

Draft Language



**UNIFORM STANDARDS RELATED TO**  
**SUBSTANCE ABUSE AND MODEL GUIDELINES**  
**FOR ISSUING CITATIONS AND IMPOSING**  
**DISCIPLINE**

*Physical Therapy Board of California*

*Department of Consumer Affairs*

**Comment [EB1]:** "Model" unnecessary to title since this is not a "model" but "Guidelines"  
Changed title throughout document.

**Physical Therapy Board of California**  
**Uniform Standards Related to Substance Abuse**  
**& Model Guidelines for Issuing Citations**  
**& Imposing Discipline**

~~Arnold Schwarzenegger~~ Edmund G. Brown Jr., Governor

**Comment [EB2]:** Appointed Governor Jan 3, 2011

~~Carrie Lopez~~ Brian Stiger, Acting Deputy Director  
Department of Consumer Affairs

**Comment [EB3]:** Current Acting Deputy Director

Physical Therapy Board of California Members:

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James Turner

**Comment [EB4]:** Board member names omitted accidentally from previous document. Also updated with current member names.

Executive Officer: Steven K. Hartzell

~~The Model Guidelines for Issuing Citations and Imposing Discipline contained in this manual were originally adopted by the Physical Therapy Board of California on October 24, 1996. The second edition of the Model for Issuing Citations and Imposing Discipline was adopted on May 13, 2005. The Third Edition was adopted on June 16, 2009.~~

**Comment [EB5]:** Unnecessary language since there will be continuous changes.

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**Comment [EB6]:** Grammatical correction

~~June 2009-2011~~  
~~3<sup>rd</sup>~~ 4<sup>th</sup> Edition

**Comment [EB7]:** Date will be changed accordingly

**STATE OF CALIFORNIA**

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

**MODEL GUIDELINES FOR ISSUING CITATIONS  
AND IMPOSING DISCIPLINE**

*3<sup>rd</sup> 4<sup>th</sup> Edition Adopted June 2009 DATE, 2011*

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**Comment [EB8]:** Mandated by SB 1441 – Language added

**Comment [EB9]:** Informational language added

**Comment [EB10]:** Informational language added

**Comment [EB11]:** Informational language added

**Comment [EB12]:** Informational language added

**Comment [EB13]:** Reversed order of H&S with CCR's

### Statement of Purpose, Intent & Expectations

The purpose of ~~licensure of physical therapists and physical therapist assistants licensure~~ in the State of California is to protect the public's health, safety and welfare from the incompetent and unprofessional practice of physical therapy. The challenges ~~that~~ these guidelines address are to provide public protection and ~~to~~ enable a licensee to practice his/her profession in a controlled environment, if possible. In addition to protecting the public and, ~~where not inconsistent,~~ rehabilitating a licensee, the Physical Therapy Board finds imposing the discipline set forth in the guidelines will promote uniformity, certainty, fairness, and deterrence, to further public protection.

**Comment [EB14]:** Grammatical revision

**Comment [EB15]:** Unnecessary language, confusing

The Physical Therapy Board of California (~~Board~~) ~~is producing produced~~ this 3<sup>rd</sup> 4<sup>th</sup> edition of the "Uniform Standards Related to Substance Abuse and Guidelines for Issuing Citations and Imposing Discipline" ~~Manual of Disciplinary Guidelines~~ for the public, individuals subject to issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, ~~Members of~~ the Board who review proposed decisions and stipulations and make final decisions, ~~its~~ ~~the Board's~~ Executive Officer and staff, and respondents and their counsel. When an Initial Probationary License has been issued, or a Statement of Issues, or an Accusation has been filed, the nature of the alleged violation is severe enough to warrant disciplinary action, ~~preclude the issuance of an administrative citation~~. An administrative citation is not discipline and is issued for less egregious violations. When documentation of significant mitigation has been received, discipline ~~is may not be~~ required to protect the public.

**Comment [EB16]:** Inserted for future use throughout document

**Comment [EB17]:** Referencing "the Board" identifies the Board Members

**Comment [EB18]:** Defined "its" to the "Board"

**Comment [EB19]:** Not making this specific

When criminal charges are alleged and there is an immediate need to protect the public, application of Penal Code 23 shall be sought. In addition, if the alleged conduct poses an immediate threat to public safety an Interim Suspension Order shall be sought.

The Board has some basic expectations when an Administrative Law Judge determines ~~that~~ the allegations are true and ~~that~~ a cause for discipline exists. The Board recognizes a rare individual case may necessitate a departure from these guidelines. Any "Proposed Decision" that departs from the disciplinary guidelines shall identify the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision.

**Comment [EB20]:** Inserted language from paragraph below to better organize the Proposed Decision vs. Stipulated Decision.

These include:

- 1) If at the time of hearing, the Administrative Law Judge finds ~~that~~ the respondent, for any reason, ~~is~~ not capable of safe practice, the Board expects the outright revocation of the license. This is particularly true in cases of patient sexual abuse. In less egregious cases, a stayed revocation with suspension and probation, pursuant to the guidelines contained in this manual, would be expected.

**Comment [O21]:** Unnecessary word taken out throughout document.

- 2) The Board expects ~~that~~ revocation is normally the appropriate order in cases where the respondent does not file a Notice of Defense or appear at a hearing is in default.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.
- 4) The Board expects ~~that~~ when the revocation of a license is stayed, a suspension of the license shall be considered when further education, medical or psychological evaluation or treatment is deemed necessary to ensure safe practice. A suspension, when imposed, should not be for less than indicated in the guidelines. ~~Community service may be substituted in whole or in part for the suspension.~~
- 5) The Board expects ~~that~~ the decision will include an order for cost recovery.

~~The Board recognizes that a rare individual case may necessitate a departure from these guidelines for disciplinary order. The Board expects a similar result and explanation for any Stipulation negotiated prior to hearing. Any "Proposed decision or "Settlement that departs from the disciplinary guidelines shall identify the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision. The Board expects a similar result and explanation for any Stipulation negotiated prior to hearing.~~

Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case.

**Comment [EB22]:** Moved to paragraph above to separate Decisions vs. Stipulated Decisions

**Comment [EB23]:** Added to this paragraph

**Comment [EB24]:** Capitalized name of document and deleted "decision" since it is referenced above.

**Comment [EB25]:** Moved to beginning of paragraph for better structure

**Comment [EB26]:** Grammatical Revision

## **UNIFORM STANDARDS RELATED TO A SUBSTANCE ABUSE**

**Comment [EB27]:** Added to implement substance abuse regulations

The following standards shall be adhered to in all cases in which a license is in diversion or placed on probation due to a substance abuse problem. Pursuant to B&P xx, these standards are not guidelines and shall be followed in all instances, except the Board may impose more restrictive conditions if necessary to protect the public. For the purposes of these Uniform Standards Related to Substance Abuse and disciplinary Guidelines, "drug test" means any test meant to detect a banned substance, including alcohol.

### **Clinical Diagnostic Evaluations:**

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has three (3) years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse clinical diagnostic evaluations.

### **Clinical Diagnostic Evaluation Report:**

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, or business relationship with the licensee within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself or herself or others, the evaluator shall notify the board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 days.

The Board shall review the clinical diagnostic evaluation and the criteria below to determine whether or not the licensee is safe to return to either part-time or full-time practice; however, no licensee shall be returned to practice until he or she has at least 30 days of negative drug tests.

License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.

**Work Site Monitor Requirements:**

If a Board determines a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the Board:

The worksite monitor shall not have any current or former financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the Board. However, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee at least once per week in the work environment or more frequently if required by the Board.
- b) Interview other staff in the office regarding the licensee's behavior, if applicable.
- c) Review the licensee's work attendance.

Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be verbally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the verbal report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the board. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance

report; any change in behavior and/or personal habits; any indicators leading to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

If a licensee tests positive for a banned substance, the Board shall immediately order the licensee to cease practice, immediately contact the licensee and inform him or her their license has been suspended and he or she may not work until the suspension is lifted. The Board shall also immediately notify the licensee's employer that the licensee has been ordered to cease practice.

### **Major and Minor Violations**

Major Violations include, but are not limited to, the following:

1. Failure to complete a board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiple minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive and confirmation for substance abuse pursuant to Uniform Standard #9;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee commits a major violation, the Board shall immediately order the licensee to cease practice and refer the matter for disciplinary action or other action as determined by the Board.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation in a timely manner;
2. Unexcused absences at required meetings;
3. Failure to contact a monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or to the public.

If a licensee commits a minor violation, the Board shall determine what action is appropriate.

### **Drug Testing Standards:**

The following standards shall govern all aspects of testing required to determine abstinence from alcohol and drugs for any person whose license is placed on probation or in a diversion program due to substance use.

## **Exceptions to Testing Frequency Schedule:**

### **I. PREVIOUS TESTING/SOBRIETY**

In cases where a board has evidence that a licensee has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the board, the board may give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.

### **II. VIOLATION(S) OUTSIDE OF EMPLOYMENT**

An individual whose license is placed on probation for a single conviction or incident or two convictions or incidents, spanning greater than seven years from each other, where those violations did not occur at work or while on the licensee's way to work, where alcohol or drugs were a contributing factor, may bypass level I and participate in level II of the testing frequency schedule.

### **III. NOT EMPLOYED IN HEALTH CARE FIELD**

A board may reduce testing frequency to a minimum of 12 times per year for any person who is not practicing OR working in any health care field. If a reduced testing frequency schedule is established for this reason, and if a licensee wants to return to practice or work in a health care field, the licensee shall notify and secure the approval of the licensee's board. Prior to returning to any health care employment, the licensee shall be subject to level I testing frequency for at least 60 days. At such time the person returns to employment (in a health care field), if the licensee has not previously met the level I frequency standard, the licensee shall be subject to completing a full year at level I of the testing frequency schedule, otherwise level II testing shall be in effect.

### **IV. TOLLING**

A board may postpone all testing for any person whose probation or diversion is placed in a tolling status if the overall length of the probationary or diversion period is also tolled. A licensee shall notify the board upon the licensee's return to California and shall be subject to testing as provided in this standard. If the licensee returns to employment in a health care field, and has not previously met the level I frequency standard, the licensee shall be subject to completing a full year at level I of the testing frequency schedule, otherwise level II testing shall be in effect.

