to both monitor emerging practice trends and

respond quickly to changes in the profession, ensuring that the NPTE consistently reflects current entry-level practice expectations.

The Board, in collaboration with FSBPT, launched the CAL-JAM, which officially replaced the CLE on July 1, 2024. This new online, on-demand jurisprudence tool enhances accessibility and learning for both applicants and licensees. CAL-JAM is designed not only to assess understanding of California laws and regulations governing the practice of physical therapy, but also to serve as a valuable educational resource. For applicants, CAL-JAM provides an efficient way to demonstrate minimum competency in laws and regulations required for licensure. For licensees, CAL-JAM fulfills the mandatory two hours of ethics, laws, and regulations continuing competency requirement for license renewal. The assessment is accessible online at the individual's convenience, carries nearly half the cost of the former California Law Examination, and provides immediate feedback when a question is answered incorrectly, thereby reinforcing knowledge through education as well as assessment.

Together, these efforts by DCA OPES, FSBPT, and Board's implementation of CAL-JAM provide overlapping safeguards that ensure California licensees are assessed using examinations that are psychometrically sound, relevant to contemporary practice, and protective of public health and safety.

School Approvals

28) 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?

The Board requires that applicants for licensure as physical therapists or physical therapist assistants must have graduated from an educational program that meets specific accreditation standards.

- United States programs must be accredited by the *Commission on Accreditation in Physical Therapy Education (CAPTE)*. U.S. programs not accredited by CAPTE are not accepted for licensure purposes in California.
- Canadian programs must be accredited by the *Physiotherapy Education Accreditation Canada (PEAC)*. However, unlike U.S.-based programs, graduates of Canadian programs not accredited by PEAC may still be considered if their education is evaluated by an independent credentialing agency.
- Programs located outside of the U.S. or Canada must undergo evaluation by an independent credentialing agency that utilizes the *Federation of State Boards of Physical Therapy (FSBPT) Coursework Tool*. While FSBPT does not approve or accredit these credentialing agencies, it authorizes them to use its Coursework Tool for standardized evaluations.

The *Bureau for Private Postsecondary Education (BPPE)* does not have a role in approving physical therapy or physical therapist assistant programs for the purpose of licensure. The Board does not rely on BPPE approval and does not collaborate with BPPE in the school approval process. All determinations of educational program acceptability are based on the accreditation or credentialing mechanisms described above.

This approach ensures that all licensees have completed a program that meets rigorous educational standards, thus protecting the public by ensuring competency at entry into the profession.

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

Currently, there are over 327 accredited physical therapist education programs in the United States, with 20 programs located in California. There are also more than 390 accredited physical therapist assistant education programs nationwide, with 30 programs located in California.

Pursuant to BPC section 2651, the Board has program approval authority but deems all programs accredited by CAPTE or PEAC as approved. While the Board defers approval to CAPTE and PEAC, it maintains the authority to directly approve or withdraw approval of any program if necessary to protect the public.

Initial Accreditation Process

To achieve initial accreditation through CAPTE, a physical therapist or physical therapist assistant program must first obtain "Candidate for Accreditation" status, which signifies that the program is progressing toward compliance with all CAPTE standards. During candidacy, the program submits detailed self-study documentation demonstrating compliance with CAPTE's educational, administrative, and clinical standards. CAPTE conducts a comprehensive review, which includes:

- A self-study report addressing each accreditation criterion,
- A site visit to verify compliance through faculty interviews, facility inspections, and curriculum review, and
- Review of the program's outcomes assessment and continuous improvement plan.

Upon successful completion of these steps, CAPTE may grant initial accreditation for a specified term, typically five years. Once accredited, programs are expected to maintain compliance through annual reports and periodic reaccreditation reviews.

Ongoing Review

CAPTE requires all accredited programs to submit an annual compliance report and undergo a more comprehensive self-study and site review every three to ten years, depending on performance and compliance history. PEAC follows a similar model. These reviews ensure that programs continually meet high educational and clinical standards, producing graduates prepared to enter the profession safely and effectively.

Authority to Withdraw Approval

Yes. Under BPC section 2651, the Board may withdraw its approval of any program that fails to meet educational standards or jeopardizes public safety. Although such action is rare, this authority ensures that only qualified and properly educated physical therapists and physical therapist assistants enter practice in California.

30) What are the board's legal requirements regarding approval of international schools?

The Board does not approve international (foreign) schools directly. Instead, the Board has established regulatory mechanisms to ensure foreign-educated applicants meet educational equivalency standards prior to licensure.

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Requirements for approval of international schools are addressed through the following process:

Regulatory Framework:

Title 16, CCR, section 1398.26.1 governs the evaluation of foreign-educated applicants. This section details the documentary evidence required to demonstrate that the education received is equivalent to that of an accredited U.S. physical therapy program.

Credential Evaluation:

Foreign-educated applicants must have their education evaluated by an independent credentialing agency approved by Board. These agencies utilize CWT developed by the FSBPT to assess whether the applicant's education is substantially equivalent to the standards of accredited U.S. programs. Board does not evaluate or approve international schools directly.

In summary, the Board protects consumers by requiring foreign-educated applicants to demonstrate educational equivalency through credential evaluations based on established national standards. This process ensures applicants are qualified without necessitating Board approval of international institutions.

Continuing Education/Competency Requirements

31) Describe the board’s continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited (average)*
Physical Therapist	Biennial	30 hours / 15 hours for 1 st renewal	2%
Physical Therapist Assistant	Biennial	30 hours / 15 hours for 1 st renewal	2%

*For FY 2022/23 through FY 2024/25; no audits were conducted FY 2021/22 due to COVID-19 waivers.

Pursuant to Title 16, CCR section 1399.90 et seq., all licensed physical therapists and physical therapist assistants are required to complete thirty hours of continuing competency activity during each renewal cycle. Of the thirty hours:

- Two (2) hours must be in ethics, laws, and regulations.
- Four (4) hours must be in life support for health care professionals.

For a licensee's first renewal period, only fifteen hours are required, but the same mandatory components apply (two hours in ethics, laws, and regulations; four hours in life support).

Title 16, CCR section 1399.91 also provides an exemption for licensees who are unable to complete continuing competency requirements due to health, military service, or other good cause. In such cases, the Board may grant an exemption upon written request and appropriate documentation.

Changes Since the Last Sunset Review

During the COVID-19 pandemic, the Governor issued an Executive Order that authorized the DCA to temporarily waive certain licensing requirements. Under this authority, DCA issued a series of waivers

(DCA-20-01 and extensions) that temporarily suspended continuing competency requirements for licensees whose renewal dates fell within the declared state of emergency. These waivers concluded in March 2022, and licensees have since resumed full compliance with continuing competency obligations.

In alignment with its 2018–2022 Strategic Plan, the Board began evaluating its continuing competency program to improve effectiveness. Progress was delayed during the pandemic, when resources were redirected to implement Executive Order-related waivers and workload adjustments, but the work resumed in July 2022.

The Board continues to pursue regulatory updates to clarify and strengthen its continuing competency program, including implementing an approval agency fee.

- **How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?**

At the time of renewal, licensees must certify under penalty of perjury that they have complied with the Board's continuing competency requirements, pursuant to BPC §2649. Licensees are required to maintain proof of each continuing competency activity for five years and must provide supporting documentation upon the Board's request (Title 16, CCR §1399.97).

The Board does not currently use the DCA's "cloud" solution for licensee continuing competency record submission. Instead, the Board has found email communication to be an efficient and effective method for obtaining documentation and corresponding with licensees. When audited, licensees must submit their records along with a coursework and activity checklist that includes an attestation that all information is true and correct.

If verification is needed, Board staff will follow up with the recognized continuing competency approval agency that approved the course and provider. For alternate pathway activities (e.g., academic coursework, research, or pro bono service), staff will contact the appropriate authority to verify the submitted documentation.

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

Yes. The Board conducts random post-renewal continuing competency audits. The audit selection percentage is determined based on historical compliance trends and available staffing resources. If failure rates increase, the Board raises the audit percentage to ensure compliance; if compliance improves, the percentage may be reduced.

A licensee passes the audit if they demonstrate sufficient compliance with the continuing competency requirement. Reasons for failure include not providing acceptable proof of hours, submitting hours from non-compliant activities, or failing to respond to the audit request.

- **What are consequences for failing a CE audit?**

Consequences vary depending on the degree of noncompliance:

- **Citation with order of abatement** – the most common outcome, requiring the licensee to complete deficient continuing competency hours within a specified timeframe.
 - **Warning letter** – for minor, first-time documentation issues.
 - **Formal discipline** – for severe or repeated noncompliance or failure to comply with an abatement order.
- **How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

Fiscal Year	Audits Conducted	Fails	Failure Rate
FY 21–22	641	43	6.7%
FY 22–23	623	41	6.6%
FY 23–24	612	38	6.2%
FY 24–25*	482	30	6.2%

*Through Q3 of FY 2024–25.

- **Who approves CE courses? What is the board's course approval policy?**

The Board does not directly approve individual continuing competency courses. Courses must be offered by a provider approved by a Board-recognized approval agency, meeting the requirements in Title 16, CCR §1399.96.

- **Who approves CE providers? If the board approves them, what is the board's application review process?**

The Board recognizes approval agencies that approve both individual providers and courses. The Board does not directly approve providers or courses. Approval agencies must meet the recognition criteria in Title 16, CCR §1399.95, which include standards for course content, instructor qualifications, complaint procedures, and recordkeeping.

- **How many applications for CE providers and CE courses were received? How many were approved?**

The Board does not directly approve providers or courses but receives application data from approval agencies. As of June 30, 2025, the Board currently recognizes 124 approval agencies, representing approximately 300 active providers and more than 14,000 active courses. During the current Sunset Review period (July 1, 2021 – June 30, 2025), seven applications for recognition as an approval agency were received and approved, and eighteen agencies had their recognition withdrawn. Agency recognition is primarily withdrawn when the agency ceases operation or at the agency's request.

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

While Board does not directly approve providers, it audits recognized approval agencies to ensure compliance with Board regulations. Approval agencies must:

- Evaluate courses for compliance with regulatory standards.
- Audit their approved providers.
- Maintain a complaint process.
- Avoid conflicts of interest if also acting as a provider.
- Retain records in accordance with regulation.

Providers approved by an approval agency must ensure course content is relevant to physical therapy practice, include clear goals and objectives, provide a syllabus, allow participant feedback, disclose financial interests, and ensure course information is accurate and not misleading.

- **Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.**

The Board has not formally revised its policy to adopt a performance-based model. However, the Board continues to monitor national developments through the FSBPT and other state Boards and has engaged in preliminary discussions about how performance-based elements might be incorporated into the existing continuing competency framework without compromising consumer protection.

Section 4

Enforcement Program

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

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

The DCA reviewed existing enforcement processes and identified systemic problems that were barriers limiting the health care Boards' abilities to investigate and act on cases in a timely manner. The barriers identified ranged from legal and procedural challenges to inadequate resources, such as funding and staff shortages. In response, the DCA launched the Consumer Protection Enforcement Initiative (CPEI). As part of the CPEI, enforcement performance measures were developed to monitor and assist in determining the effectiveness of efforts to streamline enforcement processes, reduce backlogs, and achieve the overall goal to process complaints within 12-18 months. In July 2010, the DCA began collecting data on its new enforcement measures.

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

CPEI Performance Measures

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

Performance Measures 1: Complaints Received

Performance Measure (PM) 1 measures the total number of complaints and convictions received, which do not have target and performance standards.

Complaints Received by Fiscal Year	
	Complaints Received
FY 21/22	462
FY 22/23	501
FY 23/24	514
FY 24/25	576

Performance Measures 2: Intake

PM 2 measures the time from complaint receipt until the complaint is assigned to an analyst to begin the investigation. Complaints are received by telephone, mail, email, fax, or by filing a complaint via the Board website and through the BreEZe Licensing and Enforcement System (BreEZe).

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

Comment: The target was met each quarter.

Intake Process Target Performance			
FY 21/22	Average Days	Target # of Days	Target Met
Quarter 1	3	9	Yes
Quarter 2	3	9	Yes
Quarter 3	4	9	Yes
Quarter 4	3	9	Yes
Intake Process Target Performance			
FY 22/23	Average Days	Target # of Days	Target Met
Quarter 1	3	9	Yes
Quarter 2	4	9	Yes
Quarter 3	5	9	Yes
Quarter 4	4	9	Yes
Intake Process Target Performance			
FY 23/24	Average Days	Target # of Days	Target Met
Quarter 1	3	9	Yes
Quarter 2	3	9	Yes
Quarter 3	3	9	Yes
Quarter 4	2	9	Yes
Intake Process Target Performance			
FY 24/25	Average Days	Target # of Days	Target Met
Quarter 1	2	9	Yes
Quarter 2	3	9	Yes
Quarter 3	3	9	Yes
Quarter 4	2	9	Yes

Performance Measures 3: Intake and Investigation

PM 3 measures the average time from complaint receipt to closure of the investigation process. The investigative process includes desk investigations conducted by the Board analysts, and formal

investigations conducted by the DCA, Division of Investigation (DOI). Cases resulting in formal discipline forwarded to the Attorney General (AG) are not included in this measure.

Target: Board set the performance target for PM 3 at 90 days. In Quarter 1 of FY 2022/23, the Board conducted a 4-year analysis of its performance for PM3. It was found that the Board's average over the previous four fiscal years had been 171.25 days. Based on this, and on comparison with the targets of other DCA Boards and bureaus for this performance measure, the Board determined that the previously established target of 90 days was an overly ambitious, unrealistic goal and therefore readjusted the target to 180 days.

FY 21/22

Intake and Investigation Target Performance			
FY 21/22	Average Days	Target # of Days	Target Met
Quarter 1	215	90	No
Quarter 2	222	90	No
Quarter 3	193	90	No
Quarter 4	187	90	No

- 218 cases were closed within 90 days
- 111 cases were closed within 91 days-180 days
- 70 cases were closed within 181 days-1 year
- 51 cases were closed within 1-2 years
- 33 cases were closed within 2-3 years
- 6 cases were closed within over 3 years

Comment: PM 3 target was not met in FY 2021/22. A total of 45% of cases were completed within 90-day target.

