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

Physical Therapy Board of California

Uniform Standards Related to Substance Abuse & ~~Model~~ Guidelines for Issuing Citations & Imposing Discipline

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STATE OF CALIFORNIA

PHYSICAL THERAPY BOARD OF CALIFORNIA

MODEL GUIDELINES FOR ISSUING CITATIONS AND IMPOSING DISCIPLINE

3rd Edition Adopted June 2009

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Statement of Purpose, Intent & Expectations

The purpose of ~~licensure of~~ physical therapist~~s~~ and physical therapist assistant~~s~~ 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.

The Physical Therapy Board of California (Board) is producing ~~produced~~ this ~~3rd~~ 4th 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, ~~it's~~ the Board's Executive Officer and staff, and R~~r~~espondents 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.

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.

These include:

1) If at the time of hearing, the Administrative Law Judge finds ~~that the~~ R~~r~~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.

2) The Board expects ~~that~~ revocation is normally the appropriate order in cases where ~~the~~ R~~r~~espondent 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 "P~~p~~roposed ~~decision or~~ "S~~s~~ettlement that departs from the disciplinary guidelines shall be accompanied by a memorandam identifying 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.

LEGAL AUTHORITY

The legal authority for the "Physical Therapy Board of California Uniform Standards Related to Substance Abuse and Guidelines for Issuing Citations and Imposing Discipline", revised , 2011, is contained in Section 1399.15 of Title 16 of the California Code of Regulations.

California Code of Regulations
Title. 16 Professional and Vocational Regulations
Division 13.2
Article 8 Uniform Standards Related To Substance Abuse and Disciplinary Guidelines

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the "Uniform Standards Related to Substance Abuse and Guidelines for Issuing Citations and Imposing Discipline",(Revised Month XX, 2011) which are hereby incorporated by reference. The Uniform Standards apply to a substance abusing licensee. Notwithstanding subsection (b), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrants such a deviation – for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) If the conduct found to be a violation involves drugs and/or or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Business and Professions Code. If the licensee does not rebut that presumption, then the Uniform Standards for substance abusing licensee shall apply unless the licensee established that, in his or her particular case, appropriate public protection can be provided with modification or omission of a specific standard as a term of probation.

(c) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

As used in this section, the term "sex offense" shall mean any of the following:

(a) Any offense for which registration is required by Section 290 of the Penal code or a finding that a person committed such an offense.
(b) Any offense defined in Section 261.5, 313.1, 647 subsections (a) or (d) of the Penal code or a finding that a person committed such an offense.
(c) Any attempt to commit any of the offenses specified in this section.
(d) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have be punishable as one or more of the offenses specified in this section.

UNIFORM STANDARDS RELATED TO A SUBSTANCE ABUSE

The following standards govern all cases involving a substance abuse license.

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 thirty (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 and what restrictions or recommendations should be imposed on the licensee based on the application of the following criteria:

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 the 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 the 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. 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 abstention from alcohol and drugs for any person whose license is placed on probation or in a drug and alcohol recovery monitoring program due to substance use.

Exceptions to Testing Frequency Schedule:

I. PREVIOUS TESTING/SOBRIETY

In cases where the 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

A physical therapist/physical therapist assistant 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 1(see Section V) and participate in Level 2 (see Section V) of the testing frequency schedule.

III. NOT EMPLOYED IN HEALTH CARE FIELD

The Board may reduce testing frequency to a minimum of twelve (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 Respondent wants to return to practice or work in a health care field, the Respondent shall notify and secure the approval of the Board. Prior to returning to the employment of physical therapy, the licensee shall be subject to Level 1 testing frequency for at least sixty (60) days. At such time the person returns to employment (in a health care field), if the licensee has not previously met the Level 1 frequency standard, the licensee shall be subject to completing a full year at the Level 1 testing frequency schedule, otherwise Level 2 of testing shall be in effect.

IV. TOLLING

The 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. Respondent shall notify the Board upon Respondent's return to California and shall be subject to testing as provided in this standard. If Respondent 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 2 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.

The 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. (Level 1) Respondent shall be randomly drug tested at 52 – 104 times per year for the first year and at any time as directed by the Board.
   (Level 2) After the first year, Respondent, 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 the 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 the Board's testing program or who has committed a Major Violation, as identified in Page 9, 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.

The 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

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.

Business and Professions Code, section 821, 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.

DEFINITION OF DIVERSION

There are two types of participants in the "diversion" program for the Physical Therapy Board of California; licensees with drug and/or alcohol addiction issues who have self-referred to the program and are not under a disciplinary order and licensees who have been ordered to participate in the Board's drug and alcohol recovery monitoring program due to violations of the Physical Therapy Practice Act related to abuse of drugs and/or alcohol.