### **V. SUBSTANCE USE DISORDER NOT DIAGNOSED**

In cases where no current substance use disorder diagnosis is made, a lesser period of monitoring and toxicology screening may be adopted by the board, but not to be less than 24 times per year.

A Board may order a licensee to drug test at any time. Additionally, each licensee shall be Tested RANDOMLY in accordance with the schedule below:

1. Licensees shall be randomly drug tested at 52 – 104 times per year for the first year and at any time as directed by the board. After the first year, licensees, shall be randomly drug tested 36-104 times per year for up to five (5) years. Thereafter, administration of one (1) time per month if there have been no positive drug tests in the previous five (5) consecutive years of probation or diversion.

2. Nothing precludes a board from increasing the number of random tests for any reason. If the Board finds or has suspicion that a licensee has committed a violation of a board's testing program or who has committed a Major Violation, as identified in \*\*\*, may reestablish the testing cycle by placing that a licensee a the beginning of level I, in addition to any other disciplinary action that may be pursued.
3. Drug testing may be required on any day, including weekends and holidays.
4. The scheduling of drug tests shall be done on a random basis, preferably by a computer program, so that a licensee can make no reasonable assumption of when he/she will be tested again. Boards should be prepared to report data to support back-to-back testing as well as, numerous different intervals of testing.
5. Licensees shall be required to make daily contact to determine if drug testing is required.
6. Licensees shall be drug tested on the date of notification as directed by the board.
7. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation.
8. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines.
9. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered.
10. Collection of specimens shall be observed.
11. Prior to vacation or absence, alternative drug testing location(s) must be approved by the board.
12. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one (1) business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within seven (7) days of receipt of the specimen. The appropriate board will be notified of non-negative test results within one (1) business day and will be notified of negative test results within seven (7) business days.

A board may use other testing methods in place of, or to supplement biological fluid testing, if the alternate testing method is appropriate.

#### **AUTHORITY TO EXAMINE DUE TO MENTAL ILLNESS AND/OR PHYSICAL IMPAIRMENT**

Pursuant to Business and Professions Code, section 820, whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

822. If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

823. Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to Section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under Section 822, the licensing agency may impose terms and conditions to be complied with by the licentiate after the certificate or license has been reinstated. The authority of the licensing agency to impose terms and conditions includes, but is not limited to, the following:

- (a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.
- (b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.
- (c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.
- (d) Requiring the licentiate to undergo continuing treatment.
- (e) Restricting or limiting the extent, scope or type of practice of the licentiate.

824. The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

## **DEMONSTRATION OF REHABILITATION**

When the Board receives information that an applicant or licensee has a criminal conviction, the Board considers the following list of items when determining a denial of license or revocation, or suspension of license is appropriate.

1. Copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanction
2. Letter from applicant or licensee describing underlying circumstances of arrest and conviction record(s) as well as any rehabilitation efforts or changes in life since that time to prevent future problems
3. Letters of reference from professors or colleagues within the field of physical therapy
4. Letters of reference from past and/or current employers
5. Letters from recognized recovery programs attesting to current sobriety and length of time of sobriety if there has been a history of alcohol or drug abuse.
6. A current mental status examination by a clinical psychologist or psychiatrist. The evaluation should address the likelihood of similar acts or convictions in the future, and should speak to the suitability of the profession for the applicant
7. Letters of reference from other knowledgeable professionals, such as probation or parole officers
8. Copy of a Certificate of Rehabilitation or evidence of expungement proceedings
9. Evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions

In evaluating the rehabilitation of an applicant/licensee and to determine if action is necessary, the Board considers the following:

1. The nature and severity of the act(s) or crime(s) under consideration for denial
2. Evidence of any acts or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480
3. The time that has elapsed since the commission of the act(s) or crime(s) referred to in subsection (1) or (2)
4. The extent to which the applicant/licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant/licensee

5. Evidence, if any, of rehabilitation by the applicant/licensee.

### **EVIDENCE OF MITIGATION**

The respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the respondent may submit to demonstrate his or her rehabilitative efforts and competency in physical therapy:

1. Recent, dated letters from counselors regarding respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the respondent has attended, the counselor's diagnosis of respondent's condition and current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor
2. Recent letters describing respondent's participation in support groups. (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.)
3. Where appropriate, include sobriety date
4. Recent, dated laboratory analyses or drug screen reports
5. Recent, dated physical examination or assessment report by a licensed physician
6. Certificates or transcripts of courses related to physical therapy which respondent may have completed since the date of the violation

### **DIVERSION PROGRAM REQUIREMENTS & COSTS**

The Physical Therapy Board of California (Board) is authorized pursuant to Business and Professions Code section 2662 to provide a diversion program to assist physical therapists and physical therapist assistants whose competency is impaired due to abuse of dangerous drugs or alcohol so that they may be treated and returned to the practice of physical therapy in a manner which will not endanger the public health and safety. Entering into the diversion program does not stop an investigation or disciplinary action by the Board when a licensee chooses to enter the program when the Board is already aware of the addiction. While the Board does not divert licensees from discipline, it monitors the progress of compliance with probationary terms dealing with substance abuse.

Licensees enrolled in the diversion program are required to pay the entire cost of the program pursuant to Business and Professions Code section 2668. The diversion program cost includes the monthly administrative fee, monthly health support fees, and random drug and alcohol testing fees. ***All diversion program fees are subject to change.***

**Comment [EB28]:** This information was added to provide information up front to Respondent and for DAG's and/or ALJ knowledge for decision purposes

**Diversion Program Timeframe:** Participation in the diversion program is for a period of approximately 3-5 years.

**Monthly Administrative Fee:** The participant pays the monthly administrative fee directly to the diversion program. The monthly administrative fee is currently \$272. The monthly administrative fee may increase 3-5% annually each July. Costs are dependent on the contracted costs.

**Random Body Fluid Testing (RBFT) & Fee:** Currently the average cost of each RBFT is approximately \$58.00 plus the collection fee at the testing site (\$20-\$50). Additionally, there are charges for the medical review officer (MRO) who reviews drug test results, retests of specimen samples, and hair tests. These additional procedures are usually a direct result of problematic (i.e. positive) RBF test results.

**Health Support Group Meetings:** Health Support Group Meetings are a treatment modality of the diversion program. These groups are attended exclusively by licensed professionals who are in their own recovery and involved in a diversion program. The Health Support Group Facilitators are licensed professionals who have extensive clinical experience in working with licensed professionals in recovery and in diversion programs. Each participant is required to attend Health Support Group Meetings two times per week during their first 18 months in the diversion program. The frequency of Health Support Group attendance can be reduced to one time per week after 18 months of successful participation in the program. This reduction is also based upon the on-going clinical evaluation of each participant.

**Health Support Group Meeting Fees:** The participant pays the monthly health support group meeting fees directly to the Health Support Group Facilitator. The current fee schedule is \$325.00 per month for two times per week and \$225.00 per month for one time per week attendance. The Health Support Group Facilitators are independent practitioners who are individually contracted by the diversion program provider.

**12-Step Meetings:** All participants are required to attend community-based 12-step meetings. The frequency requirement for attending 12-step meetings range from daily attendance to three times per week. The frequency requirement is established and modified by the Clinical Case Manager based upon the on-going clinical evaluation of each participant. Generally there is not a cost associated with attending 12-step meetings. Contributions at the 12-step meetings are voluntary.

**Clinical Assessment:** All participants are required to undergo an initial clinical assessment and subsequent re-assessments by contracted Assessors. There is currently no cost to the PTBC participants for the initial clinical assessment and the annual re-assessments. However, if the participant is required to have more than one clinical assessment per year the participant is required to pay the cost for the additional clinical assessment. These additional assessments are usually a direct result of reoccurring problems in the Diversion Program.

**Additional Costs to Third Parties:** Participants may be required to enter formal chemical

dependency treatment (i.e. inpatient or outpatient facilities) at treatment programs approved by the diversion program. Referrals to specific treatment programs are based upon the assessment of a participant's clinical need. The cost of any formal chemical dependency treatment program is the sole responsibility of each participant. Participants may also be required to undergo formal treatment for mental health diagnosis. The cost of any formal treatment for mental health treatment program is the sole responsibility of each participant.

**Worksite Monitor:** All participants are required to have a worksite monitor at his/her place of employment. The diversion program will provide the application with the required consent forms at the time of enrollment. The worksite monitor is required to report to the diversion program on the status of the participant.

**Other Requirements:** The participant must submit monthly self-evaluation reports and call into the diversion program on a routine, often daily, basis. The assigned Clinical Case Manager will determine the frequency of how often the participant needs to call in. Participants are required to receive prior approval from the Clinical Case Manager before scheduling and taking any vacations. The participant's Clinical Case Manager may determine other requirements.

**Self-Referrals** – When a licensee who enrolls into the Board's diversion program as a self-referral, the participation is confidential. As a self-referred participant, if it is determined the continued practice of physical therapy by that individual creates too great a risk to the public health, safety, and welfare, the facts shall be reported to the executive officer of the board and all documents and information pertaining to and supporting that conclusion shall be provided to the executive officer. The matter may be referred for investigation and disciplinary action by the board. Each physical therapist or physical therapist assistant who requests participation in a diversion program shall agree to cooperate with the recovery program designed for him or her. Any failure to comply with the program may result in termination of participation in the program.

## **DENIAL OF LICENSURE & ISSUANCE OF AN INITIAL PROBATIONARY LICENSE**

**Comment [EB29]:** Added authority and clarification of the administrative process

Pursuant to Business and Professions Code 480, the Physical Therapy Board has the authority to deny licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. Reasons for denial of a license includes but are not limited to the following:

- Conviction of a crime substantially related to the practice of physical therapy
- Any act involving dishonesty, fraud, or deceit with intent to substantially benefit self or another or to substantially injure another
- Any act which is grounds for revocation of a license
- Making a false statement on the application

Any person whose application for a license has been denied by the Board, may reapply to the Board for license only after a period of one (1) year has elapsed from the date of the denial.