FY 22/23

Intake and Investigation Target Performance			
FY 22/23	Average Days	Target # of Days	Target Met
Quarter 1	167	180	Yes
Quarter 2	171	180	Yes
Quarter 3	169	180	Yes
Quarter 4	121	180	Yes

- 231 cases were closed within 90 days
- 59 cases were closed within 91 days-180 days
- 59 cases were closed within 181 days-1 year
- 26 cases were closed within 1-2 years
- 17 cases were closed within 2-3 years
- 5 cases were closed within over 3 years

Comment: PM3 target was met in each quarter of FY 2022/23, and 74% of cases were completed within the 180-day target.

FY 23/24

Intake and Investigation Target Performance			
FY 23/24	Average Days	Target # of Days	Target Met
Quarter 1	122	180	Yes
Quarter 2	141	180	Yes
Quarter 3	211	180	No
Quarter 4	191	180	No

- 193 cases were closed within 90 days
- 162 cases were closed within 91 days-180 days
- 87 cases were closed within 181 days-1 year
- 50 cases were closed within 1-2 years
- 8 cases were closed within 2-3 years
- 1 case was closed within over 3 years

Comment: PM3 target was met in Quarters 1 and 2 but not met in Quarters 3 and 4. Over the course of the year, 71% of cases were completed within the 180-day target.

FY 24/25

Intake and Investigation Target Performance			
FY 24/25	Average Days	Target # of Days	Target Met
Quarter 1	168	180	Yes
Quarter 2	169	180	Yes
Quarter 3	204	180	No
Quarter 4	154	180	Yes

- 86 cases were closed within 90 days
- 29 cases were closed within 91 days-180 days
- 30 cases were closed within 181 days-1 year
- 15 cases were closed within 1-2 years
- 4 cases were closed within 2-3 years
- 0 cases were closed within over 3 years

Comment: PM 3 target was met in all but Quarter 3, and over 70% of the cases closed in the fiscal year were closed within the 180-day target.

Performance Measures 4: Formal Discipline

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

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

FY 21/22

Formal Discipline Target Performance			
FY 21/22	Average Days	Target # of Days	Target Met
Quarter 1	995	540	No
Quarter 2	830	540	No
Quarter 3	875	540	No
Quarter 4	898	540	No

- 10 cases were completed within 1 year
- 5 cases were completed within 1yr-540 days
- 9 cases were completed within 540 days-2 years
- 13 cases were completed within 2-3 years
- 19 cases were completed within 3-4 years
- 4 cases were completed in over 4 years

Comment: In FY 2021/22, 25% of cases were completed within the performance target of 540 days.

FY 22/23

Formal Discipline Target Performance			
FY 22/23	Average Days	Target # of Days	Target Met
Quarter 1	837	540	No
Quarter 2	1219	540	No
Quarter 3	855	540	No
Quarter 4	797	540	No

- 2 cases were completed within 1 year
- 10 cases were completed within 1yr-540 days
- 12 cases were completed within 540 days-2 years
- 4 cases were completed within 2-3 years
- 8 cases were completed within 3-4 years
- 8 cases were completed in over 4 years

Comment: In FY 2022/23, 27% of cases were completed within the performance target of 540 days.

FY 23/24

Formal Discipline Target Performance			
FY 2023/24	Average Days	Target # of Days	Target Met
Quarter 1	552	540	No
Quarter 2	973	540	No
Quarter 3	676	540	No
Quarter 4	787	540	No

- 13 cases were completed within 1 year
- 7 cases were completed within 1yr-540 days
- 11 cases were completed within 540 days-2 years
- 10 cases were completed within 2-3 years
- 7 cases were completed within 3-4 years
- 3 cases were completed in over 4 years

Comment: In FY 2023/24, 40% of cases were completed within the performance target of 540 days.

FY 24/25

Formal Discipline Target Performance			
FY 24/25	Average Days	Target # of Days	Target Met
Quarter 1	635	540	No
Quarter 2	685	540	No
Quarter 3	626	540	No
Quarter 4	671	540	No

- 6 cases were completed within 1 year
- 19 cases were completed within 1-2 years
- 11 cases were completed within 2-3 years
- 2 cases were completed within 3-4 years
- 1 case was completed in over 4 years

Comment: In FY 2024/25, 39% of cases were completed within the performance target of 540 days.

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

Although the AG is not currently required to participate in the Performance Measure targets, it has made efforts to process older cases while keeping up with new case performance timeframes.

Performance Measures 7: Probation Intake

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

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

Probation Intake			
	Average Days	Target # of Days	Target Met
FY 21/22	6	10	Yes
FY 22/23	5	10	Yes
FY 23/24	3	10	Yes
FY 24/25	3	10	Yes

In each of the Fiscal Years under review in this Sunset Report, the Board Probation Monitor has met this target, averaging 4 days to make first contact with the probationer.

The Board currently has one probation monitor who has monitored an average of 72 licensees per year throughout California during the fiscal years under review in this report. Previously, the probation monitor conducted quarterly meetings with each probationer either by phone or face-to-face; however, due to budget constraints and travel restrictions, the probation monitor has not been able to travel to meet with probationers face-to-face during the fiscal years covered in this review. Since traveling has not been possible, the probation monitor conducts quarterly meetings with probationers via video conference on Microsoft Teams. Video conferencing has been successful and still allows the probation monitor to see the probationers even though in-person meetings are not conducted.

Performance Measures 8: Probation Violation Response

PM 8 identifies the average number of days from the date a violation of probation is reported, to the date the probation monitor initiates action.

Target: Board set the performance target for PM 8 at 7 days. The Board has consistently met its target for this performance measure.

Probation Violation				
	# of Violations	Average Days	Target # of Days	Target Met
FY 21/22	0	N/A	7	N/A
FY 22/23	2	5	7	Yes
FY 23/24	6	3	7	Yes
FY 24/25	0	N/A	7	N/A

- 33) Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process

efficiencies, regulations, BCP, legislation?

Table 9. Enforcement Statistics				
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
COMPLAINTS				
Intake				
Received	308	337	361	394
Closed without Referral for Investigation	0	0	0	0
Referred to INV	302	337	368	394
Pending (close of FY)	6	7	1	0
Conviction / Arrest				
CONV Received	153	164	151	182
CONV Closed Without Referral for Investigation	0	1	0	0
CONV Referred to INV	153	162	151	182
CONV Pending (close of FY)	0	1	0	0
Source of Complaint ⁶				
Public	137	140	134	149
Licensee/Professional Groups	53	46	94	81
Governmental Agencies	17	17	15	24
Internal	207	248	203	219
Other	7	7	7	3
Anonymous	41	43	60	100
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	3	4	3	2
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	N/A	N/A	N/A	N/A
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	3	4	3	2
INVESTIGATION				
Desk Investigations				
Opened	458	499	521	576
Closed	516	437	489	558
Average days to close (from assignment to investigation closure)	221	178	189	208
Pending (close of FY)	265	350	345	371
Non-Sworn Investigation ⁷				
Opened	N/A	N/A	N/A	N/A
Closed	N/A	N/A	N/A	N/A
Average days to close (from assignment to investigation)	N/A	N/A	N/A	N/A

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

⁷ PTBC does not have special investigators, so all complaints are categorized as Desk investigation, even those that are sent to DOI for investigation as part of the desk investigation.

Pending (close of FY)	N/A	N/A	N/A	N/A
Sworn Investigation⁸				
Opened	N/A	N/A	N/A	N/A
Closed	N/A	N/A	N/A	N/A
Average days to close (from assignment to investigation)	N/A	N/A	N/A	N/A
Pending (close of FY)	N/A	N/A	N/A	N/A
All investigations⁹				
Opened	458	499	521	576
Closed	516	437	489	558
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	221	178	189	208
Average days for investigation closures (from start investigation to investigation closure)	198	155	163	166
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	463	521	391	275
Average days from receipt of complaint to investigation closure	224	181	230	170
Pending (close of FY)	265	350	345	371
CITATION AND FINE				
Citations Issued	53	36	49	42
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	427	386	271	380
Amount of Fines Assessed	\$22,450	\$21,425	\$27,500	\$30,900
Amount of Fines Reduced, Withdrawn, Dismissed	\$3,450	\$2,250	\$2,450	\$2,250
Amount Collected	\$18,800	\$19,725	\$26,550	\$14,800
CRIMINAL ACTION				
Referred for Criminal Prosecution	0	0	5	0
ACCUSATION				
Accusations Filed	29	22	21	26
Accusations Declined	1	8	9	5
Accusations Withdrawn	2	1	0	0
Accusations Dismissed	0	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	96	113	105	121
INTERIM ACTION				
ISO & TRO Issued	1	1	1	1
PC 23 Orders Issued	1	1	1	2
Other Suspension/Restriction Orders Issued	0	0	0	0
Referred for Diversion	N/A	N/A	N/A	N/A
Petition to Compel Examination Ordered	0	0	0	1
DISCIPLINE				

⁸ Refer to footnote above for Non-Sworn Investigation.⁹ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

AG Cases Initiated (cases referred to the AG in that year)	47	56	58	63
AG Cases Pending Pre-Accusation (close of FY)	19	23	24	40
AG Cases Pending Post-Accusation (close of FY)	22	18	19	20
DISCIPLINARY OUTCOMES				
Revocation	3	3	5	5
Surrender	10	7	6	3
Suspension only	0	0	0	0
Probation with Suspension	0	0	1	0
Probation only	15	14	9	10
Public Reprimand / Public Reprimand / Public Letter of Reprimand	6	2	2	8
Other	0	0	0	0
DISCIPLINARY ACTIONS				
Proposed Decision	5	2	5	8
Default Decision	4	1	5	6
Stipulations	28	20	13	21
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	332	346	220	264
Average Days from Closure of Investigation to Imposing Formal Discipline	421	406	315	377
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	887	920	710	661
PROBATION				
Probations Completed	9	8	13	15
Probationers Pending (close of FY)	73	80	68	61
Probationers Told *	11	10	7	6
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	1	1	2	3
SUBSEQUENT DISCIPLINE¹⁰				
Probations Revoked	1	0	1	5
Probationers License Surrendered	3	0	1	1
Additional Probation Only	1	0	0	1
Suspension Only Added	0	0	0	0
Other Conditions Added Only	0	0	0	0
Other Probation Outcome	0	0	0	0
SUBSTANCE ABUSING LICENSEES **				
Probationers Subject to Drug Testing	40	35	30	29
Drug Tests Ordered	203	362	392	342
Positive Drug Tests	14	4	6	9
PETITIONS				
Petition for Termination or Modification Granted	1	3	1	0
Petition for Termination or Modification Denied	0	1	1	2
Petition for Reinstatement Granted	0	0	0	2

¹⁰ Do not include these numbers in the Disciplinary Outcomes section above.

Petition for Reinstatement Denied	0	1	0	0
DIVERSION **				
New Participants	N/A	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A	N/A
Terminations	N/A	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A

Table 10. Enforcement Aging

	FY 21/22	FY 22/23	FY 23/24	FY 24/25	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	45%	58%	39%	50%	895	47%
91 - 180 Days	23%	15%	32%	16%	414	22%
181 - 1 Year	14%	15%	17%	18%	308	16%
1 - 2 Years	10%	7%	10%	12%	187	10%
2 - 3 Years	7%	4%	2%	2%	70	4%
Over 3 Years	1%	1%	0%	1%	15	1%
Total Investigation Cases Closed	489	397	501	502	1889	N/A
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	17%	5%	25%	16%	31	16%
1 - 2 Years	23%	50%	35%	49%	73	38%
2 - 3 Years	22%	9%	20%	28%	38	20%
3 - 4 Years	32%	18%	14%	5%	36	18%
Over 4 Years	7%	18%	6%	2%	16	8%
Total Attorney General Cases Closed	60	44	51	39	194	N/A

Enforcement Trends

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the number of complaints received by the Board has steadily increased each year. This upward trend is likely attributed to heightened public awareness of the Board's complaint process, expanded consumer access to healthcare services, and proactive outreach and monitoring efforts. Importantly, the Board's enforcement program remained fully operational throughout the COVID-19 pandemic, ensuring uninterrupted public protection.

Complaint processing timeframes have fluctuated slightly during the Sunset Review period; however, these changes are directly related to case complexity, volume surges, and factors outside of the Board's control, such as criminal or civil proceedings, rather than any operational slowdowns. Matters involving complex issues, formal discipline and coordination with multiple jurisdictions naturally extend investigative timelines. Despite these challenges, the Board has maintained a strong closure-to-pending case ratio, reflecting sustained productivity and efficient case management.

Performance Barriers

- Case Complexity and External Dependencies – Cases involving multiple agencies, criminal investigations, or specialized expert review require extended timeframes.
- Legislative Changes – Amendments to Business and Professions Code (BPC) section 480 and related statutes have required procedural adjustments to align with revised denial and disciplinary criteria.
- Resource Constraints – Increased complaint volumes and the need for specialized investigations have placed continued demands on existing personnel and budget allocations.
- Interagency Coordination – Timelines are occasionally impacted by the workload and priorities of external partners such as the DOI, AG's Office, and other law enforcement entities.

Improvement Plan

The Board continues to take proactive steps to address challenges and maintain timely, high-quality enforcement outcomes:

- Enhanced Interagency Collaboration – Regular meetings with DOI liaisons and AG's Office representatives to review caseloads, address obstacles and prioritize high-risk matters.
- Strengthened Legal Coordination – Ongoing engagement with Board's legal counsel to expedite legal review and ensure consistency with statutory and regulatory updates.
- Expert Consultant Development – Recruitment, onboarding and continuous training of expert consultants to ensure timely and high-quality evaluations.
- Investigator Training and Resources – Board-specific training and guidance materials for DOI investigators to improve familiarity with physical therapy standards and enforcement priorities.
- Technology and Data Enhancements – BreEZe system updates and procedure refinements to improve data accuracy, automate case tracking and streamline workflows.
- DCA Enforcement User Group Participation – Active participation to share best practices, troubleshoot common challenges and advocate for process improvements.
- Consumer Outreach and Transparency – Clear, accessible information on the Board website and in acknowledgment letters to complainants to set expectations and build public trust.

