

## DRAFT Proposed Physical Therapy Practice Act

### Agenda Item #16

#### Business and Professions Code

Section 2071 of the Business and Professions Code is amended to read:

2071. The Division of Licensing shall adopt and administer regulations that establish standards for technical supportive services that may be performed by a medical assistant. Nothing in this section shall prohibit the board or division from amending or repealing regulations covering medical assistants. The board or division shall, prior to the adoption of any regulations, request recommendations regarding these standards from appropriate public agencies, including, but not limited to, the State Board of Optometry, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians, the Laboratory Field Services division of the State Department of Health Services, those divisions of the State Department of Education that pertain to private postsecondary education and career and vocational preparation, the Chancellor of the California Community Colleges, the California Board of Podiatric Medicine, the Physician Assistant Examining Committee, and the Physical Therapy Examining Committee Board of California. The Division of Licensing shall also request recommendations regarding these standards from associations of medical assistants, physicians, nurses, doctors of podiatric medicine, physician assistants, physical therapists, laboratory technologists, optometrists, and others as the board or division finds appropriate, including, but not limited to, the California Optometric Association, the California Nurses Association, the California Medical Association, the California Society of Medical Assistants, the California Medical Assistants' Association, and the California Chapter of the American Physical Therapy Association. Nothing in this section shall be construed to supersede or modify that portion of the Administrative Procedure Act which relates to the procedure for the adoption of regulations and which is set forth in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

The heading of Article 1 (commencing with Section 2600) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended to read:

#### Article 1. Administration and General Provisions

Section 2601 of the Business and Professions Code has been repealed.

~~2601. "Board" as used in this chapter means the Physical Therapy Board of California.~~

Section 2601 is added to the Business and Professions Code, to read:

2601. For the purpose of this chapter, the following terms shall have the meaning set forth below, unless otherwise specified.

- (a) "Board" means the Physical Therapy Board of California.
- (b) "Physiotherapy" shall be synonymous with "physical therapy."

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- 1 (c) “Physical therapist” means a person who is licensed pursuant to this chapter to  
2 practice physical therapy.
- 3 (d) “Physical therapist assistant” means a person who is licensed pursuant to this  
4 chapter to assist in the provision of physical therapy under the supervision of a  
5 licensed physical therapist. “Physical therapy assistant” and “physical therapist  
6 assistant” shall be deemed identical and interchangeable.
- 7 (e) “Physical therapist technician” and “physical therapy aide,” as described in  
8 Section 2630.4, shall be deemed identical and interchangeable.

10 |  
11 Section 2603 of the Business and Professions Code is amended to read:

12  
13 2603. The members of the board ~~shall consist of the following: one physical therapist~~  
14 ~~involved in the education of physical therapists, three physical therapists who shall have~~  
15 ~~practiced physical therapy for five years and shall be licensed by the board, and three~~  
16 ~~public members who shall not be licentiates of the board or of any other board under the~~  
17 ~~Medical Board of California or of any board referred to in Sections 1000 and 3600. four~~  
18 ~~physical therapists, only one of whom shall be involved in physical therapy education,~~  
19 ~~and three public members.~~

20  
21 Section 2603.5 is added to the Business and Professions Code, to read:

22  
23 2603.5. (a) The physical therapist members of the board shall be appointed from  
24 persons having all of the following qualifications:

- 25 (1) Be a resident of California.
- 26 (2) Possess an unrestricted license in California issued pursuant to this chapter.
- 27 (3) Have been licensed pursuant to this chapter and practicing in California for at  
28 least five years prior to appointment to the board.

29 (b)(1) The public members of the board shall:

30 (A) Be appointed from persons having all of the qualifications as set forth in Chapter  
31 6 (commencing with Section 450) of Article 7 of Division 1 of the Business and  
32 Professions Code.

33 (B) Be a resident of California.

34 (2) No public member of the board shall be, nor have been, any of the following:

35 (A) An officer or faculty member of any college, school, or institution involved in  
36 physical therapy education.

37 (B) A licentiate of the Medical Board of California or of any board under this division  
38 or of any board referred to in Sections 1000 and 3600.

39  
40 Section 2604 of the Business and Professions Code is amended to read:

41  
42 2604. The members of the board shall be appointed for a term of  
43 four years, expiring on the first day of June of each year.

44 The Governor shall appoint one of the public members and the four physical therapist  
45 members of the board qualified as provided in ~~Section~~ Sections 2603 and 2603.5. The  
46 Senate ~~Rules~~ Committee on Rules and the Speaker of the Assembly shall each appoint  
47 a public member qualified as provided in Sections 2603 and 2603.5., ~~and their initial~~

**Comment [SC1]:** Board determined language at 2/2012 meeting, specifically intending that not more than one member of the Board shall be involved in physical therapy education. Also, the Board determined a public member may be involved in education so long as it does not relate to physical therapy, and there is no limit to the number of public members involved in education.

**Comment [SC2]:** Board determined language at 2/2012 meeting, specifically that professional members must hold a valid license, as opposed to “retired status,” for example.

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1 ~~appointment shall be made to fill, respectively, the first and second public member~~  
2 ~~vacancies which occur on or after January 1, 1983.~~

3 ~~Not more than one member of the board shall be appointed from the full-time faculty~~  
4 ~~of any university, college, or other educational institution.~~

5 No person may serve as a member of the board for more than two consecutive terms.  
6 Vacancies shall be filled by appointment for the unexpired term. Annually, the board  
7 shall elect one of its members as president and one of its members as vice president.

8 The appointing power shall have the power to remove any member of the board from  
9 office for neglect of any duty required by law or for incompetency or unprofessional or  
10 dishonorable conduct.

11  
12 Section 2604.5 of the Business and Professions Code is repealed.

13  
14 ~~2604.5. The public members shall be appointed from persons having~~  
15 ~~all of the following qualifications:~~

16 ~~—(a) Be a citizen of California.~~

17 ~~—(b) Shall not be an officer or faculty member of any college, school or institution~~  
18 ~~engaged in physical therapy education.~~

19 ~~—(c) Shall not be a licentiate of the Medical Board of California or of any board under~~  
20 ~~this division or of any board referred to in Sections 1000 and 3600.~~

21  
22 Section 2605 is added to the Business and Professions Code, to read:

23  
24 2605. The board shall do all of the following:

25 (a) Evaluate the qualifications of applicants for licensure.

26 (b) Provide for the examinations of physical therapists and physical therapist  
27 assistants and establish a passing score for each examination.

28 (c) Issue all licenses for the practice of physical therapy in California. Except as  
29 otherwise required by the director pursuant to Section 164, the license issued by  
30 the board shall describe the licensee as a “physical therapist” or “physical  
31 therapist assistant” licensed by the Physical Therapy Board of California.

32 (d) Suspend and revoke licenses, and otherwise enforce the provisions of this  
33 chapter.

34 (e) Administer a continuing competency program

35 (f) Participate, as a member, in the Delegate Assembly, and in applicable  
36 Committee meetings, of the Federation of State Boards of Physical Therapy.

37 (g) Publish, at least annually, a newsletter that includes, but is not limited to,  
38 actions taken by the board, disciplinary actions, and statutory and regulatory  
39 changes.

40 (h) Provide for the timely orientation and training of new professionals and public  
41 appointees to the board directly related to board licensing and disciplinary  
42 functions, and board rules, policies, and procedures.

43 (i) Adopt a program of consumer and professional education in matters relevant to  
44 the regulation of physical therapy.

**Comment [SC3]:** Staff included – Board mandate

**Comment [SC4]:** Staff included in an attempt to ensure participation at FSBPT Delegate Assembly and Committee meetings

Language suggestions?

**Comment [SC5]:** Board amended language at 2/2012 meeting from “[...] professional practice of physical therapy” to “[...] regulation of physical therapy.”

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1  
2  
3 Section 2607 of the Business and Professions Code is amended to read:

4  
5 2607. The board may employ, subject to law, such clerical assistants and, except as  
6 provided in Section 159.5, other employees as it may deem necessary to carry out its  
7 powers and duties.

8 The board may enter into contracts for services necessary for enforcement of this act  
9 and may as necessary select and contract with physical therapy consultants who are  
10 licensed physical therapists to assist it in its programs on an intermittent basis.  
11 Notwithstanding any other provision of law, the board may contract with these  
12 consultants on a sole source basis. For the purposes of Division 3.6 (commencing with  
13 Section 810) of Title 1 of the Government Code, any consultant under contract with the  
14 board shall be considered a public employee.

15  
16 Section 2607.5 of the Business and Professions Code, as amended by Section 23 of  
17 Chapter 332 of Statutes of 2012, is amended to read:

18  
19 2607.5. (a) ~~The board may appoint a person exempt from civil service who shall be~~  
20 ~~designated as an executive officer and who shall exercise the powers and perform the~~  
21 ~~duties delegated by the board and vested in him or her by this chapter.~~ The board may  
22 employ an executive officer exempt from the provisions of the Civil Service Act and may  
23 also employ investigators, legal counsel, physical therapist consultants, and other  
24 assistance as it may deem necessary to carry out this chapter into effect. The board  
25 may fix the compensation to be paid for services and may incur other expenses as it  
26 may deem necessary. Investigators employed by the board shall be provided special  
27 training in investigating physical therapy practice activities.

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

31 ~~(bc)~~ This section shall remain in effect only until January 1, 2014, and as of that date  
32 is repealed, unless a later enacted statute, that is enacted before January 1, 2014,  
33 deletes or extends that date.

34  
35 Section 2608 of the Business and Professions Code is amended to read:

36  
37 2608. The procedure in all matters and proceedings relating to the denial, suspension,  
38 ~~or~~ revocation, or probationary restriction of licenses issued by the board under this  
39 chapter shall be governed by the provisions of Chapter 5 (commencing with Section  
40 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

41  
42 Section 2608.5 of the Business and Professions Code is amended to read:

43  
44 2608.5. Each member of the board, or any licensed physical therapist appointed by the  
45 board, may inspect, or require reports from, a general or specialized hospital or any  
46 other facility providing physical therapy care, treatment or services and the physical  
47 therapy staff thereof, with respect to the physical therapy care, treatment, services, or

**Comment [SC6]:** In response to findings that the board does not have sole authority to set the E.O.'s salary, staff researched other boards' statutes for language to address this issue. This language was taken from the Medical Board, which address not only the E.O., but other positions and services as well.

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1 facilities provided therein, and may inspect physical therapy patient records with respect  
2 to the care, treatment, services, or facilities. The authority to make inspections and to  
3 require reports as provided by this section shall not be delegated by a member of the  
4 board to any person other than a physical therapist and shall be subject to the  
5 restrictions against disclosure described in [Section 2263 2609](#).

6  
7 Section 2609 of the Business and Professions Code is repealed.

8  
9 ~~2609. The board shall issue, suspend, and revoke licenses and approvals to practice  
10 physical therapy as provided in this chapter.~~

11  
12 Section 2609 is added to the Business and Professions Code, to read:

13  
14 [2609. The willful, unauthorized violation of professional confidence constitutes  
15 unprofessional conduct.](#)

16  
17 Section 2611 of the Business and Professions Code is amended to read:

18  
19 ~~2611. The board shall hold at least one regular meeting annually in the Cities of  
20 Sacramento, Los Angeles and San Francisco.~~ [The board shall meet at least three times  
21 each year, meeting at least once each calendar year in northern California and once  
22 each year in southern California.](#) The board may convene from time to time until its  
23 business is concluded. Special meetings of the board may be held at any time and  
24 place as the board may designate. Four members of the board shall constitute a  
25 quorum for the transaction of business.