Self-Referrals

While the Board does not divert licensees from discipline, those licensees who self-refer are considered to be participants in the Board's "diversion" program.

When a licensee who enrolls in 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.

The terms and conditions described in these guidelines are not applicable to self-referred licensees. Instead, self-referred licensees are subject to contractual terms of participation the violation of which could lead to termination of participation in the diversion program.

Probationary Participants

The Board does not consider licensees who have been ordered to participate in the Board's diversion program to be "in diversion," rather the Board considers these individuals to be in a drug and alcohol recovery monitoring program. As a result, the Board will not use the term "diversion" in these disciplinary guidelines to describe licensees on probation or terms and conditions of probation related to drug and alcohol recovery monitoring. Instead the phrase "drug and alcohol recovery monitoring program" or "recovery monitoring program" will be used.

DRUG AND ALCOHOL RECOVERY MONITORING PROGRAM REQUIREMENTS & COSTS

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

Drug and Alcohol Recovery Monitory Program Timeframe: Participation in the drug and alcohol recovery monitory program is for a period of approximately 3-5 years.

Monthly Administrative Fee: The participant pays the monthly administrative fee directly to the drug and alcohol recovery monitory 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 drug and alcohol recovery monitory program. These groups are attended exclusively by licensed professionals who are in their own recovery and involved in a drug and alcohol recovery monitory program. The Health Support Group Facilitators are licensed professionals who have extensive clinical experience in working with licensed professionals in recovery and in drug and alcohol recovery monitory program. 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 drug and alcohol recovery monitory 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 drug and alcohol recovery monitory 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 drug and alcohol recovery monitory 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 drug and alcohol recovery monitory program will provide the application with the required consent forms at the time of enrollment. The worksite monitor is required to report to the drug and alcohol recovery monitory program on the status of the participant. Respondent is responsible for costs incurred.

Other Requirements: The participant must submit monthly self-evaluation reports and call into the drug and alcohol recovery monitory 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.

DENIAL OF LICENSURE & ISSUANCE OF AN INITIAL PROBATIONARY LICENSE

Mandatory Denial of a License

In accordance with section 2660.5 of the B&P Code, the Board must deny licensure to any applicant who is required to be registered pursuant to Penal Code Section 290, unless the only basis for 290 registrations is due to a misdemeanor conviction under Penal Code Section 314. There is no discretion allowed. If an applicant is a 290 registrant, their application for licensure will be denied.

Permissive Denials of a License

The Board has the right to deny a license to any applicant for any of the following:

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 include 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

In addition to section 480, the Board has the authority to deny a license for any of the following reasons:

Business and Professions Code 2635, every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, not addicted to alcohol or any controlled substance, have successfully completed the education and training required by Section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

Business and Professions Code 2655.3(c) Not be addicted to alcohol or any controlled substance; (d) Not have committed acts or crimes constituting grounds for denial of approval under Section 480.

Business and Professions Code 2660 (e) Habitual intemperance; (f) Addiction to the excessive use of any habit-forming drug

Business and Professions Code 2660.2 (a) The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual activity referred to in Section 2660.1.

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.

Appeal Rights

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.

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.

CITATION

The Physical Therapy Board may issue a citation pursuant to section 125.9 of the Business and Professions Code, 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.

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.

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

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, modif~~y~~ied 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.

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 REPROVALS ~~OR~~ & REPRIMANDS

B&P Code ~~The Board is authorized by~~ Section 495 ~~and 2660.3 of the Business and Professions Code~~ authorizes the Board to publicly reprove ~~or reprimand~~ a physical therapist or physical therapist assistant for an act constituting grounds for suspension or revocation of a license. ~~a violation of the Physical Therapy Practice Act. The~~ ~~I~~issu~~ance~~ing ~~of~~ a P~~p~~ublic R~~r~~eproval as part of a disciplinary order may be considered when the following circumstances exist:

1. The offense is an isolated incident.

2. Sufficient time ~~has~~ elapsed since the offense without further violations ~~that would~~ indicat~~e~~ing ~~that~~ a recurrence is unlikely.

3. ~~The~~ R~~r~~espondent ~~has~~ admitted to the offense.

4. ~~The~~ R~~r~~espondent ~~has~~ indicated remorse.

5. ~~There has been~~ N~~n~~o 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.

B&P Code Section 2660.3 authorizes, upon stipulation or agreement by the licensee, in lieu of filing or prosecuting a formal accusation against a licensee, the Board may, issue a public letter of reprimand after it has conducted an investigation or inspection. The Board may use a public letter of reprimand only for minor violations, as defined by the Board, committed by the licensee. Minor violations, include, but are not limited to, the following:

1. First DUI with no underlying circumstances that would be considered egregious. (e.g. no bodily injury to any third party)

2. One (1) adverse action in another State

3. Failure to maintain patient records, such as an isolated incident of a documentation violation

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 Wwhenever 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.

