



Physical Therapy Board of California

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

Physical Therapy Board of California

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Agenda Item 14

Briefing Paper

Date: July 22, 2011

Prepared for: PTBC Members

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

Purpose:

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

Background:

At the May11, 2011 Physical Therapy Board meeting, the proposed revisions to the Model Guidelines for Issuing Citations and Imposing Discipline was presented for Board consideration. The Board approved the additional revisions; however had additional comments and recommendations. Based on the revisions presented, the Board directed staff to incorporate their comments and work with legal counsel on additional language regarding certain sections of the Guidelines to bring back to the August Board meeting.

Analysis:

To facilitate the review of the additional revisions made since the May Board meeting, the revised language has been highlighted in yellow.

The major revisions included:

- 1) Page 6, Inserted Legal Authority, CCR 1399.15 as recommended by legal counsel
- 2) Page 14, Definition of Diversion – Language prepared by legal counsel to define the two type of “diversion programs.” (Self Referrals & Probationary Participants)
- 3) Page 17, Denial of Licensure & Issuance of an IPL – Language was added to identify additional statutes authorizing the denial of a license and appeal rights.

4) Page 20, B&P Code 495 Public Reprovals and B&P Code 2660.3 Public Reprimands – Separated the definitions of reprovals vs. reprimands since both require a different process and a different level of consideration for action.

5) Page 22, B&P Code 123, the following revision was made and will be changed throughout the document upon Board approval:

Also may cite Refer to related regulation: CCR 1398.6

Revision was recommended by legal counsel to direct the reader to other related regulation and/or statutes, if any. Existing language is not clear of the intent. Only a few were changed to present for Board approval but will be changed throughout upon approval.

6) Page 23, B&P Code 490, a Footnote was added for B&P section 2660(h) when citing the Medical Practice Act. Only a few were added to present to the board but will be changed throughout document.

7) California Code of Regulations Section – Some of the regulations included conditions which were identical to the conditions in the related statute. Therefore, the conditions were deleted in those cases and the reader is referred to the appropriate statutory authority for the conditions.

8) Several changes were made in the Probation Conditions Specific to Violation. Changes were made to reflect the Uniform Standards re Substance Abuse and a 3rd section was added to include the Conditions Specific to Alcohol and Controlled Substance.

9) The formatting of the page breaks and page numbering in the Table of Contents and the Violation Index will not be corrected until the Guidelines are adopted.

10) Reviewed and made additional revisions throughout the Guidelines that are not substantive changes.

Action Requested:

Consider and approve the revisions made to the Model Guidelines for Issuing Citations and Imposing Discipline and provide recommendations on any other changes needed as discussed in Board meeting and direct staff to make changes.

If PTBC approves the revisions, delegate to the Interim Executive Officer the authority to make non substantive changes to the revised text, if necessary, and approval to proceed with the regulatory process, with the revised text.