Pursuant to Business and Professions Code 2660.2, the Board may refuse a license to any applicant guilty of unprofessional conduct or sexual misconduct as defined in B&P Code, Section 2660.1 and California Code of Regulations, section 1399.23. The Board may in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but who has met all other requirements for licensure.

The applicant has the right to appeal the denial, or the issuance with terms and conditions of a license. In either case, a Statement of Issues would be filed in accordance with Chapter 5, (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the Board shall have all the powers granted therein.

## CITATION

The Physical Therapy Board may issue a citation pursuant to section 1399.25 of the California Code of Regulations, Title 16, Division 13 as an alternate means to address relatively minor violations not necessarily warranting discipline.

~~A citation pursuant to section 1399.25 of the California Code of Regulations, Title 16, Division 13 is an alternative means by which the Physical Therapy Board of California (Board) protect the public. Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to more effectively address less egregious violations.~~

**Comment [EB30]:** Restructured sentence– No Substantive Change

Citations shall be in writing and shall describe ~~the particular with particularity~~ the nature and facts of the violation, including a reference to the statute or regulation allegedly to have been violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in section 1399.25 of Title 16 of the CCR.

**Comment [EB31]:** Grammatical Revision

**Comment [EB32]:** Grammatical Revision

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but is represented as a satisfactory resolution of the citation for purposes of public disclosure.

**Comment [EB33]:** Grammatical revision to sentence

After a citation is issued, the person may:

- 1) Pay the fine/comply with any Order of Abatement and the matter will be satisfactorily resolved.
- 2) Request an informal conference. At the conclusion of the informal conference, the Executive Officer citation may be affirmed, modified or dismissed the citation, including any fine levied or order of abatement issued
- 3) Request an Administrative Hearing in appeal of the citation whether or not an informal conference was held.

**Comment [EB34]:** Pursuant to CCR 1398.4 in the absence of the EO, the board may delegate to AEO or designee

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

## PUBLIC REPROVAL OR REPRIMAND

The Board is authorized by Sections 495 and 2660.3 of the Business and Professions Code authorize the Board to publicly reprove or reprimand a physical therapist or physical therapist assistant for a violation of the Physical Therapy Practice Act. The lissuance of a Public Rreproval as part of a disciplinary order may be considered when the following circumstances exist:

**Comment [EB35]:** Restructure of paragraph. No substantive changes.

1. The offense is an isolated incident.
2. Sufficient time has elapsed since the offense without further violations that would indicate that a recurrence is unlikely.
3. The respondent has admitted to the offense.
4. The respondent has indicated remorse.
5. There has been No prior discipline for a similar violation exists.
6. In the case of an offense related to substance abuse, active participation in a recovery program has been documented for at least one year without a relapse.

**Comment [EB36]:** Grammatical Correction to sentence

**Comment [EB37]:** Grammatical Correction to sentence

## GUIDELINES SPECIFIC TO VIOLATION

The following offenses are listed in numerical order of the statutory numbers in the Business and Professions Code (B&P Code), the California Code of Regulations (CCR) and the Health and Safety Code (H&S Code).

B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act. ~~Therefore whenever violations of the Medical Practice Act are cited, B&P Code 2660(i) h must also be cited.~~

Violations of the B&P Code or the CCR may result in the issuance of a Ceitation, Public Reproval, Initial Probationary License, filing of a Statement of Issues, or an Accusation. Filing of criminal charges shall be sought when appropriate.

**Comment [EB38]:** Grammatical Correction

**Comment [O39]:** Corrected statutory authority to cite violations of the Medical Practice Act.

**Comment [EB40]:** Capitalize Title

**Comment [EB41]:** "Public Reproval" Omitted from list on previous revision

**STATUTE TITLES ARE THEY CORRECT**  
**BUSINESS AND PROFESSIONS CODE**

**SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM**  
**B&P CODE 123**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

~~Note: This issuance of an administrative citation is for unlicensed persons only.~~

**Comment [p42]:** This should not be limited to unlicensed only - Check with legal counsel to see if we could cite an unlicensed person

**Discipline:**

Minimum: Public Repeval or Initial Probationary License  
Maximum: Revocation or denial of license

Conditions of Probation: ~~in Addition to Standard Conditions and specific conditions to be considered are: A, B, D, E, F, G, H, K~~

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, D, E, F, J

**Comment [EB43]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB44]:** Language added to clarify the use of the Specific Conditions to Violations . Added throughout document.

*Also may cite: B&P Code 496*

**CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: ~~\$1~~ 5,000

**Comment [EB45]:** Maximum amount of fine exceeds the purpose for this type of violation

**Discipline:**

Minimum: Public Repeval  
Maximum: Public Repeval

*Also may cite: CCR 1398.6*

**Comment [EB46]:** Added regulation that could also be referenced

**DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P CODE 141**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

If violation is an offense in California refer to corresponding statute, if not, the Board shall

**Comment [EB47]:** Punctuation Correction

consider the discipline order from state of discipline when determining disciplinary action.

## **CONVICTION OF A CRIME - SUBSTANTIAL RELATIONSHIP REQUIRED B&P CODE 490**

### **Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

### **Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation: ~~in Addition to Standard Conditions and specific conditions to be considered are:~~ A, B, D, D, E, F, G, H, N, O, P, S, T, U, W

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, N, O, S, T, U

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

(Conditions "S" and "U" should only be used if the violation relates to alcohol/substance abuse or psychiatric conditions)

Also may cite: B&P Code 2236, 2660(d), (h), 2661, CCR 1399.24

**Comment [EB48]:** Note to user to ensure these terms are used for specific type of violations only.

**Comment [O49]:** Added CCR as part of the Consumer Protection Enforcement Initiative

## **COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS B&P CODE 490.5**

In addition to the mandatory suspension requirements of B&P 490.5.

### **Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

### **Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

**~~VIOLATION OF EXAM SECURITY B&P CODE 496~~**

*Also may cite: ~~B&P Code 123~~*

**Comment [EB50]:** This section gives the Board the authority to deny, suspend or revoke for violating B&P 123; therefore, deleted

**OBTAINING LICENSURE BY FRAUD B&P CODE 498**

**Discipline:**  
Revocation or Denial of License

*Also may cite: B&P Code 499, 581, 582, 583, 2235, 2660(b)*

**~~FALSE STATEMENTS ON OF MATERIAL FACT FOR APPLICATION B&P CODE 499~~**

**Comment [EB51]:** Changed title to conform with B&P title

**Discipline:**  
Revocation or Denial of License

*Also may cite: B&P Code 498, 581, 582, 583, 2235, 2660(b)*

**SALE OR BARTER OF DEGREE, CERTIFICATE OR TRANSCRIPT  
B&P CODE 580**

**Discipline:**  
Revocation or Denial of License

**PURCHASE OR FRAUDULENT ALTERATION OF DIPLOMA OR OTHER WRITINGS-B&P CODE 581**

**Discipline:**  
Revocation or Denial of License

*Also may cite: B&P Code 498, 499, 582, 583, 2235, 2660(b)*

**USE OF ILLEGALLY OBTAINED, ALTERED OR COUNTERFEIT DIPLOMA, CERTIFICATE, OR TRANSCRIPT B&P CODE 582**

**Comment [EB52]:** Punctuation Revision

**Discipline:**  
Revocation or Denial of License

*Also may cite: B&P Code 498, 499, 581, 583, 2235, 2660(b)*

## FALSE STATEMENTS IN DOCUMENTS OR WRITINGS\_B&P CODE 583

**Discipline:**

Minimum: ~~Revocation, stayed, 30 days suspension, 3 years probation~~

Maximum: ~~Denial or revocation of licensee~~

Conditions of Probation in Addition to Standard Conditions: ~~A, D, E, F, U~~

**Discipline:** \_\_\_\_\_

Revocation or Denial of License

*Also may cite: B&P Code 498, 499, 581, 582, 2235, 2660(b)*

## **VIOLATION OF EXAMINATION SECURITY; IMPERSONATION AT EXAMINATIONS B&P CODE 584**

**Discipline:**

Revocation or Denial of License

*Also may cite: B&P Code 2288, 2660.7*

## **CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE U

**Comment [EB53]:** Term U - Community Service deleted. Completing Community Service is not an appropriate substitution for suspension, revocation or probation.

## **ADVERTISING VIOLATIONS- DISSEMINATION OF FALSE OR MISLEADING INFORMATION CONCERNING PROFESSIONAL SERVICES OR PRODUCTS B&P CODE 651**

**Citation:**

Minimum Fine: \$1,000

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ F, U

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: D

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*Also may cite: B&P Code 2660(a), H&S-17500, CCR 1398.10,*

### HEALTH CARE PRACTITIONER'S DISCLOSURE OF NAME AND LICENSE STATUS B&P CODE 680

**Citation:**  
Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**  
Minimum: Public Reproval  
Maximum: Public Reproval

*Also may cite: CCR 1398.11*

### EXCESSIVE PRESCRIBING OR TREATMENT B&P CODE 725

**Citation:**  
Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**  
Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation: ~~in Addition to Standard Conditions and specific conditions to be considered are:~~ A, D, E, F, G, H, M, U, V

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, C, D, E, F, J, K, L, T

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB54]:** Term U - Community Service deleted. Completing Community Service is not an appropriate substitution for suspension, revocation or probation.