Legislative and Regulatory Efforts

- BPC 480 Amendments – Implemented procedural changes to align with updated conviction and denial criteria, ensuring that only substantially related conduct meeting statutory thresholds results in discipline.
- Regulatory Packages – Pursuing rulemaking to clarify enforcement processes, strengthen evidence standards, and align with statutory updates.

- Budget Change Proposal (BCP) – Submitted to secure additional Consumer Protection Services Program resources to support increased case volumes.

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

During the current Sunset Review period (July 1, 2021 – June 30, 2025), overall statistics indicate a modest increase in certain disciplinary actions compared to the prior Sunset Review period, while other categories have remained stable or declined.

Key trends include:

- **Complaints Received** – Annual complaint volume has increased slightly over the period, consistent with trends in other DCA Boards and possibly influenced by increased public awareness and post-pandemic resumption of full clinical operations.
- **Accusations Filed** – The number of formal accusations has shown a slight increase since the last review, reflecting both the higher volume of complaints and improvements in case processing efficiency that allow cases to advance more quickly to the formal discipline stage.
- **Revocations and Surrenders** – Remain relatively consistent with prior years, indicating the Board continues to focus on the most serious violations where public protection requires removal from practice.
- **Probationary Licenses Issued** – Have increased modestly, reflecting the Board's commitment to rehabilitation where appropriate while maintaining oversight to ensure public safety.
- **Citations and Fines** – Fluctuated year-to-year but overall have seen a minor decrease, possibly due to earlier resolution of issues through education or corrective action before reaching the citation stage.

Since the last review, the Board has:

- Strengthened collaboration with the DOI and the AG's Office to streamline investigative and prosecutorial timelines.
- Expanded training for expert consultants to ensure consistent, high-quality case evaluations.
- Increased use of data tracking tools to monitor case progress and identify bottlenecks, leading to more timely closures.
- Maintained a consistent closure-to-pending case ratio, ensuring pending caseloads remain manageable while prioritizing public safety.

Overall, while the volume of certain disciplinary actions has increased slightly, the Board's emphasis on timely resolution, targeted discipline, and rehabilitation demonstrates its continued effectiveness in protecting the public. The Board remains committed to refining enforcement processes, leveraging data analytics, and ensuring due process while addressing violations of the Physical Therapy Practice Act.

35) How are cases prioritized? What is the board's compliant prioritization policy?

Case Prioritization and Complaint Prioritization Policy

From July 1, 2021 – June 30, 2025, the Board has prioritized cases using a structured framework to ensure timely action on the most serious threats to public safety. Upon receipt, each complaint is reviewed by the Consumer Protection Services Unit and assigned one of five priority levels:

- **Patient Death** – Any complaint involving a patient death potentially linked to physical therapy practice is prioritized for immediate review.
- **Sexual Misconduct** – Allegations of sexual contact, harassment, or exploitation in the practice setting is prioritized due to severity and public risk.
- **Urgent** – Immediate, ongoing danger to the public requiring rapid DOI referral.
- **High** – Serious public safety concerns requiring expedited investigation but not an imminent threat.
- **Routine** – Cases without urgent elements, addressed in standard investigative order.

Complaints can be re-prioritized as new information emerges.

- **Please provide a brief summary of the Board's formal disciplinary process.**

Formal Disciplinary Process

Once an investigation substantiates allegations and the matter is referred for legal action, the disciplinary process proceeds as follows:

- **AG's Office** – On behalf of the Board, the AG drafts and files an Accusation (charging document) and schedules an administrative hearing. The AG represents the Board at hearing and may also file petitions to compel psychiatric, medical, or competence examinations or seek an interim suspension order when necessary for public protection.
- **Stipulated Decisions** – At any point before a hearing, the licensee and the Board, through the AG, may agree to resolve the case by entering into a stipulated settlement. Stipulated decisions may include probation, suspension, license surrender, or other disciplinary terms without proceeding to a full hearing.
- **Administrative Law Judge (ALJ)** – If no stipulated settlement is reached, a hearing is conducted before an ALJ, who prepares a Proposed Decision for the Board's review. The Board may:
 - Adopt the Proposed Decision as written
 - Increase the penalty after reviewing the record and arguments from both parties
 - Reduce the penaltyThe licensee retains the right to appeal the Board's decision.
- **Final Decision Processing** – Once a final decision is reached, the complainant is notified in writing. Any citation or disciplinary action becomes public and is posted on the DCA License Search.
- **Probation Monitoring** – If probation is ordered, the Board's Probation Monitor oversees compliance with all terms, such as workplace monitoring, substance testing, and completion of remedial requirements.

- 36) **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.**

Mandatory Reporting Requirements – July 1, 2021 to June 30, 2025

- BPC § 801 & § 801.1 (insurers & self-insured state/local agencies – malpractice)
 - Who reports: Professional liability insurers, and state or local agencies that self-insure a licensee (deemed “insurers”).
 - What/when: Any settlement, judgment, or arbitration award over \$3,000 must be reported to Board within 30 days.
- BPC § 802 (uninsured/self-insured licensees – malpractice)
 - Who reports: A licensee without professional liability insurance (or their counsel); if not reported within 45 days, the claimant or claimant's counsel must report.
 - What/when: Any settlement, judgment, or arbitration award over \$3,000 must be reported to Board within 30 days; noncompliance is subject to fines.
- BPC § 803 (civil court reporting)
 - Who reports: Clerks of the court.
- What/when: Required to send to the Board copies of civil judgments, settlements, or arbitration awards in cases involving a licensee, as prescribed by statute.
- BPC § 803.5 (prosecuting agency reporting)
 - Who reports: District attorneys, city attorneys, and other prosecuting agencies.
- What/when: Notify the Board of criminal filings or convictions involving a licensee upon occurrence.
- BPC § 803.6 (court clerks & probation – criminal matters)
 - Who reports: Court clerks (felony preliminary hearing transcripts ≤800 pages) and probation officers (probation reports) to the relevant healing-arts Board.
- What/when: Transmission upon preparation/availability; if transcript exceeds 800 pages, the clerk must notify the Board instead.
- BPC § 805 (peer review bodies – adverse actions)
 - Who reports: Hospitals, clinics, and professional societies conducting peer review.
 - What/when: Report any licensee resignation, termination, or restriction of privileges due to competence or conduct within 15 days of action.
- BPC § 805.8 (SB 425) (sexual misconduct allegations)
 - Who reports: Health care facilities and other entities allowing a licensee to practice.
- What/when: Report written patient allegations of sexual abuse/misconduct to the Board within 15 days.
- BPC § 2644(b) (self-reporting at renewal)
 - Who reports: The licensee.
 - What/when: At each renewal, disclose any misdemeanor or other criminal offense resulting in a guilty finding or plea of guilty/no contest.
- Title 16, California Code of Regulations (CCR) § 1399.24(d) (Board regulation – 30-day self-reports)
 - Who reports: The licensee.
 - What/when: Report to Board within 30 days any (1) felony indictment/information, (2) arrest, (3) conviction (felony/misdemeanor), (4) discipline by another licensing body, and (5) any report required under BPC § 802.
- Penal Code § 11105 (DOJ criminal history to boards)
 - What it does: Authorizes DOJ to furnish state summary criminal history information for licensing purposes, enabling Board to receive arrest/conviction notifications even if not self-reported.

- **What is the dollar threshold for settlement reports received by the board?**

\$3,000 for both insurer/self-insured governmental reports under BPC § 801(a) and uninsured licensee reports under BPC § 802(a) (30-day deadline in both).

- **What is the average dollar amount of settlements reported to the board?**

Board public reports do not publish this figure; internal data for the current Sunset Review period indicate an average around \$120,000.

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

Although there are several mandatory reporting requirements designed to inform the Board of possible violations, there is no way to verify that the Board receives 100 percent of the reports. The Board receives subsequent arrest and subsequent conviction notifications from the Department of Justice (DOJ); however, obtaining the related arrest and court documents continues to present challenges. These include a lack of response from some agencies, requirements for up-front fees to obtain documents, and receipt of incomplete or uncertified records, among other issues. These documents are critical to evaluating whether Board action is necessary to protect consumers.

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

During the current Sunset Review period (July 1, 2021 – June 30, 2025), as an alternative to an administrative hearing, licensees may opt to settle his or her disciplinary case through a stipulated settlement that provides the disciplinary terms and conditions and may include probation, license revocation, surrender of the license, or public reprimand. Although settlement negotiations are initiated by the AG's Office, the Executive Officer (EO) works closely with the AG on the terms and conditions of discipline as set forth in the Board's *Guidelines for Issuing Citations and Imposing Discipline* provided under Title 16, CCR section 1399.15.

- **What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

The Board does not settle cases prior to the filing of a formal accusation. However, in lieu of filing or prosecuting a formal accusation against a licensee, the EO has authority, pursuant to BPC §2660.3, to issue a Public Letter of Reprimand (PLR) after the Board has conducted an investigation. The delegation to the EO without Board member involvement provides for better use of resources for those cases that do not warrant full discipline, such as probation. The Board may use a PLR for minor violations that warrant a higher level of action than a citation but not necessarily probation.

The PLR under this authority does not require transmittal to the AG's Office since it is an agreement between the licensee and the EO; however, if the licensee does not agree to the PLR, the PLR does

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not get issued and the Board proceeds with filing of an accusation. PLRs are considered discipline and are disclosed to the public. The Board issued 12 PLRs within the last four fiscal years.

- **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?**

Post-Accusation Settlements and Hearings				
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Stipulated Settlements	28	20	13	24
Hearings Held	5	2	5	8

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

Overall, 81 percent of the Board's disciplinary cases over the past four fiscal years (FY 2021 to FY 2024–25) have been resolved through settlement rather than proceeding to a full administrative hearing.

This high settlement rate reflects the Board's continued emphasis on timely, consumer-protective case resolution. Settlements allow the Board to impose appropriate and enforceable disciplinary terms more quickly, reduce delays inherent in the hearing process, and ensure that remedial actions can be implemented without unnecessary administrative burden. In all cases, the Board ensures that disciplinary terms are consistent with the Disciplinary Guidelines. While hearings remain an essential tool for the most egregious or contested cases, the Board's ability to successfully negotiate case resolutions underscores its effectiveness in working with the AG's Office, expert consultants, and respondents to achieve outcomes that protect the public while maintaining due process.

- 38) Does the board operate with a statute of limitations? If so, please describe and provide the citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?**

The Board has no policy or statutory restriction that prevents it from pursuing disciplinary action based solely on the amount of time that has passed since the alleged violation occurred.

The Board's policy is to investigate and take appropriate enforcement action in all cases where sufficient evidence supports a violation, regardless of when the act took place. The Consumer Protection Services Unit, in coordination with the DOI and the AG's Office, monitors case progress closely and works proactively to ensure matters proceed efficiently.

No cases have been closed or dismissed during this period due to time-related restrictions.

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

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has continued to take a multi-pronged approach to address unlicensed activity and combat the underground economy, with consumer protection as the highest priority.

Efforts to Address Unlicensed Activity and the Underground Economy

- **Complaint Intake and Investigation** – The Board actively investigates reports of unlicensed practice received from consumers, licensees, law enforcement, and other regulatory bodies. Allegations are prioritized according to the CPEI guidelines, with unlicensed activity cases being elevated in priority when there is a clear and immediate threat to patient safety.
- **Collaboration with DOI** – Board partners with DOI investigators for complex unlicensed practice cases, including those involving repeat offenders, fraudulent advertising, or large-scale underground operations. These partnerships help expedite field investigations and improve evidence gathering for administrative or criminal action.
- **Cease and Desist Orders and Citations** – The Board issues cease and desist letters to unlicensed individuals or businesses and can impose administrative fines under BPC section 148. These actions both stop illegal practice and deter future violations.
- **Public Education and Outreach** – Board engages in targeted outreach to educate consumers about the risks of receiving physical therapy from unlicensed individuals. Efforts include:
 - Website resources with license verification tools and guidance on reporting suspected unlicensed practice.
 - Social media campaigns highlighting consumer rights and the importance of licensed care.
 - Presentations to professional associations and schools to raise awareness among students and practitioners about unlicensed activity risks and reporting obligations.
- **Referrals to Other Agencies** – When unlicensed activity overlaps with broader underground economy concerns, such as workers' compensation fraud, insurance fraud, or tax evasion, Board refers cases to local law enforcement, district attorneys, or other relevant state entities for appropriate action.
- **Use of Technology in Complaint Cases** – When a complaint regarding potential unlicensed practice is received, Board uses its licensing database to verify licensure status and identify related entities or individuals who may be engaged in unlicensed activity. This tool supports investigations but is not used for proactive sweeps.
- **Follow-up and Monitoring** – When unlicensed activity is confirmed, the Board ensures follow-up to verify compliance with cease and desist orders and pursues further action if violations continue.

Board effectively addresses immediate threats, deters future unlicensed practice, and addresses underground economy concerns by combining investigations, enforcement action, referrals, outreach, and strategic use of investigative tools.

Cite and Fine

40) Discuss the extent to which the board utilizes 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? Does the board have authority to issue fines greater than \$5,000? If so, under what circumstances?

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has continued to utilize its cite and fine authority as an important enforcement tool to protect consumers while ensuring proportional disciplinary action.

The Board may issue an administrative citation and fine pursuant to BPC section 125.9 and Title 16, CCR section 1399.25. These provisions authorize the Board to issue citations and fines to physical therapists and physical therapist assistants when violations are not necessarily cause for formal discipline but still warrant corrective action. The Board exercises this authority on a case-by-case basis, ensuring fines are appropriate to the nature and severity of the violation.

Under Title 16, CCR section 1399.25, citation fines range from \$100 to \$5,000. The specific amount assessed considers the following factors:

- The degree of bad faith of the cited person.
- The nature and severity of the violation.
- Evidence of willfulness.
- A history of violations of the same or similar nature.
- The extent of cooperation with the Board.
- The extent to which the individual has mitigated or attempted to mitigate harm.

