

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

1 **Physical Therapy Board of California**

2
3 **Uniform Standards Related to Substance Abuse**
4 **& Model Guidelines for Issuing Citations**
5 **& Imposing Discipline**
6

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26 ~~The Model Guidelines for Issuing Citations and Imposing~~
27 ~~Discipline contained in this manual were originally adopted by the~~
28 ~~Physical Therapy Board of California on October 24, 1996. The~~
29 ~~second edition of the Model for Issuing Citations and Imposing~~
30 ~~Discipline was adopted on May 13, 2005. The Third Edition was~~
31 ~~adopted on June 16, 2009.~~
32

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42
43

1 **STATE OF CALIFORNIA**

2 **PHYSICAL THERAPY BOARD OF CALIFORNIA**

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

5 *3rd Edition Adopted June 2009*

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2
3 **Statement of Purpose, Intent & Expectations**

4
5 The purpose of ~~licensure~~ of physical therapists and physical therapist assistants licensure
6 in the State of California is to protect the public's health, safety and welfare from the
7 incompetent and unprofessional practice of physical therapy. The challenges ~~that~~ these
8 guidelines address are to provide public protection and ~~to~~ enable a licensee to practice
9 his/her profession in a controlled environment, if possible. In addition to protecting the
10 public and, ~~where not inconsistent,~~ rehabilitating a licensee, the Physical Therapy Board
11 finds imposing the discipline set forth in the guidelines will promote uniformity, certainty,
12 fairness, and deterrence, to further public protection.

13
14 The Physical Therapy Board of California (Board) is producing ~~produced~~ this ~~3rd~~ 4th edition
15 of the "Uniform Standards Related to Substance Abuse and Guidelines for Issuing
16 Citations and Imposing Discipline" ~~Manual of Disciplinary Guidelines~~ for the public,
17 individuals subject to issuance of a citation and fine, as well as those involved in the
18 disciplinary process: Administrative Law Judges, Deputy Attorneys General, Members of
19 the Board who review proposed decisions and stipulations and make final decisions, ~~it's~~
20 the Board's Executive Officer and staff, and Respondents and their counsel. When an
21 Initial Probationary License has been issued, ~~or~~ a Statement of Issues, or an Accusation
22 has been filed, the nature of the alleged violation is severe enough to warrant disciplinary
23 action. preclude the issuance of an administrative citation. An administrative citation is not
24 discipline and is issued for less egregious violations. When documentation of significant
25 mitigation has been received, discipline ~~is~~ may not be required to protect the public.

26
27 When criminal charges are alleged and there is an immediate need to protect the public,
28 application of Penal Code 23 shall be sought. In addition, if the alleged conduct poses an
29 immediate threat to public safety an Interim Suspension Order shall be sought.

30
31 The Board has some basic expectations when an Administrative Law Judge determines
32 ~~that~~ the allegations are true and ~~that~~ a cause for discipline exists. The Board recognizes a
33 rare individual case may necessitate a departure from these guidelines. Any "Proposed
34 Decision" that departs from the disciplinary guidelines shall identify the departures and the
35 facts supporting the departure. However, in such a rare case, the mitigating circumstances
36 must be detailed in the Findings of Fact, which is in every Proposed Decision.

37
38 These include:

- 39
40 1) If at the time of hearing, the Administrative Law Judge finds ~~that the~~
41 Respondent, for any reason, is not capable of safe practice, the Board expects
42 the outright revocation of the license. This is particularly true in cases of patient
43 sexual abuse. In less egregious cases, a stayed revocation with suspension and
44 probation, pursuant to the guidelines contained in this manual, would be
45 expected.
- 46
47 2) The Board expects ~~that~~ revocation is normally the appropriate order in cases
48 where ~~the~~ Respondent does not file a Notice of Defense or appear at a hearing
49 is in default.

- 1
- 2 3) When probation is granted, the inclusion of a stayed revocation order is essential
- 3 to ensure compliance with terms of probation.
- 4
- 5 4) The Board expects ~~that~~ when the revocation of a license is stayed, a suspension
- 6 of the license shall be considered when further education, medical or
- 7 psychological evaluation or treatment is deemed necessary to ensure safe
- 8 practice. A suspension, when imposed, should not be for less than indicated in
- 9 the guidelines. ~~Community service may be substituted in whole or in part for the~~
- 10 ~~suspension.~~
- 11
- 12 5) The Board expects ~~that~~ the decision will include an order for cost recovery.
- 13
- 14 ~~The Board recognizes that a rare individual case may necessitate a departure from these~~
- 15 ~~guidelines for disciplinary order. The Board expects a similar result and explanation for any~~
- 16 ~~Stipulation negotiated prior to hearing. Any "Proposed decision or "Settlement that departs~~
- 17 ~~from the disciplinary guidelines shall be accompanied by a memorandum identifying the~~
- 18 ~~departures and the facts supporting the departure. However, in such a rare case, the~~
- 19 ~~mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed~~
- 20 ~~Decision. The Board expects a similar result and explanation for any Stipulation negotiated~~
- 21 ~~prior to hearing.~~
- 22
- 23 Probation conditions are divided into two categories: 1) Standard Conditions that generally
- 24 appear in all probation cases; and 2) Specific Conditions that depend on the nature and
- 25 circumstances of the particular case.

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47 **LEGAL AUTHORITY**

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1 The legal authority for the “Physical Therapy Board of California Uniform Standards Related to
2 Substance Abuse and Guidelines for Issuing Citations and Imposing Discipline”, revised
3 November 3, 2011, is contained in Section 315, of the Business and Professions Code; and
4 1399.15 of Title 16, of the California Code of Regulations CCR §1399.15.