**Comment [EB55]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [DME56]:** Reorder to match ToFC

**Comment [EB57]:** Public Reproval was added for cases requiring discipline.

**Comment [EB58]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

Also may cite: B&P Code 2234(b), 2660(g)

### SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 726

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, D, E, F, H, I, O, P, U

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, F, G, H, N, O

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB59]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

Also may cite: B&P Code 2660.1,

### INSURANCE FRAUD - UNPROFESSIONAL CONDUCT B&P CODE 810

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum ~~Penalty:~~ Revocation, stayed, 30 days suspension, 3 years probation  
Maximum ~~Penalty:~~ Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, U

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, N

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB60]:** Deleted for consistency of document

**Comment [EB61]:** Same as above

**Comment [EB62]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

Also may cite: B&P Code 2261, 2262, 2660 (k)

### EXAMINATION OF LICENTIATE FOR MENTAL OR PHYSICAL ILLNESS B&P CODE 820

**Discipline:**

Minimum: ~~Revocation, stayed, Suspension until capable of practicing safely.~~  
~~Probation shall continue at least one year following return to practice.~~  
Maximum: ~~Revocation~~

~~Conditions of Probation in Addition to Standard Conditions~~  
Mental Illness: ~~A, B, C, D, E, H, J, M, O, P, W, X, Y~~  
Physical Illness: ~~A, E, H, J, W, X~~

**Comment [EB63]:** This section (B&P 820) gives the Board the authority to request an exam based on a mental or physical illness and should not be included as a violation .

## **REQUIREMENTS FOR LICENSE EXEMPTION-IMMUNITY OF LIABILITY** **B&P CODE 901**

**Citation:**  
Minimum Fine: \$100  
Maximum Fine: \$5,000

**Comment [EB64]:** Added from SB 1172

*Also may cite: B&P Code, 2630, CCR 1400.1, 1400.2, 1400.3*

## **NUTRITIONAL ADVICE B&P CODE 2068, 2660(h)<sup>1</sup>**

**Citation:**  
Minimum Fine \$100  
Maximum Fine \$5,000

**Discipline:**  
Minimum: Public Reproval  
Maximum: Public Reproval

## **GROSS NEGLIGENCE B&P CODE 2234(b), 2660(h)<sup>1</sup>**

**Discipline:**  
Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.  
Maximum: Revocation

~~Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V~~

**Comment [EB65]:** Term "E" deleted from the guidelines in its entirety

- 1) All "Standard Probation Conditions"  
2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, F, I, J, K, L, N, O, T

**Comment [EB66]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

<sup>1</sup> B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

Also may cite: B&P Code 725, 2660(g)

## REPEATED NEGLIGENT ACTS B&P CODE 2234(Cc), 2660(h)<sup>1</sup>

Comment [EB67]: Should be lower case

### Citation:

Minimum Fine \$1,000  
Maximum Fine \$5,000

### Discipline:

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, F, I, J, K, L, N, O, T

Comment [EB68]: Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

## INCOMPETENCE B&P CODE 2234(d), 2660(h)<sup>1</sup>

### Discipline:

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, F, I, J, K, L, N, O, T

Comment [EB69]: Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

## PROCURING LICENSE BY FRAUD B&P CODE 2235, 2660(h)<sup>1</sup>

### Discipline:

<sup>1</sup> B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

Revocation or cancellation is the only suitable discipline in as much as the license would not have been issued but for the fraud or misrepresentation.

**Comment [p70]:** Discuss with legal. This would apply to applicants that are issued a license by error

*Also may cite: B&P Code 498, 499, 581, 582, 583, 2660(g)*

### **CRIMINAL CONVICTION B&P CODE 2236, 2660(h)<sup>1</sup>**

*Also may cite: B&P Code 490, 2660(d), 2661, CCR 1399.24*

**Comment [071]:** As part of the CPEI added regulation

### **CONVICTION RELATED TO DRUGS B&P CODE 2237, 2660(h)<sup>1</sup>**

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, N, O, P, Q, R, S, T, U, W

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, J, K, L, M, N, O, P, Q, R, S, U, Y

**Comment [EB72]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*NOTE: Outright revocation for conviction of illegal sales of controlled substances unless extensive mitigation appears.*

### **VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(h)<sup>1</sup>**

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, , N, O, P, Q, R, S, T, U, W

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, E, F, J, K, L, M, N, O, P, Q, R, S, U, Y

**Comment [EB73]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

<sup>1</sup> B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**NOTE:** *Outright revocation for conviction of illegal sales of controlled substances unless extensive mitigation appears.*

## **SELF ABUSE OF DRUGS OR ALCOHOL B&P CODE 2239, 2660(h)<sup>1</sup>**

### **Discipline:**

Minimum: Revocation, stayed, ~~S~~suspension until the ability to practice safely is determined, ~~C~~community ~~S~~service, ~~P~~participation in ~~D~~diversion ~~P~~program, 5 years probation or until satisfactory completion of the ~~D~~diversion ~~P~~program, whichever is longer.  
Maximum: Revocation

**Comment [EB74]:** Grammatical correction and revised for consistency throughout document

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, K, M, N, O, P, Q, R, S, T, U, W

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, F, J, K, L, M, N, O, P, Q, R, S, U, Y

**Comment [EB75]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*Also may cite: B&P Code 2660(e), 2660(f)*

## **MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(h)<sup>1</sup>**

### **Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, U

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, J, K, L, N, T

**Comment [EB76]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*Also may cite: B&P Code 810, 2262*

## ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(h)<sup>1</sup>

### Citation:

Minimum Fine: \$100  
Maximum Fine: \$5,000

### Discipline:

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ A, D, G, H, U

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, E, F, J, K, L, N, T

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*Also may cite: B&P Code 810, 2261*

## VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(h)<sup>1</sup>

### Citation:

Minimum Fine \$100,  
Maximum Fine \$5,000

### Discipline:

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ U

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: T (course should include HIPPA requirements)

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

## AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(h)<sup>1</sup>

### Citation:

Minimum Fine: \$100

**Comment [EB77]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [078]:** Identify specific course for this type of violation

**Comment [EB79]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ B, E, F, H, K, L, M

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: B, D, F, J, K, L

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

**Comment [EB80]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

*Also may cite: B&P Code 2630, 2660(j), CCR 1399*

**FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(h)<sup>1</sup>**

**Citation:**

Minimum Fine: \$100,

Maximum Fine \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Public Reproval

*Also may cite: B&P Code 17500*

**EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(h)<sup>1</sup>**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ G, U

<sup>1</sup> B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: E, |

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB81]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

### **MISUSE OF TITLES UNAUTHORIZED USE OF MEDICAL DISIGNATION** **B&P CODE 2274, 2660(h)<sup>1</sup>**

**Citation:**

Minimum Fine: \$100,  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE ~~A, U~~

**Comment [EB82]:** Term A (Restriction of Practice – Supervision Required) does not fit this type of violation and Term U - Community Service – deleted as a term of probation

### **VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286,** **2660(h)<sup>1</sup>**

**Citation:**

Minimum Fine: \$100  
Maximum Fine \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

*Also may cite: B&P Code 2691*

### **IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2660(h)<sup>1</sup>**

**Discipline:**

Revocation or denial of license

*Also may cite: B&P Code 584, 2660.7*

### **IMPERSONATION PRACTICE OF MEDICINE B&P CODE 2289, 2660(h)<sup>1</sup>**

**Discipline:**

Minimum: Revocation, stayed, 180 days suspension, 7 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, H, I, K, M, O,  
P, U, V

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, C, D, F, G, J, L, N,  
O, T

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

(Term "F" to be used only when self employed or owner )

### **AUTHORIZATION TO INSPECT PATIENT RECORDS B&P CODE 2608.5**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Also may cite: B&P Code 2660 (h), CCR 1399.24

**Comment [EB83]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering. Format changed throughout document.

**Comment [EB84]:** Insert "Code" for consistency

**Comment [O85]:** As part of the CPEI added regulation

### **TOPICAL MEDICATIONS B&P CODE 2620.3**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: ~~None~~ONE

Also may cite: CCR 1399.77, 1399.78, 1399.79

**Comment [O86]:** Revised to capital letters for consistency

### **AUTHORIZATION TO INSPECT PATIENT RECORDS B&P CODE 2608.5**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: None

**Comment [EB87]:** Section out of order, moved to correct order of B&P Code by section number.

*Also may cite: B&P 2660 (h)*

**CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION B&P CODE 2620.5**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: D

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: C

**Comment [EB88]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Also may cite: CCR 1399.61*

**PATIENT RECORD B&P CODE 2620.7**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, H, V

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, F, N, T

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

Also may cite: CCR 1399.85

**DEFINITIONS "PHYSICAL THERAPIST", "PHYSIOTHERAPIST", "PHYSICAL THERAPY IST TECHNICIAN", "PHYSICAL THERAPY" INTERCHANGEABLE TITLES B&P CODE 2622**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Also may cite: B&P Code 2630, 2633

**UNLICENSED PRACTICE - PHYSICAL THERAPIST ASSISTANT PRACTICING AS A PHYSICAL THERAPIST B&P CODE 2630**

**Citation:**

Minimum Fine: \$1,000  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 5 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: B, E, F, H

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: B, D, F, N, T

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

Also may cite: B&P Code 2264, 2660(j), CCR 1398.44, 1400.2, 1400.3

**Comment [EB89]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [EB90]:** Added for consistency

**Comment [EB91]:** Raised citation amount based on type of violation which is considered egregious and warrants a bigger fine

**Comment [EB92]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document. Based on type of violation, an educational course (Term T) such as an ethics course should be required

**Comment [EB93]:** Added regulation pursuant to Proposed Regulation regarding Sponsored Free Health Care Events

**UNLICENSED PRACTICE - IMPROPER SUPERVISION OF A PHYSICAL THERAPY AIDE B&P CODE 2630**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 5 years probation  
Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ ~~A, E, H, K, M~~

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: ~~A, C, F, J, K, L, N, T~~

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

*Also may cite: B&P Code 2264, 2660(j), CCR 1399*

**AUTHORIZED USE OF TITLE "P.T." AND "PHYSICAL THERAPIST"  
PERMITTED TITLES & OTHER DESIGNATIONS; DOCTORAL DEGREE  
B&P CODE 2633**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 5 years probation  
Maximum: Revocation

Conditions of Probation ~~in Addition to Standard Conditions:~~ ~~E~~

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: ~~A,~~

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB94]:** Term "C" added based on type of violation, solo practice should be prohibited to ensure additional observation for compliance with probation and prohibition from supervising support personnel

**Comment [EB95]:** Term "J" added. Respondent is prohibited from supervising applicants and aides and should also be prohibited to supervise assistants

**Comment [EB96]:** Term "N" added. Notice to patients should be used in conjunction with Term "F" if a practice monitor is required.