26  
27 Section 2612 of the Business and Professions Code is amended to read:

28  
29 ~~2612. Notice of each meeting of the board shall be given in accordance with~~  
30 ~~the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of~~  
31 ~~Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~ [The board shall be given in accordance with](#)  
32 [the Bagley-Keene Open Meeting Act \(Article 9 \(commencing with Section 11120\) of](#)  
[Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code\).](#)

33  
34 Section 2614 of the Business and Professions Code is amended to read:

35  
36 2614. (a) The board shall hear all matters, including but not limited to, any contested  
37 case or any petition for reinstatement, restoration, or modification of probation. Except  
38 as otherwise provided in this chapter, all hearings shall be conducted in accordance  
39 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
40 Government Code. If a contested case is heard by the board, the hearing officer who  
41 presided at the hearing shall be present during the board's consideration of the case  
42 and, if requested, shall assist and advise the board. The board shall issue its decision  
43 pursuant to Section 11517 of the Government Code.

44 ~~(b) At the conclusion of the hearing, the board shall deny an application for, or  
45 suspend or revoke, or impose probation conditions upon, a license or approval.~~

46  
47 Section 2615 of the Business and Professions Code is amended to read:

**Comment [SC7]:** Deleted Section 2263 is a provision of the Medical Practice Act; therefore, staff added that provision as Section 2609 in the PT Practice Act and referenced it here.

**Comment [SC8]:** New section – Board previously referenced this from the Medical Practice Act, Section 2263.

**Comment [SC9]:** This language is consistent with B&P Code section 101.7 (general provision), and allows the Board more flexibility for meeting locations than current language.

**Comment [SC10]:** Board amended language to simply state it shall comply with the Bagley-Keene Open Meeting Act at the 2/2012 meeting.

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1 2615. The board shall ~~from time to time~~ adopt those regulations ~~that as~~ may be  
2 necessary to effectuate the provisions of this chapter. In adopting regulations the board  
3 shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3  
4 of Title 2 of the Government Code.

5  
6 The heading of Article 2 (commencing with Section 2620) of Chapter 5.7 of Division 2 of  
7 the Business and Professions Code is amended to read:

### 8 Article 2. ~~General Provisions~~ Scope of Regulations and Exemptions

9  
10 Section 2620. Of the Business and Professions Code is amended to read:

11  
12 2620. ~~(a) Physical therapy means the art and science of physical or~~  
13 ~~corrective rehabilitation or of physical or corrective treatment of~~  
14 ~~any bodily or mental condition of any person, by the use of the physical, chemical, and~~  
15 ~~other properties of heat, light, water, electricity, sound, massage, and active, passive,~~  
16 ~~and resistive exercise, and shall include physical therapy evaluation, treatment~~  
17 ~~planning, instruction and consultative services. The practice of physical therapy includes~~  
18 ~~the promotion and maintenance of physical fitness to enhance the bodily movement~~  
19 ~~related health and wellness of individuals through the use of physical therapy~~  
20 ~~interventions. The use of roentgen rays and radioactive materials, for diagnostic and~~  
21 ~~therapeutic purposes, and the use of electricity for surgical purposes, including~~  
22 ~~cauterization, are not authorized under the term "physical therapy" as used in this~~  
23 ~~chapter, and a license issued pursuant to this chapter does not authorize the diagnosis~~  
24 ~~of disease. Physical therapy includes all of the following:~~

25  
26 (a) Examining, evaluating, and testing persons with mechanical, physiological, and  
27 developmental impairments, functional limitations, and disabilities or other health  
28 and movement-related conditions in order to develop a plan of therapeutic  
29 intervention.

30 (b) Alleviating impairments, functional limitations, and disabilities by designing,  
31 implementing, and modifying therapeutic interventions that may include, but are not  
32 limited to, therapeutic exercise; functional training in self-care and in-home,  
33 community, or work integration or reintegration; manual therapy; therapeutic  
34 massage; prescription, application, and, as appropriate, fabrication of assistive,  
35 adaptive, orthotic, prosthetic, protective, and supportive devices and equipment;  
36 airway clearance techniques; integumentary protection and repair techniques;  
37 debridement and wound care; physical agents or modalities; mechanical and  
38 electrical therapeutic modalities; and patient-related instruction.

39 (c) Reducing the risk of injury, impairment, functional limitation, and disability.

40 (d) Promoting and maintaining physical fitness to enhance the bodily movement-  
41 related health and wellness of individuals through the use of physical therapy  
42 interventions.

43 ~~(b) Nothing in this section shall be construed to restrict or prohibit other healing arts~~  
44 ~~practitioners licensed or registered under this division from practice within the scope of~~  
45 ~~their license or registration.~~

46  
47 Section 2620.2 is added to the Business and Professions Code, to read:

**Comment [SC11]:** Board decided to keep the current language pertaining to what physical therapy means at the 2/2012 meeting.

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1  
2 2620.2. Nothing in this chapter shall be construed to restrict or prohibit other healing  
3 arts practitioners licensed or registered under this division from practice within the  
4 scope of their license or registration.

5  
6 Section 2620.3 of the Business and Professions Code is amended to read:

7  
8 2620.3. A physical therapist licensed pursuant to this chapter may purchase, store, and  
9 apply topical medications as part of the practice of physical therapy as defined in  
10 Section 2620 if he or she complies with regulations duly adopted by the board pursuant  
11 to this section and the Administrative Procedure Act. The board shall adopt regulations  
12 implementing this section after meeting and conferring with the Medical Board of  
13 California and the California State Board of Pharmacy specifying those topical  
14 medications applicable to the practice of physical therapy and protocols for their use.  
15 Nothing in this section shall be construed to authorize a physical therapist to prescribe  
16 medications.

**Comment [SC12]:** Does the Board still wish to pursue this change?

17  
18 Section 2620.7 of the Business and Professions Code is amended to read:

19  
20 2620.7. (a) A physical therapist shall document his or her evaluation, goals, treatment  
21 plan, and summary of treatment in the patient record. Patient records shall be  
22 documented as set forth in regulation.

23 ~~(b) A physical therapist shall document the care actually provided to a patient in the~~  
24 ~~patient record.~~

25 ~~(c) A physical therapist shall sign the patient record legibly.~~

26 ~~(d)~~(b) Patient records shall be maintained for a period of no less than seven years  
27 following the discharge of the patient, except that the records of unemancipated minors  
28 shall be maintained at least one year after the minor has reached the age of 18 years,  
29 and not in any case less than seven years.

**Comment [SC13]:** Board approved proposal to put requirements in regulation, but keep current language, which does not specifically address responsibility of patient records, i.e., facility (hospital, etc.) or physical therapist at the 2/2012 meeting

30  
31 Section 2621 of the Business and Professions Code is amended to read:

32  
33 2621. ~~Nothing in this chapter shall be construed as authorizing~~ This chapter does not  
34 authorize a physical therapist to diagnose disease, practice medicine, surgery, or any  
35 other form of healing except as authorized by Section 2620.

36  
37 Section 2622 of the Business and Professions Code is repealed.

38  
39 ~~2622. "Physical therapist" and "physical therapist technician" mean a person who is~~  
40 ~~licensed pursuant to this chapter to practice physical therapy. For purposes of this~~  
41 ~~chapter, the term "physical therapy" and "physiotherapy" shall be deemed identical and~~  
42 ~~interchangeable.~~

43  
44 Section 2622 is added to the Business and Professions Code, to read:

45  
46 2622. (a) A physical therapist shall be responsible for managing all aspects of the care  
47 of each patient as set forth in regulation.

**Comment [SC14]:** Board approved putting requirements in regulation at the 2/2012 meeting.

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1 (b) A violation of this section constitutes unprofessional conduct subject to Section  
2 2660.

3  
4 Section 2623 is added to the Business and Professions Code, to read:

5  
6 2623. The board may by regulation, prescribe, amend, or repeal any rules contained  
7 within a code of professional conduct appropriate to the establishment and maintenance  
8 of integrity and dignity in the profession of physical therapy. Every licensee of the board  
9 shall be governed and controlled by the rules and standards adopted by the board.

10  
11  
12 The heading of Article 3 (commencing with Section 2630) of Chapter 5.7 of Division 2 of  
13 the Business and Professions Code is repealed.

14 ~~Article 3. Licensing of Practitioners.~~

15  
16 Section 2630 of the Business and Professions Code is amended to read:

17  
18  
19 2630. It is unlawful for any person or persons to practice, or offer to practice, physical  
20 therapy in this state for compensation received or expected, or to hold himself or herself  
21 out as a physical therapist, unless at the time of so doing the person holds a valid,  
22 unexpired, and unrevoked physical therapist license issued under this chapter except as  
23 authorized in subdivisions (c), (d), or (e) of Section 2630.5.

24 ~~—Nothing in this section shall restrict the activities authorized by their licenses on the~~  
25 ~~part of any persons licensed under this code or any initiative act, or the activities~~  
26 ~~authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or~~  
27 ~~Chapter 7.7 (commencing with Section 3500).~~

28 ~~—A physical therapist licensed pursuant to this chapter may utilize the services of one~~  
29 ~~aide engaged in patient-related tasks to assist the physical therapist in his or her~~  
30 ~~practice of physical therapy. "Patient-related task" means a physical therapy service~~  
31 ~~rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-~~  
32 ~~patient-related task" means a task related to observation of the patient, transport of the~~  
33 ~~patient, physical support only during gait or transfer training, housekeeping duties,~~  
34 ~~clerical duties, and similar functions. The aide shall at all times be under the orders,~~  
35 ~~direction, and immediate supervision of the physical therapist. Nothing in this section~~  
36 ~~shall authorize an aide to independently perform physical therapy or any physical~~  
37 ~~therapy procedure. The board shall adopt regulations that set forth the standards and~~  
38 ~~requirements for the orders, direction, and immediate supervision of an aide by a~~  
39 ~~physical therapist. The physical therapist shall provide continuous and immediate~~  
40 ~~supervision of the aide. The physical therapist shall be in the same facility as, and in~~  
41 ~~proximity to, the location where the aide is performing patient-related tasks, and shall be~~  
42 ~~readily available at all times to provide advice or instruction to the aide. When patient-~~  
43 ~~related tasks are provided to a patient by an aide, the supervising physical therapist~~  
44 ~~shall, at some point during the treatment day, provide direct service to the patient as~~  
45 ~~treatment for the patient's condition, or to further evaluate and monitor the patient's~~  
46 ~~progress, and shall correspondingly document the patient's record.~~

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1 ~~—The administration of massage, external baths, or normal exercise not a part of a~~  
2 ~~physical therapy treatment shall not be prohibited by this section.~~

3  
4 Section 2630.3 is added to the Business and Professions Code, to read:

5  
6 2630.3 (a) A licensed physical therapist assistant holding a valid, unexpired, and  
7 unrevoked physical therapist assistant license may assist in the provision of physical  
8 therapy services only under the supervision of a physical therapist licensed by the  
9 board. A licensed physical therapist shall at all times be responsible for the extent, kind,  
10 quality, and documentation of all physical therapy services provided by the physical  
11 therapist assistant.

12 (b) It is unlawful for any person or persons to hold himself or herself out as a  
13 physical therapist assistant, unless at the time of so doing the person holds a valid,  
14 unexpired, and unrevoked physical therapist assistant license issued under this chapter.

15 (c) Physical therapist assistants shall not be independently supervised by a  
16 physical therapist license applicant as defined in Section 2639 or a physical therapist  
17 student as defined in Section 2633.7.