5
6 California Code of Regulations
7 Title. 16 Professional and Vocational Regulations
8 Division 13.2

9 Article 8 Uniform Standards Related To Substance Abuse and Disciplinary Guidelines

- 10
11 (a) In reaching a decision on a disciplinary action under the Administrative Procedure Act
12 (Government Code Section 11400 et. seq.), the Board shall consider the “Uniform Standards
13 Related to Substance Abuse and Guidelines for Issuing Citations and Imposing
14 Discipline”, (Revised November 3, Month XX, 2011) which are hereby incorporated by
15 reference. The Uniform Standards apply to a substance abusing licensee. Notwithstanding
16 subsection (b), deviation from these guidelines and orders, including the standard terms of
17 probation, is appropriate where the Board, in its sole discretion, determines that the facts of
18 the particular case warrants such a deviation – for example: The presence of mitigating or
19 aggravating factors; the age of the case; evidentiary problems.
20
21 (b) If the conduct found to be a violation involves drugs and/or or alcohol, the licensee shall be
22 presumed to be a substance-abusing licensee for purposes of section 315 of the Business and
23 Professions Code. If the licensee does not rebut that presumption, then the Uniform
24 Standards for substance abusing licensee shall apply unless the licensee established that, in
25 his or her particular case, appropriate public protection can be provided with modification or
26 omission of a specific standard as a term of probation.
27
28 (c) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with
29 the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division
30 3 of Title 2 of the Government Code that contains any finding of fact that the licensee
31 engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the
32 Code, with a patient, or any finding that the licensee has committed a sex offense or been
33 convicted of a sex offense, shall contain an order revoking the license. The proposed decision
34 shall not contain an order staying the revocation of the license.
35
36

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

- 38 (a) Any offense for which registration is required by Section 290 of the Penal code or a
39 finding that a person committed such an offense.
40 (b) Any offense defined in Section 261.5, 313.1, 647 subsections (a) or (d) of the Penal code
41 or a finding that a person committed such an offense.
42 (c) Any attempt to commit any of the offenses specified in this section.
43 (d) Any offense committed or attempted in any other state or against the laws of the United
44 States which, if committed or attempted in this state, would have be punishable as one or
45 more of the offenses specified in this section.
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49 **UNIFORM STANDARDS RELATED TO A SUBSTANCE ABUSE**

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

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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:

1
2 If the Board determines a worksite monitor is necessary for a particular licensee, the
3 worksite monitor must meet the following requirements to be considered for approval by the
4 Board:

5
6 The worksite monitor shall not have any current or former financial, personal, or familial
7 relationship with the licensee, or other relationship that could reasonably be expected to
8 compromise the ability of the monitor to render impartial and unbiased reports to the Board.
9 If it is impractical for anyone but the licensee's employer to serve as the worksite monitor,
10 this requirement may be waived by the Board. However, under no circumstances shall a
11 licensee's worksite monitor be an employee of the licensee.

12
13 The worksite monitor's license scope of practice shall include the scope of practice of the
14 licensee who is being monitored or be another health care professional if no monitor with
15 like scope of practice is available.

16
17 The worksite monitor shall have an active unrestricted license, with no disciplinary action
18 within the last five (5) years.

19
20 The worksite monitor shall sign an affirmation that he or she has reviewed the terms and
21 conditions of the licensee's disciplinary order and agrees to monitor the licensee as set
22 forth by the Board.

23
24 The worksite monitor must adhere to the following required methods of monitoring the
25 licensee:

- 26
27 a) Have face-to-face contact with the licensee at least once per week in the work
28 environment or more frequently if required by the Board.
29 b) Interview other staff in the office regarding the licensee's behavior, if applicable.
30 c) Review the licensee's work attendance.

31
32 Reporting by the worksite monitor to the Board shall be as follows:

33
34 Any suspected substance abuse must be verbally reported to the Board and the licensee's
35 employer within one (1) business day of occurrence. If occurrence is not during the Board's
36 normal business hours the verbal report must be within one (1) hour of the next business
37 day. A written report shall be submitted to the Board within 48 hours of occurrence.

38
39 The worksite monitor shall complete and submit a written report monthly or as directed by
40 the Board. The report shall include: the licensee's name; license number; worksite
41 monitor's name and signature; worksite monitor's license number; worksite location(s);
42 dates licensee had face-to-face contact with monitor; staff interviewed if applicable;
43 attendance report; any change in behavior and/or personal habits; any indicators leading to
44 suspected substance abuse.

45
46 The licensee shall complete the required consent forms and sign an agreement with the
47 worksite monitor and the Board to allow the Board to communicate with the worksite
48 monitor.

49

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

Comment [EB1]: This language was extracted from Uniform Standard #8 but was not identified in the Initial Statement of Reasons and will be identified in the Final Statement of Reasons.

6 7 8 **Major and Minor Violations**

9
10 Major Violations include, but are not limited to, the following:

- 11 1. Failure to complete the Board-ordered program;
- 12 2. Failure to undergo a required clinical diagnostic evaluation;
- 13 3. Committing multiple minor violations of probation conditions and terms;
- 14 4. Treating a patient while under the influence of drugs or alcohol;
- 15 5. Committing any drug or alcohol offense that is a violation of the Business and
16 Professions Code or state or federal law;
- 17 6. Failure to obtain biological testing for substance abuse;
- 18 7. Knowingly using, making, altering or possessing any object or product in such a way
19 as to defraud a drug test designed to detect the presence of alcohol or a controlled
20 substance.