The Board continues to rely on its cite and fine authority for less egregious cases, providing a strong deterrent while reserving formal discipline (e.g., probation, suspension, or revocation) for the most serious matters.

Changes since the last Sunset Review

There have been no amendments to the Board's cite and fine regulations since the last Sunset Review in 2021. The last regulatory change impacting citation and fine authority occurred in December 2008, when the Board raised its maximum citation fine to the statutory limit of \$5,000. Although the Board has updated its disciplinary guidelines (effective April 1, 2022), those updates did not expand or alter fine authority itself.

Maximum fine authority

The Board's maximum administrative fine is currently \$5,000 per violation, consistent with the statutory authority in BPC section 125.9. The Board does not have authority to issue fines greater than \$5,000.

41) How is cite and fine used? What types of violations are the basis for citation and fine?

The Board uses cite and fine as a proportionate enforcement tool to address minor violations that do not warrant formal disciplinary action such as probation or revocation. This approach allows the Board to uphold public protection while efficiently resolving lower-level violations and conserving resources for more serious cases.

How cite and fine is used

- Applied when a violation is established but does not rise to the level of formal discipline.
- Provides an opportunity for corrective action and education of the licensee while still holding them accountable.
- Serves as a deterrent by documenting the violation in the licensee's enforcement history.
- Promotes **public awareness and transparency**, since citation and fine records are publicly available, allowing consumers to make informed choices when seeking physical therapy care.

Types of violations that typically result in citation and fine

- **Documentation issues** – incomplete or inaccurate patient records.
- **Supervision violations** – failure to comply with supervision requirements for physical therapist assistants or aides.
- **Minor or first-time criminal convictions** – when related to the profession but not of a severity requiring formal discipline.
- **Discipline by another jurisdiction** – where an out-of-state board has taken action but the conduct is not severe enough for formal California discipline.
- **Continuing competency or renewal violations** – such as failure to meet Continuing Competency (CC) requirements.
- **Other practice-related technical violations** – where public risk is limited, but correction is necessary.

Citations issued for these violations often result in fines between \$500 and \$1,500, depending on the specifics of the case. While fines may be higher for more serious matters, most Board citations address isolated or lower-level compliance issues that can be effectively corrected through this mechanism.

Through this measured use of cite and fine, the Board maintains a balanced approach to enforcement while protecting consumers, encouraging compliance, increasing public awareness and reserving formal discipline for the most serious violations.

42) 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?

Informal Conferences and Administrative Hearings Requested and Held				
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Informal Conferences requested	13	9	7	7
Informal Conferences held	13	9	6	7
Administrative Hearings requested	5	1	3	2
Administrative Hearings held	0	1	0	0

Most administrative hearing requests were submitted concurrently with the informal conference request. In nearly all cases, the matter was resolved at the informal conference, and the licensee either withdrew their request for an administrative hearing or the citation was modified or withdrawn. As a result, only one administrative hearing proceeded during this four-year period.

The high rate of resolution at the informal conference stage highlights the Board's effectiveness in providing timely due process for licensees while protecting consumers and conserving State resources.

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

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board most frequently issued citations for the following violations:

- **Criminal Convictions (First Offense)**
First-time convictions of crimes substantially related to the practice of physical therapy, where the violation does not directly threaten patient safety or warrant formal discipline.
- **Practice-Related Violations**
Isolated or lower-level practice issues such as incomplete or inaccurate documentation, failure to meet supervision requirements for physical therapist assistants or aides, or aiding and abetting unlicensed activity in violation of the Physical Therapy Practice Act.
- **Discipline by Another State Board**
Cases in which a licensee was disciplined by another state and the underlying violation is also a citable offense under California law.
- **CC Violations**
Failure to provide proof of completion of required CC hours during an audit, or false attestation at renewal (signed under penalty of perjury) that requirements were completed.

Other Minor Departures from the Practice Act

Examples include failing to comply with mandatory reporting requirements, failure to wear a name tag in practice settings, and failure to provide the "Notice to Consumer" required under Title 16, CCR section 1398.15.

44) What is average fine pre- and post- appeal?

Average Citation Fine Amount Pre and Post Appeal				
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Pre-Appeal Average Fine	\$458.33	\$660.42	\$585.23	\$763.89
Post-Appeal Average Fine	\$425.00	\$535.42	\$569.32	\$761.11

45) Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines. If the board does not use Franchise Tax Board intercepts, describe the rationale behind that decision and steps the board has taken to increase its collection rate.

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board has effectively utilized the Franchise Tax Board (FTB) Intercept Program as a tool to collect unpaid fines resulting from both citations and disciplinary orders.

- When a licensee fails to pay a citation fine or a fine imposed as part of a disciplinary order within the required timeframe, Board initiates a structured collection process. A series of three written notices is sent reminding the licensee of their obligation to pay and providing the opportunity to voluntarily resolve the matter.
- If the licensee still does not comply, Board refers their information to the FTB for intercept. Under this program, unpaid fines can be withheld from state tax refunds, lottery winnings, and other eligible state disbursements until the balance is satisfied.
- This process strengthens accountability and reinforces Board's consumer protection mandate by ensuring licensees comply with both citations and disciplinary orders.

The Board's participation in the FTB Intercept Program has proven to be an effective deterrent and enforcement mechanism. It prevents licensees from avoiding their financial obligations, conserves staff resources that would otherwise be spent on manual collection efforts and promotes fairness by applying consistent collection standards across all cases.

In addition, Board continues to monitor its collection practices to ensure timely referral of unpaid fines to FTB, maximizing collection rates while maintaining due process protections for licensees.

Cost Recovery and Restitution

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

Pursuant to BPC §2661.5, the Board has authority to obtain cost recovery in disciplinary proceedings. The Board may request that the ALJ order the licensee to pay all or part of the reasonable and actual costs of investigation and prosecution, which typically include DOI costs, subject matter expert fees, and AG prosecution expenses.

Efforts to obtain cost recovery

- In all formal disciplinary matters, Board pursues cost recovery unless extraordinary circumstances exist.
- Cost recovery is considered during settlement negotiations, allowing the EO to reach agreements that balance consumer protection with fairness to licensees.
- The Board may reduce costs when licensees demonstrate financial hardship, provided they comply with agreed-upon repayment schedules. If a licensee defaults, the full amount immediately becomes due.
- Licensees are required to remain on probation until all cost recovery obligations have been paid in full, ensuring that repayment is completed before probation can be successfully terminated.
- The Board monitors unpaid cost recovery through its probation monitoring program and refers delinquent debts to the FTB's Intercept Program when appropriate.

Changes since the last Sunset Review (2021)

- There have been no statutory changes to Board's cost recovery authority since the prior review.
- Updated disciplinary guidelines now require that licensees remain on probation until cost recovery is paid in full, strengthening accountability and improving repayment compliance.

- Board has also coordinated more closely with the DCA's DOI and the AG's Office to ensure that cost recovery requests reflect accurate, documented expenses and are consistently pursued.
- Annual enforcement reports confirm that cost recovery continues to be a standard condition of discipline, reinforcing the principle that violators should bear the costs of enforcement. Since the last Sunset Review in 2021, Board's process has remained stable and effective, consistently applying cost recovery to promote accountability while ensuring that enforcement costs are not solely borne by the license population.

47) How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

There is no specific amount of cost recovery ordered for revocations, surrenders, or probationers. As discussed in Question #44, cost recovery typically includes DOI costs, subject matter expert fees, and AG prosecution expenses. The amount ordered may be reduced through a stipulated agreement if payment is made within a defined period, and if the reduced amount is not paid in full during that time, the full cost recovery balance becomes due. This structured incentive has resulted in greater compliance and improved cost recovery outcomes for the Board.

Cost recovery amounts are generally considered uncollectable in revocation and surrender cases, as the orders commonly include language specifying that payment is only due when a new or reinstated license is issued.

The following table shows the Board's cost recovery amounts from Fiscal Year 2021/22 to Fiscal Year 2024/25.

Table 11. Cost Recovery¹¹		(list dollars in thousands)		
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Total Enforcement Expenditures	\$1,905	\$1,817	\$1,917	\$1,817
Potential Cases for Recovery *	38	50	41	39
Cases Recovery Ordered	35	26	25	31
Amount of Cost Recovery Ordered	\$647	\$447	\$180	\$346
Amount Collected	\$84	\$298	\$176	\$259

* Cases where disciplinary action has been taken based on violation of the Practice Act.

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

Yes. In cases of extreme financial hardship where pursuing cost recovery would create a significant barrier to settlement negotiations, the Board may choose to waive or, more commonly, reduce cost recovery amounts. In practice, full waiver of costs is rare; the Board typically seeks at least partial recovery to uphold accountability while allowing flexibility in settlement negotiations. This approach enables the Board to expedite a Stipulated Decision, which is often the most efficient means of securing terms that protect the public. The decision to waive or reduce cost recovery is made on a case-by-case basis and is guided by the principle of consumer protection. In these circumstances,

¹¹ Cost recovery may include information from prior fiscal years.

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prioritizing timely discipline and ensuring that appropriate probationary conditions or restrictions are imposed takes precedence over financial recovery.

49) Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery. If the board does not use Franchise Tax Board intercepts, describe methods the board uses to collect cost recovery.

The Board utilizes the FTB Intercept Program as a tool to collect unpaid cost recovery orders. When a licensee fails to make payment, the balance may be referred to the FTB for interception through tax refunds or wage garnishments.

In addition, cost recovery is tied directly to probation compliance. Licensees on probation are required to remain current on cost recovery payments; failure to do so constitutes a violation of probation, which can result in additional disciplinary action or an extension of probation until payment is satisfied.

By combining the FTB Intercept Program with probation enforcement, Board ensures that outstanding cost recovery obligations are actively pursued, reinforcing the Board's consumer protection mandate.

50) Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 12. Restitution		(list dollars in thousands)		
	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Amount Ordered	\$ 0	\$ 0	\$ 0	\$ 0
Amount Collected	\$ 0	\$ 0	\$ 0	\$ 0

The Board does not have statutory authority to order or collect restitution for individual consumers. Unlike fines, citations, or cost recovery, which are authorized by statute and directed toward enforcement and disciplinary purposes, restitution is a remedy that must be pursued through the civil court system.

When consumer harm arises, Board's role is to investigate and take disciplinary or administrative action to ensure public protection, which may include license suspension, probation with conditions, or revocation. These actions safeguard the public but do not extend to providing monetary or service-based restitution to an individual consumer.

Section 5

Public Information Policies

- 51) 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?**

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Physical Therapy Board of California (Board) has expanded its use of digital platforms to keep the public informed and engaged with Board activities.

Use of the Internet to Inform the Public

The Board disseminates information through a variety of online platforms, including:

- Official Website: www.ptbc.ca.gov
- Social Media: Facebook, X (Twitter), Instagram, LinkedIn, and TikTok
- Listserv: An email notification system for stakeholders
- YouTube

In September 2023, the Board launched a redesigned website focused on improving user experience and navigation. This enhancement enables the public to find timely and relevant information more efficiently, aligning with Board's mission to protect the public through transparency and outreach.

Board Meeting Materials

The Board posts all public meeting materials online in accordance with Bagley-Keene Open Meeting Act requirements:

- Agendas are posted at least 10 days prior to the meeting date, and a notification is distributed via Listserv.
- Meeting materials (agenda packets or Board books) are published prior to the meeting to allow the public and stakeholders time to review the items.
- Meeting minutes follow this schedule:
 - Draft minutes are posted online within the next Board meeting materials to be approved.
 - Final minutes are posted after Board approval, typically at the next scheduled meeting.

Retention of Online Materials

- Board meeting agendas, materials, and approved minutes are retained on the Board's website for a minimum of four years.
- Internally, these records are archived for 75 years in accordance with the Board's record retention schedule.
- Currently, Board maintains meeting materials from 2017 to the present available on its website.

This approach ensures consistent, transparent communication with the public and fosters trust in Board's regulatory responsibilities.

52) Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long will archived webcast meetings remain available online?

All Board meetings are webcasted and subsequently posted on both the Board website and YouTube channel. The Board intends to continue using webcasts for all future meetings. Webcasts remain available on the Board website for a minimum of four years and are not removed from YouTube by the Board. Currently, meetings from 2017 to the present are available on the Board website. To facilitate remote access, the Board uses Webex, allowing individuals to join meetings via computer, mobile device, telephone, or video system and participate in public comment. Access links to Webex are provided in the meeting agenda, which is posted on the Board website.

53) Does the board establish an annual meeting calendar and post it on the board's web site?

Yes, the Board does establish an annual meeting calendar and posts it on its website.

Each December, the Board adopts the meeting calendar for the upcoming year during its public Board meeting. Once the calendar is approved, it is promptly posted online for public access, while the prior year's calendar is archived. If additional meetings are later scheduled, the updated calendar is also posted in accordance with the Bagley-Keene Open Meeting Act and the Administrative Procedure Act.

Currently, meeting calendars from 2017 to the present remain publicly available on the Board website.

54) Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*?

Yes, the Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure.

- **Does the board post accusations and disciplinary actions consistent with BPC § 27, if applicable?**

Yes, the Board posts accusations and disciplinary actions consistent with BPC § 27.

- **Does the board post complaint data on its website? If so, please provide a brief description of each data point reported on the website along with any statutory or regulatory authorization.**

During the current Sunset Review period (July 1, 2021 – June 30, 2025), the Board makes complaint and disciplinary information publicly available through its website in accordance with Business and Professions Code (BPS) section 27, which requires licensing entities under the DCA to disclose specified enforcement actions to the public.

The Board does not publish aggregate complaint data; however, it provides public access to individual disciplinary and enforcement actions that contain complaint-related information. Specifically, the Board posts:

- **Accusation Documents:** Formal charging documents that initiate disciplinary proceedings against a licensee and outline the alleged violations of the Physical Therapy Practice Act.
- **Final Disciplinary Decisions:** Decisions and orders that impose discipline such as revocation, suspension, or probation.
- **Public Letters of Reprimand:** Issued in lieu of filing a formal accusation when a violation has occurred but does not warrant more severe discipline.
- **Citations and Fines:** An enforcement tool used to address relatively minor violations of the Practice Act that do not rise to the level of formal discipline. Citation and fine orders are not disciplinary actions but are matters of public record.