18 (d) A physical therapist assistant shall not perform any evaluation of a patient  
19 or prepare a discharge summary. The supervising physical therapist shall determine  
20 which elements of the treatment plan, if any, shall be assigned to the physical therapist  
21 assistant. Assignment of patient care shall be commensurate with the competence of  
22 the physical therapist assistant.

23  
24  
25 Section 2630.4 is added to the Business and Professions Code, to read:

26  
27 2630.4. (a) A “physical therapy aide” is an unlicensed person, at least 18 years of age,  
28 who aids a licensed physical therapist consistent with subdivision (b).

29 (b) A physical therapist licensed pursuant to this chapter may utilize the  
30 services of one aide engaged in patient-related tasks to aid the physical therapist in his  
31 or her practice of physical therapy. The aide shall at all times be under the supervision  
32 of the physical therapist. Nothing in this section shall authorize an aide to  
33 independently perform physical therapy or any physical therapy procedure. The board  
34 shall adopt regulations that set forth the standards and requirements for the supervision  
35 of an aide by a physical therapist.

36 (c) Physical therapy aides shall not be independently supervised by a physical  
37 therapist license applicant as defined in Section 2639 or a physical therapist student as  
38 defined in Section 2633.7.

39 (d) This section does not prohibit the administration by a physical therapy aide  
40 of massage, external baths, or normal exercise not a part of a physical therapy  
41 treatment.

42  
43 Section 2630.5 is added to the Business and Professions Code, to read:

44  
45 Section 2630.5. The following persons are exempt from the licensure requirements of  
46 this chapter when engaged in the following activities:

**Comment [SC15]:** Board decided to eliminate the degree of supervision throughout Practice Act, and instead define supervision in regulation at the 2/2012 meeting.

**Comment [SC16]:** Board decided to eliminate the degree of supervision throughout Practice Act, and instead define supervision in regulation at the 2/2012 meeting.

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- 1 (a) A regularly matriculated physical therapist student undertaking a course of  
2 professional instruction in an approved entry-level physical therapy education  
3 program or enrolled in a program of supervised clinical education under the  
4 direction of an approved physical therapy education program as described in  
5 Section 2651. These physical therapist students may perform physical therapy  
6 as a part of their course of study.
- 7 (b) A regularly matriculated physical therapist assistant student undertaking a  
8 course of instruction in an approved physical therapy education program or  
9 enrolled in a program of supervised clinical education under the direction of an  
10 approved physical therapy education program as described in Section 2651.  
11 These physical therapist assistant students may perform physical therapy  
12 techniques as a part of their course of study.
- 13 (c) A physical therapist who holds an unrestricted license in another jurisdiction of  
14 the United States or credentialed to practice physical therapy in another country  
15 if that person is researching, demonstrating, or providing physical therapy in  
16 connection with teaching or participating in an educational seminar of no more  
17 than 60 days in a calendar year.
- 18 (d) A physical therapist located outside this state, when in actual consultation,  
19 whether within this state or across state lines, with a licensed physical therapist  
20 of this state, or when he or she is an invited guest of the American Physical  
21 Therapy Association or one of its components, or an invited guest of an approved  
22 physical therapy school of college for the sole purpose of engaging in  
23 professional education through lectures, clinics, or demonstrations, if he or she  
24 is, at the time of the consultation, lecture, or demonstration, holds an unrestricted  
25 physical therapist license in the state or country in which he or she resides. This  
26 physical therapist shall not open an office, appoint a place to meet patients,  
27 receive calls from patients within the limits of this state, give orders, or have  
28 ultimate authority over the care of a physical therapy patient who is located within  
29 this state.
- 30 (e) A physical therapist who holds an unrestricted license in another jurisdiction of  
31 the United States or credentialed to practice physical therapy in another country  
32 if that person by contract or employment is providing physical therapy to  
33 individuals affiliated with or employed by established athletic teams, athletic  
34 organizations, or performing arts companies temporarily practicing, competing, or  
35 performing in the state for no more than 60 days in a calendar year.
- 36 (f) A physical therapist assistant who holds an unrestricted license in another  
37 jurisdiction of the United States and is assisting a physical therapist engaged  
38 specifically in activities related to subdivision (c), (d) or (e).
- 39 (g) A physical therapist or physical therapist assistant who has a current, valid and  
40 unrestricted license in a jurisdiction of the United States who is forced to leave  
41 his or her residence in a state other than California. This exemption applies for  
42 no more than 60 days following the declaration of the emergency. In order to be  
43 eligible for this exemption, the physical therapist or physical therapist assistant  
44 shall notify the board of his or her intent to practice and provide a valid mailing  
45 address, telephone number, and e-mail address.  
46

**Comment [SC17]:** The Board directed staff to remove language in this section referencing a transition or bridge PT program at the 2/2012 meeting.

**Comment [SC18]:** Board decided to add "entry-level" to further define the education program at the 2/2012 meeting.

**Comment [SC19]:** Board directed staff to include "unrestricted" in in this section at the 2/2012 meeting.

## DRAFT Proposed Physical Therapy Practice Act

1 Section 2632 of the Business and Professions Code is repealed.

2  
3 ~~2632. All licenses for the practice of physical therapy in this state shall be issued by the~~  
4 ~~board, and all applications for the licenses shall be filed with the board. Excepting as~~  
5 ~~otherwise required by the director pursuant to Section 164, the license issued by the~~  
6 ~~board shall describe the licensee as a "physical therapist licensed by the Physical~~  
7 ~~Therapy Board of California."~~

8 ~~—Each application shall be accompanied by the application fee prescribed by Section~~  
9 ~~2688, shall be signed by the applicant, and shall contain a statement under oath of the~~  
10 ~~facts entitling the applicant to receive a license without examination or to take an~~  
11 ~~examination.~~

12  
13  
14 Section 2633.5 is added to the Business and Professions Code, to read:

15  
16 2633.5. (a) A person licensed as a physical therapist assistant by the board may use  
17 the title "physical therapist assistant" or "physical therapy assistant" or the letters "PTA"  
18 or any other words, letters, or figures that indicate that the person is a physical therapist  
19 assistant licensed pursuant to this chapter.

20 (b) No other person shall be so designated or shall use the term "physical therapist  
21 assistant" or "PTA." The license of a physical therapist assistant shall not authorize the  
22 use of the prefix "LPT," "RPT," "PT," or Dr., or the title "physical therapist," "therapist,"  
23 "doctor," or any affix indicating or implying that the physical therapist assistant is a  
24 physical therapist or doctor.

25  
26 Section 2633.7 is added to the Business and Professions Code, to read:

27  
28 2633.7. During a period of clinical practice described in Section 2650 or in any similar  
29 period of observation of related educational experience involving recipients of physical  
30 therapy, a person so engaged shall be identified only as a "physical therapist student" or  
31 a "physical therapist assistant student," as authorized by the board in its regulations.

32  
33 The heading of Article 3 (commencing with Section 2635) is added to Chapter 5.7 of  
34 Division 2 of the Business and Professions Code, to read:

### Article 3. Qualifications and Requirements for Licensure

35  
36  
37 Section 2635 of the Business and Professions Code is amended to read:

38  
39  
40 ~~2635. Every~~ An applicant for a license under this chapter as a physical therapist shall,  
41 at the time of application, ~~be a person over 18 years of age, not addicted to alcohol or~~  
42 ~~any controlled substance, have successfully completed the education and training~~  
43 ~~required by Section 2650, and not have committed acts or crimes constituting grounds~~  
44 ~~for denial of licensure under Section 480.~~ satisfy the following requirements established  
45 in regulation.

46  
47 Section 2635.5 is added to the Business and Professions Code, to read:

**Comment [SC20]:** Board approved putting requirements in regulation at 2/2012 meeting

## DRAFT Proposed Physical Therapy Practice Act

1  
2 2635.5 An applicant for a license as a physical therapist assistant shall, at the time of  
3 application, satisfy the requirements established in regulation.

**Comment [SC21]:** Board approved putting requirements in regulation at 2/2012 meeting

4  
5 Section 2636 of the Business and Professions Code is amended to read:

6  
7 2636. (a) Except as otherwise provided in this chapter, no person shall receive a  
8 license under this chapter without first successfully passing the following examinations:

9 (1) An examination under the direction of the board to demonstrate the applicant's  
10 knowledge of the laws and regulations related to the practice of physical therapy in  
11 California. The examination shall reasonably test the applicant's knowledge of these  
12 laws and regulations.

13 (2) The national physical therapy examination for the applicant's licensure category.  
14 The examination for licensure as a physical therapist shall test entry-level competence  
15 to practice physical therapy. The examination for licensure as a physical therapist  
16 assistant shall test entry-level competence to practice as a physical therapist assistant  
17 in the technical application of physical therapy services.

**Comment [SC22]:** Per legal counsel at the time, "national" was struck during review at 2/2012 meeting. Striking national eliminates the Board's obligation to the FSBPT's exam.

18 (b) An applicant may take the examinations for licensure as a physical therapist or for  
19 licensure as a physical therapist assistant after the applicant has met the educational  
20 requirements for that particular category of licensure.

21 (c) The examinations required by the board for a license under this chapter may be  
22 conducted by the board or by a public or private organization specified by the board.  
23 The examinations may be conducted under a uniform examination system and, for that  
24 purpose, the board may make arrangements with organizations furnishing examination  
25 materials as may, in its discretion, be desirable.

26 ~~(d) The board shall establish a passing score for the examinations for licensure as a~~  
27 ~~physical therapist and for the examinations for licensure as a physical therapist~~  
28 ~~assistant. The board shall issue a license to an applicant who is otherwise qualified for~~  
29 ~~licensure under this chapter and who receives a passing score as established by~~  
30 ~~the board on the examinations.~~

31  
32 Section 2636.5 of the Business and Profession Code is amended to read:

33  
34 2636.5. (a) An applicant who holds an unrestricted license in another state may be  
35 issued a physical therapist license or a physical therapist assistant license without a  
36 written examination if he or she the applicant meets satisfies all of the following  
37 requirements established in regulation.

38 (1) ~~He or she is at the time of application licensed or registered as a physical therapist~~  
39 ~~in a state, district, or territory of the United States having, in the opinion of the board,~~  
40 ~~requirements for licensing or registration equal to or higher than those in California, and~~  
41 ~~he or she has passed, to the satisfaction of the board, an examination for licensing or~~  
42 ~~registration that is, in the opinion of the board, comparable to the examination used in~~  
43 ~~this state.~~

44 ~~—(2) He or she is a graduate of a physical therapist education program approved by the~~  
45 ~~board, or has met the requirements of Section 2653.~~

46 ~~—(3) He or she files an application as provided in Section 2632 and meets the~~  
47 ~~requirements prescribed by Sections 2635 and 2650.~~

**Comment [SC23]:** Board approved putting requirements in regulation at the 2/2012 meeting

## DRAFT Proposed Physical Therapy Practice Act

1 —(b) An applicant for licensure under subdivision (a), whose application is based on a  
2 certificate issued by a physical therapy licensing authority of another state may be  
3 required to pass an oral examination given by the board and file a statement of past  
4 work activity.

5 (c) An applicant who has filed a physical therapy application under this section with  
6 the board for the first time may, between the date of receipt of notice that his or her  
7 application is on file and the date of receipt of his or her license, perform as a physical  
8 therapist under the direct and immediate supervision of a physical therapist licensed in  
9 this state.

10 —During this period the applicant shall identify himself or herself only as a "physical  
11 therapist license applicant."