21
22 If a licensee commits a major violation, the Board shall immediately ~~suspend~~ ~~order the~~
23 Respondent's ~~licensee to practice to cease practice~~ and refer the matter for disciplinary
24 action or other action as determined by the Board.

25
26 Minor Violations include, but are not limited to, the following:

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

32
33 If a licensee commits a minor violation, the Board shall determine what action is
34 appropriate.

35 36 **Drug Testing Standards:**

37
38 The following standards shall govern all aspects of testing required to determine abstention
39 from alcohol and drugs for any person whose license is placed on probation or in a drug
40 and alcohol recovery monitoring program due to substance use.

41 42 **Exceptions to Testing Frequency Schedule:**

43 44 **I. PREVIOUS TESTING/SOBRIETY**

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

1 II. VIOLATION(S) OUTSIDE OF EMPLOYMENT

2 A physical therapist/physical therapist assistant whose license is placed on probation for
3 a single conviction or incident or two convictions or incidents, spanning greater than
4 seven years from each other, where those violations did not occur at work or while on
5 the licensee's way to work, where alcohol or drugs were a contributing factor, may
6 bypass Level 1 (see Section V) and participate in Level 2 (see Section V) of the testing
7 frequency schedule.

8
9 III. NOT EMPLOYED IN HEALTH CARE FIELD

10 The Board may reduce testing frequency to a minimum of twelve (12) times per year for
11 any person who is not practicing OR working in any health care field. If a reduced
12 testing frequency schedule is established for this reason, and if Respondent wants to
13 return to practice or work in a health care field, the Respondent shall notify and secure
14 the approval of the Board. Prior to returning to the employment of physical therapy, the
15 licensee shall be subject to Level 1 testing frequency for at least sixty (60) days. At
16 such time as the person returns to employment (in a health care field), if the licensee
17 has not previously met the Level 1 frequency standard, the licensee shall be subject to
18 completing a full year at the Level 1 testing frequency schedule; otherwise Level 2 of
19 testing shall be in effect.

20
21 IV. TOLLING

22 The Board may postpone all testing for any person whose probation or diversion is
23 placed in a tolling status if the overall length of the probationary or diversion period is
24 also tolled. Respondent shall notify the Board upon Respondent's return to California
25 and shall be subject to testing as provided in this standard. If Respondent returns to
26 employment in a health care field, and has not previously met the Level I frequency
27 standard, the licensee shall be subject to completing a full year at Level I of the testing
28 frequency schedule; otherwise Level 2 testing shall be in effect.

29
30 V. SUBSTANCE USE DISORDER NOT DIAGNOSED

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

34
35 The Board may order a licensee to drug test at any time. Additionally, each licensee
36 shall be Tested RANDOMLY in accordance with the schedule below:

- 37
38 1. (Level 1) Respondent shall be randomly drug tested at 52 – 104 times per year for
39 the first year and at any time as directed by the Board.
40 (Level 2) After the first year, Respondent shall be randomly drug tested 36-104
41 times per year for up to five (5) years. Thereafter, tests shall be administered of
42 one (1) time per month if there have been no positive drug tests in the previous five
43 (5) consecutive years of probation or diversion.
44 2. Nothing precludes the Board from increasing the number of random tests for any
45 reason. If the Board finds or has suspicion that a licensee has committed a violation
46 of the Board's testing program or who has committed a Major Violation, as identified
47 in Page 9, it may reestablish the testing cycle by placing that a licensee at the
48 beginning of Level I, in addition to any other disciplinary action that may be pursued.
49 3. Drug testing may be required on any day, including weekends and holidays.

- 1 4. The scheduling of drug tests shall be done on a random basis, preferably by a
2 computer program, so that a licensee can make no reasonable assumption of when
3 he/she will be tested again. Boards should be prepared to report data to support
4 back-to-back testing as well as numerous different intervals of testing.
- 5 5. Licensees shall be required to make daily contact to determine if drug testing is required.
- 6 6. Licensees shall be drug tested on the date of notification as directed by the Board.
- 7 7. Specimen collectors must either be certified by the Drug and Alcohol Testing
8 Industry Association or have completed the training required to serve as a collector
9 for the U.S. Department of Transportation.
- 10 8. Specimen collectors shall adhere to the current U.S. Department of Transportation
11 Specimen Collection Guidelines.
- 12 9. Testing locations shall comply with the Urine Specimen Collection Guidelines
13 published by the U.S. Department of Transportation, regardless of the type of test
14 administered.
- 15 10. Collection of specimens shall be observed.
- 16 11. Prior to vacation or absence, alternative drug testing location(s) must be approved
17 by the Board.
- 18 12. Laboratories shall be certified and accredited by the U.S. Department of Health and
19 Human Services.

20
21 A collection site must submit a specimen to the laboratory within one (1) business day of
22 receipt. A chain of custody shall be used on all specimens. The laboratory shall process
23 results and provide legally defensible test results within seven (7) days of receipt of the
24 specimen. The appropriate Board will be notified of non-negative test results within one (1)
25 business day and will be notified of negative test results within seven (7) business days.

26
27 The Board may use other testing methods in place of, or to supplement biological fluid
28 testing, if the alternate testing method is appropriate.

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

Business and Professions Code, section 820, w/W whenever it appears that any person

1 holding a license, certificate or permit under this division or under any initiative act referred
2 to in this division may be unable to practice his or her profession safely because the
3 licentiate's ability to practice is impaired due to mental illness, or physical illness affecting
4 competency, the licensing agency may order the licentiate to be examined by one or more
5 physicians and surgeons or psychologists designated by the agency. The report of the
6 examiners shall be made available to the licentiate and may be received as direct evidence
7 in proceedings conducted pursuant to Section 822.