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.~~

Discipline:
Minimum: Public Reproval 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

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

~~*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

Discipline:
Minimum: Public Reproval
Maximum: Public Reproval

Refer to related regulation: CCR 1398.6

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

Refer to related regulation: CCR 1399.24

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, H. M, N, P, W

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

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

~~*Also may cite*~~ *Refer to related statutes and/or regulations: B&P Code 2236, 2660(d), (*h*)* [1]

, 2661, CCR 1399.24 (d)

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

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

Maximum: Public Reproval

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

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

OBTAINING LICENSURE BY FRAUD B&P CODE 498

Discipline:
Revocation or Denial of License

~~*Also may cite*~~*Refer to related statutes: B&P Code 499, 581, 582, 583, 2235, 2660(b)(h)*

FALSE STATEMENT~~S ON~~ OF MATERIAL FACT FOR APPLICATION B&P CODE 499

Discipline:
Revocation or Denial of License

~~*Also may cite*~~*Refer to related statutes: B&P Code 498, 581, 582, 583, 2235, 2660(b)(h)*

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*~~*Refer to related statutes: B&P Code 498, 499, 582, 583, 2235, 2660(b)(h)*

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

Discipline:
Revocation or Denial of License

~~Also may cite~~Refer to related statutes: B&P Code 498, 499, 581, 583, 2235, 2660(b)(h)

FALSE STATEMENTS IN APPLICATION 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~~Refer to related statutes: B&P Code 498, 499, 581, 582, 2235, 2660(b)(h)

VIOLATION OF EXAMININATION SECURITY; IMPERSONATION ~~AT EXAMINATIONS~~ B&P CODE 584

Discipline:
Revocation or Denial of License

~~Also may cite~~Refer to related statutes: B&P Code 2288, 2660(h), 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~~

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~~Refer to related statutes: 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~~Refer to related regulation: 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, H, L, O

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

~~Also may cite~~Refer to related statutes: B&P Code 2234(b), 2660(g) (h)

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~~

Note: The Board has determined that no term and condition of probation can adequately protect the public from a licensee who has engaged in sexual abuse and/or misconduct.

~~Also may cite~~Refer to related statutes and/or regulation: B&P Code 2660.1,CCR 1399.15

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

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

~~Also may cite~~Refer to related statutes: B&P Code 2261, 2262, 2660 (k)(h)

~~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~~

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

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

Refer to related statutes and regulations: B&P Code, 2630, CCR 1400.1, 1400.2, 1400.3

NUTRITIONAL ADVICE B&P CODE 2068, 2660(h)[1]

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

Discipline:
Minimum: Public Reproval
Maximum: Public Reproval

GROSS NEGLIGENCE B&P CODE 2234(b), 2660(h)[1]

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 *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: A, B, C, D, F, I, J, L, M, N, O

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

~~Also may cite~~Refer to related statutes: B&P Code 725, 2660(g)

REPEATED NEGLIGENT ACTS B&P CODE 2234(~~C~~c), 2660(h)[1]

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, L, M, N, O

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

INCOMPETENCE B&P CODE 2234(d), 2660(h)[1]

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 *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: A, B, C, D, F, I, J, L, M, N, O

"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)[1]

Discipline:
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.

~~Also may cite~~: Refer to statute(s) for appropriate penalties. B&P Code 498, 499, 581, 582, 583, 2660(g)

CRIMINAL CONVICTION B&P CODE 2236, 2660(h)[1]

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the "Uniform Standards Related to Substance Abuse" shall be imposed.

~~Also may cite~~Refer to related statutes: B&P Code 490, 2660(d), 2661, CCR 1399.24(d)

CONVICTION RELATED TO DRUGS B&P CODE 2237, 2660(h)[1]

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, F, M, N, P, T, U, V, W

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

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the "Uniform Standards Related to Substance Abuse" shall be imposed.

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)[1]

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, F, M, N, P, T, U, V, W

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

[The "Uniform Standards Related to Substance Abuse" shall be imposed.]

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)[1]

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

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, L, M, N, P, T, U, V, W

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

[The "Uniform Standards Related to Substance Abuse" shall be imposed.]

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

Refer to related statutes: B&P Code 2660(e), 2660(f)

MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(h)[1]

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,

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

Refer to related statutes: B&P Code 810, 2262, 2660(h)1

ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(h)

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, C, E, F

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

Refer to related statutes: B&P Code 810, 2261, 2660(h)

VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(h)

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: V (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)[1]

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~~: ~~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.

Refer to related statutes and/or regulation: B&P Code 2630, 2660(j), CCR 1399

FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(h)[1]

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

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

Discipline:
Minimum: Public Reproval
Maximum: Public Reproval

Refer to related statues and/or regulation: B&P Code 651, 2660(a), 17500, CCR 1398.10

EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(h)[1]

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~~

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.