12 —If the applicant under this section does not qualify and receive a license as provided in  
13 this section and does not qualify under Section 2639 all privileges under this section  
14 shall terminate upon notice by certified mail, return receipt requested. An applicant may  
15 only qualify once to perform as a physical therapist license  
16 applicant.

17  
18 Section 2638 of the Business and Professions Code is amended to read:

19  
20 2638. Any applicant for licensure as a physical therapist **or physical therapist assistant**  
21 who fails to pass the examination required by the board may take another examination  
22 and shall pay the reexamination fee.  
23

**Comment [SC24]:** This language for physical therapist assistants is Section 2655.6; however, the Board is proposing to repeal Section 2655.6, so physical therapist assistants were added to this section.

24 Section 2639 of the Business and Professions Code is repealed.

25  
26 ~~2639. Every graduate of an approved physical therapist education program who has  
27 filed a complete application for licensure with the board for the first time may, following  
28 receipt of a letter of authorization to perform as a "physical therapist license applicant,"  
29 perform as a physical therapist under the direct and immediate supervision of a physical  
30 therapist licensed in this state pending the results of the first licensing examination  
31 administered for which he or she is eligible following graduation from an approved  
32 physical therapist education program. During this period the applicant shall identify  
33 himself or herself only as a "physical therapist license applicant." If the applicant passes  
34 the examination, the physical therapist license applicant status shall remain in effect  
35 until a regular renewable license is issued, or licensure is denied, by the board. If the  
36 applicant fails the licensing examination, or if he or she passes the examination but  
37 licensure is denied, the applicant shall be prohibited from performing as a physical  
38 therapist license applicant at any time in the future.~~

39 —A person shall not be considered a graduate unless he or she has successfully  
40 completed all the clinical training and internships required for graduation from the  
41 program.

42 —If the applicant fails to take the next succeeding examination without due cause or  
43 fails to pass the examination or receive a license, all privileges under this section shall  
44 terminate upon notice by certified mail, return receipt requested. An applicant may  
45 only qualify once to perform as a physical therapist license applicant.  
46

47 Section 2639 is added to the Business and Professions Code, to read:

## DRAFT Proposed Physical Therapy Practice Act

1  
2 2639. (a)(1) Every graduate of an approved physical therapy education program who  
3 has filed a complete application, as defined in regulation, for licensure with the board  
4 and has been awarded either physical therapist license applicant status or physical  
5 therapist assistant license applicant status shall practice under the supervision of a  
6 licensed physical therapist pursuant to this chapter for no more than 120 days pending  
7 the results of the first licensing examination administered. If the applicant passes the  
8 examination, the physical therapist license applicant status or physical therapist  
9 assistant license applicant status shall remain in effect until a regular renewable license  
10 is issued, or licensure is denied, by the board. A supervising physical therapist shall  
11 document receipt of the letter authorizing the physical therapist license applicant status  
12 or physical therapist assistant license applicant status and record the expiration date of  
13 such status in the employee record. A supervising physical therapist shall require the  
14 applicant to provide documentation of the license issued at the conclusion of the  
15 physical therapist license applicant status or physical therapist assistant license  
16 applicant status. During this period the applicant shall identify himself or herself only as  
17 “physical therapist license applicant” or “physical therapist assistant license applicant,”  
18 as appropriate.

19 (2) A person shall not be considered a graduate unless she or she has  
20 successfully completed all the clinical training and internship required for  
21 graduation from the education program.

22 (b) A physical therapist license applicant who has been awarded license applicant  
23 status may perform as a physical therapist license applicant if he or she is under  
24 the supervision of a physical therapist licensed by the board. A physical therapist  
25 assistant license applicant who has been awarded license applicant status may  
26 perform as a physical therapist assistant license applicant if he or she is under  
27 the supervision of a physical therapist licensed by the board. The applicant shall  
28 comply with any documentation requirements applicable to the license for which  
29 he or she applied. An applicant may not perform in those capacities if he or she  
30 fails the first exam attempt.

31 (c) It is unprofessional conduct for a physical therapist to permit an applicant to  
32 work as a license applicant after the termination of license applicant status.  
33

34 Section 2639.1 is added to of the Business and Professions Code, to read:

35  
36 2639.1. A person seeking licensure as a physical therapist assistant having, in the  
37 opinion of the board, training or experience, or a combination of training and experience  
38 equivalent to that obtained in an approved physical therapy education program may  
39 apply to the board if the requirements set forth by regulation are satisfied.  
40

41 Section 2640 if the Business and Professions Code is repealed.

42  
43 ~~2640. (a) If the board uses computer administered testing for the administration of the~~  
44 ~~licensing examination, this section shall apply and Section 2639 shall not apply.~~

45 ~~—(b) Every graduate of an approved physical therapist education program who has filed~~  
46 ~~a complete application for licensure with the board for the first time may, following~~  
47 ~~receipt of a letter of authorization to take the licensing examination and perform as a~~

**Comment [SC25]:** Board decided to eliminate the degree of supervision throughout Practice Act, and instead define supervision in regulation at the 2/2012 meeting.

**Comment [SC26]:** Should the language be amended removing “license applicant” to state, “perform as a physical therapist if he or she is under the supervision of a physical therapist licensed by the board?”

**Comment [SC27]:** Board decided to eliminate the degree of supervision throughout Practice Act, and instead define supervision in regulation at the 2/2012 meeting.

**Comment [SC28]:** Should the language be amended removing “license applicant” to state, “perform as a physical therapist assistant if he or she is under the supervision of a physical therapist licensed by the board?”

**Comment [SC29]:** Board decided to eliminate the degree of supervision throughout Practice Act, and instead define supervision in regulation at the 2/2012 meeting.

**Comment [SC30]:** Should this be amended to state that applicant shall comply with any requirements applicable ... not just documentation requirements?

**Comment [SC31]:** Board approved putting requirements in regulation at the 2/2012 meeting

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1 ~~"physical therapist license applicant," perform as a physical therapist under the direct~~  
2 ~~and immediate supervision of a physical therapist licensed in this state, for 90 days~~  
3 ~~pending the results of the first licensing examination administered. During this period,~~  
4 ~~the applicant shall identify himself or herself only as a "physical therapist license~~  
5 ~~applicant." If the applicant passes the examination, the physical therapist license~~  
6 ~~applicant status shall remain in effect until a regular renewable license is issued, or~~  
7 ~~licensure is denied, by the board.~~

8 ~~—(c) A person shall not be considered a graduate unless he or she has successfully~~  
9 ~~completed all the clinical training and internships required for graduation from the~~  
10 ~~program.~~

11 ~~—(d) If the applicant fails to take the examination within 90 days or fails to pass the~~  
12 ~~examination or receive a license, all privileges under this section shall terminate. An~~  
13 ~~applicant may only qualify once to perform as a physical therapist license applicant.~~  
14

15 Article 4 (commencing with Section 2644) is added to Chapter 5.7 of Division 2 of the  
16 Business and Professions Code, to read:

### Article 4. Renewal of Licenses

17  
18  
19  
20 2644. (a) Every license shall expire at 12 midnight on the last day of the birth month of  
21 the licensee during the second year of a two-year term, if not renewed.

22 (b) To renew an unexpired license, the licensee shall, on or before the dates on  
23 which it would otherwise expire, submit a complete renewal application, as  
24 defined in regulation, to the board.

**Comment [SC32]:** Board approved putting requirements in regulation at the 2/2012 meeting

25  
26 2645. At least 60 days before the expiration of any license, the board shall mail to each  
27 licensee under this chapter, at the latest address furnished by the licensee to the board,  
28 a notice stating the amount of the renewal fee and the date on which it is due, and that  
29 failure to pay it on or before the due date shall result in expiration of the license.

30  
31 2646. A license which has expired may be renewed at any time within three years after  
32 its expiration by applying for renewal as set forth in regulation. Renewal under this  
33 section shall be effective on the date on which the renewal application is filed, on the  
34 date on which the renewal fee or accrued renewal fees are paid, or on the date on  
35 which the delinquency fee or the delinquency fee and penalty fee, if any, are paid,  
36 whichever last occurs. If so renewed, the license shall continue in effect through the  
37 expiration date set forth in Section 2644 which next occurs after the effective date of the  
38 renewal, when it shall expire and become invalid if it is not again renewed.

**Comment [SC33]:** This was taken from the FSAPT Model Practice Act for Physical Therapy at that time. The Model Practice Act has since been updated, and the current edition recommends a four-year time period.

**Comment [SC34]:** Board approved putting requirements in regulation at the 2/2012 meeting

39  
40 2647. (a) A person who fails to renew his or her license within three years after its  
41 expiration may not renew it, and it may not be reissued, reinstated, or restored  
42 thereafter, but that person may apply for a new license if he or she satisfies all the  
43 requirements as set forth in regulation.

**Comment [SC35]:** See comment 34.

44  
45 2648. (a) Every licensee is exempt from the payment of the renewal fee while engaged  
46 in full-time training or active service in the Army, Navy, Air Force, Marines, or Coast  
47 Guard, or in the United States Public Health Service.

## DRAFT Proposed Physical Therapy Practice Act

- 1 (b) A person exempted from the payment of the renewal fee by this section shall  
2 not engage in any practice, or assistance in the provision of, physical therapy not  
3 related to military service and shall become liable for payment of the fee for the  
4 current renewal period upon his or her discharge from full-time active service and  
5 shall have a period of 60 days after becoming liable within which to pay the  
6 renewal fee before the delinquency fee is required. Any person who is  
7 discharged from active service within 60 days of the end of the renewal period is  
8 exempt from the payment of the renewal fee for that period.  
9 (c) The time spent in full-time active service or training shall not be included in the  
10 computation of the three year period for renewal and reinstatement of licensure  
11 provided in Section 2646.  
12 (d) Nothing in this section shall exempt a person, exempt from renewal fees under  
13 this section, from meeting the requirements of Section 2649.

14  
15 2648.3 Any licensee who demonstrates to the satisfaction of the board that he or  
16 she is unable to practice, or assist in the provision of, physical therapy due to a  
17 disability may request a waiver of the license renewal fee. The granting of a waiver  
18 shall be at the discretion of the board and may be terminated at any time. Waivers  
19 shall be based on the inability of a licensee to practice, or assist in in the provision  
20 of, physical therapy. A licensee whose renewal fee has been waived pursuant to  
21 this section shall not engage in the practice, or assistance in the provision of,  
22 physical therapy unless and until the licensee pays the current renewal fee and does  
23 either of the following:

- 24 (a) Establishes to the satisfaction of the board, on a form prescribed by  
25 the board and signed under penalty of perjury, that the licensee's  
26 disability either no longer exists or does not affect his or her ability to  
27 practice physical therapy safely.  
28 (b) Signs an agreement on a form prescribed by the board, signed under  
29 penalty of perjury, in which the licensee agrees to limit his or her  
30 practice, or assistance in the provision of, physical therapy in the  
31 manner prescribed by the reviewing physician.  
32 (c) Nothing in this section shall exempt a person, exempt from renewal  
33 fees under this section, from meeting the requirements of Section  
34 2649.

35  
36 2648.5 (a) The renewal fee shall be waived for licensees residing in California who  
37 certify to the board that license renewal is for the sole purpose of providing voluntary,  
38 unpaid physical therapy services.

- 39 (b) Nothing in this section shall exempt a person, exempt from renewal fees under  
40 this section, from meeting the requirements of Section 2649.