8
9 Business and Professions Code, section 821, provides that the licentiate's failure to comply
10 with an order issued under Section 820 shall constitute grounds for the suspension or
11 revocation of the licentiate's certificate or license.

12
13 822. If a licensing agency determines that its licentiate's ability to practice his or her
14 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
15 competency, the licensing agency may take action by any one of the following
16 methods:

17 (a) Revoking the licentiate's certificate or license.

18 (b) Suspending the licentiate's right to practice.

19 (c) Placing the licentiate on probation.

20 (d) Taking such other action in relation to the licentiate as the licensing agency in its
21 discretion deems proper.

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

26
27 823. Notwithstanding any other provisions of law, reinstatement of a licentiate against
28 whom action has been taken pursuant to Section 822 shall be governed by the procedures
29 in this article. In reinstating a certificate or license which has been revoked or suspended
30 under Section 822, the licensing agency may impose terms and conditions to be complied
31 with by the licentiate after the certificate or license has been reinstated. The authority of the
32 licensing agency to impose terms and conditions includes, but is not limited to, the
33 following:

34 (a) Requiring the licentiate to obtain additional professional training and to pass an
35 examination upon the completion of the training.

36 (b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or
37 any combination thereof to determine his or her present fitness to engage in the practice of
38 his or her profession.

39 (c) Requiring the licentiate to submit to a complete diagnostic examination by one or
40 more physicians and surgeons or psychologists appointed by the licensing agency. If the
41 licensing agency requires the licentiate to submit to such an examination, the licensing
42 agency shall receive and consider any other report of a complete diagnostic examination
43 given by one or more physicians and surgeons or psychologists of the licentiate's choice.

44 (d) Requiring the licentiate to undergo continuing treatment.

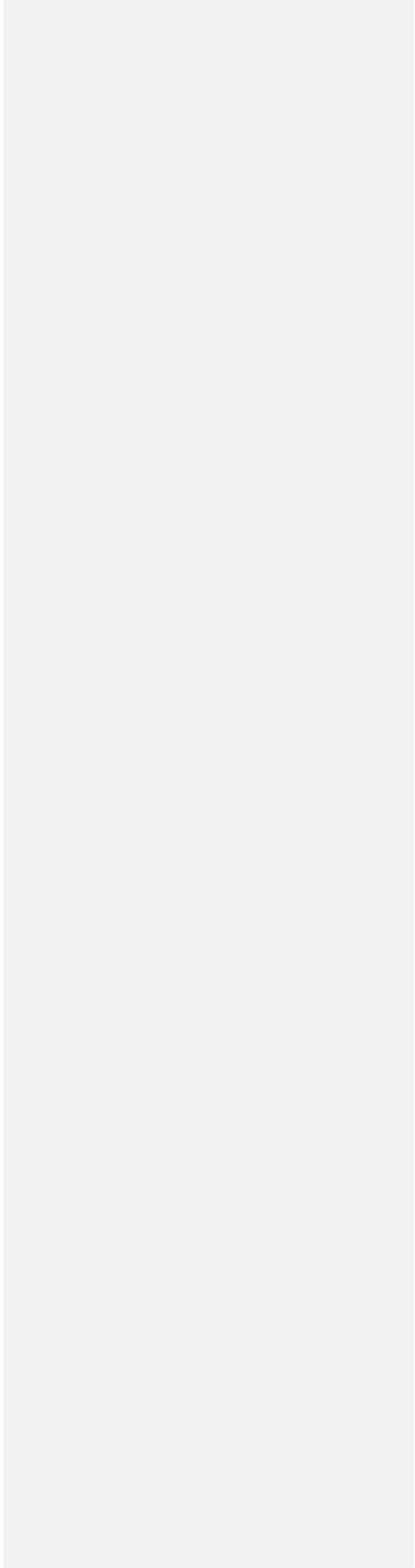
45 (e) Restricting or limiting the extent, scope or type of practice of the licentiate.

46
47 824. The licensing agency may proceed against a licentiate under either Section 820, or
48 822, or under both sections.

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DEFINITION OF DIVERSION

48 There are two types of participants in the “diversion” program for the Physical Therapy



1 Board of California- licensees with drug and/or alcohol addiction issues who have self-
2 referred to the program and are not under a disciplinary order and licensees who have
3 been ordered to participate in the Board's drug and alcohol recovery monitoring program
4 due to violations of the Physical Therapy Practice Act related to abuse of drugs and/or
5 alcohol.

6 Self-Referrals

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

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

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

22 Probationary Participants

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

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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 monitoring program cost includes the monthly administrative fee, monthly health support fees, and random drug and alcohol testing fees. **All drug and alcohol recovery monitoring program fees are subject to change.**

Drug and Alcohol Recovery Monitoring Program Timeframe: Participation in the drug and alcohol recovery monitoring 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 monitoring program. The monthly administrative fee is currently ~~\$27288~~. The monthly administrative fee may increase 3-5% annually each July. Costs are dependent on the contracted costs.

Comment [EB2]: Revised to reflect current fee

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) and possibly more if applicant is required to test on a weekend. 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.

Comment [EB3]: Added language to include possible costs for weekend testing.

Health Support Group Meetings: Health Support Group Meetings are a treatment modality of the drug and alcohol recovery monitoring program. These groups are attended exclusively by licensed professionals who are in their own recovery and involved in a drug and alcohol recovery monitoring 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 monitoring programs. Each participant is required to attend Health Support Group Meetings two times per week during their first 18 months in the ~~diversion~~ drug and alcohol recovery monitoring 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. ~~Health Support Groups all charge different fees and negotiate directly with the participant. Average costs range from \$50 - \$100 weekly. Participants may be required to attend Health Support Groups once or twice weekly. The current fee schedule is \$325.00 per month for two times meetings 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 monitoring program provider.~~

Comment [EB4]: Revised to reflect current fees

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

1 participant. Generally there is not a cost associated with attending 12-step meetings.
2 Contributions at the 12-step meetings are voluntary.