These documents are accessible through the Board's License Search feature and the DCA's centralized License Lookup system, ensuring consumers have access to accurate and timely enforcement information.

55) What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Board provides a variety of public-facing information regarding its licensees through multiple platforms to promote transparency and protect the public.

The Board's website prominently features 24/7 access to license verification through the BreEZe Online Services Portal, where the public can confirm a licensee's current status, license number, expiration date, and any disciplinary history. The website also links to the DCA License Search tool, where users can review detailed disciplinary actions and related documentation. In addition to license information, Electroneuromyography (ENMG) and Kinesiographical Electromyography (KEMG) certificates can also be verified if they are attached to a license. While the Board does not track or display information such as additional specialty certifications, awards, or advanced credentials, members of the public may obtain this type of information through professional associations.

Through its biannual newsletter, Progress Notes, the Board publishes information about newly licensed physical therapists and physical therapist assistants, as well as citations and disciplinary actions taken during the reporting period. This helps the public stay informed of enforcement outcomes and overall regulatory activity.

When requested in writing, the Board provides a licensee's address of record.

The Board also engages in public outreach events where staff emphasize the importance of verifying a license through BreEZe. Social media platforms, including Facebook, Instagram, X (formerly Twitter),

LinkedIn, TikTok, and YouTube are used to amplify messages regarding enforcement actions, application updates, and public protection tips.

By offering multiple access points to licensing and enforcement information, the Board ensures the public can make informed decisions when seeking physical therapy services in California.

56) What methods does the board use to provide consumer outreach and education?

The Board utilizes a comprehensive, multi-channel approach to consumer outreach and education with the goal of informing the public and protecting Californians through transparent, accessible information.

Participation in Community and Educational Events

Board staff actively participated in career fairs, community events, high school and college presentations, and conferences to educate the public and prospective licensees. These events provided opportunities to distribute educational brochures and offer in-person guidance on how to:

- Verify a license using the DCA BreEZe system,
- File a complaint,
- Understand laws and regulations governing physical therapy,
- Recognize the qualifications and responsibilities of licensees.

The Board successfully maintained its outreach goal of presenting to all California physical therapist and physical therapist assistant education programs annually, even as the number of accredited programs continued to grow. This milestone highlights the Board's strong and consistent engagement with future licensees and consumers at the educational level. The Board's engagement with future licensees and consumers helps establish a strong understanding of professional standards, laws, and ethical expectations early on. This support creates a smoother path to licensure while reinforcing the Board's role in protecting consumers and promoting accountability. By fostering trust and encouraging lifelong learning, the Board strengthens both the profession and public confidence in physical therapy.

Website & Redesigned Online Resources

In September 2023, the Board launched a fully redesigned website, significantly improving accessibility and user experience. The site includes dedicated sections for consumers, with information on:

- License verification,
- Filing complaints,
- Patient rights,
- Citations and disciplinary actions,
- Meeting materials and public notices.

To increase accessibility, the website supports multilingual translation, ensuring broader reach among California's diverse populations.

Social Media and Digital Campaigns

The Board maintains a strong presence across multiple social media platforms, including:

- Facebook
- Instagram
- LinkedIn
- X (formerly Twitter)
- TikTok

These platforms are used to share educational content, infographics, consumer protection tips, and updates about new laws, Board activities, and public health messaging. Content is crafted to be accessible and engaging to a wide audience.

Email Outreach and Publications

The Board uses a Listserv email system to send timely updates, regulatory changes, and consumer alerts directly to subscribers. The Board also publishes Progress Notes, a biannual newsletter distributed to stakeholders and available online. Each issue includes:

- Articles on physical therapy topics,
- Consumer protection updates,
- Citation and disciplinary action summaries,
- Information on laws, policies, and Board actions.

Board Meetings & Public Engagement

In accordance with BPC §2611, the Board hosts public meetings at least three times per year, including meetings held in both Northern and Southern California, often at university campuses. This promotes student and faculty engagement, allowing the Board to directly communicate with future licensees and consumers.

All meeting agendas, materials, and minutes from 2017 to present are posted publicly online, reinforcing transparency. Webcast access is made available when possible, enhancing statewide participation.

Multilingual Resources

To further support California's linguistically diverse communities, the Board provides:

- Translated brochures and outreach materials,
- Website language translation functionality,
- Staff presentations sensitive to community-specific needs.

The Board is committed to ensuring its consumer outreach and educational efforts are fully accessible to individuals with disabilities. Board provides materials in formats compatible with screen readers, offers captioning and transcripts for video content, and designs its website and publications in compliance with ADA accessibility standards. These efforts ensure that individuals who are visually or hearing impaired have equal access to important information and resources that promote consumer protection and awareness.

Through these initiatives, the Board demonstrates a strong, proactive commitment to public protection and education. By meeting the public where they are, the Board ensures consumers are informed, empowered, and protected.

Section 6

Online Practice Issues

57) Discuss the prevalence of online practice and whether there are issues with unlicensed activity.

- **How does the board regulate online/internet practice?**
- **How does the board regulate online/internet business practices outside of California?**
- **Does the Board need statutory authority or statutory clarification to more effectively regulate online practice, if applicable?**

The Physical Therapy Board of California (Board) continues to monitor the evolving landscape of online practice, particularly as telehealth and digital platforms become more prevalent in physical therapy service delivery. The COVID-19 pandemic accelerated the adoption of remote care models, and while in-person treatment remains the standard for most physical therapy interventions, online consultations, home exercise programs, and virtual follow-ups have become increasingly common. California law permits licensed physical therapists to provide services via telehealth, provided they adhere to the same standards of care, documentation, and patient protections required for in-person practice. Board has not identified widespread misuse of telehealth by licensed practitioners; however, the Board remains vigilant in investigating complaints involving potential unlicensed activity, particularly in online environments. Unlicensed activity continues to be a concern, especially where individuals or entities offer physical therapy-like services through websites, social media, or mobile applications without proper licensure or oversight. These cases often involve fitness coaching, wellness advice, or rehabilitation guidance that may cross into the scope of physical therapy. Board investigates such matters when they are reported and works in coordination with other regulatory agencies to address violations.

The Board encourages consumers to verify licensure through its online license lookup tool and remains committed to public education efforts that help distinguish licensed physical therapy from non-regulated services. Board also supports legislative and regulatory efforts that clarify scope boundaries and strengthen enforcement tools to address unlicensed practice in digital settings. Under California Business and Professions Code (BPC) section 2290.5, all licenses issued pursuant to Division 2 are authorized to utilize telehealth. The Board views telehealth as a method of delivering care rather than a distinct form of practice and therefore regulates it under the same standards as in-person services. The Board's regulatory authority extends to care provided to patients located within California. If a physical therapist licensed in another jurisdiction delivers care to a California resident, the Board considers this unlicensed practice and may initiate an investigation.

Section 7

Workforce Development and Job Creation

58) What actions has the board taken in terms of workforce development?

Workforce Development

Between July 1, 2021, and June 30, 2025, the Physical Therapy Board of California (Board) has taken significant actions to support workforce development in the physical therapy profession, always with public protection as the highest priority. Board does not directly expand the workforce, but it plays a critical role in monitoring trends, informing policymakers, and facilitating licensure entry.

Key Accomplishments

- **Education Pipeline Awareness** – the Board regularly engages with accredited physical therapist and physical therapist assistant programs, providing outreach to nearly all graduating classes to educate students on licensure requirements, consumer protection, and professional responsibilities.
- **Licensure Pathways and Mobility** – Streamlined endorsement processing and dedicated military application review ensure qualified applicants can enter practice efficiently.
- **Diversity, Equity, and Inclusion (DEI) Support** – Board collaborates with Department of Healthcare Access and Information (HCAI) by contributing licensure and renewal survey data. The April 2025 HCAI report highlights underrepresentation of Hispanic and Spanish-speaking licensees, informing policy discussions on equitable access to physical therapy.
- **Continuing Competency Innovation** – Launched the California Jurisprudence Assessment Module (CAL-JAM) in 2024, serving as both an educational and assessment tool for applicants and licensees.
- **Professional and Legislative Engagement** – Maintained active partnerships with Federation of State Boards of Physical Therapy (FSBPT), the California Physical Therapy Association (CPTA), and academic institutions to align California's workforce readiness with national and state standards.

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

The Board has not conducted an assessment on how licensing delays affect job creation. However, the Board closely monitors application processing times against established performance targets to ensure timely licensure and minimize potential impacts.

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

During the current Sunset Review period (July 1, 2021–June 30, 2025), the Board has made extensive efforts to ensure students are well informed about the licensure process and professional requirements prior to entering the workforce.

- The Board has provided presentations and workshops to 100% of the physical therapist and physical therapist assistant programs in California. These presentations focus on the

- Physical Therapy Practice Act, licensing requirements, and the application process, ensuring graduates understand the laws and regulations that govern the profession.
- The Board regularly attends the California Physical Therapy Association (CPTA) annual conference, providing an opportunity to interact directly with potential and future licensees, answer questions, and promote awareness of consumer protection responsibilities.
 - When Board meetings are hosted by universities with physical therapy programs, the Board also conducts Q&A sessions with students, creating opportunities for students to engage directly with Board members and staff on topics such as ethics, licensing pathways, and professional accountability.
 - These outreach efforts are led by the Board's Public Relations Coordinator and supported by subject matter experts, ensuring that information is accurate, accessible, and relevant to students preparing to enter the profession.

Through these efforts, the Board ensures that students and future applicants enter the profession with a clear understanding of the requirements to achieve licensure, the standards expected of licensees, and the Board's public protection mission.

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

The Board has not identified any barriers to licensure or employment.

62) Provide any workforce development data collected by the board, such as workforce shortages and successful training programs.

The U.S. Bureau of Labor Statistics projects employment of physical therapists to grow by 11% and physical therapist assistants by 16% from 2024 to 2034; both of which are faster than the average for all occupations. This steady growth reflects the ongoing demand for rehabilitation services, particularly as California's population ages and access to physical therapy continues to expand.

HCAI workforce reporting confirms that physical therapy is a critical component of California's allied health workforce. Physical therapists and physical therapist assistants are included among the licensed allied health professions tracked by HCAI's Health Workforce Research Data Center. Data from the HCAI Health Workforce License Renewal Survey provide insight into employment, education, demographics, and practice settings across the state. As of November 2024, HCAI reports that California maintains a strong supply of allied health professionals, including PTAs and PTs, though regional variation and maldistribution of providers remain challenges. HCAI programs also directly support the profession by offering scholarships, loan repayments, and training grants that increase workforce diversity and expand access in underserved areas.

Successful training programs continue to strengthen California's physical therapy workforce pipeline. Currently, there are 18 accredited Doctor of Physical Therapy (DPT) programs and 28 accredited Physical Therapist Assistant (PTA) programs in California. On the National Physical Therapy Examination (NPTE), California graduates perform strongly: 83% first-time and 98% ultimate pass rate for PTs, and 78% first-time and 91% ultimate pass rate for PTAs. These outcomes demonstrate that California's programs are effectively preparing graduates to meet workforce demand and maintain high standards of public protection.

63) What actions has the board taken to help reduce or eliminate inequities experienced by vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or otherwise avoid harming those communities?

During the current Sunset Review period (July 1, 2021 through June 30, 2025), the Board has strengthened its efforts to protect vulnerable consumers and ensure all patients receive safe, ethical, and respectful care.

- **Consumer-Focused Education:** the Board collaborated with the FSBPT to disseminate consumer-facing resources on **sexual misconduct and boundary violations**. These materials clearly explain what patients should expect in a physical therapy session, their right to informed consent, what constitutes inappropriate behavior, and how to file a complaint. This collaboration directly empowers patients, particularly those from marginalized or low-income communities who may be less familiar with healthcare systems, to recognize misconduct and seek help.
- **Equity in Enforcement:** Board emphasizes fairness in its disciplinary processes by focusing on cases that involve direct consumer harm such as elder abuse, unlicensed practice, and sexual misconduct while also supporting rehabilitation where appropriate. This balanced approach ensures that the Board's actions protect vulnerable patients, particularly those from low- and moderate-income communities who may have fewer care options, without creating unnecessarily punitive barriers that could further limit access to safe physical therapy care.
- **Accessibility and ADA Compliance:** Board ensures that consumer-facing resources are accessible to all Californians. The Board's website has a built-in **language translation function** and a dedicated **Accessibility page** to support compliance with ADA and WCAG 2.1 standards. The **Notice to Consumer** is published in six languages, including English, ensuring non-English-speaking patients can understand their rights and how to file a complaint. In addition, Board meeting materials and disciplinary action documents are published in accessible formats, allowing individuals with disabilities or limited English proficiency to engage fully with Board's processes.
- **Accessible Public Participation:** Board ensures its meetings are webcast when possible, held in publicly accessible locations (including universities with diverse student bodies), and open to individuals with disabilities. This transparency lowers geographic, financial, and physical barriers to participation for consumers across the state.
- **Collaboration with Health Equity Initiatives:** Through data collection and reporting, Board contributes licensure and workforce data to HCAI. These data help identify geographic and demographic disparities in access to care, supporting broader state efforts to reduce inequities in the health workforce.

By ensuring patients are informed of their rights, maintaining multilingual and ADA-accessible resources, prioritizing enforcement actions that protect the most vulnerable, and collaborating with partners to expand equity-focused initiatives, Board demonstrates its commitment to reducing inequities and avoiding harm to marginalized communities. The Board will continue to strengthen these efforts moving forward to uphold its highest mandate: protecting the public.

Section 8

Current Issues

64) Describe how the board is participating in development of online application and payment capability 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?**

The Physical Therapy Board of California (Board) was in Release 2 (2016) of the BreEZe implementation project and still using BreEZe for both public-facing and internal functions. The Board has managed to integrate the BreEZe system and its business processes to deliver an optimal user experience within the system and support parameters. It is important to note that this optimal experience is not just the system or the processes, but both, all managed by dedicated, proficient, and service-oriented staff.