~~MISUSE OF TITLES~~ UNAUTHORIZED USE OF MEDICAL DESIGNATION B&P CODE 2274, 2660(h)[1]

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~~

VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286, 2660(h)[1]

Citation:
Minimum Fine: $100

Maximum Fine $5,000

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statute: B&P Code 2691

IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2660(h)[1]

Discipline:
Revocation or denial of license

Refer to related statutes: B&P Code 584, 2660.7

IMPERSONATION PRACTICE OF MEDICINE B&P CODE 2289, 2660(h)[1]

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, M. N, O

"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

Refer to related statute and/or regulation: B&P Code 2660 (h), CCR 1399.24

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: N~~one~~ONE

Refer to related regulations: CCR 1399.77, 1399.78, 1399.79

~~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 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

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

Refer to related regulation: 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, O

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

Refer to related regulation: CCR ~~1399.85~~ 1398.13

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

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: 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, O

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

Refer to related statutes and/or regulations: B&P Code 2264, 2660(j)(h),CCR 1398.44, 1400.2,1400.3

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, F, J, L

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

Refer to related statutes and/or regulation: B&P Code 2264, 2660(h)(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.

~~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

Refer to related regulation: 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

Refer to related regulation: CCR 1399.10

COMPUTER ADMINISTERED TESTING/PHYSICAL THERAP~~Y~~IST LICENSE APPLICANT STATUS B&P CODE 2640

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

Discipline:
Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulations: 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

Refer to related regulation: 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

Refer to regulations: 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.

PHYSICAL THERAPIST ASSISTANT'S QUALIFICATIONS FOR LICENSURE B&P 2655.3

Discipline:
Minimum: Issue Initial Probationary License
Maximum: Deny Application

[The "Uniform Standards Related to Substance Abuse" shall be imposed.]

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

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

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

Refer to related statute and/or regulation: B&P Code 2630, CCR 1398.44, ~~B&P Code 2630~~

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

STUDENTS PERFORMING PHYSICAL THERAPY B&P 2655.75

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

Refer to related regulation: CCR 1398.52

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

Refer to related statute and/or regulation: B&P 2655.93, CCR 1399.12

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

Refer to related statute and/or regulation: B&P 2655.91, CCR 1399.12

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

Refer to related statute and/or regulation: 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

Refer to related statutes: B&P Code 498, 499, 581, 582, 583, 2235, 2660(h)

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

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) then imposition of the "Uniform Standards Related to Substance Abuse" shall be imposed.

[Imposition of the "Uniform Standards Related to Substance Abuse" shall be imposed.]

Refer to related statutes and/or regulation: B&P Code 490, 2236, 2237, 2660(h), 2661, CCR 1399.24

HABITUAL INTEMPERANCE B&P CODE 2660(e)

[The "Uniform Standards Related to Substance Abuse" shall be imposed.]

Refer to related statute: B&P Code ~~Section~~ 2239, 2660(h)

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

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the "Uniform Standards Related to Substance Abuse" shall be imposed.

Refer to related statute: B&P Code 2239

GROSS NEGLIGENCE B&P CODE 2660(g)

Refer to related statutes: B&P Code 725, 2234(b), 2660(h)

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

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

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

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

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2264, 2660(h)

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.

Refer to related statute: B&P Code 810,

INFECTION CONTROL GUIDELINES B&P CODE 2660(l)

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.

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~~

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.

~~SUBVERSION OF EXAMINATION B&P 2660.7~~

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

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

Note: Pursuant to CCR 1399.15 any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

Refer to related statute and/or regulation: B&P Code 726, 1399.15

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

Refer to related statutes: B&P Code 123, 584, 2288, 2660(h)(i)(k)

CONVICTION OF CRIME B&P CODE 2661

A conviction demonstrates a lack of judgment and unwillingness to obey a legal prohibition and also exhibits characteristics and actions that do not demonstrate that he/she exercises prudence and good judgment and therefore is substantially related to the qualifications, functions and duties as a licensee.

Note: B&P Code 2661 should be cited in conjunction with a conviction violation since it defines the conviction being of substantial relationship of the qualifications, functions and duties, and should not stand alone as its own cause.

Refer to related statutes and/or regulations: B&P Code 490, 2236, 2660(d), CCR 1399.23, 1399.24

DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT B&P CODE 2676

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: B&P Code 2684

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

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: B&P Code ~~Section~~ 2630, 2676

PHYSICAL THERAPY CORPORATION B&P CODE 2691

Refer to related statute: B&P Code ~~Section~~ 2286 Note: If a licensee violates this section it would be a criminal offense; therefore, also see ~~also~~ B&P Code 2236.

UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

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

Refer to related statutes and/or regulation: B&P Code 651, 2271, 2660(a), CCR 1398.10

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.