3
4 **Clinical Assessment:** All participants are required to undergo an initial clinical assessment
5 and subsequent re-assessments by contracted Assessors. There is currently no cost to the
6 PTBC participants for the initial clinical assessment and the annual re-assessments.
7 However, if the participant is required to have more than one clinical assessment per year
8 the participant is required to pay the cost for the additional clinical assessment. These
9 additional assessments are usually a direct result of reoccurring problems in the drug and
10 alcohol recovery monitoring program.

11
12 **Additional Costs to Third Parties:** Participants may be required to enter formal chemical
13 dependency treatment (i.e. inpatient or outpatient facilities) at treatment programs
14 approved by the drug and alcohol recovery monitoring program. Referrals to specific
15 treatment programs are based upon the assessment of a participant's clinical need. The
16 cost of any formal chemical dependency treatment program is the sole responsibility of
17 each participant. Participants may also be required to undergo formal treatment for mental
18 health diagnosis. The cost of any formal treatment for mental health treatment program is
19 the sole responsibility of each participant.

20
21 **Worksite Monitor:** All Each participants are is required to have a worksite monitor at
22 his/her place of employment. The drug and alcohol recovery monitoring program will
23 provide the application with the required consent forms at the time of enrollment. The
24 worksite monitor is required to report to the drug and alcohol recovery monitoring program
25 on the status of the participant. Respondent is responsible for costs incurred.

26
27 **Other Requirements:** The participant must submit monthly self-evaluation reports and call
28 into the drug and alcohol recovery monitoring program on a routine, often daily, basis.
29 The assigned Clinical Case Manager will determine the frequency of how often the
30 participant needs to call in. Participants are required to receive prior approval from the
31 Clinical Case Manager before scheduling and taking any vacations. The participant's
32 Clinical Case Manager may determine other requirements.

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44 **DENIAL OF LICENSURE & ISSUANCE OF AN**
45 **INITIAL PROBATIONARY LICENSE**

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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 the registration~~ 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 2635.5: 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 2660.2.5: 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 Title 16, California Code of Regulations, section 1399.23. The Board may in its

1 sole discretion, issue a probationary license to any applicant for a license who is guilty of
2 unprofessional conduct but who has met all other requirements for licensure.

3
4 Appeal Rights

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

10
11 Any person whose application for a license has been denied by the Board, may reapply to
12 the Board for license only after a period of one (1) year has elapsed from the date of the
13 denial.

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CITATION

1 The Physical Therapy Board may issue a citation pursuant to section 125.9 of the Business
2 and Professions Code, as an alternate means to address relatively minor violations not
3 necessarily warranting discipline.

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

10
11 Citations shall be in writing and shall describe the particular ~~with particularity~~ the nature and
12 facts of the violation, including a reference to the statute or regulation ~~allegedly to have~~
13 ~~been~~ violated. In assessing a fine, the Board shall give due consideration to the factors
14 enumerated in section 1399.25 of Title 16 of the CCR.

15
16 Payment of a fine with or without an informal conference or administrative hearing does not
17 constitute an admission of the violation charged, but ~~is represented~~ as a satisfactory
18 resolution of the citation for purposes of public disclosure.

19
20 After a citation is issued, the person may:

- 21 1) Pay the fine/comply with any Order of Abatement and the matter will be
22 satisfactorily resolved.
- 23
24 2) Request an informal conference. At the conclusion of the informal conference,
25 the ~~Executive Officer~~ citation may be affirmed, modified or dismissed ~~the~~
26 ~~citation~~, including any fine levied or order of abatement issued
- 27
28 3) Request an Administrative Hearing in appeal of the citation whether or not an
29 informal conference was held.

30
31 Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action.
32 Where a citation is not contested and a fine is not paid, the fine shall be added to the fee
33 for renewal of the license.

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41 **PUBLIC REPROVALS OR & REPRIMANDS**

1 ~~B&P Code~~ The Board is authorized by Section 495 and 2660.3 of the Business and
2 ~~Professions Code~~ authorizes the Board to publicly reprove or reprimand a physical
3 therapist or physical therapist assistant for an act constituting grounds for suspension or
4 revocation of a license, a violation of the Physical Therapy Practice Act. The lissuanceing
5 of a Ppublic Rreproval as part of a disciplinary order may be considered when the following
6 circumstances exist:

- 7
- 8 1. The offense is an isolated incident.
- 9
- 10 2. Sufficient time ~~has~~ elapsed since the offense without further violations ~~that~~
11 ~~would indicateing~~ that a recurrence is unlikely.
- 12
- 13 3. ~~The R~~respondent ~~has~~ admitted to the offense.
- 14
- 15 4. ~~The R~~respondent ~~has~~ indicated remorse.
- 16
- 17 5. ~~There has been N~~o prior discipline for a similar violation exists.
- 18
- 19 6. In the case of an offense related to substance abuse, active participation in a
20 recovery program has been documented for at least one year without a
21 relapse.
- 22

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

- 29
- 30 1. First DUI with no underlying circumstances that would be considered egregious.
31 (e.g. no bodily injury to any third party)
- 32
- 33 2. One (1) minor adverse action in another State
- 34
- 35 3. Failure to maintain patient records, such as an isolated incident of a
36 documentation violation
- 37
- 38
- 39
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1 **GUIDELINES SPECIFIC TO VIOLATION**

2
3 The following offenses are listed in numerical order of the statutory numbers in the Business
4 and Professions Code (B&P Code), the California Code of Regulations (CCR) and the Health
5 and Safety Code (H&S Code).