41  
42 2648.7. (a) Every licensee is exempt from the payment of the renewal  
43 fee and from meeting the requirements set forth in Section 2649 if the licensee has  
44 applied to the board for retired license status. A holder of a license in retired status  
45 pursuant to this section shall not engage in the practice, or assistance in the provision

## DRAFT Proposed Physical Therapy Practice Act

1 of, physical therapy unless the licensee meets all of the requirements as set forth in  
2 Section 2644.

3  
4 The heading of Article 4 (commencing with Section 2650) OF Chapter 5.7 of Division 2  
5 of the Business and Professions Code is renumbered to read:

6  
7 Article 4- 5. Educational Standards

8  
9 Section 2650 of the Business and Professions Code is repealed.

10  
11 ~~2650. (a) Except as otherwise provided in this chapter, each applicant for a license as a~~  
12 ~~physical therapist shall be a graduate of a professional degree program of an accredited~~  
13 ~~postsecondary institution or institutions approved by the board, and shall have~~  
14 ~~completed a professional education including academic coursework and clinical~~  
15 ~~internship in physical therapy.~~

16 ~~—(b) As referenced in the evaluative criteria of the Commission on Accreditation in~~  
17 ~~Physical Therapy Education of the American Physical Therapy Association, the~~  
18 ~~curriculum shall consist of a combination of didactic, clinical, and research experiences~~  
19 ~~in physical therapy using critical thinking and weighing of evidence, and shall include,~~  
20 ~~at a minimum, all of the following:~~

21 ~~—(1) The sciences basic to physical therapy including biomedical, physical,~~  
22 ~~physiological, neurobiological, anatomical, social and behavioral sciences.~~

23 ~~—(2) Clinical sciences including laboratory or other practical experiences involving~~  
24 ~~quantitative and qualitative evaluation within the scope of physical therapy practice~~  
25 ~~including kinesiology, neuroscience, pathology, human development, and gerontology.~~

26 ~~—(3) Treatment that constitutes the practice of physical therapy.~~

27 ~~—(4) Learning experiences provided in the areas of administration, education, and~~  
28 ~~consultation.~~

29 ~~—(5) Research methods including the review and critical analysis of research reports.~~

30 ~~—(6) Ethical, legal, and economical concepts of physical therapy practice.~~

31 ~~—(c) Each applicant shall have at least 18 weeks of full-time clinical experience with a~~  
32 ~~variety of patients.~~

33  
34 Section 2650 is added to the Business and Professions Code, to read:

35  
36 2650. (a) The physical therapist education requirements are as follows:

37 (1) Except as otherwise provided in this chapter, each applicant for a license as a  
38 physical therapist shall be a graduate of a professional degree program of an accredited  
39 postsecondary institution or institutions approved by the board, and shall have  
40 completed a professional education program including academic course work and  
41 clinical internship in physical therapy.

42 (2) Unless otherwise specified by the board by regulation, the educational  
43 requirements shall include instruction in the subjects prescribed by the Commission on  
44 Accreditation in Physical Therapy Education (CAPTE) of the American Physical  
45 Therapy Association or the Accreditation Council of Canadian Physiotherapy and shall  
46 include a combination of didactic and clinical experiences. The clinical experience shall  
47 include at least 18 weeks of full-time experience with a variety of patients.

## DRAFT Proposed Physical Therapy Practice Act

1 (b) The physical therapist assistant educational requirements are as follows:

2 (1) Except as otherwise provided in this chapter, each applicant for a license as a  
3 physical therapist assistant shall be a graduate of a physical therapist assistant program  
4 of an accredited postsecondary institution or institutions approved by the board, and  
5 shall have completed both the academic and clinical experience required by the  
6 physical therapist assistant program, and have been awarded an associate degree.

7 (2) Unless otherwise specified by the board by regulation, the educational  
8 requirements shall include instruction in the subjects prescribed by the Commission on  
9 Accreditation in Physical Therapy Education (CAPTE) of the American Physical  
10 Therapy Association or the Accreditation Council of Canadian Physiotherapy or such  
11 other body as may be approved by the board by regulation and shall include a  
12 combination of didactic and clinical experiences. The clinical experience shall include at  
13 least 18 weeks of full-time experience with a variety of patients.

14  
15 Section 2650.1 of the Business and Professions Code is repealed.

16  
17 ~~2650.1. During the period of clinical practice referred to in Section 2650 or in any~~  
18 ~~similar period of observation or related educational experience involving recipients of~~  
19 ~~physical therapy, a person so engaged shall be identified only as a "physical therapy~~  
20 ~~student," or as a "physical therapy intern" as authorized by the board in its regulations.~~

21  
22 Section 2650.2 of the Business and Professions Code is repealed.

23  
24 ~~2650.2. Nothing in this chapter shall be construed to prevent a regularly matriculated~~  
25 ~~student undertaking a course of professional instruction in an approved physical~~  
26 ~~therapist education program or a student enrolled in a program of supervised clinical~~  
27 ~~training under the direction of an approved physical therapist education program~~  
28 ~~pursuant to Section 2651, from performing physical therapy as a part of his or her~~  
29 ~~course of study.~~

30  
31 Section 2651 of the Business and Professions Code is amended to read:

32  
33 Section 2651 of the Business and Professions Code is amended to read:

34 2651. The board ~~may~~ shall approve only those physical ~~therapist~~ therapy education  
35 programs that prove, to the satisfaction of the board, that they comply with the minimum  
36 physical ~~therapy~~ therapist or physical therapist assistant educational requirements set  
37 forth in this chapter and adopted by the board pursuant to this chapter. Physical  
38 ~~therapist~~ therapy education programs that are accredited by the Commission on  
39 Accreditation in Physical Therapy Education (CAPTE) of the American Physical  
40 Therapy Association (APTA) or the Accreditation Council of Canadian Physiotherapy or  
41 such other body as may be approved by the board by regulation, shall be deemed  
42 approved by the board unless the board determines otherwise. Nothing contained in  
43 this chapter shall prohibit the board from disapproving any foreign physical therapist or  
44 physical therapist assistant educational program or from denying an applicant if, in the  
45 opinion of the board, the instruction received by the applicant or the courses offered by  
46 the program, were not equivalent to that which is required by this chapter.  
47

Comment [SC36]: Added "physical therapist assistant."

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1 Section 2652 of the Business and Professions Code is repealed.

2  
3 ~~2652. All physical therapist education programs, whether situated in this state or not,~~  
4 ~~furnishing courses of study meeting the standards required by Sections 2650 and 2651~~  
5 ~~and the regulations of the board adopted pursuant to this chapter shall be approved by~~  
6 ~~the board and shall be entitled to compel this approval, if it is denied, by action in the~~  
7 ~~Superior Court of the State of California, the procedure and power of the court in which~~  
8 ~~action shall be the same as provided in Section 2087.~~  
9

10 Section 2653 of the Business and Professions Code is repealed.

11  
12 ~~2653. (a) An applicant for a license as a physical therapist who was issued a diploma~~  
13 ~~by a physical therapist education program that is not an approved program and is not~~  
14 ~~located in the United States shall meet all of the following requirements in order to be~~  
15 ~~licensed as a physical therapist:~~

16 ~~—(1) Furnish documentary evidence satisfactory to the board, that he or she has~~  
17 ~~completed the equivalent professional degree to that issued by a United States~~  
18 ~~accredited physical therapist education program in a physical therapist education~~  
19 ~~program that entitles the applicant to practice as a physical therapist in the country~~  
20 ~~where the diploma was issued. The physical therapy education received by~~  
21 ~~the applicant shall meet the criteria set forth in subdivisions (b) and (c) of Section 2650.~~  
22 ~~The board may require an applicant to submit documentation of his or her education to~~  
23 ~~a credentials evaluation service for review and a report to the board.~~

24 ~~—(2) Pass the written examination required by Section 2636. The requirements to pass~~  
25 ~~the written examination shall not apply to an applicant who at the time of application has~~  
26 ~~passed, to the satisfaction of the board, an examination for licensure in another~~  
27 ~~state, district, or territory of the United States, that is, in the opinion of the board,~~  
28 ~~comparable to the examination given in this state.~~

29 ~~—(3) Complete a period of clinical service under the direct and immediate supervision of~~  
30 ~~a physical therapist licensed by the board which does not exceed nine months in a~~  
31 ~~location approved by the board, in a manner satisfactory to the board. The applicant~~  
32 ~~shall have passed the written examination required in subdivision (b) prior to~~  
33 ~~commencing the period of clinical service. The board shall require the supervising~~  
34 ~~physical therapist to evaluate the applicant and report his or her findings to the board.~~  
35 ~~The board may in its discretion waive all or part of the required clinical service~~  
36 ~~pursuant to guidelines set forth in its regulations. During the period of clinical service~~  
37 ~~until he or she is issued a license as a physical therapist by the board, the applicant~~  
38 ~~shall be identified as a "physical therapist license applicant."~~

39 ~~—(4) An applicant for licensure under this subdivision, whose application is based on a~~  
40 ~~certificate issued by a physical therapist licensing authority of another state, may be~~  
41 ~~required to pass an oral examination given by the board, and to file a statement of past~~  
42 ~~work activity.~~

43 ~~—(b) Nothing contained in this section shall prohibit the board from disapproving any~~  
44 ~~foreign physical therapist education program or from denying the applicant if, in the~~  
45 ~~opinion of the board, the instruction received by the applicant or the courses were not~~

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1 ~~equivalent to that required by this chapter. If the applicant does not qualify to take the~~  
2 ~~physical therapist examination, his or her education may be evaluated and the applicant~~  
3 ~~may be eligible to take the physical therapist assistant examination.~~

4  
5 Section 2653 of the Business and Professions Code is added, to read:

6  
7 2653. An applicant for a license as a physical therapist who has graduated from a  
8 physical therapy education program that is not an approved program by the board and  
9 is not located in the United States shall satisfy the requirements established in  
10 regulation.

11  
12 Section 2654 is added to the Business and Professions Code, to read:

13  
14 2654. An applicant for a physical therapist assistant license who satisfactorily completed  
15 a physical therapist or physical therapist assistant educational program that is not an  
16 approved program and is not located in the United States or the courses in which were  
17 not equivalent to that required by this chapter may apply for licensure as a physical  
18 therapist assistant if the requirements set forth by regulation are satisfied.

19  
20 Article 4.5 (commencing with Section 2655) of Chapter 5.7 of Division 2 of the Business  
21 and Profession Code is repealed.

22  
23 The heading of Article 5 (commencing with Section 2660) Chapter 5.7 of Division 2 of  
24 the Business and Professions Code is amended and renumbered to read:

25  
26 Article 5- 6. Suspension, Revocation and Reinstatement of License Enforcement

27  
28 Section 2660 of the Business and Professions Code is amended to read:

29  
30 2660. Unprofessional conduct constitutes grounds for citation, discipline, denial of a  
31 license, or issuance of a probationary license. The board may, after the conduct of  
32 appropriate proceedings under the Administrative Procedure Act, issue a citation,  
33 impose discipline, deny a license, suspend for not more than 12 months, or revoke, or  
34 impose probationary conditions upon any license, certificate, or approval issued under  
35 this chapter for unprofessional conduct that includes, in addition to other provisions of  
36 this chapter, but is not limited to, one or any combination of the following causes:

37 (a) Advertising in violation of Section 17500.

38 (b) Obtaining or attempting to obtain a license or certificate by fraud in the  
39 procurement of any license under this chapter or misrepresentation.