**Comment [EB97]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [EB98]:** Term deleted from guidelines

**Comment [EB99]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**REQUIREMENTS FOR A PHYSICAL THERAPIST APPLICANT LICENSED IN ANOTHER STATE**  
**WRITTEN EXAMINATION NOT REQUIRED & PHYSICAL THERAPIST LICENSE APPLICANT STATUS B&P CODE 2636.5**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

*Also may cite: CCR 1399.10*

**PHYSICAL THERAPIST LICENSE APPLICANT GRADUATE PRACTICE B&P CODE 2639 (ALSO SEE 2640)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

*Also may cite: CCR 1399.10*

**COMPUTER ADMINISTERED TESTING/PHYSICAL THERAPYIST LICENSE APPLICANT STATUS B&P CODE 2640**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

*Also may cite: CCR 1398.11, 1399.10*

**AUTHORIZED USE OF TITLE – PHYSICAL THERAPY STUDENT IDENTIFICATION AS STUDENT OR INTERN B&P CODE 2650.1**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

*Also may cite: CCR 1398.37*

**REQUIREMENTS OF APPLICANTS FROM GRADUATES FROM FOREIGN SCHOOLS B&P CODE 2653**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

*Also may cite: CCR 1398.26, 1398.26.5*

**NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED B&P CODE 2655.2**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, ~~E~~, K, L

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, J, K

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB100]:** Term "E" deleted from conditions. Condition E does not relate to supervision requirements

**Comment [EB101]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**ASSISTANT’S QUALIFICATIONS B&P 2655.3**

**Comment [EB102]:** Added B&P 2655.3  
Needs recommendation by board of level of action

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

**PRACTICE AUTHORIZED (PHYSICAL THERAPIST ASSISTANT)  
B&P CODE 2655.7**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Repeoval  
Maximum: Revocation

**Conditions of Probation in Addition to Standard Conditions:**

**Comment [EB103]:** Delete since there are no specific conditions

*Also may cite: B&P Code 2630, CCR 1398.44, B&P Code 2630*

**Comment [EB104]:** Arranged B&P Codes by section number

**AUTHORIZED USE OF TITLES BY P.T.A., “PHYSICAL THERAPIST ASSISTANT”, “PHYSICAL THERAPY ASSISTANT”  
B&P CODE 2655.11**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

**Comment [EB105]:** Added discipline levels for consistency with other misuses of similar title codes

**PERFORMANCE AS A GRADUATE PRACTICE (“PHYSICAL THERAPIST ASSISTANT APPLICANT”) PENDING EXAMINATION RESULTS  
B&P CODE 2655.91**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

**PHYSICAL THERAPIST ASSISTANT APPLICANT B&P CODE 2655.93**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Also may cite: CCR 1399.12

**ADVERTISING IN VIOLATION OF SECTION 17500 B&P CODE 2660(a)**

Also may cite: B&P Code 651, 2271, 17500, CCR 1398.10

**PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION  
B&P CODE 2660(b)**

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Comment [EB106]: Added for consistency and to identify specific action to be taken

Also may cite: B&P Code 498, 499, 581, 582, 583, 2235

**CONVICTION OF A CRIME B&P CODE 2660(d)**

Also may cite: B&P Code 490, 2236, 2237, 2660, 2661, CCR 1399.24

Comment [O107]: Added as part of the CPEI regulation

**HABITUAL INTEMPERANCE B&P CODE 2660(e)**

Also may cite: B&P Code Section 2239

Comment [EB108]: Deleted for consistency

**ADDICTION TO HABIT- FORMING DRUGS B&P CODE 2660(f)**

Also may cite: B&P Code 2239

**GROSS NEGLIGENCE B&P CODE 2660(g)**

Also may cite: B&P Code 725, 2234(b)

**VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS  
B&P CODE 2660(h)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

See specific statute violated.

Note: B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act; therefore whenever violations of the Medical Practice Act are cited B&P 2660(h) must also be cited

**Comment [O109]:** Accidentally omitted from this section. "h" identifies the specific section of B&P Code.

**AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY  
PRACTICE ACT OR REGULATIONS B&P CODE 2660(j)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

**Comment [EB110]:** Deleted incorrect subsection of B&P Code and inserted correct subsection

**AIDING OR ABETTING UNLAWFUL PRACTICE B&P CODE 2660 (i)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reapproval  
Maximum: Revocation

**Comment [O111]:** Accidentally omitted B&P section. Added to identify the section.

**Comment [EB112]:** Added for consistency and to identify level of action

Also may cite: B&P Code 2264

**FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY  
RELATED B&P CODE 2660(k)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: -G

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: E

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Also may cite: B&P Code 810.

**Comment [EB113]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [EB114]:** Section added, identifies the grounds for discipline based on unprofessional conduct

**INFECTION CONTROL GUIDELINES B&P CODE 2660(I)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, F, H, J, V

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, D, F, I, J

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

**Comment [O115]:** Terms deleted from conditions

**Comment [EB116]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**VERBAL ABUSE OR SEXUAL HARRASSMENT B&P CODE 2660(m)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, H, I, V

**Comment [EB117]:** Terms deleted from conditions.

1) All “Standard Probation Conditions”

2) “Probation Conditions Specific to Violation” for consideration are: A, B, F, G, T

“Probation Conditions Specific to Violation” should be considered individually since some, or all, may **not** apply.

**Comment [EB118]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

### **SUBVERSION OF EXAMINATION B&P 2660.7**

Also may cite: B&P Code 123, 584, 2288

**Comment [EB119]:** Moved to place in order by B&P Code section number

### **PRESUMPTION REGARDING CONSENT TO SEXUAL ACTIVITY MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 2660.1**

Also may cite: B&P Code 726, CCR 1399.23

**Comment [EB120]:** Added as part of the CPEI regulation

### **DENIAL OF LICENSE IN SPECIFIED CIRCUMSTANCES - REGISTERED SEX OFFENDER (APPLICANT) B&P 2660.5**

**Discipline:**  
Denial of License

### **SUBVERSION OF EXAMINATION B&P 2660.7**

Also may cite: B&P Code 123, 584, 2288, 2660 (i)(k)

**Comment [EB121]:** Moved section to place in proper order by B&P Code section number and added additional B&P Codes to cite as a corrupt and fraudulent act.

### **CONVICTION OF CRIME B&P CODE 2661**

Also may cite: B&P Code 490, 2236, 2660(d), CCR 1399.23, 1399.24

**Comment [O122]:** Added as part of the CPEI regulation

### **DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT B&P CODE 2676**

**Citation:**  
Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Also may cite: B&P Code 2684

Comment [EB123]: B&P Code effective November 6, 2009.

## EXPIRATION AND RENEWAL OF LICENSES, & DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE & CONTINUING COMPETENCY REQUIREMENTS B&P CODE 2684

Comment [EB124]: Added language to title to identify the CC requirements

### Citation:

Minimum Fine: \$100  
Maximum Fine: \$5,000

### Discipline:

Minimum: Public Reproval  
Maximum: Revocation

Also may cite: B&P Code Section 2630, 2676

Comment [EB125]: Added additional violation B&P Code effective November 2009

## PHYSICAL THERAPY CORPORATION B&P CODE 2691

Also may cite: B&P Code Section 2286 Note: If a licensee violates this section it would be a criminal offense; therefore, see also B&P Code 2236.

Comment [O126]: Deleted for consistency

## UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

### Citation:

Minimum Fine: \$100  
Maximum Fine: \$5,000

### Discipline:

Minimum: Public Reproval  
Maximum: Revocation

## VIOLATION OF PROBATION

### Discipline:

NOTE: The maximum penalty should be given for repeated similar offenses or for probation violations revealing a cavalier or recalcitrant attitude.

Implementation of Original Stayed Order.

## ADVERTISING IN VIOLATION OF SECTION 2660(a), B&P CODE 17500

*Also may cite: B&P Code 651, 2271, 2660(a), CCR 1398.10*

## HEALTH AND SAFETY CODE

### PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: G

**Comment [EB127]:** Moved H&S after the CCR's

## CALIFORNIA CODE OF REGULATIONS

### FILING OF ADDRESSES CCR 1398.6

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

*Also may cite: B&P Code 136*

### ADVERTISING CCR 1398.10

*Also may cite: B&P Code 651, 2271, 2660(a), H&S 17500*

### PHYSICAL THERAPY AIDE, APPLICANT, STUDENT AND INTERN IDENTIFICATION CCR 1398.11

*Also may cite: B&P Code 680*

### APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

*Also may cite: B&P Code 2653*

### CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR 1398.26.5

*Also may cite: B&P Code 2653*

### IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED CCR 1398.37

*Also may cite: B&P Code 2650.1*

### CRITERIA FOR APPROVAL OF PHYSICAL THERAPY FACILITIES TO SUPERVISE THE CLINICAL SERVICE OF FOREIGN EDUCATED APPLICANTS CCR 1398.38

*Also may cite: B&P Code 2653*

## SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: ~~A, E, H, K, L~~

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, F, J, K, N

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

**Comment [EB128]:** Term deleted in its entirety from conditions

**Comment [EB129]:** Notification to patients "N" should be used when utilizing a practice monitor "F"

**Comment [EB130]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

## IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS AND INTERNS DEFINED CCR 1398.52

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

## REQUIREMENTS FOR USE OF AIDES CCR 1399

*Also may cite: B&P Code 2264, 2630, 2660(j)*

## SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS CCR 1399.10

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: ~~A, E, H, K, L~~

**Comment [EB131]:** Term "E" deleted from terms in its entirety

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, F, J, K, N

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

Also may cite: B&P Code 2636.5, 2639, 2640

### **SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS CCR 1399.12**

**Citation:**

Minimum Fine: \$100  
 Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
 Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, L

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, F, J, K, N

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may not apply.