6
7 B&P Code 2660(h) authorizes the Physical Therapy Board of California to cite violations of the
8 Medical Practice Act; ~~therefore~~ W ~~when~~ ever violations of the Medical Practice Act are cited,
9 B&P Code 2660(i) h must also be cited.

10
11 Violations of the B&P Code or the CCR may result in the issuance of a Ceitation, Public
12 Reapproval, Initial Probationary License, filing of a Statement of Issues, or an Accusation. Filing
13 of criminal charges shall be sought when appropriate.

1 **BUSINESS AND PROFESSIONS CODE**

2
3 **SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM**
4 **B&P CODE 123**

5
6 **Citation:**

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

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

10
11 **Discipline:**

12 Minimum: Public Repraval or Initial Probationary License
13 Maximum: Revocation or denial of license

14
15 Conditions of Probation: ~~in Addition to Standard Conditions and specific conditions to be~~
16 ~~considered are: A, B, D, E, F, G, H, K~~

17
18 1) All "Standard Probation Conditions"

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

20
21 "Probation Conditions Specific to Violation" should be considered individually since some, or
22 all, may not apply.

23
24 Also may cite: B&P Code 496

25
26 **CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136**

27
28 **Citation:**

29 Minimum Fine: \$100
30 Maximum Fine: \$1 5,000

31
32 **Discipline:**

33 Minimum: Public Repraval
34 Maximum: Public Repraval

35
36 Refer to related regulation: CCR 1398.6

37
38
39 **DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P CODE 141**

40
41 **Citation:**

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

44
45 **Discipline:**

46 If violation is an offense in California refer to corresponding statute, if not, the Board shall
47 consider the discipline order from state of discipline when determining disciplinary action.

1 Refer to related regulation: CCR 1399.24

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

Citation:

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

Discipline:

13 Minimum: Public Reproval
14 Maximum: Revocation

15
16

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

- 19
20 1) All "Standard Probation Conditions"
21 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, H,
22 M, N, P, W

23
24 "Probation Conditions Specific to Violation" should be considered individually since some, or
25 all, may not apply.

26
27 (Conditions "P" and "W" should only be used if the violation relates to alcohol/substance
28 abuse or psychiatric conditions)

29
30 ~~Also may cite~~ Refer to related statutes and/or regulations: B&P Code 2236, 2660(d), (h)¹

31
32 , 2661, CCR 1399.24 (d)

33
34

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

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

Citation:

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

Discipline:

46 Minimum: Public Reproval

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

1 Maximum: Public Reproval

2

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

4

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

6

7

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

9

10 **Discipline:**

11 Revocation or Denial of License

12

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

14

15

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

18

19 **Discipline:**

20 Revocation or Denial of License

21

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

23

24

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

27

28 **Discipline:**

29 Revocation or Denial of License

30

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

33

34 **Discipline:**

35 Revocation or Denial of License

36

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

38

39

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

42

43 **Discipline:**

44 Revocation or Denial of License

45

1
2 ~~Also may cite~~ Refer to related statutes: B&P Code 498, 499, 581, 583, 2235, 2660(b)(h)

3
4
5 **FALSE STATEMENTS IN APPLICATION DOCUMENTS OR WRITINGS**
6 **B&P CODE 583**

7
8 **Discipline:**
9 Minimum: _____ Revocation, stayed, 30 days suspension, 3 years probation
10 Maximum: _____ Denial or revocation of licensee

11
12 Conditions of Probation in Addition to Standard Conditions: A, D, E, F, U

13
14 **Discipline:**
15 Revocation or Denial of License

16
17
18 ~~Also may cite~~ Refer to related statutes: B&P Code 498, 499, 581, 582, 2235, 2660(b)(h)

19
20
21 **VIOLATION OF EXAMINATION SECURITY; IMPERSONATION AT**
22 **EXAMINATIONS B&P CODE 584**

23
24 **Discipline:**
25 Revocation or Denial of License

26
27 ~~Also may cite~~ Refer to related statutes: B&P Code 2288, 2660(h), 2660.7

28
29
30 **CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650**

31
32 **Citation:**
33 Minimum Fine: \$100
34 Maximum Fine: \$5,000

35
36 **Discipline:**
37 Minimum: Revocation, stayed, 30 days suspension, 3 years probation
38 Maximum: Revocation

39
40 Conditions of Probation in Addition to Standard Conditions: NONE ∪

41
42 **ADVERTISING VIOLATIONS- DISSEMINATION OF FALSE OR**
43 **MISLEADING INFORMATION CONCERNING PROFESSIONAL**
44 **SERVICES OR PRODUCTS B&P CODE 651**

45
46 **Citation:**
47 Minimum Fine: \$1,000

1Maximum Fine: \$5,000

2

3**Discipline:**

4Minimum: Revocation, stayed, 30 days suspension, 3 years probation

5Maximum: Revocation

6

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

8

91) All "Standard Probation Conditions"

102) "Probation Conditions Specific to Violation" for consideration are: D

11

12"Probation Conditions Specific to Violation" should be considered individually since some, or

13all, may not apply.