~~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~~

CALIFORNIA CODE OF REGULATIONS

FILING OF ADDRESSES CCR 1398.6

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

~~*Also may cite*~~ *Refer to statute: B&P Code 136*

ADVERTISING CCR 1398.10

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties: B&P Code 651, 2271, 2660(a)(h), H&S 17500*

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

~~Also may cite~~ Refer to statute(s) for appropriate penalties: *B&P Code 680*

PATIENT RECORD DOCUMENTATION REQUIREMENT CCR 1398.13

~~Also may cite~~ Refer to statute(s) for appropriate penalties: *B&P Code 2620.7 .*

APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26

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

~~*Also may cite*~~ Refer to statute(s) for appropriate penalties*: B&P Code 2653*

CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR 1398.26.5

~~*Also may cite*~~ Refer to statute(s) for appropriate penalties*:: B&P Code 2653*

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

~~Also may cite~~ *Refer to statute(s) for appropriate penalties*: *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~~ *Refer to statute(s) for appropriate penalties*: *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~~

Refer to statute(s) for appropriate penalties: *B&P Code 2660(h), 2655.2*

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

~~**Citation**:~~

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

Refer to statute(s) for appropriate penalties: *B&P Code 2655.75*

REQUIREMENTS FOR USE OF AIDES CCR 1399

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties*: *B&P Code 2264, 2630, 2660(j)(h)*

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~~
1) All "Standard Probation Conditions"
2) "Probation Conditions Specific to Violation" for consideration are: A, F, J, K, M
"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

~~*Also may cite*~~ *Refer to related statute(s) for appropriate penalties*: *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, M

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

~~Also may cite~~ Refer to related statute(s): *B&P Code ~~2665.93~~ 2655.91*

REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS CCR1399.23

Discipline:

Revocation or Denial of License

~~Also may cite~~ Refer to related statute(s) for appropriate penalties: 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:
Minimum Fine: $100
Maximum Fine: $5,000

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

FAILURE TO PROVIDE CERTIFIED DOCUMENTS CCR 1399.24 (b)

Refer to statute for appropriate penalties: 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 CRIMINIAL OR DISCIPLINARY INFORMATION CCR 1399.24 (d)

Refer to related statutes for appropriate penalties: B&P Code 141, 490, 2661, 2660(d)

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~~ Refer to statute(s) for appropriate penalties: B&P Code 2620.5

ADMINISTRATION OF MEDICATIONS CCR 1399.77

~~Also may cite~~ Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.78, 1399.79

AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties and related regulations*: *B&P Code 2620.3, CCR 1399.77, 1399.79*

AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties and related regulations*:: *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

~~Also may cite~~ Refer to statute(s) for appropriate penalties: *B&P Code 2676, 2684*

CONTENT STANDARDS FOR CONTINUING COMPETENCY CCR 1399.92

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS CCR 1399.93

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

AUTHORIZED PATHWAYS FOR OBTAINING HOURS CCR 1399.94

~~*Also may cite*~~ *Refer to statute(s) for appropriate penalties: 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

Refer to related statute: B&P Code 2676

STANDARDS FOR APPROVED PROVIDERS CCR 1399.96

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

Maximum:

Revocation of recognition as an approved provider

Refer to related statute: B&P Code 2676

RECORD KEEPING (CONTINUING COMPETENCY) CCR 1399.97

Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

INACTIVE STATUS (CONTINUING COMPETENCY) CCR 1399.98

Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS CCR 1399.99

Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

SPONSORING ENTITY REGISTRATION AND RECORDKEEPING REQUIREMENTS CCR 1400.1

Refer to statute for appropriate penalties: B&P Code 901

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

Refer to statute(s)) for appropriate penalties: B&P Code 901

TERMINATION OF AUTHRORIZATION AND APPEAL (OUT OF STATE PRACTITIONER'S AUTHORIZATION) CCR 1400.3

Refer to statute for appropriate penalties: B&P Code 901

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: NONE ~~G~~

Probation conditions are divided into ~~two~~ three 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; and 3) Conditions Specific to Alcohol and/or Controlled Substance. The standard conditions generally appearing in every probation case are as follows:

Standard Probation Conditions

:

1. License Revocation, S~~s~~tayed

~~The~~ R~~r~~espondent's license shall be revoked, with the revocation stayed.

2. License Suspension

~~The~~ R~~r~~espondent'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 his or her actions,

3. Cost Recovery

~~The~~ R~~r~~espondent's 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 R~~r~~espondent 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 R~~r~~espondent 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 R~~r~~espondent shall not relieve R~~r~~espondent of his/her responsibility to reimburse the Board. If R~~r~~espondent 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.

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 R~~r~~espondent, whether it is inside or outside of California.