- **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? Is the board currently using a bridge or workaround system?**

While the Board is utilizing BreEZe, as it looks to the future, the following key issues emerge:

- Excessive customizations have undermined fundamental/core features
- Limited opportunity for growth to align with internal and external stakeholder needs and expectations
- Lacking visual appeal and intuitiveness

As part of the Board's 2024-2029 Strategic Plan, the Board adopted Objective 4.3: Assess technological needs to enhance efficiency of services provided to stakeholders under Goal 4: Organizational Effectiveness. Staff is assessing stakeholder needs and effectiveness of service delivery as well as exploring product options on an ongoing basis and will report its findings to the Board by 2029.

Section 9

Board Action and Response to Prior Sunset Issues

Include the following:

- **Provide prior sunset background information concerning the issue as it pertains to the board.**

Issue #1: Waiver Extension Permanent

Due to the COVID-19 pandemic, the Governor issued Executive Order N-40-20 on March 30, 2020, which granted DCA the authority to provide waivers during the state of emergency. Under this authority, DCA issued waiver DCA-20-09, Examination Requirement for Continued Physical Therapy Treatment, which temporarily waived the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an in-person patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4). The waiver allowed these examinations and evaluations to be performed through appropriate electronic means. It remained in place for the duration of the pandemic and terminated on December 31, 2021.

During this period, the Board did not identify any consumer issues or vulnerabilities, and the Board believed that the proposed legislative authority would help facilitate access to physical therapy care while maintaining appropriate consumer protection. Accordingly, the Board respectfully requested that BPC section 2620.1 of the Physical Therapy Practice Act be amended to eliminate the requirement that the patient examination and evaluation be conducted in person by a physician or surgeon, as the Board believed this change would expand access to care for physical therapy consumers while preserving necessary safeguards.

Chapter 509 of the Statutes of 2022 (SB 1438, Roth) subsequently amended BPC section 2620.1 to add telehealth to the manner in which a physician or surgeon may examine and evaluate a patient to approve a physical therapist's plan of care that exceeded 45 days or 12 visits when care was initiated by the physical therapist without a diagnosis. The Board appreciates the Committee's support on this issue; no further action is requested from the Committee.

Issue #2: WebEx Requirement

Due to the COVID-19 pandemic, the legislature granted temporary authority in Government Code section 11133 (Chapter 165, Robert Rivas, Statutes of 2021) for DCA boards through January 31, 2022, to utilize online platforms in lieu of in-person meetings. The Board believed that requiring the use of modern-day technology, such as an online platform, would increase consumer and stakeholder access and participation and would be more effective than a teleconference. This recommendation was intended to serve as an additional point of access, not as a replacement for the existing meeting requirements. At the time, the Board was required to meet at least three times a calendar year, either in person or by teleconference, with at least one meeting in Northern California and one in Southern California. Allowing the use of an online video conference platform created an additional meeting option that expanded access beyond the traditional in-person or teleconference formats. This option provided several benefits, including greater stakeholder access, cost effectiveness, and broader platform functionality and features. The Board therefore recommended an amendment to BPC section 2611 that would require the Board to provide online access in addition to its mandated in-person Board meetings.

SB 544 (Laird, 2023) expanded this authority by allowing an additional meeting option that provided public access both at the meeting site(s) and remotely when any members participated remotely. This provision was originally scheduled to sunset on January 1, 2026. SB 470 (Laird, 2025) subsequently extended these provisions until January 1, 2030. The Board supported both bills, demonstrating its continued commitment to transparency and expanded public access. No further action is requested from the Committee.

Issue #3: Updating Fee Statute

During the last Sunset Review period, the Board's initial license and renewal fees had already reached the statutory fee caps, which prevented the Board from increasing its fees through the regulatory process. At the time, fiscal projections showed the Board would enter a diminishing fund condition beginning in FY 2021–22, with continued decline each fiscal year and projected insolvency in FY 2025–26. To proactively address this concern, the Board requested that the Legislature raise the statutory caps for the initial license fee from 150 dollars to 250 dollars and the renewal fee from 300 dollars to 500 dollars. The Board clarified that this request was not a fee increase, but rather an update to the statutory maximums so that any future fee adjustments could occur through the regulatory process if necessary.

Committee staff recommended that the Board engage with the Committees regarding its fund projections, fee audit results, and fee structure and complete the Committees' Fee Bill Worksheet. The Board did not take further action on the issue at that time.

The Board's most recent fee increase before the 2021 Sunset Review occurred in FY 2015–16 and resulted in improved fund condition and a healthy reserve for several years. However, the Board emphasized that raising the statutory fee caps was essential as a proactive measure to guard against unexpected fiscal pressures, such as litigation, increased enforcement costs, or unforeseen contractual expenses. Without updated statutory caps, the Board cautioned that it could be limited in its ability to act quickly and might need emergency legislation to maintain operations.

To support long-term fiscal stability and continue meeting its consumer protection mandate, the Board requested that the Legislature update the statutory caps through the Sunset Review process. The Board reiterated that approving higher caps would not increase current fees; it would simply provide the authority to pursue fee increases through regulation in the future should workload demands or operational costs require it. The fund projection used at the time was calculated using a worst case scenario to protect the Board and avoid any potential insolvency, and it incorporated increased costs but did not assume any increased revenues. The Board believed that raising the statutory caps through Sunset legislation was the most fiscally prudent solution, and the Board will be following up in the New Issues section to further describe its continued concern regarding the need to raise the fee caps.

Issue #4: Executive Officer Exempt Level Increase

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

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

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

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

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

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

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

In FY 2016-17, Board's Board President, Katarina Eleby submitted a formal request on behalf of the Board members to the DCA's, Office of Human Resources requesting consideration to change the EO's exempt level, from "O" to level "L", effective August 1, 2016. This request was denied. In FY 2017-18, Board's Board President, Katarina Eleby submitted a 2nd formal request on behalf of the Board members to the DCA's Office of Human Resources requesting to change the EO's exempt level, from "O" to level "L". On February 6, 2018, the Board's request was partially approved to increase its EO exempt level from, O to level N (effective February 2018 pay period). The Exempt Level "N" is equivalent to the Staff Services Manager (SSM) II/III civil service classification (salary rate). At the time, the Board was authorized 21.1 positions, including the EO position and four (4) Temp Help positions, for a total of 27 staff members. The Board had a budget authority of \$4,968,000 and supported a licensee population of 38,961.

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

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

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

In FY 2022/23, Board's long standing request for an exempt level change was partially granted. The Executive Officer's exempt level increased from level "N" to level "M," recognizing the Board's significant growth in staffing, budget, and program complexity. While this increase represented meaningful progress, it did not fully align the position with Board's organizational structure or program demands even at the time it was approved. Given that the allocation still does not reflect the level of responsibility required of the Executive Officer, this matter remains ongoing and will continue as a new issue as the Board evaluates and pursues the next appropriate exempt level adjustment.

- **Short discussion of recommendations made by the Committees during prior sunset review.**

Issue #5: Animal Physical Therapy License

During the prior Sunset Review, the Committees requested an update on discussions related to physical therapists practicing physical therapy on animals. At that time, the Committees noted that the Physical Therapy Board of California (Board) and the California Veterinary Medical Board (CVMB) had engaged in extensive multi year dialogue with representatives from both professions. These discussions focused on education and training standards, enforcement considerations, and broader implementation concerns relating to any potential animal physical rehabilitation license type.

Since the 2021 Sunset Review, the Board has continued to monitor developments in this area with an ongoing priority of ensuring public and animal safety. Because physical therapy services delivered to non-human patients fall under the scope of veterinary medicine in California, the Board has maintained regular communication with CVMB to remain informed of their regulatory activities, stakeholder input, and legislative proposals involving animal rehabilitation. The Board has also continued to participate in national conversations through professional associations to remain informed of evolving standards in other states.

Although interest persists among certain licensees regarding a potential pathway to provide physical therapy services to animals, the central concern identified during the prior Sunset Review remains. The Board recognizes that CVMB is the regulatory body with jurisdiction over animal health care. Any proposal for a new license type would require a comprehensive statutory framework that clearly

identifies education, training, supervision, and enforcement requirements necessary to ensure appropriate consumer and animal protection.

The Board remains committed to supporting public protection by monitoring developments, engaging in inter board communication, and providing subject matter expertise when requested and will continue to update the Committee should any substantive changes occur.

Section 10

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, and legislative changes) for each of the following:

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

Issue #1: Executive Officer Exempt Level Increase

Despite the Board's progress in securing an exempt level adjustment from "N" to "M" in FY 2022–23, this allocation still does not accurately reflect the Executive Officer's responsibilities, scope of authority, or the Board's organizational complexity. The Board's program has continued to expand in staffing, licensing volume, enforcement workload, regulatory activity, and statewide engagement; however, even at the time the increase was granted, Level M did not fully align with the operational expectations of the Executive Officer position.

Five prior exempt level studies and salary analyses demonstrated that the Board consistently met criteria for a higher allocation, but statewide fiscal limitations prevented appropriate realignment. The Board now oversees a substantially larger and more complex regulatory program, with contemporary operational demands exceeding what the Level M allocation reasonably supports.

Recognizing the continued misalignment, the Board reaffirmed in fiscal year 2024–25 that pursuing a subsequent exempt level increase is necessary to ensure the Executive Officer classification reflects modern responsibilities, supports effective leadership, and upholds Board's mandate to protect the public. The Board reestablished its Executive Officer Exempt Level Committee to collaborate with staff and prepare the formal request. Board plans to submit its updated exempt level proposal in 2026.

Issue #2: Updating Fee Statute

In alignment with the Committees' previous recommendations, the Board initiated a comprehensive fee study to evaluate its current fee structure, long-term operational needs, and the level at which statutory fee caps must be set to ensure the Board remains fiscally sustainable. This study is underway and is expected to be completed by January 2026. Once finalized, the study will provide data-driven recommendations for updated statutory caps that reflect the true cost of administering the Board's licensing, enforcement, and consumer protection programs.

Since the last Sunset Review, the Board's financial projections have continued to evolve as workload, operational needs, and statewide costs have increased. Based on the most current fiscal models, the Board is now projecting insolvency in fiscal year 2029–30 if statutory fee caps remain unchanged. The Board's current expenditure trends reflect increases in enforcement activity, staffing costs, technology needs, and statewide pro rata assessments. Because the Board's fees are already at their statutory maximums, the Board cannot pursue a regulatory fee increase to offset these rising costs.

Updating the statutory caps remains essential to protecting the Board's ability to operate without interruption and continuing fulfilling its consumer protection mandate. New caps will not raise current fees; instead, they will provide the Board with the authority to adjust fees through regulation when necessary, following the completion of the fee study and in compliance with the Administrative Procedure Act.

The Board respectfully requests that the Legislature update the statutory fee caps during this Sunset Review to ensure the Board has the fiscal tools needed to remain solvent over the long term. Aligning statutory caps with the forthcoming recommendations from the fee study will support stable operations, safeguard the Board's enforcement and licensing functions, and maintain consistent protection for California consumers.

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

The Board has not identified any new issues in this report.

- **New issues not previously discussed in this report.**

Issue #3: Authority to Summarily Deny Petitions for Reinstatement in Cases Involving Sexual Misconduct

During the current Sunset Review period (July 1, 2021, through June 30, 2025), the Board has identified a gap in its statutory authority related to the reinstatement process for licensees whose licenses were revoked or surrendered due to sexual misconduct. This gap affects the Board's ability to uphold its highest mandate of consumer protection and results in the unnecessary use of enforcement and administrative resources.

Under existing law, Business and Professions Code (BPC) section 2661.7 requires the Board to process all petitions for reinstatement through the full administrative hearing process, regardless of the underlying conduct. This includes petitioners whose licenses were revoked for acts of sexual abuse, sexual misconduct, or sexual exploitation. Even in cases where the Board is required to deny reinstatement, the petition must still move through the complete administrative process, including preparation by enforcement staff, review by legal counsel, and hearings before an administrative law judge. This prevents the Board from resolving these matters efficiently and dedicating resources to other enforcement priorities.

By comparison, the Board already has clear statutory authority when dealing with applicants who are sex offender registrants. BPC section 2660.5 requires the Board to deny a license to any applicant required to register under Penal Code section 290. This section includes a single exception for individuals who are required to register solely because of a misdemeanor conviction under Penal Code section 314. This offense covers certain acts of indecent exposure that, while inappropriate, do not always involve conduct directed toward patients or clients.

The Board is seeking authority so that it may:

- Deny petitions for reinstatement at intake when the underlying revocation or surrender was based on sexual misconduct or sexual exploitation.

- Deny petitions for reinstatement when the petitioner is required to register under Penal Code section 290 and the conduct involved a patient or client.
- Avoid unnecessary use of state resources on petitions that are legally prohibited from being granted.
- Prioritize enforcement and legal resources toward cases where reinstatement may be legally considered and rehabilitation can be evaluated.

Providing this authority would align the Board's processes for petitioners with the protections already established for applicants and strengthen consumer protection by preventing individuals who engaged in sexual misconduct from returning to practice.

The Board respectfully requests that the Legislature amend the Physical Therapy Practice Act to incorporate these reinstatement prohibitions. This amendment would close the identified gap, enhance the Board's operational efficiency, and further support the Board's mission to protect the people of California.