14

15

16~~Also may cite~~ Refer to related statutes: B&P Code 2660(a), H&S-17500, CCR 1398.10,

17

18**HEALTH CARE PRACTITIONER'S DISCLOSURE OF NAME AND**

19**LICENSE STATUS B&P CODE 680**

20

21**Citation:**

22Minimum Fine: \$100

23Maximum Fine \$5,000

24

25**Discipline:**

26Minimum: Public Reproval

27Maximum: Public Reproval

28

29~~Also may cite~~ Refer to related regulation: CCR 1398.11

30

31**EXCESSIVE PRESCRIBING OR TREATMENT B&P CODE 725**

32

33**Citation:**

34Minimum Fine: \$100

35Maximum Fine \$5,000

36

37**Discipline:**

38Minimum: Revocation, stayed, 30 days suspension, 3 years probation

39Maximum: Revocation

40

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

3
4 1) All "Standard Probation Conditions"

5 2) "Probation Conditions Specific to Violation" for consideration are: A, C, D, E, F, H, L, O

6
7 "Probation Conditions Specific to Violation" should be considered individually since some, or
8 all, may **not** apply.

9

10

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

12

13 **SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT**

14 **B&P CODE 726**

15

16 **Discipline:**

17 **Minimum:** _____ Revocation, stayed, 30 days suspension, 3 years probation

18 **Maximum:** _____ Revocation

19

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

21

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

24

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

26

27

28 **INSURANCE FRAUD - UNPROFESSIONAL CONDUCT B&P CODE 810**

29

30 **Citation:**

31 **Minimum Fine:** \$100

32 **Maximum Fine:** \$5,000

33

34 **Discipline:**

35 **Minimum Penalty:** Revocation, stayed, 30 days suspension, 3 years probation

36 **Maximum Penalty:** Revocation

37

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

39

40 1) All "Standard Probation Conditions"

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

42

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

45

46

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

48

1 ~~EXAMINATION OF LICENTATE FOR MENTAL OR PHYSICAL ILLNESS~~

2 ~~B&P CODE 820~~

3

4 ~~Discipline:~~

5 ~~Minimum: _____ Revocation, stayed, Suspension until capable of practicing safely.~~

6 ~~_____ Probation shall continue at least one year following return to practice.~~

7 ~~Maximum: _____ Revocation~~

8

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

10 ~~Mental Illness: A, B, C, D, E, H, J, M, O, P, W, X, Y~~

11 ~~Physical Illness: A, E, H, J, W, X~~

12

13 ~~REQUIREMENTS FOR LICENSE EXEMPTION~~ IMMUNITY OF LIABILITY

14 ~~B&P CODE 901~~

15

16 ~~Citation:~~

17 ~~Minimum Fine: _____ \$100~~

18 ~~Maximum Fine: _____ \$5,000~~

19

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

21

22 **NUTRITIONAL ADVICE B&P CODE 2068, 2660(h)¹**

23

24 **Citation:**

25 **Minimum Fine \$100**

26 **Maximum Fine \$5,000**

27

28 **Discipline:**

29 **Minimum: Public Reproval**

30 **Maximum: Public Reproval**

31

32 **GROSS NEGLIGENCE B&P CODE 2234(b), 2660(h)¹**

33

34 **Discipline:**

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

37 **Maximum: Revocation**

38

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

40 ~~U, V~~

41

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

1
2) All “Standard Probation Conditions”
3) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, F, I, J, L, M,
4) N, O
5
6) “Probation Conditions Specific to Violation” should be considered individually since some, or
7) all, may not apply.

8
9
10) Also may cite Refer to related statutes: B&P Code 725, 2660(g)

11
12
13
14) **REPEATED NEGLIGENT ACTS B&P CODE 2234(Cc), 2660(h)¹**

15
16) **Citation:**
17) Minimum Fine \$1,000
18) Maximum Fine \$5,000

19
20) **Discipline:**
21) Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice
22) safely is determined, 3 years probation following return to practice.
23) Maximum: Revocation

24
25) ~~Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M,~~
26) ~~O, P, U, V~~

27
28) All “Standard Probation Conditions”
29) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, F, I, J, L, M,
30) N, O
31
32) “Probation Conditions Specific to Violation” should be considered individually since some, or
33) all, may not apply.

34
35) **INCOMPETENCE B&P CODE 2234(d), 2660(h)¹**

36
37) **Discipline:**
38) Minimum: Revocation, stayed, 30 days suspension or until proficiency to
39) practice safely is determined, 3 years probation following return to
40) practice.

41) Maximum: Revocation

42
43) ~~Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P,~~
44) ~~U, V~~

45

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.

1
2 **NOTE:** *Outright revocation for conviction of illegal sales of controlled substances unless*
3 *extensive mitigation appears.*

4
5 **VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(h)¹**

6
7 **Discipline:**

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

10
11 ~~Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, , N, O,~~
12 ~~P, Q, R, S, T, U, W~~

13
14 1) All “Standard Probation Conditions”

15 2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, F, M, N, P, T,
16 U, V, W

17
18 “Probation Conditions Specific to Violation” should be considered individually since some, or
19 all, may **not** apply.

20
21 [The “Uniform Standards Related to Substance Abuse” shall be imposed.]

22
23
24 **NOTE:** *Outright revocation for conviction of illegal sales of controlled substances*
25 *unless extensive mitigation appears.*

26
27 **SELF ABUSE OF DRUGS OR ALCOHOL B&P CODE 2239, 2660(h)¹**

28
29 **Discipline:**

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

35
36 ~~Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, K, M, N, O,~~
37 ~~P, Q, R, S, T, U, W~~

38
39 1) All “Standard Probation Conditions”

40 2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, F, J, L, M, N,
41 P, T, U, V, W

42
43 “Probation Conditions Specific to Violation” should be considered individually since some, or
44 all, may **not** apply.

45
46
47 [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.