Further, R~~r~~espondent 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~~ R~~r~~espondent 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~~ R~~r~~espondent 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~~.

Prior to engaging in the practice of physical therapy, Respondent shall provide a true copy of the Initial Probationary License Decision and

Order, Statement of Issues, Accusation, Decision and Order, or Stipulated Decision and Order to his or her employer, supervisor, or contractor, or prospective employer or contractor, and at any other facility where Respondent engages in the practice of physical therapy before accepting or continuing employment.

Respondent shall provide the probation monitor the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors, or contractors, and shall inform the probation monitor in writing of the facility or facilities at which Respondent engages in the practice of physical therapy for purposes of allowing the probation monitor to communicate with the employer, supervisor, or contractor regarding the Respondent's work status, performance and monitoring.

The information will be provided in writing to the probation monitor within ten (10) calendar days and will include written employer confirmation of receipt.

11. Notification of Change of Name or Address

~~The~~ R~~r~~espondent shall notify the Board, in writing, of any and all ~~of~~ name and/or address changes within ten (10) days of the change.

12. Restriction of Practice - Temporary Services Agencies

~~The~~ R~~r~~espondent shall not work for a temporary services agency or registry.

OR:

NOTE: If R~~r~~espondent's restrictions are limited to a certain number of registries and/or temporary service agencies:

~~The~~ R~~r~~espondent'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 P~~p~~robation M~~m~~onitor

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 ~~P~~probation ~~M~~monitor or Board's designee, in writing, of any change in registry or temporary service. ~~The~~ Respondent must have written approval by the ~~P~~probation ~~M~~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.

14. Prohibited Use of Aliases

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~~ R~~r~~espondent 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~~ R~~r~~espondent 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.

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

16. Tolling of Probation

The period of probation shall run only during the time R~~r~~espondent is practicing or performing physical therapy within California. If, during probation, R~~r~~espondent does not practice or perform within California, R~~r~~espondent is required to immediately notify the probation monitor in writing of the date ~~tha~~t R~~r~~espondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by ~~the~~ R~~r~~espondent in California prior to notification to the Board of ~~the~~ R~~r~~espondent'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.

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 R~~r~~espondent violates probation in any respect, the Board, after giving R~~r~~espondent 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 R~~r~~espondent 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 R~~r~~espondent 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 R~~r~~espondent may request to surrender his/her license to the Board. The Board reserves the right to evaluate ~~the~~ R~~r~~espondent'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~~ R~~r~~espondent 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, R~~r~~espondent'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) ~~D~~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 R~~r~~espondent fails to pass the examination, R~~r~~espondent 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~~ R~~r~~espondent 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~~ R~~r~~espondent has been disciplined, or ~~that the~~ R~~r~~espondent is on probation, shall be used as the sole basis for any third party payor to remove R~~r~~espondent 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; 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.~~

Within 30 calendar days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. The Board will advise Respondent within 14 business days whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a supervisor and plan of supervision. Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding Respondent and the supervisor's requirements and reporting responsibilities.

The plan of supervision shall be *(direct and require the physical presence of the supervising physical therapist in the physical therapy office during the time physical therapy is performed.) (general and not require the physical presence of the supervising physical therapist during the time physical therapy is performed but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits at the office or place of practice).* Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Each proposed supervisor shall be a California licensed physical therapist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of

Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by Respondent.

If Respondent is placed on probation due to substance or alcohol abuse, then the supervisor shall meet the following additional requirements:

The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to supervise the licensee as set forth by the Board. The supervisor shall have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the Board, but at least once per week. The supervisor shall interview other staff in the office regarding the licensee's behavior, if applicable. The supervisor shall review the licensee's work attendance and behavior.

The supervisor shall orally report any suspected substance abuse 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 oral report must be within one (1) hour of the next business day. The supervisor shall submit a written report to the Board within 48 hours of occurrence.

The supervisor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; supervisor's name and signature; supervisor's license number; worksite location(s); dates licensee had face-to-face contact with supervisor; worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

B. Restriction of Practice – Prohibition of Home Care

~~The~~ R~~r~~espondent 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.~~

C~~D~~. Restriction of Practice – Prohibition of Solo Practice

~~The~~ R~~r~~espondent 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 Respondent provides patient care.

~~**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.~~

D~~F~~. 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.

E~~G~~. 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.

F~~H~~. Restriction of Practice - Monitoring

~~Within thirty (30) days of the effective date of this decision, the respondent shall select a licensed physical therapist to serve as the professional practice monitor during the period of probation and submit 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.~~

Within 15 calendar days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed licensed physical therapist to serve as a practice monitor by which Respondent's practice would be monitored. The Board will advise Respondent within 14 business days whether or not the proposed practice monitor and plan of monitoring are approved. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a practice monitor. The ~~professional~~ practice monitor shall not be someone with 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~~ Respondent'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~~ Respondent.