Section 11

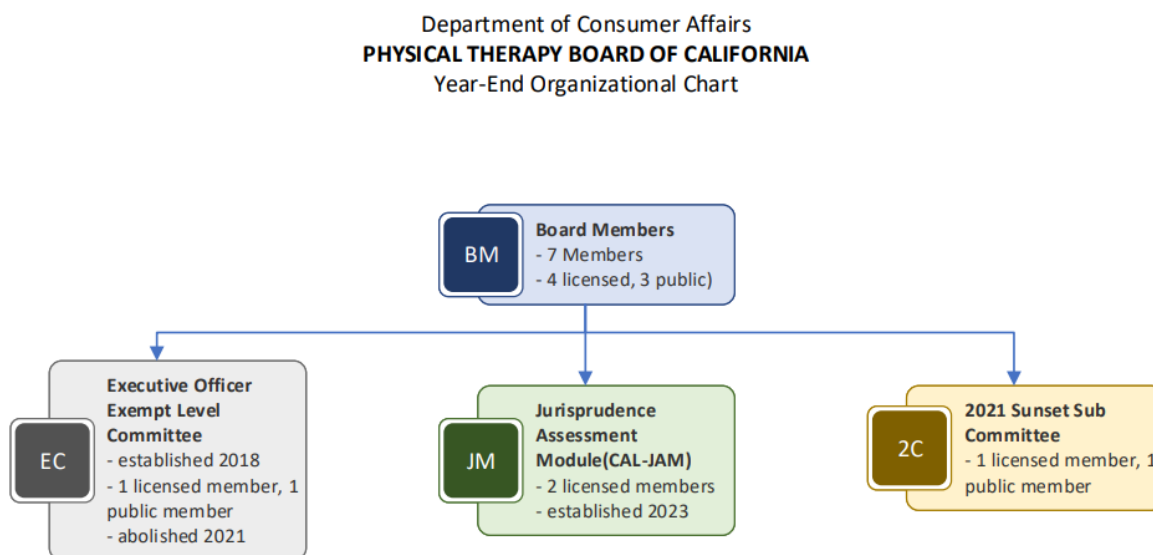
Attachments

Please provide the following attachments:

- **Board's administrative manual.**

Attached.

- **Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).**



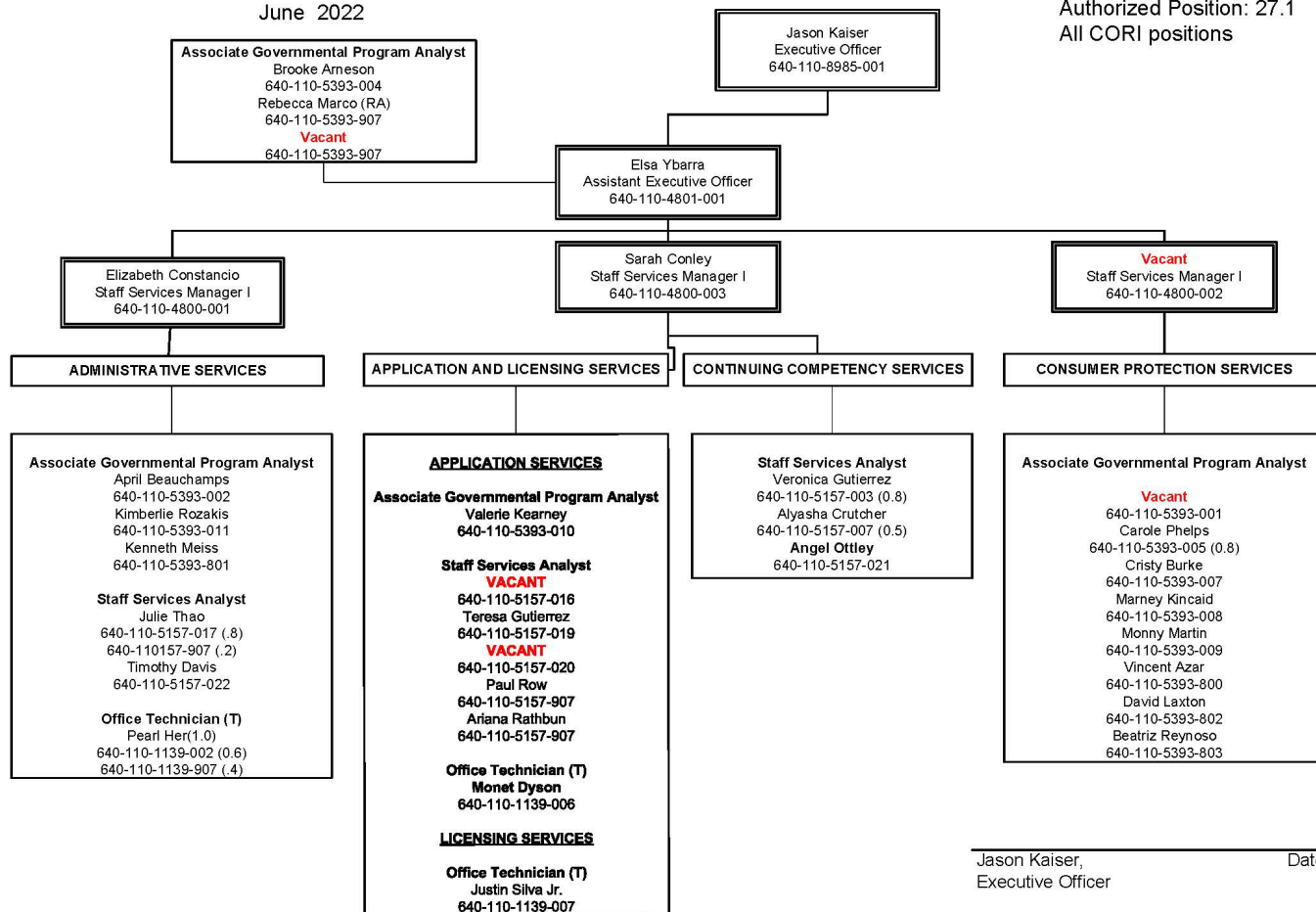
- **Major studies, if any (cf., Section 1, Question 4).**

None included.

- **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).**

Department of Consumer Affairs
PHYSICAL THERAPY BOARD OF CALIFORNIA
 June 2022

CURRENT
 FY 2021-22
 Authorized Position: 27.1
 All CORI positions

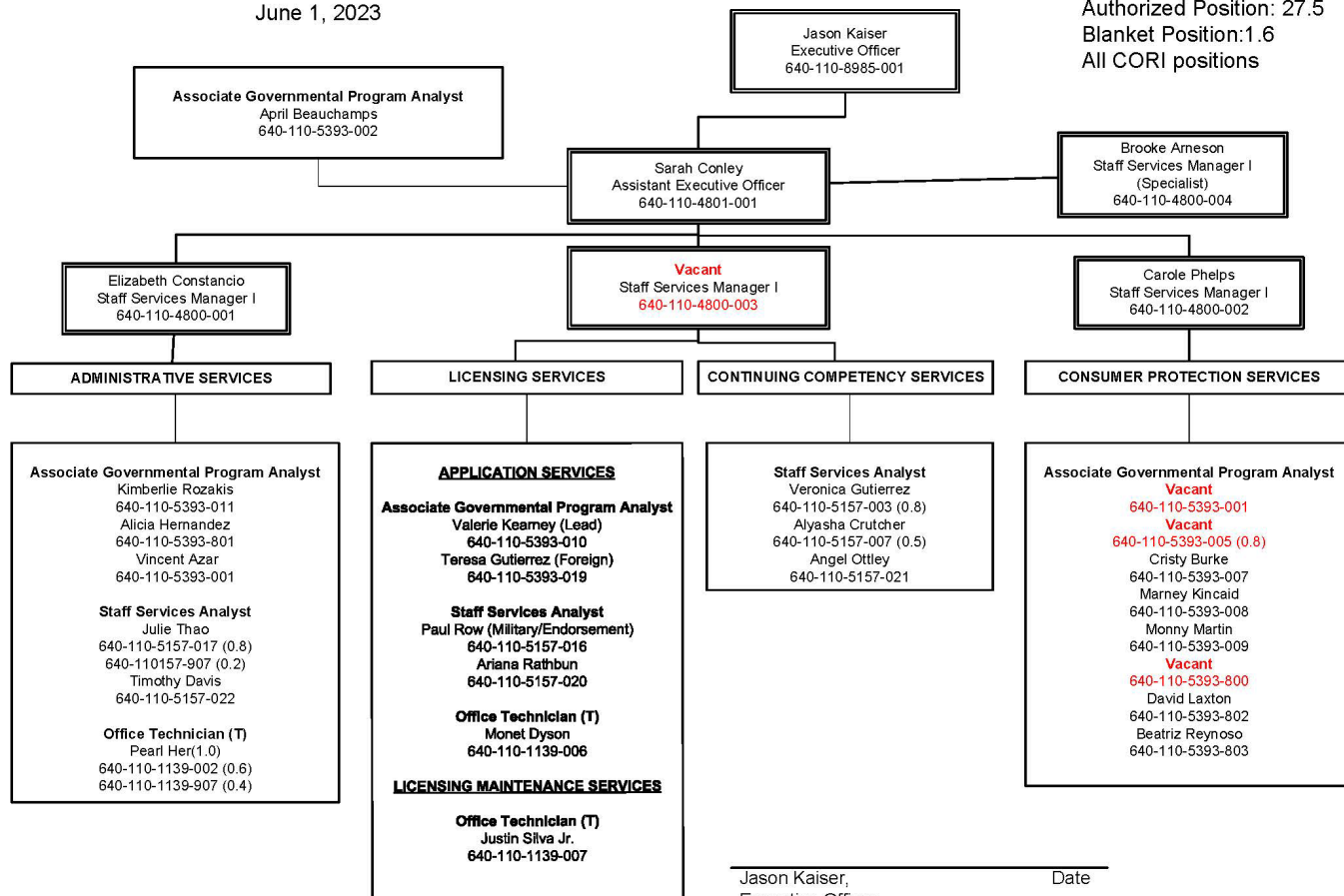


Jason Kaiser, _____ Date
 Executive Officer

Personnel Analyst _____ Date

Department of Consumer Affairs
PHYSICAL THERAPY BOARD OF CALIFORNIA
 June 1, 2023

CURRENT
 FY 2022-23
 Authorized Position: 27.5
 Blanket Position: 1.6
 All CORI positions

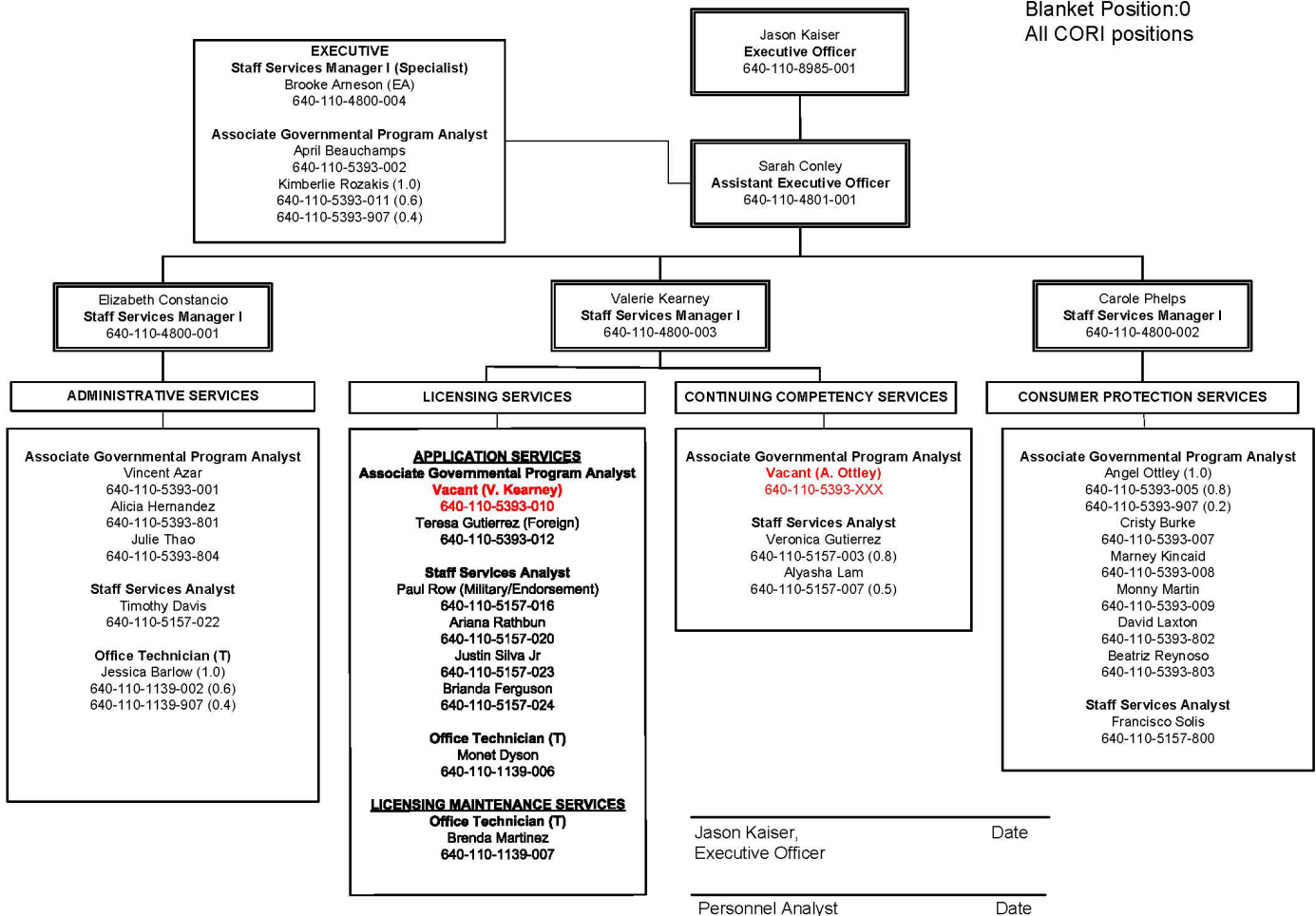


Jason Kaiser, _____ Date
 Executive Officer

 Personnel Analyst Date

Department of Consumer Affairs
PHYSICAL THERAPY BOARD OF CALIFORNIA
 June 1, 2024

CURRENT
 FY 2023-24
 Authorized Position: 29.1
 Blanket Position: 0
 All CORI positions

