



Physical Therapy Board of California

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

## Physical Therapy Board of California

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Agenda Item 12C

## Briefing Paper

Date: April 25, 2011

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

**SUBJECT:** Proposed revisions to 1399.15 of Division 13.2, Title 16 of the California Code of Regulations and Model Guidelines for Issuing Citations and Imposing Discipline

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### **Purpose:**

To consider amending 1399.15 of Division 13.2 of Title 16 of the California Code of Regulations; Model Guidelines for Issuing Citations and Imposing Discipline (Guidelines). The amendments include the requirement to follow uniform substance abuse standards (mandated by SB 1441); and to facilitate discussion and provide comments on the proposed revisions of the Guidelines.

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### **Background:**

At the February 16, 2011 Physical Therapy Board meeting, the proposed revisions to the Model Guidelines for Issuing Citations and Imposing Discipline was presented for Board consideration; however, Legal Counsel, Spencer Walker explained that California Code of Regulations (CCR) 1399.15 must be amended to authorize the inclusion of the Substance Abuse Standards from Chapter 548, Statutes of 2008 (SB 1441). Mr. Walker recommended that a subcommittee of two board members be appointed to meet with Board staff to review the proposed revisions of the Guidelines and the uniform standards related to substance abuse. The Board also delegated to the subcommittee the review and recommendations, if any, of the Sponsored Free Health Care Events – Chapter 270, Statutes of 2010 (AB 2699) 1400 – 1400.3.

In addition, Steve Hartzell, EO, indicated he also wanted discussion and some direction regarding the level of action to take on continuing competency (CC) violations.

Dr. Takii, Physical Therapist appointed Dr. Donald Chu, PT, PhD., and James Turner to the subcommittee.

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### **Analysis:**

The subcommittee met with Board staff on two separate days and several revisions throughout the Guidelines were made. The discussion and revisions included:

- 1) Adding the range of action to take on B&P Code section 2676, and Division 13.2 of Title 16 of the California Code of Regulations, sections 1399.91, 1399.92, 1399.93, 1399.94, 1399.97, and 1399.98 which are specific to the Continuing Competency Requirements.

The ranges of action to take on CC violations were discussed with the subcommittee and it was agreed that these violations would be taken seriously. The licensing unit pointed out several possible violations that could occur as a result of the CC requirement audits. These scenarios were based on their first review of license renewal audits. It was determined the CC violations could result in a citation and fine to a Public Reprimand with possible suspension, if needed. The suspension requirement would allow the licensees to come into compliance with the CC deficiencies.

The citation and fine violation would be issued to minor CC violations (e.g. License notified of audit. Licensee did not respond until 2<sup>nd</sup> notice; however, upon review of courses, all CC requirements met.)

2) Adding the range of action to take on Regulations, sections 1398.4, 1399.23, & 1399.24. These sections are specific to: 1398.4 – Delegation of Functions; 1399.23 - the Required Actions Against a Sex Offender, and 1399.24 - Unprofessional Conduct.

3) The language for the Sponsored Free Health Care Events – Chapter 270, Statutes of 2010 (AB 2699) 1400 – 1400.3 were also discussed and it was determined that based on the licensee's out of State license, the violations would be considered unlicensed practice in which the Board's only authority would be to issue an administrative citation.

4) The Uniform Standards Related to Substance Abuse was discussed; however, the Board was expecting the revised version which was subsequently revised after its last meeting. Staff will be working with legal counsel on the language and format to ensure all of the appropriate language of the Uniform Standards is captured.

5) Reviewed and made additional revisions throughout the Guidelines.

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**Action Requested:**

- 1) Request Board Members consider and approve the revisions made to 1399.15 of Division 13.2, Title 16 of the California Code of Regulations.
- 2) Motion to accept the DCA SB 1441 standards and direct staff to incorporate standards into the Guidelines as appropriate.
- 3) Consider and approve the revisions made to the Model Guidelines for Issuing Citations and Imposing Discipline and provide recommendations on any other changes needed as discussed in Board meeting and direct staff to make changes.
- 4) Discuss how the Uniform Standards Related to Substance Abuse (SB 1441) will be reviewed by Board members for approval of incorporated language.