After the 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 compli ance with the terms and conditions of the respondent's probation after each clinical visit. The practice monitor shall have full and random access to all patient records of Respondent at all times, or for copying on premises, and shall retain all records for the entire term of probation. The practice monitor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

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.

Each practice monitor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a practice monitor. The proposed practice monitor shall submit written reports to the Board on a quarterly basis, or another time basis as agreed upon by probation monitor, verifying that he/she has monitored Respondent as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner.

The practice monitor shall be independent, with no prior business or relationship with Respondent and the practice monitor shall not be in a familial relationship with or be an employee, partner or associate of Respondent. If the practice

monitor terminates or is otherwise no longer available, Respondent shall not practice until a new practice monitor has been approved by the Board. All costs associated with the practice monitor shall be paid by the Respondent.

If Respondent is placed on probation due to substance or alcohol abuse, then the practice monitor shall meet the following additional requirements:

The practice 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 practice monitor shall have face-to-face contact with the licensee in the work environment as determined by the Board, but at least once per week. The practice monitor shall interview other staff in the office regarding the licensee's behavior, if applicable. The practice monitor shall review the licensee's work attendance and behavior.

The practice monitor shall orally report any suspected substance abuse 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 oral report must be within one (1) hour of the next business day. The practice monitor shall submit a written report to the Board within 48 hours of occurrence.

The practice 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; practice monitor's name and signature; practice monitor's license number; worksite location(s); dates licensee had face-to-face contact with practice monitor; worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

G~~I~~. Restriction of Practice - Third Party Presence

During probation, R~~r~~espondent 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~~ R~~r~~espondent 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

Respondent shall not treat any _____.
(name the specific patient population)

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

During probation, R~~r~~espondent 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, R~~r~~espondent shall orally notify the patient that R~~r~~espondent 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 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.

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 R~~r~~espondent and each subsequent time, R~~r~~espondent shall provide a written notification to the patient stating that R~~r~~espondent does not perform _____ (e.g. a specific physical therapy procedure; on a specific patient population) R~~r~~espondent 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 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 R~~r~~espondent 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~~ R~~r~~espondent of its decision in writing. Until ~~the~~ R~~r~~espondent has been notified in writing by the Board that this term has been terminated ~~the~~ R~~r~~espondent shall continue to practice under the provision of this term.

Respondent shall pay all costs of the evaluation.

J~~K~~. 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.

K~~L~~. 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 O) has been completed and supervisor is ~~so~~ approved by the Board or its designee. Such approval shall be in writing to ~~the~~ R~~r~~espondent. 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.~~

L~~M~~. 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 O) 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.~~

~~**N. 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 Rrespondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.~~

M~~O~~. 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~~ R~~r~~espondent. 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~~ Respondent 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.
>
> Information regarding PTBC license disciplinary actions may be accessed online at www.ptbc.ca.gov.

N~~P~~. Notification of Probationer Status to Employees

If R~~r~~espondent is an employer ~~of other physical therapist or physical therapist assistants,~~ R~~r~~espondent 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.

O~~V~~. Education Course(s)

Within thirty (30) days of the effective date of this Decision, R~~r~~espondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program (including date, title, and length of course(s) in the content of _____ (~~e.g.~~ specify course subject) which shall not be less than 8(eight) ~~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.

If Respondent fails to provide documentation verifying satisfactory completion of the coursework, Respondent shall be suspended from the practice of physical therapy until documentation verifying satisfactory completion of the coursework is provided.

~~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.*~~

P ~~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, R~~r~~espondent 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 Respondent is mentally fit to practice physical therapy safely. 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 R~~r~~espondent is mentally fit to practice physical therapy safely. The period of time ~~that~~ R~~r~~espondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

Q~~X~~. Psychotherapy

Within sixty (60) calendar days of the effective date of this Decision, R~~r~~espondent 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 (5) years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, R~~r~~espondent 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 R~~r~~espondent to undergo psychiatric evaluations by a Board-appointed Board certified psychiatrist.

If, prior to the completion of probation, R~~r~~espondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall have continued jurisdiction over R~~r~~espondent's license and the period of probation shall be extended until the Board determines ~~that~~ R~~r~~espondent 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~~ R~~r~~espondent has had an ~~I~~impairment (impairment by mental illness, alcohol abuse and/or drug self-abuse) related to the violations but is not at present a danger to R~~r~~espondent's patients.

R~~Y~~. 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, R~~r~~espondent 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~~ R~~r~~espondent shall pay the cost of the medical evaluation.

If R~~r~~espondent is required by the Board or its designee to undergo medical treatment, R~~r~~espondent shall within thirty (30) days of the requirement submit to the Board or its designee for its prior approval the name and qualifications of a physician and surgeon of R~~r~~espondent's choice. Upon approval of the treating physician and surgeon, R~~r~~espondent 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~~ R~~r~~espondent 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~~ R~~r~~espondent is medically fit to practice safely.