Also may cite: B&P Code 2665.93

### **REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS CCR1399.23**

**Discipline:**

Revocation or Denial of License

Also may cite: B&P Code 480, 726, 2660.1, 2660.5, 2608, 2660.1, 2660.2, 2661

### **PROHIBITING ANOTHER PARTY FROM COOPERATING OR DISPUTING A COMPLAINT CCR 1399.24 (a)**

**Citation:**

**Comment [EB132]:** Notification to patients "N" should be used when utilizing a practice monitor "F"

**Comment [EB133]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [EB134]:** Term "E" deleted in its entirety. Suspension of license does not

**Comment [EB135]:** Notification to patients "N" should be used when utilizing a practice monitor "F"

**Comment [EB136]:** Reorganized and revised specific conditions due to revision of conditions and re-lettering.. Format changed throughout document.

**Comment [EB137]:** Added as part of the CPEI regulation

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

**Comment [EB138]:** Added CCR 1399.24 (a) – (e) as part of the CPEI regulation

**FAILURE TO PROVIDE CERTIFIED DOCUMENTS CCR 1399.24 (b)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

*Also may cite: B&P Code 2608.5*

**FAILURE TO COOPERATE IN BOARD INVESTIGATION 1399.24 (c)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

**FAILURE TO REPORT TO BOARD CRIMINAL OR DISCIPLINARY INFORMATION CCR 1399.24 (d)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

*Also may cite: B&P Code 2661*

### **FAILURE TO COMPLY WITH SUBPOENA ORDER CCR 1399.24 (e)**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

### **CERTIFICATION REQUIRED - ELECTROMYOGRAPHY CCR 1399.61**

*Also may cite: B&P Code 2620.5*

### **ADMINISTRATION OF MEDICATIONS CCR 1399.77**

*Also may cite: B&P Code 2620.3, CCR 1399.78, 1399.79*

### **AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78**

*Also may cite: B&P Code 2620.3, CCR 1399.77, 1399.79*

### **AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79**

*Also may cite: B&P Code 2620.3, CCR 1399.77, 1399.78*

### **PATIENT RECORD DOCUMENTATION REQUIREMENT CCR 1399.85**

*Also may cite: B&P Code 2630.7*

### **CONTINUING COMPETENCY REQUIRED CCR 1399.91**

**Comment [EB139]:** Continuing Competency Regulations 1399.91 – 1399.99 effective November 2009 added to Guidelines

*Also may cite: B&P Code 2676, 2684*

**CONTENT STANDARDS FOR CONTINUING COMPETENCY CCR 1399.92**

*Also may cite: B&P Code 2676, 2684*

**CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS CCR 1399.93**

*Also may cite: B&P Code 2676, 2684*

**AUTHORIZED PATHWAYS FOR OBTAINING HOURS CCR 1399.94**

*Also may cite: B&P Code 2676, 2684*

**STANDARDS FOR APPROVED AGENCIES CCR 1399.95**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Maximum:**

Revocation of recognition as an approved agency

*Also may cite: B&P Code 2684*

**STANDARDS FOR APPROVED PROVIDERS CCR 1399.96**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Maximum:**

Revocation of recognition as an approved provider

*Also may cite: B&P Code 2684*

**RECORD KEEPING (CONTINUING COMPETENCY) CCR 1399.97**

*Also may cite: B&P Code 2676, 2684*

**INACTIVE STATUS (CONTINUING COMPETENCY) CCR 1399.98**

*Also may cite: B&P Code 2676, 2684*

**EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS  
CCR 1399.99**

*Also may cite: B&P Code 2676, 2684*

**SPONSORING ENTITY REGISTRATION AND RECORDKEEPING  
REQUIREMENTS CCR 1400.1**

*Also may cite: B&P Code 901*

**OUT OF STATE PRACTITIONER AUTHORIZATION TO PARTICPATE IN  
SPONSORED EVENT CCR 1400.2**

*Also may cite: B&P Code 901*

**TERMINATION OF AUTHORIZATION AND APPEAL CCR 1400.3**

*Also may cite: B&P Code 901*

**HEALTH AND SAFETY CODE**

**Comment [EB140]:** Moved H&S after the CCR's.

**PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110**

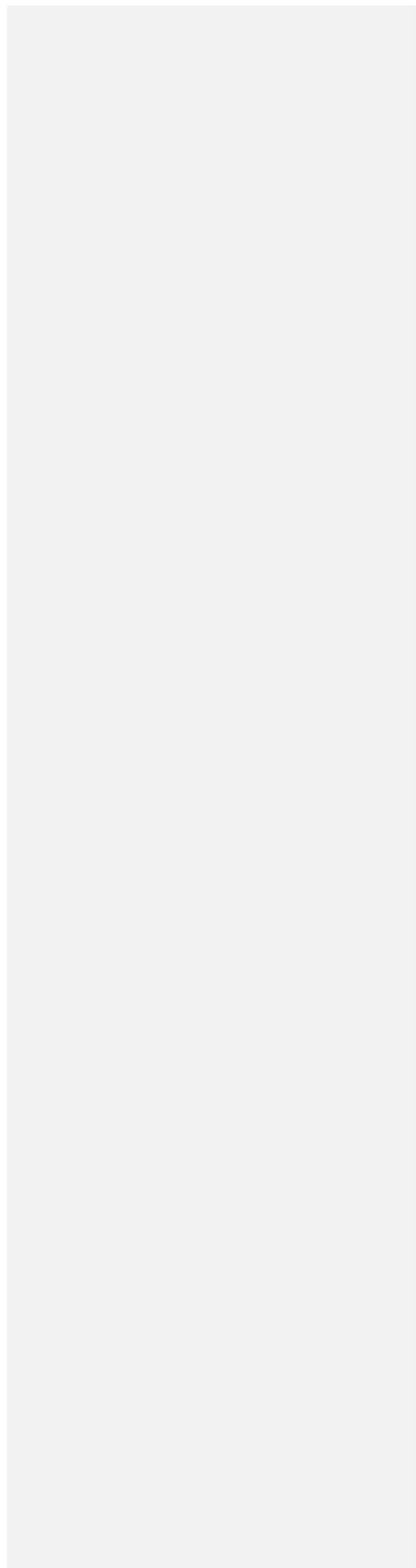
**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE—G



## Standard Probation Conditions

Probation conditions are divided into two categories: 1) Standard Conditions ~~that the Board expects~~ generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The standard conditions generally appearing in every probation case are as follows:

**1. License Revocation, stayed**

The respondent's license shall be revoked, with the revocation stayed.

**2. License Suspension**

The respondent's license shall be suspended for [insert specific number of days, months]. See specific violation for recommended time of suspension.

Note: This term is not meant to be used for punitive purposes but should be used as an educational consequence to ensure Respondent's understanding of their actions.

**Comment [EB141]:** Language added to clarify the use of a suspension.

**3. Cost Recovery**

The respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$ \_\_\_\_\_ ~~(to be determined by actual investigative and prosecutorial costs)~~. Said costs shall be reduced, however, and the remainder forgiven, if respondent pays \_\_\_\_\_% of said costs, or \$ \_\_\_\_\_ ~~(to be determined by actual investigative and prosecutorial costs)~~, within thirty (30) days of the effective date of this Decision. In the event respondent fails to pay within thirty (30) days of the Decision, the full amount of costs shall be immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order. The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the Board. If respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. ~~Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations, license renewals, or both.~~

Note: Costs are determined by actual investigative and prosecutorial costs.

**Comment [EB142]:** Moved language from above ( ) so that it doesn't accidentally get included in actual document

**4. Obey All Laws**

Respondent shall obey all federal, state and local laws, the statutes and regulations governing the practice of physical therapy and remain in full compliance with any court ordered criminal probation. This condition applies to any jurisdiction with authority over respondent, whether it is inside or outside of California.

Further, respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest.

**5. Compliance with Orders of a Court**

The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

**6. Compliance with Criminal Probation and Payment of Restitution**

Respondent shall not violate any terms or conditions of criminal probation and shall be in compliance with any restitution ordered, payments or other orders.

**7. Quarterly Reports**

Respondent shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

**8. Probation Monitoring Program Compliance**

Respondent shall comply with the Board's probation monitoring program.

**9. Interview with the Board or its Designee**

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals.

**10. Notification of Probationer Status to Employers**

The respondent shall notify all present ~~and/or~~ future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation, ~~and the~~ Decision and Order, or Stipulated Settlement to the employer, and submit written employer confirmation of receipt to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

**Comment [O143]:** Added for clarification of notification to present and future employers

**11. Notification of Change of Name or Address**

The respondent shall notify the Board, in writing, of any and all **of name** and/or address changes within ten (10) days.

**Comment [DME144]:** Grammatical correction

**12. Restriction of Practice - Temporary Services Agencies**

The respondent shall not work for a temporary services agency or registry.

OR:

**NOTE:** If respondent's restrictions are limited to a certain number of registries and/or temporary service agencies:

The respondent's work for a temporary services agency or registry shall be limited as follows:

- 1) Respondent shall be limited to work for (indicate # of temporary services or registries) temporary service agency or registry
- 2) This work must be approved by the probation monitor
- 3) Respondent must disclose this disciplinary proceeding as described above in Condition # [include appropriate term] to the temporary service agency or registry
- 4) Respondent must disclose this disciplinary proceeding, as described above in Condition # [include appropriate term] to the supervisor at the facility where physical therapy care is being performed.

Respondent must notify his/her probation monitor or Board's designee, in writing, of any change in registry or temporary service. The Respondent must have written approval by the probation monitor prior to commencing work at a new registry or temporary service agency.

**13. Restriction of Practice - Clinical Instructor of Physical Therapy Student Interns or Foreign Educated Physical Therapist License Applicants Prohibited.**

Respondent shall not supervise any physical therapy student interns, foreign educated physical therapist license applicants or other individuals accumulating hours or experience in a learning capacity in physical therapy during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

**Comment [O145]:** Title to term does not necessitate a period

**14. Prohibited Use of Aliases**

**Comment [EB146]:** Need thoughts from members as to whether a licensee on probation should be allowed to supervise any of the mentioned in this term.

Respondent shall not use aliases and shall be prohibited from using any name which is not his/her legally-recognized name or based upon a legal change of name.

