



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 # 5(B)

Briefing Paper

Date: July 27, 2011

Prepared for: Board Members

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SUBJECT: Cite and Fine Report

Purpose:

To inform Board members of current citation statistics, and an overview of the citation process.

Report:

Current Citation Statistics:

A citation is not considered disciplinary action, and is generally issued by the Board when the offense is deemed to be relatively minor, and the likelihood of a repeat offense is low. A citation is removed from public record 5 years after the date it was issued, or if subsequent citations have been issued, 5 years from the date the last citation is issued to the licensee.

The following statistics are offered for the fiscal year 2010-2011 (July 1, 2010 through June 30, 2011). During that time, 650 citations were issued by the Board, of which, 57 were subsequently withdrawn. Of the 593 remaining citations, there were 544 address change violations, 19 address change violations with false statement to the Board, 33 criminal convictions, 7 practice-related issues (complaints regarding patient care), 9 continuing competency violations, and 2 adverse actions in another state.

Various Causes for Issuing Citations:

Address Change – The most common reason citations are issued is for a licensee's failure to inform the Board of a change to their residence address within 30 days of the change. These citations are often issued at the minimum fine amount of \$100, but the fine is usually raised if there have been multiple un-reported moves, or if other violations occurred besides the address change violation. Occasionally, a citation is issued for making a false statement to the Board in conjunction with an address change, (e.g. if the licensee gives a false date of relocation when they report their address change).

Criminal Conviction – As mentioned in the Report on Conviction and Continuing Competency Cases (Agenda Item 5(A)), citations are often issued for a first-time criminal offense. The most common criminal offense for which the Board issues a citation is DUI, but citations are also issued for other misdemeanor convictions that are substantially related to the practice of physical therapy (e.g. disturbing the peace, driving on a suspended license, etc.)

Practice-Related Offenses – Occasionally, a practice-related offense (one that occurs within the work setting) does not warrant disciplinary action, but enough evidence exists to issue a citation for the violation. The fine range is greater for these types of citations because of the variation in the number and type of violations, and can range from \$100 to \$5,000.

Discipline by Another State – Occasionally, a licensee that is also licensed as a Physical Therapist or Physical Therapist Assistant in another state, has action taken against their license by that state. When the Board is notified of the final action taken, we gather appropriate documentation, and determine what action needs to be taken by our Board. Sometimes the appropriate action is to issue a citation against the licensee’s California license, stating the licensee’s action that caused the other state to take disciplinary action. The fine range for these types of citations also varies greatly, and can be anywhere from \$100 to \$5,000

Continuing Competency – The Board has just begun issuing citations for violations of the new Continuing Competency requirements. As this is a brand new process, the specifics are still being worked out for individual cases. But, as explained in Agenda Item 5(A), many licensees who fail the continuing competency audit are issued citations. The causes of these citations are most often failure to complete the specific Basic Life Support and Ethics requirements, failure to complete the total required hours, and false statement to the Board (from when the licensee signed their renewal certifying that they had completed their Continuing Competency requirements prior to license expiration). The fine range for these citations is from \$250 to \$500.

Action Requested:

None. For informational purposes.