40 (c) Procuring or aiding or offering to procure or aid in criminal abortion

41 Practicing or offering to practice beyond the scope of practice of physical therapy.

42 (d) Conviction of a crime that substantially relates to the qualifications,  
43 functions, or duties of a physical therapist or physical therapist assistant. The record of  
44 conviction or a certified copy thereof shall be conclusive evidence of that conviction.

45 (e) Habitual intemperance Obtained or possessed in violation of law, or except  
46 as directed by a licensed physician and surgeon, dentist, or podiatrist, administered to  
47 himself or herself, or furnished or administered to another, any controlled substances as

**Comment [SC37]:** Board approved proposal to put requirements in regulation at the 2/2012 meeting.

**Comment [SC38]:** This section provides the authority for applying through equivalency training and/or experience, and Board approved proposal to put requirements in regulation at the 2/2012 meeting

**Comment [SC39]:** Section 2655.3 establishing a limit on the number of PTA's a PT may supervise is being repealed and it is not addressed in regulation, should Section 2655.3 remain?

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1 defined in Division 10 (commencing with Section 11000) of the Health and Safety Code,  
2 or any dangerous drug as defined in Article 2 (commencing with Section 4015) of  
3 Chapter 9.

4 (1) Used any controlled substance as defined in Division 10 (commencing with  
5 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in  
6 Article 2 (commencing with Section 4015) of Chapter 9.

7 (2) Been convicted of a criminal offense involving the consumption or self-  
8 administration of any of the substances described in subdivision (e)(1), or the  
9 possession of, or falsification of a record pertaining to, the substances described in  
10 subdivision (e), in which event the record of the conviction is conclusive evidence  
11 thereof.

12 (f) ~~Addiction to the excessive use of any habit-forming drug~~ Failure of a physical  
13 therapist to maintain adequate and accurate records relating to the provision of services  
14 to his or her patients.

15 (g) Gross negligence or repeated acts of negligence in his or her practice as a  
16 physical therapist or physical therapist assistant or delivery of physical therapy care.

17 (h) Conviction of a violation of any of the provisions of this chapter or of the  
18 Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or  
19 assisting in or abetting the violating of, or conspiring to violate any provision or term of  
20 this chapter or of the Medical Practice Act.

21 (i) The aiding or abetting of any person to violate this chapter or any regulations  
22 duly adopted under this chapter.

23 (j) The aiding or abetting of any person to engage in the unlawful practice of  
24 physical therapy.

25 (k) The commission of any fraudulent, dishonest, or corrupt act that is  
26 substantially related to the qualifications, functions, or duties of a physical therapist or  
27 physical therapist assistant.

28 (l) Except for good cause, the knowing failure to protect patients by failing to  
29 follow infection control guidelines of the board, thereby risking transmission of blood-  
30 borne infectious diseases from licensee to patient, from patient to patient, and from  
31 patient to licensee. In administering this subdivision, the board shall consider  
32 referencing the standards, regulations, and guidelines of the State Department of Public  
33 Health developed pursuant to Section 1250.11 of the Health and Safety Code and the  
34 standards, regulations, and guidelines pursuant to the California Occupational Safety  
35 and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of  
36 the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-  
37 borne pathogens in health care settings. As necessary, the board shall consult with the  
38 Medical Board of California, the California Board of Podiatric Medicine, the Dental  
39 Board of California, the Board of Registered Nursing, and the Board of Vocational  
40 Nursing and Psychiatric Technicians of the State of California, to encourage appropriate  
41 consistency in the implementation of this subdivision.

42 ~~The board shall seek to ensure that licensees are informed of the responsibility of~~  
43 ~~licensees and others to follow infection control guidelines, and of the most recent~~  
44 ~~scientifically recognized safeguards for minimizing the risk of transmission of blood-~~  
45 ~~borne infectious diseases.~~

46 (m) The commission of verbal abuse or sexual harassment.

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1 (n) Engaging in sexual misconduct or violating Section 726.

2 (o) Permitting a physical therapist assistant or physical therapy aide under one's  
3 supervision or control to perform, or permitting the physical therapist assistant or  
4 physical therapy aide to hold himself or herself out as competent to perform,  
5 professional services beyond the level of education, training and experience of the  
6 physical therapist assistant or aide.

7 (p) The revocation, suspension, or other discipline, restriction, or limitation  
8 imposed by another state upon a license or certificate to practice physical therapy  
9 issued by that state, or the revocation, suspension, or restriction of the authority to  
10 practice physical therapy by any agency of the federal government.

11 (q) Viewing a completely or partially disrobed patient in the course of treatment if  
12 the viewing is not necessary to patient evaluation or treatment under current standards.

13 (r) Engaging in any action violating Section 650.

14 (s) Charging a fee for services not performed.

15 (t) Engaging in any act that violates Section 651.

16 (u) Misrepresenting documentation of patient care or deliberate falsifying patient  
17 records.

18 (v) Except as otherwise allowed by law, the employment of runners, cappers,  
19 steerers, or other persons to procure patients.

20 (w) Engaging in any act that violates Section 654.2.

21 (x) Failure to maintain confidentiality, except as otherwise required or permitted  
22 by law, of all information that has been received from a patient in confidence during the  
23 course of treatment and all information about the patient which is obtained from tests or  
24 other means.

25 (y) Habitual intemperance.

26  
27 Section 2660.2 of the Business and Professions Code is amended to read:

28  
29 2660.2. (a) The board may refuse a license to any applicant guilty of unprofessional  
30 conduct or sexual activity referred to in Section 2660.1. The board may, in its sole  
31 discretion, issue a public letter of reprimand in accordance with Section 2660.3 or may  
32 issue a probationary license to any applicant for a license who is guilty of unprofessional  
33 conduct but who has met all other requirements for licensure. The board may issue the  
34 license subject to any terms or conditions not contrary to public policy, including, but not  
35 limited to, the following:

36 (1) Medical or psychiatric evaluation.

37 (2) Continuing medical or psychiatric treatment.

38 (3) Restriction of the type or circumstances of practice.

39 (4) Continuing participation in a board-approved rehabilitation program.

40 (5) Abstention from the use of alcohol or drugs.

41 (6) Random fluid testing for alcohol or drugs.

42 (7) Compliance with laws and regulations governing the practice of  
43 physical therapy.

44 (b) The applicant shall have the right to appeal the denial, public letter of  
45 reprimand, or the issuance with terms and conditions, of any license in accordance with  
46 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
47 Government Code, and the board shall have all the powers granted therein. The action

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1 shall be final, except that the propriety of the action is subject to review by the superior  
2 court pursuant to Section 1094.5 of the Code of Civil Procedure.

3  
4 Section 2660.3 of the Business and Professions Code is amended to read:

5  
6 2660.3. In lieu of filing or prosecuting a formal accusation against a licensee, the board  
7 may, upon stipulation or agreement by the licensee, issue a public letter of reprimand  
8 after it has conducted an investigation or inspection as provided for in this chapter. The  
9 public letter of reprimand may, at the discretion of the board, include a requirement for  
10 specified training or education. The board shall notify the licensee of its intention to  
11 issue the letter 30 days before the intended issuance date of the letter. The licensee  
12 shall indicate in writing at least 15 days prior to the letter's intended issuance date  
13 whether he or she agrees to the issuance of the letter. The board, at its option, may  
14 extend the time within which the licensee may respond to its notification. If the licensee  
15 does not agree to the issuance of the letter, the board shall not issue the letter and may  
16 proceed to file the accusation. The board may use a public letter of reprimand only for  
17 minor violations, as defined by the board, committed by the licensee. A public letter of  
18 reprimand issued pursuant to this section shall be disclosed by the board to an inquiring  
19 member of the public and shall be posted on the board's Internet Web site.  
20  
21

22 Section 2660.4 is added to the Business and Professions Code, to read:

23  
24 2660.4 A licensee who fails or refuses to comply with a request from the Board for the  
25 medical records of a patient, that is accompanied by that patient's written authorization  
26 for release of records to the board within 15 days of receiving the request and  
27 authorization, shall pay to the board a civil penalty of one thousand dollars (\$1,000) per  
28 day for each day that the documents have not been produced after the 15<sup>th</sup> day, unless  
29 the licensee is unable to provide the documents within this time period for good cause.  
30

31 Section 2660.5 of the Business and Professions Code is amended to read:

32  
33 2660.5. The board shall deny a physical therapist license or physical therapist assistant  
34 ~~approval license~~ to an applicant who is required to register pursuant to Section 290 of  
35 the Penal Code. This section does not apply to an applicant who is required to register  
36 as a sex offender pursuant to Section 290 of the Penal Code solely because of a  
37 misdemeanor conviction under Section 314 of the Penal Code.  
38

39 Section 2660.8 is added to the Business and Professions Code, to read:

40  
41 2660.8 (a) A licensee whose matter has been heard by an administrative law judge of  
42 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
43 Code, or whose default has been entered or who has entered into a stipulation for  
44 disciplinary action with the board, may, in accordance with the provisions of this  
45 chapter:

46 (1) Have his or her license revoked upon order of the board.

**Comment [SC40]:** Per the Executive Officer, this section is being amended to include authority for the board to include training and/or education terms with a public letter of reprimand – currently the board has to file with the Attorney General's Office to impose these terms; they cannot be done in-house. This language was taken from the Medical Practice Act, Section 2233.

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1           (2) Have his or her right to practice suspended for a period not to exceed one  
2 year upon order of the board.

3           (3) Be placed on probation and be required to pay the costs of probation  
4 monitoring upon order of the board.

5           (4) Be publicly reprimanded by the board.

6           (5) Surrender of the license based on an order of the board.

7           (6) Have any other action taken in relation to discipline as part of an order of  
8 probation, as the board or an administrative law judge may deem proper.

9  
10 Section 2661 of the Business and Professions Code is amended to read:

11  
12 2661. A plea or verdict of guilty or a conviction following a plea of nolo contendere  
13 ~~made to a charge of a felony or of any offense which substantially relates to the~~  
14 ~~qualifications, functions, or duties of a physical therapist~~ is deemed to be a conviction  
15 within the meaning of this article. The board may order ~~the license suspended or~~  
16 ~~revoked, or may decline to issue a license,~~ discipline of the licensee in accordance with  
17 Section 2660 or the board may take action as authorized in Section 2660.2 on an  
18 application when the time for appeal has elapsed, or the judgment of conviction has  
19 been affirmed on appeal or when an order granting probation is made suspending the  
20 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the  
21 Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea  
22 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
23 information, or indictment.  
24

25 Section 2661.7 of the Business and Professions Code is amended to read:

26  
27 2661.7. (a) A person whose license ~~or approval~~ has been revoked or suspended, or  
28 who has been placed on probation, may petition the Physical Therapy Board of  
29 California for reinstatement or modification of penalty, including modification or  
30 termination of probation, after a period of not less than the following minimum  
31 periods has elapsed from the effective date of the decision ordering that disciplinary  
32 action:

33           (1) At least three years for reinstatement of a license or approval revoked for  
34 unprofessional conduct, except that the board may, for good cause shown, specify in a  
35 revocation order that a petition for reinstatement may be filed after two years.

36           (2) At least two years for early termination or one year for modification of a  
37 condition of probation of three years or more.

38           (3) At least one year for ~~modification of a condition, or~~ reinstatement of a  
39 license ~~or approval~~ revoked for mental or physical illness, or for modification of a  
40 condition, or termination of probation of less than three years.

41           (b) The petition shall state any facts as may be required by the board. The  
42 petition shall be accompanied by at least two verified recommendations from physical  
43 therapists licensed by the board who have personal knowledge of the activities of the  
44 petitioner since the disciplinary penalty was imposed.