**15. Intermittent Work**

If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three consecutive months, those months shall not be counted toward satisfaction of the probationary period. The respondent is required to immediately notify the probation monitor or his or her designee if he/she works less than 192 hours in a three-month period.

**Comment [EB147]:** Added for clarity

If probationer is complying with all other terms, probation shall not be tolled.

**Comment [EB148]:** Explanation of intent of standard.

**16. Tolling of Probation**

The period of probation shall run only during the time respondent is practicing or performing physical therapy within California. If, during probation, respondent does not practice or perform within California, respondent is required to immediately notify the probation monitor in writing of the date that respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

If probationer is complying with all other terms, probation shall not be tolled.

**Comment [EB149]:** Explanation of intent of standard.

**17. Violation of Probation**

Failure to fully comply with any component of any of the probationary terms and conditions is a violation of probation.

If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

**18. Request to Surrender License Due to Retirement, Health or Other Reasons**

Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation respondent may request to surrender his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable; the respondent makes application for the renewal of the tendered license or makes application for a new license.

**19. Completion of Probation**

Respondent shall comply with all financial obligations required by this Order (e.g., cost recovery, restitution, probation costs) not later than 180 calendar days prior to completion of probation unless otherwise specified in Order. Upon successful completion of probation, respondent's license shall be fully restored.

**20. California Law Examination - Written Exam on the Laws and Regulations Governing the Practice or Performance of Physical Therapy**

Within ninety (90) Days of the effective date of this decision, respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If respondent fails to pass the examination, respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed. Respondent shall pay the costs of all examinations.

**21. Practice or Performance of Physical Therapy While on Probation**

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

**22. Probation Monitoring Costs**

Respondent shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Respondent will be billed at least quarterly. Such costs shall be made payable to the

Physical Therapy Board of California and sent directly to the Physical Therapy Board of California. Failure to make ordered reimbursement within sixty (60) days of the billing shall constitute a violation of the probation order.

## PROBATION CONDITIONS SPECIFIC TO VIOLATION

The disciplinary order shall specify, as appropriate throughout the order, that the respondent is a physical therapist or physical therapist assistant. Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The specific conditions are as follows:

**A. Restriction of Practice - Supervision Required Presence of Physical Therapist**

~~Respondent shall only practice physical therapy under the supervision of a physical therapist who holds a valid unrestricted license, and who is responsible for the care rendered.~~

~~(This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.~~

**(Optional)**

~~After one (1) year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.~~

A physical therapist with an unrestricted license, in addition to the respondent, shall be on premises at all times. Depending on the type and severity of the violation, the employer shall determine any additional level of supervision.

Comment [EB150]: Changes in TERM "A" reflect re-alphabetizing

**B. Restriction of Practice - Home Care**

The respondent shall not provide physical therapy services in a patient's home.

**C. ~~Restriction of Practice - Prohibition Not to Treat a Specific Patient Population~~**

The respondent shall not treat any \_\_\_\_\_.  
(Name the specific patient population)

~~Failure to comply with any component of this condition as specified above is a violation of probation.~~

**CD. Restriction of Practice - Solo Practice**

~~The respondent shall be prohibited from engaging in the solo practice of physical therapy.~~

This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.

In cases where Respondent's ability to function independently is in doubt as a result of a deficiency in knowledge or skills or as a result of questionable judgment, this condition should be included. Solo practice means a physical therapy business or practice where only the respondent provides patient care.

Comment [EB151]: Revises the requirement

**E. ~~Restriction of Practice – Presence of Another Physical Therapist Required~~**

~~**Physical Therapists:** The respondent shall be prohibited from working any shift in which there is no other physical therapist on duty.~~

~~**Physical Therapist Assistants:** The respondent shall be prohibited from working a shift for which there is not a physical therapist on duty.~~

**DF. Restriction of Practice - Prohibition of Self-Employment or Ownership**

Respondent shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

**EG. Restriction of Practice - Prohibition of Direct Billing of Third-Party Payers**

Respondent shall not have final approval over any physical therapy billings submitted to any third-party payers in any employment.

**C. ~~Restriction of Practice - Prohibition Not to Treat a Specific Patient Population~~**

The respondent shall not treat any \_\_\_\_\_,  
(Name the specific patient population)

~~Failure to comply with any component of this condition as specified above is a violation of probation.~~

**FH. Restriction of Practice - Monitoring**

If the Respondent has an ownership interest in a physical therapy practice, ~~W~~within thirty (30) days of the effective date of this decision, or the acquisition of the ownership interest, the respondent probation monitor shall select a licensed physical therapist to serve as the professional practice monitor during the period of probation from an established pool of physical therapist licensed to practice in the State of California currently serving as expert consultants to

~~the Board. shall be submitted the name of the licensed physical therapist selected for approval by the Board or its designee. The professional practice monitor shall be selected from an established pool of physical therapists licensed to practice in the State of California who are currently serving as trained expert consultants to the Board.~~ If there is no practice monitor available from the pool of physical therapists, the respondent may provide the probation monitor with the name and license number of a physical therapist for approval if deemed appropriate. ~~The professional practice monitor shall not be someone with have a conflict of interest in reviewing the licensee's practice.~~ A conflict of interest is one that may interfere with the ability to fairly assess the licensee's practice and provide the probation monitor with a non-biased report. This includes, but is not limited to, a business partner or family member of the licensee.

**Comment [EB152]:** The probation monitor should be selecting the practice monitor from the board's list to ensure there will be no conflict of interest.

**Comment [EB153]:** Unnecessary to title since the practice monitor will be picked from the list of licensed physical therapy monitors. Title changed throughout terms H & J.

**Comment [DME154]:** Grammatical change

After the ~~professional~~ practice monitor has been approved by the Board, the ~~professional~~ practice monitor in conference with the Board's probation monitor will establish the schedule upon which clinical visits will be made to respondent's place of employment to review respondent's current practice and respondent's adherence to the terms of probation. The ~~professional~~ practice monitor shall report to the Board's probation monitor on compliance with the terms and conditions of the respondent's probation after each clinical visit. The report shall indicate whether respondent's practices are within the standards of practice of physical therapy and/or billing, and whether respondent is practicing physical therapy safely, and/or billing appropriately.

Should the ~~professional~~ practice monitor resign or no longer be available, the ~~Respondent~~ probation monitor shall within fifteen (15) days ~~select submit for approval by the Board~~ another physical therapist from the pool of expert consultants ~~or provide the name and license number of a physical therapist for approval.~~

**Comment [EB155]:** Selection of practice monitor to be conducted by probation monitor

Respondent shall pay all monitoring costs, including the cost of the ~~professional~~ practice monitor within a time frame agreed upon by the ~~professional~~ practice monitor, but shall not exceed more than fifteen (15) days of being billed.

Respondent shall make all patient records available for immediate inspection by the ~~professional~~ practice monitor or physical therapist appointed by the Board at all times, or for copying on premises, and shall retain all records for the entire term of probation.

#### **G. Restriction of Practice - Third Party Presence**

During probation, respondent shall have a third party present while examining or treating \_\_\_\_\_ (name the specific patient population). Respondent shall, within ten (10) days of the effective date of the decision, submit to the Board or its designee for its approval the name(s) of the person(s) who will act as the third party present. The respondent shall execute a release authorizing the third party present to divulge any information that the

Board may request. The person(s) acting in the role of the third party present shall be provided with a copy of the Accusation and Decision and Order.

**H. Restriction of Practice - Prohibition Not to Treat a Specific Patient Population**

The respondent shall not treat any \_\_\_\_\_  
(Name the specific patient population)

Failure to comply with any component of this condition as specified above is a violation of probation.

**Comment [EB156]:** Moved term "C" after the 3<sup>rd</sup> party presence requirement changing term to letter "H"

**I. Restriction of Practice – Incompetence Prohibition from Performing Specified Physical Therapy Procedures**

During probation, respondent is prohibited from performing or supervising the performance of \_\_\_\_\_ (specific physical therapy procedure; on a specific patient population). After the effective date of this Decision, the first time that a patient seeking the prohibited services makes an appointment, respondent shall orally notify the patient that respondent does not perform \_\_\_\_\_ (e.g. a specific physical therapy procedure; on a specific patient population). Respondent shall maintain a log of all patients to whom the required notification was made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's medical record number, if available; 3) the full name of the person making the notification; 4) the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the ~~professional practice monitor~~ physical therapist or the Board's probation monitor, and shall retain the log for the entire term of probation. Failure to maintain a log as defined in the section, or to make the log available for immediate inspection and copying on the premises during business hours is a violation of probation.

**Comment [EB157]:** Title changed to actual meaning of condition

In addition to the required oral notification, after the effective date of this Decision, the first time that a patient who seeks the prohibited services presents to respondent and each subsequent time, respondent shall provide a written notification to the patient stating that respondent does not perform \_\_\_\_\_ (e.g. a specific physical therapy procedure; on a specific patient population) respondent shall maintain a copy of the written notification in the patient's file, shall make the notification available for immediate inspection and copying on the premises at all times during business hours by the ~~professional practice monitor~~ physical therapist or the Board's probation monitor, and shall retain the notification for the entire term of probation. Failure to maintain the notification as defined in the section, or to make the notification available for immediate inspection and copying on the premises during business hours is a violation of probation.

If respondent can demonstrate competency in performing \_\_\_\_\_ (e.g. a specific physical therapy procedure; on a specific patient population) to the satisfaction of ~~a the practice professional performance monitor, or another qualified professional physical therapist, approved by~~ the Board's probation monitor ~~has approved, the practice professional performance approved physical therapist monitor or the qualified professional~~ can recommend to the Board in writing that this term of the probation end without petitioning to modify the probation. The Board or its designee will make the decision and notify the respondent of its decision in writing. Until the respondent has been notified in writing by the Board that this term has been terminated the respondent shall continue to practice under the provision of this term.

**Comment [EB158]:** Revised titles for consistency and restructured sentence

Respondent shall pay all costs of the approved physical therapist evaluating Respondent's competency within a time frame agreed upon by the approved physical therapist, but shall not exceed more than fifteen (15) days of being billed.