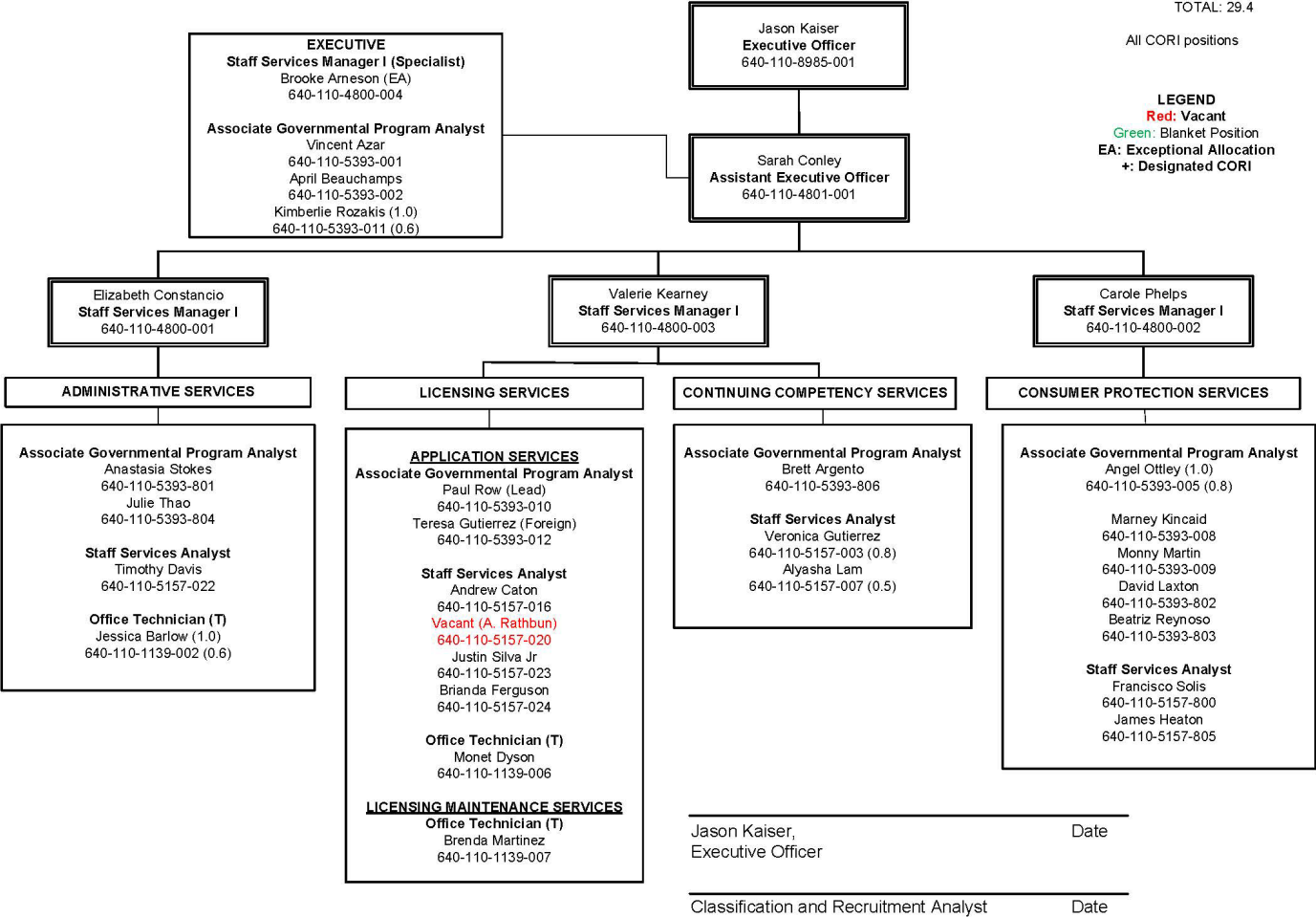


Department of Consumer Affairs
PHYSICAL THERAPY BOARD OF CALIFORNIA
June 1, 2025

CURRENT Staffing
FY 2024-25
Authorized Position: 29.4
Blanket Position: 1.0
TOTAL: 29.4

All CORI positions

LEGEND
Red: Vacant
Green: Blanket Position
EA: Exceptional Allocation
+: Designated CORI





Physical Therapy Board of California

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

JUNE 2019



PHYSICAL THERAPY BOARD OF CALIFORNIA

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STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

ACKNOWLEDGMENTS

Members of the Board

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

TJ Watkins – Vice President

Daniel Drummer, P.T., DPT

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

Katarina Eleby, M.A.

Tonia McMillian

Executive Officer

Jason Kaiser

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

This administrative procedure manual, regarding Board policy, can be amended by a majority of affirmative votes of any current or future Board. The Board authorizes authority to staff to make nonsubstantive changes as necessary.¹

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

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CHAPTER 1. INTRODUCTION

Acronyms/Definitions

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

Mission Statement

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

Overview

In 1953, the Physical Therapy Examining Committee was created by Chapter 1823, Statutes of 1953 (AB 1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the Legislature has always been to protect the public from incompetent, unprofessional and criminal acts during the provision of physical therapy. The Board is one of over 40 regulatory entities that exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

BPC § 2603

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

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

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

General Rules of Conduct (Board Policy)

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

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

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

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

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

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

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with the Department of Consumer Affairs, Policy on Incompatible Work Activities, OHR 14-01.

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

CHAPTER 2. BOARD MEETING PROCEDURES

Frequency of Meetings (BPC § 2611)

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

(Bagley-Keene Open Meeting Act)

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

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

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

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board president and ask to be excused from the meeting for a specific reason.

The governor has the power to remove from office any member appointed by him for continued neglect of duties, which may include unexcused absences from meetings.

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

Public Attendance at Board Meetings (Gov. Code § 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This law governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda. However, according to the Bagley-Keene Open Meeting Act, "While the body cannot act on any matter not included on the agenda, it can schedule issues raised by the public for consideration at future meetings."

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

CHAPTER 2. BOARD MEETING PROCEDURES

Quorum (BPC § 2611)

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

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

Agenda Items (Board Policy)

Any Board member may submit items for a meeting agenda during the “Future Agenda Items” section of a Board meeting or directly to the executive officer no less than 30 days prior to the meeting with the approval of the Board president or chair of the committee or task force.

The public may submit an item for consideration for a future meeting agenda. The item shall be submitted no less than 30 days prior to the meeting and must be approved by the Board president to be added to a future meeting agenda.

Notice of Meetings (Gov. Code § 11125 et seq.)

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

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

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

CHAPTER 2. BOARD MEETING PROCEDURES

Record of Meetings (Gov. Code § 111261)

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

Electronic Recording (Board Policy)

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

(Gov.Code § 11124.1 (b))

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

Meeting Rules (Board Policy)

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

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

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

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

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

CHAPTER 2. BOARD MEETING PROCEDURES

(Continued from page 11)

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

(Gov. Code § 11125.7)

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. When the allegation involves errors of procedure or protocol, the Board may designate either its executive officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. When the allegation involves significant staff misconduct, the Board may request the person to put the allegation in writing and send it to the executive officer of the Board or the director of DCA who may forward the allegation to the Division of Investigation (DOI) or California Highway Patrol for investigation.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting.
4. At the discretion of the Board president or chair of the committee, speakers may be limited in the amount of time to present to give adequate time to everyone who wants to speak. In the event the number of people wishing to address the Board exceeds the allotted time, the Board president or chair of the committee may limit each speaker to a statement of his/her name, organization, and whether they support or do not support the proposed action.

CHAPTER 3. TRAVEL AND SALARY POLICIES AND PROCEDURES

Travel Approval (DCA Travel Guide)

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

Approval of Unscheduled Travel (Board Policy)

The president of the Board will be responsible for approving all unscheduled travel plans submitted by Board members and staff. Unscheduled travel plans will be submitted in writing to the executive officer, who will then seek the approval of the president.

Travel Arrangements (Board Policy)

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

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

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

Travel Claims (SAM section 700 et seq. and DCA Travel Guide)

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

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

Salary Per Diem

(BPC §§ 103, 2606 and Board Policy)

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

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

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

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

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee, or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, committee, or task force meetings, in which a substantial official service is performed, shall be approved in advance by the Board president. The executive officer shall be notified of the event and approval shall be obtained from the Board president prior to a Board member’s attendance.

Salary Per Diem

(BPC §§ 103, 2606 and Board Policy)

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

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

It is the Board’s intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.

CHAPTER 4. SELECTION OF OFFICERS AND COMMITTEES

Officers of the Board (BPC § 2604)

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

Election of Officers (Board Policy)

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

Election of Delegates (Board Policy)

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

Officer Vacancies (Board Policy)

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

Committee or Task Force Appointments (Board Policy)

The Board president shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board president in consultation with the vice president, and the executive officer. Committees may include the appointment of non-Board members.

Attendance at Committee or Task Force Meetings (Board Policy)

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

CHAPTER 5. BOARD ADMINISTRATION AND STAFF

Board Administration (Board Policy)

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

Executive Officer (BPC § 2607.5)

The Board may appoint an executive officer. The executive officer is responsible for the financial operations and integrity of the Board and is the official custodian of records. The executive officer is an at-will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause.

Executive Officer Evaluation (Board Policy)

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

Board Staff (Board Policy)

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

CHAPTER 5. BOARD ADMINISTRATION AND STAFF

Experts—Consultants (Board Policy)

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

Board Budget (Board Policy)

The executive officer or the executive officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the administration and Legislature.

Business Cards (Board Policy)

Business cards will be provided to each Board member with the Board's name, address, phone number, fax number, website address and email address.

Strategic Planning (Gov. Code § 11816 and Board Policy)

The Board will conduct periodic strategic planning sessions.

Projects/Approval for New Projects (Board Policy)

The Board president will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the executive officer for perspective and feasibility.

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

The Board may adopt the following positions regarding pending or proposed legislation.

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

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

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

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

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

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

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

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

CHAPTER 6. ENFORCEMENT AND DISCIPLINARY ACTIONS

Priority of Complaints (Board Policy)

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

Investigative Staff and Services (BPC § 2634, BPC § 2607.5 and Board Policy)

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

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

Discipline and Citations (BPC § 125.9, BPC § 2660 et seq., and title 16 CCR § 13 et seq.)

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

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

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

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

CHAPTER 6. ENFORCEMENT AND DISCIPLINARY ACTIONS

Administrative Proceedings (BPC §§ 2608, 2614)

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

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

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

Review of Decisions (Gov. Code § 11500, et seq.; BPC § 2602.1; title 16, CCR § 1399.15)

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

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

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

Member Questions and Communications about Decisions

(Gov. Code § 11430.10, et seq.)

Communications with staff concerning pending proceedings, including decisions, are limited by the provisions of the Administrative Procedure Act. There are two parties to any disciplinary proceeding—the complainant (the executive officer and other staff) and the respondent (the licensee). The Board members decide the case and therefore act as judges. To avoid the fact or appearance of bias or impropriety, communications between one party (staff or the licensee) and Board members are limited.

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

Second, staff or the deputy attorney general may communicate about stipulated decisions—and only stipulated decisions—only to explain why the stipulated decision should be adopted.

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

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

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

When voting on a mail ballot, a Board member may wish to discuss a particular aspect of the decision before voting. If one or more members mark their ballot to "hold for discussion," the case will be scheduled for the closed session of the Board's next meeting. At the time the ballot is prepared, the Board member should record his or her concern. Recording the concern facilitates the discussion by allowing staff, if permitted to comment, and legal counsel an opportunity to prepare to respond to the concern as appropriate. Since there can also be a delay before the next meeting, it can preserve the member's memory.

Mail Ballots

(Gov. Code § 11526 and Board Policy)

Holding Disciplinary Cases for Board Meetings

(Board Policy)

CHAPTER 6. ENFORCEMENT AND DISCIPLINARY ACTIONS

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

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

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

Reconsideration (Gov. Code § 11517 and Board Policy)

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

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

If a licensee files a petition for penalty relief (for modification or termination of existing probation or reinstatement), as long as that petition meets statutory requirements, the matter will be heard by the Board members themselves at a Board meeting. Absent direction to the contrary, an ALJ sits with the members to preside over the hearing where evidence and argument are taken.

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

Enforcement actions, including citations and disciplinary actions, are a matter of public record and shall be provided upon request in accordance with applicable law and Department of Consumer Affairs' Guidelines for Access to Public Records. However, particular records of enforcement investigations may be exempt from disclosure to protect the confidentiality of other parties.

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

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

CHAPTER 6. ENFORCEMENT AND DISCIPLINARY ACTIONS

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

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

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

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

Policy Variation

CHAPTER 7. OTHER POLICIES AND PROCEDURES

Board Member Address

(Board Policy, Bagley-Keene
Open Meeting Act)

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

Board Member Written Correspondence and Mailings

(Board Policy)

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

Communications: Other Organizations/Individuals/ Media

(Board Policy)

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

Communication with Interested Parties

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

Ex Parte Communications

(Gov. Code § 11430.10 et seq.)

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

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

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

(Board Policy)

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

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

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

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board’s legal counsel or executive officer.

Board Member Disciplinary Actions (Board Policy)

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

The president of the Board shall sit as chair of the hearing unless the censure involves the president’s own actions, in which case the vice president of the Board shall sit as president. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

CHAPTER 7. OTHER POLICIES AND PROCEDURES

Conflict of Interest (Gov. Code § 87100)

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

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

Service of Legal Documents

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

Gifts from Candidates (Board Policy)

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

Request for Records Access (Board Policy)

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

Resignation of Board Members (Gov. Code § 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (governor, Senate Rules Committee, or speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter also shall be sent to the director of the Department of Consumer Affairs, the Board president, and the executive officer.

Removal of Board Members (BPC § 106)

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

CHAPTER 7. OTHER POLICIES AND PROCEDURES

Board Member Training Requirements

(BPC § 453)

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

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

Outreach/Information/Complaints (Board Policy)

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

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

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

Board members are required to complete the following:

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

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

1. Board newsletters.
2. Speaking engagements by Board members and staff.
3. Press releases and public affairs announcements.
4. Phone responses.
5. Responses to written, faxed, and emailed inquiries.
6. The Board's website.
7. Social media.

APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

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

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

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

CATEGORY 1 • HIGH

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

CATEGORY 1 • HIGH

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

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APPENDIX A. COMPLAINT PRIORITIZATION GUIDELINES FOR DCA HEALTH CARE AGENCIES

(Continued from page 29)

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

CATEGORY 3 • ROUTINE

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

CATEGORY 4 • ROUTINE

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

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



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