45           (c) The petition may be heard by the board. The board may assign the petition  
46 to an administrative law judge designated in Section 11371 of the Government Code.

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1 After a hearing on the petition, the administrative law judge shall provide a proposed  
2 decision to the ~~committee~~ board that shall be acted upon in accordance with the  
3 Administrative Procedure Act.

4 (d) The board or the administrative law judge hearing the petition, may consider  
5 all activities of the petitioner since the disciplinary action was taken, the offense for  
6 which the petitioner was disciplined, the petitioner's activities during the time the license  
7 was in good standing, and the petitioner's rehabilitative efforts, general reputation for  
8 truth, and professional ability. The hearing may be continued, as the administrative law  
9 judge designated in Section 11371 of the Government Code finds necessary.

10 (e) The administrative law judge designated in Section 11371 of the  
11 Government Code when hearing a petition for reinstating a license ~~or approval~~, or  
12 modifying a penalty, may recommend the imposition of any terms and conditions  
13 deemed necessary.

14 (f) No petition shall be considered while the petitioner is under sentence for any  
15 criminal offense, including any period during which the petitioner is on court-imposed  
16 probation or parole. No petition shall be considered while there is an accusation or  
17 petition to revoke probation pending against the person. The board may deny,  
18 without a hearing or argument, any petition filed pursuant to this section within a period  
19 of two years from the effective date of the prior decision following a hearing under this  
20 section.

21 (g) Nothing in this section shall be deemed to alter Sections 822 and 823.

22  
23 Article 5.5 (commencing with Section 2662) of Chapter 5.7 of Division 2 of the Business  
24 and Professions Code is amended and renumbered to read:

25  
26 Article 5.5. 7. Diversion Rehabilitation Program

27  
28 2662. It is the intent of the Legislature that the board shall seek ways and means to  
29 identify and rehabilitate physical therapists and physical therapist assistants whose  
30 competency is impaired due to abuse of dangerous drugs or alcohol so that they may  
31 be treated and returned to the practice of physical therapy in a manner which will  
32 not endanger the public health and safety.

33  
34 2663. The board shall establish and administer a ~~diversion~~ program for the  
35 rehabilitation of physical therapists and physical therapist assistants whose competency  
36 is impaired due to the abuse of drugs or alcohol. The board may contract with any other  
37 state agency or a private organization to perform its duties under this article. The board  
38 may establish one or more ~~diversion~~-rehabilitation evaluation committees to assist it in  
39 carrying out its duties under this article. Any ~~diversion-rehabilitation~~ evaluation  
40 committee established by the board shall operate under the direction of the ~~diversion~~  
41 rehabilitation program manager, as designated by the executive officer of the board.  
42 The program manager has the primary responsibility to review and evaluate  
43 recommendations of the committee.

44  
45 2664. (a) Any diversion rehabilitation evaluation committee established by the board  
46 shall have at least three members. In making appointments to a ~~diversion~~ rehabilitation  
47 evaluation committee, the board shall consider the appointment of persons who are

**Comment [SC41]:** The Board decided to move forward with the proposal to change "diversion" to "rehabilitation" in the entire Article at the 2/2012 meeting.

**Comment [SC42]:** Staff will discuss any affect the Uniform Standards may have on a diversion (rehabilitation) committee at the meeting

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1 either recovering from substance abuse and have been free from substance abuse for  
2 at least three years immediately prior to their appointment or who are knowledgeable in  
3 the treatment and recovery of substance abuse. The board also shall consider the  
4 appointment of a physician and surgeon who is board certified in psychiatry.

5 (b) Appointments to a diversion rehabilitation evaluation committee shall be by  
6 the affirmative vote of a majority of members appointed to the board. Each appointment  
7 shall be at the pleasure of the board for a term not to exceed four years. In its  
8 discretion, the board may stagger the terms of the initial members so appointed.

9 (c) A majority of the members of a diversion rehabilitation evaluation committee shall  
10 constitute a quorum for the transaction of business. Any action requires an affirmative  
11 vote of a majority of those members present at a meeting constituting at least a quorum.  
12 Each diversion rehabilitation evaluation committee shall elect from its membership a  
13 chairperson and a vice chairperson. Notwithstanding the Bagley-Keene Open Meeting  
14 Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of  
15 Title 2 of the Government Code), relating to public meetings, a diversion rehabilitation  
16 evaluation committee may convene in closed session to consider matters relating to any  
17 physical therapist or physical therapist assistant applying for or participating in a  
18 diversion rehabilitation program, and a meeting which will be convened entirely in  
19 closed session need not comply with Section 11125 of the Government Code. A  
20 diversion rehabilitation evaluation committee shall only convene in closed session to the  
21 extent it is necessary to protect the privacy of an applicant or participant. Each member  
22 of a diversion rehabilitation evaluation committee shall receive a per diem and shall be  
23 reimbursed for expenses as provided in Section 103.

24  
25 2665. Each diversion rehabilitation evaluation committee has the following duties  
26 and responsibilities:

27 (a) To evaluate physical therapists and physical therapist assistants who request  
28 participation in the program and to make recommendations. In making  
29 recommendations, the committee shall consider any recommendations from  
30 professional consultants on the admission of applicants to the diversion rehabilitation  
31 program.

32 (b) To review and designation of treatment facilities to which physical therapists and  
33 physical therapist assistants in the diversion rehabilitation program may be referred.

34 (c) To receive and review information concerning physical therapists and physical  
35 therapist assistants participating in the program.

36 (d) Calling meetings as necessary to consider the requests of physical therapists and  
37 physical therapist assistants to participate in the diversion rehabilitation program, to  
38 consider reports regarding participants in the program, and to consider any other  
39 matters referred to it by the board.

40 (e) To consider whether each participant in the diversion rehabilitation program  
41 may with safety continue or resume the practice of physical therapy.

42 (f) To set forth in writing the terms and conditions of the diversion rehabilitation  
43 agreement that is approved by the program manager for each physical therapist and  
44 physical therapist assistant participating in the program, including treatment,  
45 supervision, and monitoring requirements.

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1 (g) Holding a general meeting at least twice a year, which shall be open and public, to  
2 evaluate the ~~diversion~~ rehabilitation program's progress, to prepare reports to be  
3 submitted to the board, and to suggest proposals for changes in the ~~diversion~~  
4 rehabilitation program.

5 (h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the  
6 Government Code, any member of a ~~diversion~~ rehabilitation evaluation committee shall  
7 be considered a public employee. No board or ~~diversion~~ rehabilitation evaluation  
8 committee member, contractor, or agent thereof, shall be liable for any civil damage  
9 because of acts or omissions which may occur while acting in good faith in a program  
10 established pursuant to this article.

11  
12  
13 2666. (a) Criteria for acceptance into the ~~diversion~~ rehabilitation program shall  
14 include all of the following:

15 (1) The applicant shall be licensed as a physical therapist or ~~approved~~ as a physical  
16 therapist assistant by the board and shall be a resident of California.

17 (2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a  
18 manner which may affect his or her ability to practice physical therapy safely or  
19 competently.

20 (3) The applicant shall have voluntarily requested admission to the program or shall  
21 be accepted into the program in accordance with terms and conditions resulting from a  
22 disciplinary action.

23 (4) The applicant shall agree to undertake any medical or psychiatric examination  
24 ordered to evaluate the applicant for participation in the program.

25 (5) The applicant shall cooperate with the program by providing medical information,  
26 disclosure authorizations, and releases of liability as may be necessary for participation  
27 in the program.

28 (6) The applicant shall agree in writing to cooperate with all elements of the treatment  
29 program designed for him or her.

30 Any applicant may be denied participation in the program if the board, the program  
31 manager, or a ~~diversion~~ rehabilitation evaluation committee determines that the  
32 applicant will not substantially benefit from participation in the program or that the  
33 applicant's participation in the program creates too great a risk to the public health,  
34 safety, or welfare.

35 (b) A participant may be terminated from the program for any of the following reasons:

36 (1) The participant has successfully completed the treatment program.

37 (2) The participant has failed to comply with the treatment program designated for him  
38 or her.

39 (3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).

40 (4) It is determined that the participant has not substantially benefited from  
41 participation in the program or that his or her continued participation in the program  
42 creates too great a risk to the public health, safety, or welfare. Whenever an applicant is  
43 denied participation in the program or a participant is terminated from the program for  
44 any reason other than the successful completion of the program, and it is determined  
45 that the continued practice of physical therapy by that individual creates too great a risk  
46 to the public health, safety, and welfare, that fact shall be reported to the executive  
47 officer of the board and all documents and information pertaining to and supporting that

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1 conclusion shall be provided to the executive officer. The matter may be referred for  
2 investigation and disciplinary action by the board. Each physical therapist or physical  
3 therapy assistant who requests participation in a diversion rehabilitation program shall  
4 agree to cooperate with the recovery program designed for him or her. Any failure to  
5 comply with that program may result in termination of participation in the program.

6 The diversion rehabilitation evaluation committee shall inform each participant  
7 in the program of the procedures followed in the program, of the rights and  
8 responsibilities of a physical therapist or physical therapist assistant in the program, and  
9 the possible results of noncompliance with the program.

10 (c) In addition to the criteria and causes set forth in subdivision (a), the board may set  
11 forth in its regulations additional criteria for admission to the program or causes for  
12 termination from the program.

13  
14  
15 2667. All board and diversion rehabilitation evaluation committee records and  
16 records of proceedings and participation of a physical therapist or physical therapist  
17 assistant in a program shall be confidential and are not subject to discovery or  
18 subpoena.

19  
20  
21 2668. (a) A fee to cover the actual cost of administering the program shall be charged  
22 for participation in the program. If the board contracts with any other entity to carry out  
23 this article, at the discretion of the board, the fee may be collected and retained by that  
24 entity.

25 (b) If the board contracts with any other entity to carry out this section, the executive  
26 officer of the board, or his or her designee, shall review the activities and performance  
27 of the contractor on a biennial basis. As part of this review, the board shall review files  
28 of participants in the program. However, the names of participants who entered the  
29 program voluntarily shall remain confidential, except when the review reveals  
30 misdiagnosis, case mismanagement, or noncompliance by the participant.

31 (c) Subdivision (a) shall apply to all new participants entering into the board's  
32 diversion rehabilitation program on or after January 1, 2007. Subdivision (a) shall apply  
33 on and after January 1, 2008, to participants currently enrolled as of December 31,  
34 2007.

35  
36  
37 2669. Participation in a diversion rehabilitation program shall not be a defense to any  
38 disciplinary action which may be taken by the board. This section does not preclude the  
39 board from commencing disciplinary action against a physical therapist or physical  
40 therapist assistant who is terminated unsuccessfully from the program under this  
41 section. That disciplinary action may not include as evidence any  
42 confidential information.

43  
44 The heading of Article 6 (commencing with section 2670) of Chapter 5.7 of Division 2 of  
45 the Business and Professions Code is amended and renumbered to read:

46  
47 Article ~~6-8~~ 8. ~~Offenses and Enforcement~~ Against this Chapter  
48

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1 Section 2672 of the Business and Professions Code is amended to read:

2  
3 2672. Whenever any person has engaged or is about to engage in any acts or  
4 practices which constitute or will constitute an offense against this chapter, the superior  
5 court of any county, on application of ~~the Medical Board of California~~, the board, or ten  
6 (10) or more persons holding physical therapist licenses issued under this chapter, may  
7 issue an injunction or other appropriate order restraining the conduct. Proceedings  
8 under this section shall be governed by Chapter 3 (commencing with Section 525) of  
9 Title 7 of Part 2 of the Code of Civil Procedure.