**JK. Restriction of Practice - No Supervision of Physical Therapist License Applicants, Physical Therapist Assistant License Applicants**

Respondent shall not supervise any physical therapist license applicants or physical therapist assistant applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

**KL. Restriction of Practice - No Supervision of Physical Therapist Assistants**

Respondent shall not supervise any physical therapist assistants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

**OR**

Respondent shall not supervise any physical therapist assistants until a course in supervising assistive personnel (as required in Term T) has been completed and supervisor is approved by the Board or its designee. Such approval shall be in writing to the respondent. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision unless otherwise indicated by the Board or its designee.

**(Optional)**

~~After one (1) year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.~~

**Comment [O159]:** Deleted optional condition since term changed to require a supervisory course in assistive personnel

**LM. Restriction of Practice - No Supervision of Physical Therapy Aides**

Respondent shall not supervise any physical therapy aides until a course in supervising assistive personnel (as required in Term T) has been completed and supervisor is approved by the Board or its designee during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

**(Optional)**

If after (1) one year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.

**Comment [O160]:** Deleted optional condition since term changed to require a supervisory course in assistive personnel

**MN. Restriction of Practice – Administration or Possession of Controlled Substances**

Respondent shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

**NO. Notification to Patients**

The respondent shall notify each patient, in writing, ~~that~~ his or her license is on probation and that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. ~~professional practice monitor~~ physical therapist will be reviewing patient records or other specific requirement].

Such notification shall be signed and dated by each patient prior to the commencement or continuation of any examination or treatment of each patient by the respondent. A copy of such notification shall be maintained in the patient's record. Respondent shall offer the patient a copy of the acknowledgement.

The notification shall include the following language unless the Board or its designee agrees, in writing, to a modification:

The Physical Therapy Board of California (PTBC) has placed ~~physical therapist license~~ number [INSERT LICENSE #], issued to [INSERT LICENSEE NAME], on probation.

As a condition of probation, the above-named physical therapist licensee must notify patients that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. ~~professional~~ practice monitor will be reviewing patient records or other specific requirement]. In addition, the physical therapist is required to notify and obtain written acknowledgement from each patient of this condition. A copy of the acknowledgement shall be offered to the patient and placed in the patient's record.

**Comment [EB161]:** Changed license type to general since the respondent could be a physical therapist assistant

Information regarding PTBC license disciplinary actions may be accessed online at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

**QP. Notification of Probationer Status to Employees**

If respondent is an employer of other physical therapist or physical therapist assistants, respondent shall, notify all present or future employees of the reason for and terms and conditions of the probation. Respondent shall do so by providing a copy of the Initial Probationary License, Statement of Issues, Accusation, and Decision and Order to each employee and submit confirmation of employee receipt to the Board within ten (10) days. The confirmation(s) provided to the Board shall include the name, address and phone number of the employees.

**Comment [EB162]:** As owner, respondent may have other type of employees. Should not limit type of personnel.

**PQ. Prohibition of Possession or Use of Controlled Substances**

Respondent shall abstain completely from the personal use or possession of controlled substances as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

**QR. Prohibition of the Use of Alcohol**

Respondent shall abstain completely from the use of alcoholic beverages.

**RS. Biological Fluid Testing**

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

**ST. Diversion Program**

Within fifteen (15) days from the effective date of this decision, respondent shall enroll and participate in the Board's Diversion Program at respondent's cost until the diversion program determines that participation in the Diversion Program is no longer necessary. Failure to comply with requirements of the Diversion Program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by respondent and shall be immediately suspended from the practice of physical therapy. Respondent will not qualify to petition for termination of probation until the board has received written notice from the Diversion Program of Respondent's completion of the Diversion Program. If the probationary period ends prior to completion of the Diversion Program, the probation will automatically be extended until the board receives written notice from the Diversion Program of respondent's completion.

**Comment [EB163]:** Added language to prohibit petitioning for modification and/or termination of probation prior to completion of diversion program

Respondent shall comply with all components of the diversion program. This includes the fact that the Board may receive reports on all aspects of respondent's participation in the diversion program. Respondent shall sign a release authorizing the diversion program to report all aspects of the diversion program as requested by the Board or its designee.

In the event the Board's diversion program is unavailable, respondent shall participate in a diversion program approved by the Board or its designee.

#### **U. Community Services**

~~The respondent shall be required to provide community service without compensation within the State of California as part of the probation. The respondent shall submit for prior approval a community service program to the Board or its designee.~~

~~Notes:~~

~~When community service is substituted for suspension from practice, 160 hours of community service shall be considered equivalent to 30 days of actual suspension.~~

~~Always add this specific condition whenever community service is substituted for suspension.~~

#### **IV. Education Course(s)**

Within thirty (30) days of the effective date of this Decision, respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program including title, content and length of course(s) in \_\_\_\_\_ (e.g. specify course subject) which shall not be less than 8 20 hours. Respondent shall supply documentation verifying satisfactory completion of coursework. This will be signed by the instructor(s) of the courses and evidence, of passing grades on exams/tests given by the instructor. Respondent shall be responsible for costs incurred of the course(s). Course hours shall not satisfy the Continuing Competency requirements pursuant to B&P 2676 as a condition for renewal of license.

In addition, if respondent fails to successfully complete the required coursework within ninety (90) days of the effective date of this Decision, upon 72 hours written notice by the Board or its designee, respondent shall be automatically suspended from the practice of physical therapy until respondent successfully completes the required training and is notified by the Board in writing that respondent has successfully completed the course(s) and the automatic suspension has been lifted.

**Comment [EB164]:** Added for clarification of what must be provided to the probation monitor

**Comment [EB165]:** Number of required hours were changed based on 20 hours being excessive.

**Comment [EB166]:** Added language to prohibit courses as part of their Continuing Competency requirements for renewal of license

**Comment [EB167]:** Language added to ensure respondent takes and passes the educational courses.

#### **U W. Psychiatric Evaluation**

Within thirty (30) calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its

designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed Board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee indicating whether the respondent is mentally fit to practice physical therapy safely.

**Comment [EB168]:** Added language to clarify purpose of requirement

Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay all cost of all psychiatric evaluations and psychological testing and any required additional follow up visits.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, or comply with the required additional conditions or restrictions, is a violation of probation.

(Option: Condition Precedent)

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee that respondent is mentally fit to practice physical therapy safely. The period of time that respondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

## **VX. Psychotherapy**

Within sixty (60) calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval the name and qualifications of a Board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require respondent to undergo psychiatric evaluations by a Board-appointed Board certified psychiatrist.

If, prior to the completion of probation, respondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall

have continued jurisdiction over respondent's license and the period of probation shall be extended until the Board determines that respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

*Note:*

*This condition is for those cases where the evidence demonstrates that the respondent has had Impairment (impairment by mental illness, alcohol abuse and/or drug self-abuse) related to the violations but is not at present a danger to respondent's patients.*

**WY. Medical Evaluation**

Within thirty (30) days of the effective date of this decision, and on a periodic basis thereafter, as may be required by the Board or its designee, respondent shall undergo a medical evaluation by a Board appointed physician and surgeon, who shall furnish a medical report to the Board or its designee. The respondent shall pay the cost of the medical evaluation.

If respondent is required by the Board or its designee to undergo medical treatment, respondent shall within thirty (30) days of the requirement submit to the Board for its prior approval the name and qualifications of a physician and surgeon of respondent's choice. Upon approval of the treating physician and surgeon, respondent shall undergo and continue medical treatment until further notice from the Board or its designee. Respondent shall have the treating physician and surgeon submit quarterly status reports to the Board or its designee indicating whether the respondent is capable of practicing physical therapy safely.

*Optional Condition*

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee of its determination that respondent is medically fit to practice safely.

**XZ. Medical Treatment**

Within fifteen (15) days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval, respondent shall undergo and continue medical treatment until the Board or its designee deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the Board or its designee indicating whether respondent is capable of practicing physical therapy safely. The Board or its designee may require respondent to undergo periodic medical evaluations by a Board appointed physician. The respondent shall pay the cost of the medical treatment.

## GLOSSARY OF TERMS

**Accusation** - Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

**Business and Professions Code (B&P)** - The statutes in law that govern the practice of physical therapy. The Physical Therapy Practice Act begins with section 2600 of the Business and Professions Code. There are some sections of law named in this document that affect the practice of physical therapy but are not included in the Physical Therapy Practice Act. The Physical Therapy Practice Act can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**California Code of Regulations (CCR)** - Regulations define the statutes (laws) that govern the practice of physical therapy. The regulations specific to physical therapy are located in Title 16, Chapter 13.2, Article 6 of the California Code of Regulations and can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**Citation** - A means of addressing relatively minor violations, which would not warrant discipline in order to protect the public. Citations are not disciplinary actions, but are matters of public record.

**Decision** - The order of the Board in a disciplinary action.

**Default Decision** - Licensee fails to respond to Accusation by filing a Notice of Defense or fails to appear at an administrative hearing.

**Diversions** – While the Board does not divert licensees from discipline, it monitors the progress of the compliance with probationary terms dealing with substance abuse.

**Health and Safety Code (H&S)** - Statutes of law contained in the Health and Safety Code that affect the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**Initial Probationary License** - The Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure.

**Interim Suspension Order** - An order issued upon petition, suspending a licensee from all or a specified part of his or her physical therapy practice.

**Petition to Revoke Probation** - Charges filed against a probationer seeking revocation of their physical therapy license based upon violation(s) of probation.

**Probation Tolerated** - Credit for time served towards the probationary period does not begin until the probationer commences practice in the State of California.

**Public Letter of Reprimand or Public Reproval** - A formal public reproval issued by the Board, which could be in lieu of filing a formal accusation is considered disciplinary action.

**Revoked** - The right to practice is ended.

**Revoked, stayed, probation** – “Stayed” means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.

**Statement of Issues** - Charges filed against an applicant to deny licensure due to alleged violation(s) of the Physical Therapy Practice Act.

**Surrender of License** - The licensee turns in the license, subject to acceptance by the Board. The right to practice is ended.

**Suspension** - The licensee is prohibited from practicing for a specific period.

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**Comment [0169]:** Moved H&S after the CCR's

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