S~~Z~~. Medical Treatment

Within fifteen (15) days of the effective date of this decision, R~~r~~espondent shall submit to the Board or its designee for its prior approval the name and qualifications of a physician of R~~r~~espondent's choice. Upon approval, R~~r~~espondent 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 R~~r~~espondent is capable of practicing physical therapy safely. The Board or it designee may require R~~r~~espondent to undergo periodic medical evaluations by a Board appointed physician. ~~The~~ R~~r~~espondent shall pay the cost of the medical treatment.

Conditions Specific to Alcohol and Controlled Substance

T~~Q~~. ~~Prohibition of Possession or Use of Controlled Substances~~

Abstain from Use of Alcohol, Controlled Substances and Dangerous Drugs

Respondent shall abstain completely from the personal use o~~r~~f possession, injection, or consumption of any route, including inhalation, of all psychotropic (mood altering) drugs, including ~~of~~ controlled substances as defined in the California Uniform, Controlled Substances Act, dangerous drug as defined by Section ~~4211~~ 4022 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to R~~r~~espondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the probation monitor in writing of the following: prescriber's name, address, and telephone number; medication name and strength, issuing pharmacy name, address, and telephone number, and specific medical purpose for medication. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the probation monitor with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board's approval a single coordinating physician and surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances, psychotropic or mood altering drugs. Once a Board-approved physician and surgeon has been identified Respondent shall provide a copy of the accusation and decision to the physician and surgeon. The coordinating physician and surgeon shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require that only a physician and surgeon who is a specialist in addictive medicine be approved as the coordinating physician and surgeon.

If Respondent has a positive drug screen for any substance not legally authorized, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the Board. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

U~~R~~. ~~Prohibition of the Use of Alcohol~~

~~Respondent shall abstain completely from the use of alcoholic beverages.~~

V~~S~~. Biological Fluid Testing

Respondent shall immediately submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by ~~testing, at respondent's cost, upon the request of~~ the Board or its designee. Respondent shall be subject to a minimum of fifty two (52), but not to exceed, one-hundred and four (104) random tests per year within the first year of probation, and a minimum of thirty six (36) random tests per year thereafter, for the duration of the probationary term. Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall insure that the test results are sent immediate to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range result" is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic test to determine if any underlying physical condition has contributed to the diluted result and to cease practice. Any such examination or laboratory and testing costs shall be paid by respondent. An "out of range result" is one in which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be ordered by the Board to cease any practice, and may not practice unless and until notified by the Board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

W~~T~~. ~~Diversion~~ Drug & Alcohol Recovery Monitoring Program

Within fifteen (15) calendar days from the effective date of this ~~d~~Decision, R~~r~~espondent shall enroll and participate in the Board's ~~Diversion~~ drug & alcohol recovery monitoring program at R~~r~~espondent's cost until the ~~diversion~~ drug & alcohol recovery monitoring program determines that participation in the ~~Diversion~~ drug & alcohol recovery monitoring program is no longer necessary.

Respondent shall comply with all components of the ~~diversion~~ drug & alcohol recovery monitoring program. This includes the fact that the Board may receive reports on all aspects of R~~r~~espondent's participation in the drug & alcohol recovery monitoring program. Respondent shall sign a release authorizing the drug & alcohol recovery monitoring program to report all

aspects of the drug & alcohol recovery monitoring program as requested by the Board or its designee.

Failure to comply with requirements of the ~~Diversion~~ drug & alcohol recovery monitoring program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by R~~r~~espondent and shall be immediately suspended from the practice of physical therapy.

If Respondent is not accepted into the drug & alcohol recovery monitoring program for any reason, then the following probation condition shall apply.

Upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

Any time Respondent is ordered to undergo a clinical diagnostic evaluation, Respondent shall cease practice for a minimum of 1 month pending the results of a clinical diagnostic evaluation. During such time, Respondent shall submit to random drug testing at least 2 times per week.

Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Board. The cost of such evaluation shall be paid by Respondent.

Respondent shall cease practice until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least 1 month of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Note: This condition should be imposed when Respondent's license is placed on probation for substance or alcohol abuse violations.

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

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~~ governing 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.

California Code of Regulations (CCR) - Regulations define the statutes (laws) ~~that~~ governing 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.

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.

Diversion – 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.

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 Tolled - 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 letter of ~~reproval~~ reprimand issued by the Board, pursuant to B&P Code, section 2660.3, which could be in lieu of filing a formal accusation is considered disciplinary action.

Public Reproval – A formal public reproval issued by the Board pursuant to B&P Code, section 495 for an act constituting grounds for suspension or revocation of a license 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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