10  
11 The heading of Article 6.5 (commencing with Section 2676) of Chapter 5.7 of Division 2  
12 of the Business and Professions Code is repealed.

### ~~Article 6.5 Continuing Competency~~

13  
14  
15  
16 Section 2676 of the Business and Professions Code is amended and renumbered to  
17 read:

18  
19 ~~2676.~~

20  
21 ~~2649.~~ (a) A person renewing his or her license ~~or approval~~ shall submit proof  
22 satisfactory to the board that, during the preceding two years, he or she has completed  
23 the required number of continuing education hours established by regulation by the  
24 board, or such other proof of continuing competency as the board may establish by  
25 regulation. Required continuing education shall not exceed 30 hours  
26 every two years.

27 (b) The board shall adopt and administer regulations including, but not limited to,  
28 continuing education intended to ensure the continuing competency of persons licensed  
29 or approved pursuant to this chapter. The board may establish different requirements  
30 for physical therapists and physical therapist assistants. The board may not require the  
31 completion of an additional postsecondary degree or successful completion of an  
32 examination as a condition of renewal, but may recognize these as demonstrative of  
33 continuing competency. This program shall include provisions requiring random audits  
34 of licensees and holders of approval in order to ensure compliance.

35 (c) ~~The administration of this section may be funded through professional license~~  
36 ~~fees, continuing education provider fees, and course approval recognized approval~~  
37 ~~agency fees, or both.~~ The fees shall not exceed the amounts necessary to cover the  
38 actual costs of administering this section.

39  
40 The heading of Article 7 (commencing with Section 2680) of Chapter 5.7 of Division 2 of  
41 Business and Professions Code is renumbered to read:

### ~~Article 7. 9. Fiscal Administration~~

42  
43  
44  
45 Section 2682 of the Business and Professions Code is amended to read:

**Comment [SC43]:** The Board currently has authority to charge licensees and course providers fees to fund the administration of the Continuing Competency program; however, this does not include approval agencies. The language has been amended to include authority to impose a fee on the approval agencies.

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1 2682. There is in the State Treasury the Physical Therapy Fund. All collections from  
2 persons licensed ~~or approved~~ or seeking to be licensed ~~or approved~~ shall be paid by the  
3 board into the fund after reporting to the Controller at the beginning of each month the  
4 amount and source of the collections. All money in the Physical Therapy Fund is  
5 appropriated ~~for the exclusive use of executing to carry out the purposes of this chapter.~~  
6

7 Section 2683 of the Business and Professions Code is repealed.  
8

9 ~~2683. Except as provided in Section 2684, the provisions of Article 19 (commencing~~  
10 ~~with Section 2420) of Chapter 5 apply to the issuance and govern the expiration and~~  
11 ~~renewal of licenses issued under this chapter.~~  
12

13 Section 2684 of the Business and Professions Code is repealed.  
14

15 ~~2684. (a) Notwithstanding Section 2422, any license or approval for the practice of~~  
16 ~~physical therapy shall expire at midnight on the last day of the birth month of the~~  
17 ~~licensee or holder of the approval during the second year of a two-year term, if not~~  
18 ~~renewed.~~

19 ~~(b) To renew an unexpired license or approval, the licensee or the holder of the~~  
20 ~~approval shall, on or before the dates on which it would otherwise expire, apply for~~  
21 ~~renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit~~  
22 ~~proof of the completion of continuing education or competency required by the board~~  
23 ~~pursuant to Article 6.5 (commencing with Section 2676). The licensee or holder of the~~  
24 ~~approval shall disclose on his or her license renewal application any misdemeanor or~~  
25 ~~other criminal offense for which he or she has been found guilty or to which he or she~~  
26 ~~has pleaded guilty or no contest.~~

27 ~~(c) A license or approval that has expired may be renewed within five years upon~~  
28 ~~payment of all accrued and unpaid renewal fees and satisfaction of the requirements~~  
29 ~~described in subdivision (b).~~  
30

31 Section 2685 of the Business and Professions Code is repealed.  
32

33 ~~2685. At least 60 days before the expiration of any license or approval, the board shall~~  
34 ~~mail to each licensee under this chapter, at the latest address furnished by the licensee~~  
35 ~~to the executive officer, a notice stating the amount of the renewal fee and the date~~  
36 ~~on which it is due, and that failure to pay it on or before the due date will result in~~  
37 ~~expiration of the license.~~  
38

39 The heading of Article 8 (commencing with Section 2690) of Chapter 5.7 of Division 2 of  
40 the Business and Professions Code is renumbered to read:  
41

42 Article ~~8~~. 10. Physical Therapy Corporations  
43 **Government Code**  
44

45 Section 12529 of the Government Code, as amended by Section 112 of Chapter 332 of  
46 the Statutes of 2012, is amended to read:  
47

## **DRAFT Proposed Physical Therapy Practice Act**

1 12529. (a) There is in the Department of Justice the Health Quality Enforcement  
2 Section. The primary responsibility of the section is to investigate and prosecute  
3 proceedings against licensees and applicants within the jurisdiction of the Medical  
4 Board of California, the California Board of Podiatric Medicine, the Board of Psychology,  
5 Physical Therapy Board of California, or any committee under the jurisdiction of the  
6 Medical Board of California.

7  
8 (b) The Attorney General shall appoint a Senior Assistant Attorney General of the  
9 Health Quality Enforcement Section. The Senior Assistant Attorney General of the  
10 Health Quality Enforcement Section shall be an attorney in good standing licensed to  
11 practice in the State of California, experienced in prosecutorial or administrative  
12 disciplinary proceedings and competent in the management and supervision of  
13 attorneys performing those functions.

14 (c) The Attorney General shall ensure that the Health Quality Enforcement Section is  
15 staffed with a sufficient number of experienced and able employees that are capable of  
16 handling the most complex and varied types of disciplinary actions against the licensees  
17 of the board.

18 (d) Funding for the Health Quality Enforcement Section shall be budgeted in  
19 consultation with the Attorney General from the special funds financing the operations of  
20 the Medical Board of California, the California Board of Podiatric Medicine, the Board of  
21 Psychology, Physical Therapy Board of California, and the committees under the  
22 jurisdiction of the Medical Board of California, with the intent that the expenses be  
23 proportionally shared as to services rendered.

24 (e) This section shall remain in effect only until January 1, 2014, and as of that date is  
25 repealed, unless a later enacted statute, that is enacted before January 1, 2014,  
26 deletes or extends that date.

27 Section 12529 of the Government Code, as amended by Section 113 of Chapter 332 of  
28 the Statutes of 2012, is amended to read:

29  
30 **12529.** (a) There is in the Department of Justice the Health Quality Enforcement  
31 Section. The primary responsibility of the section is to prosecute proceedings against  
32 licensees and applicants within the jurisdiction of the Medical Board of California, the  
33 California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy  
34 Board of California, or any committee under the jurisdiction of the Medical Board of  
35 California, and to provide ongoing review of the investigative activities conducted in  
36 support of those prosecutions, as provided in subdivision (b) of Section 12529.5.

37 (b) The Attorney General shall appoint a Senior Assistant Attorney General of the  
38 Health Quality Enforcement Section. The Senior Assistant Attorney General of the  
39 Health Quality Enforcement Section shall be an attorney in good standing licensed to  
40 practice in the State of California, experienced in prosecutorial or administrative  
41 disciplinary proceedings and competent in the management and supervision of  
42 attorneys performing those functions.

## **DRAFT Proposed Physical Therapy Practice Act**

1 (c) The Attorney General shall ensure that the Health Quality Enforcement Section is  
2 staffed with a sufficient number of experienced and able employees that are capable of  
3 handling the most complex and varied types of disciplinary actions against the licensees  
4 of the board.

5 (d) Funding for the Health Quality Enforcement Section shall be budgeted in  
6 consultation with the Attorney General from the special funds financing the operations of  
7 the Medical Board of California, the California Board of Podiatric Medicine, the Board of  
8 Psychology, the Physical Therapy Board of California, and the committees under the  
9 jurisdiction of the Medical Board of California, with the intent that the expenses be  
10 proportionally shared as to services rendered.

11 (e) This section shall become operative January 1, 2014.

12 Section 12529.5 of the Government Code, as amended by Section 114 of Chapter 332  
13 of the Statutes of 2012, is amended to read:

14  
15 **12529.5.** (a) All complaints or relevant information concerning licensees that are within  
16 the jurisdiction of the Medical Board of California, the California Board of Podiatric  
17 Medicine, ~~or the Board of Psychology,~~ or the Physical Therapy Board shall be made  
18 available to the Health Quality Enforcement Section.  
19

20 (b) The Senior Assistant Attorney General of the Health Quality Enforcement Section  
21 shall assign attorneys to work on location at the intake unit of the boards described in  
22 subdivision (d) of Section 12529 to assist in evaluating and screening complaints and to  
23 assist in developing uniform standards and procedures for processing complaints.

24 (c) The Senior Assistant Attorney General or his or her deputy attorneys general shall  
25 assist the boards or committees in designing and providing initial and in-service training  
26 programs for staff of the boards or committees, including, but not limited to, information  
27 collection and investigation.

28 (d) The determination to bring a disciplinary proceeding against a licensee of the boards  
29 shall be made by the executive officer of the boards or committees as appropriate in  
30 consultation with the senior assistant.

31 (e) This section shall remain in effect only until January 1, 2014, and as of that date is  
32 repealed, unless a later enacted statute, that is enacted before January 1, 2014,  
33 deletes or extends that date.

34 Section 12529.5 of the Government Code, as amended by Section 115 of Chapter 332  
35 of the Statutes of 2012, is amended to read:

36  
37 **12529.5.** (a) All complaints or relevant information concerning licensees that are within  
38 the jurisdiction of the Medical Board of California, the California Board of Podiatric  
39 Medicine, ~~or the Board of Psychology,~~ or the Physical Therapy Board of California shall  
40 be made available to the Health Quality Enforcement Section.  
41

## **DRAFT Proposed Physical Therapy Practice Act**

- 1 (b) The Senior Assistant Attorney General of the Health Quality Enforcement Section  
2 shall assign attorneys to assist the boards in intake and investigations and to direct  
3 discipline-related prosecutions. Attorneys shall be assigned to work closely with each  
4 major intake and investigatory unit of the boards, to assist in the evaluation and  
5 screening of complaints from receipt through disposition and to assist in developing  
6 uniform standards and procedures for the handling of complaints and investigations.
- 7 A deputy attorney general of the Health Quality Enforcement Section shall frequently be  
8 available on location at each of the working offices at the major investigation centers of  
9 the boards, to provide consultation and related services and engage in case review with  
10 the boards' investigative, medical advisory, and intake staff. The Senior Assistant  
11 Attorney General and deputy attorneys general working at his or her direction shall  
12 consult as appropriate with the investigators of the boards, medical advisors, and  
13 executive staff in the investigation and prosecution of disciplinary cases.
- 14 (c) The Senior Assistant Attorney General or his or her deputy attorneys general shall  
15 assist the boards or committees in designing and providing initial and in-service training  
16 programs for staff of the boards or committees, including, but not limited to, information  
17 collection and investigation.
- 18 (d) The determination to bring a disciplinary proceeding against a licensee of the boards  
19 shall be made by the executive officer of the boards or committees as appropriate in  
20 consultation with the senior assistant.
- 21 (e) This section shall become operative January 1, 2014.