1
2

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

4
5

6 **MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(h)¹**

7

8 **Citation:**

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

11

12 **Discipline:**

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

15

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

17

18 1) All "Standard Probation Conditions"

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

20

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

23

24

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

26

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

28 **Citation:**

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

31

32 **Discipline:**

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

35

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

37

38 1) All "Standard Probation Conditions"

39 2) "Probation Conditions Specific to Violation" for consideration are: A, C, E, F

40

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

43

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

45

1 **VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263,**
2 **2660(h)**

3

4 **Citation:**

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

7

8 **Discipline:**

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

10 Maximum: Revocation

11

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

13

14 1) All "Standard Probation Conditions"

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

17

18

19 "Probation Conditions Specific to Violation" should be considered individually since some, or

20 all, may not apply.

21

22

23 **AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(h)¹**

24

25 **Citation:**

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

28

29 **Discipline:**

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

31 Maximum: Revocation

32

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

34

35 1) All "Standard Probation Conditions"

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

37

38 "Probation Conditions Specific to Violation" should be considered individually since some, or

39 all, may not apply.

40

41

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

43

44

45 **FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(h)¹**

46

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

1 **Citation:**

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

4

5 **Discipline:**

6 Minimum: Public Reproval
7 Maximum: Public Reproval

8

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

10

11 **EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE**

12 **2273, 2660(h)¹**

13

14 **Citation:**

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

17

18 **Discipline:**

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

21

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

23

24 1) All "Standard Probation Conditions"

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

26

27 "Probation Conditions Specific to Violation" should be considered individually since some, or

28 all, may not apply.

29

30

31 **MISUSE OF TITLES UNAUTHORIZED USE OF MEDICAL DESIGNATION**

32 **B&P CODE 2274, 2660(h)¹**

33

34 **Citation:**

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

37

38 **Discipline:**

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

41

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

43

44 **VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286,**

45 **2660(h)¹**

46

47 **Citation:**

48 Minimum Fine: \$100

1Maximum Fine \$5,000

2

3**Discipline:**

4Minimum: Public Reproval

5Maximum: Revocation

6

7Conditions of Probation in Addition to Standard Conditions: NONE

8

9Refer to related statute: B&P Code 2691

10

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

12

13**Discipline:**

14Revocation or denial of license

15

16Refer to related statutes: B&P Code 584, 2660.7

17

18**IMPERSONATION PRACTICE OF MEDICINE B&P CODE 2289, 2660(h)¹**

19

20**Discipline:**

21Minimum: Revocation, stayed, 180 days suspension, 7 years probation

22Maximum: Revocation

23

24Conditions of Probation in Addition to Standard Conditions: A, D, E, F, H, I, K, M, O,
25 P, U, V

261) All "Standard Probation Conditions"

272) "Probation Conditions Specific to Violation" for consideration are: A, C, D, F, G, J, L, M.

28N, O

29

30"Probation Conditions Specific to Violation" should be considered individually since some, or
31all, may not apply.

32

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

34

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

36

37**Citation:**

38Minimum Fine: \$100

39Maximum Fine: \$5,000

40

41**Discipline:**

42Minimum: Public Reproval

43Maximum: Revocation

44

45Conditions of Probation in Addition to Standard Conditions: NONE

46

47Refer to related statute and/or regulation: B&P Code 2660 (h), CCR 1399.24

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TOPICAL MEDICATIONS B&P CODE 2620.3

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

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

3
4"Probation Conditions Specific to Violation" should be considered individually since some, or
5all, may **not** apply.

6
7Refer to related regulation: CCR 1399.61

8
9

PATIENT RECORD B&P CODE 2620.7

Citation:

13Minimum Fine: \$100
14Maximum Fine: \$5,000

Discipline:

17Minimum: Public Reproval
18Maximum: Revocation

19
20Conditions of Probation in Addition to Standard Conditions: A, H, V

21
22) All "Standard Probation Conditions"

23) "Probation Conditions Specific to Violation" for consideration are: A, F, O

24
25"Probation Conditions Specific to Violation" should be considered individually since some, or
26all, may **not** apply.

27
28
29Refer to related regulation: ~~CCR 1399.85~~ 1398.13

30
31**DEFINITIONS "PHYSICAL THERAPIST", "PHYSIOTHERAPIST",**
32**"PHYSICAL THERAPY IST TECHNICIAN", "PHYSICAL THERAPY"**
33**INTERCHANGEABLE TITLES B&P CODE 2622**

Citation:

36Minimum Fine: \$100
37Maximum Fine: \$5,000

Discipline:

40Minimum: Public Reproval
41Maximum: Revocation

42
43
44Refer to related statutes: B&P Code 2630, 2633

45

1
2 **UNLICENSED PRACTICE - PHYSICAL THERAPIST ASSISTANT**
3 **PRACTICING AS A PHYSICAL THERAPIST B&P CODE 2630**

4
5 **Citation:**

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

8
9 **Discipline:**

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

12
13 ~~Conditions of Probation in Addition to Standard Conditions: B, E, F, H~~

14
15 1) All "Standard Probation Conditions"

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

17
18 "Probation Conditions Specific to Violation" should be considered individually since some, or
19 all, may not apply.

20
21
22 Refer to related statutes and/or regulations: B&P Code 2264, 2660(j)(h), CCR 1398.44,
23 1400.2, 1400.3

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25
26 **UNLICENSED PRACTICE - IMPROPER SUPERVISION OF A PHYSICAL**
27 **THERAPY AIDE B&P CODE 2630**

28
29 **Citation:**

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

32
33 **Discipline:**

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

36
37 ~~Conditions of Probation in Addition to Standard Conditions: A, E, H, K, M~~

38
39 1) All "Standard Probation Conditions"

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

41
42 "Probation Conditions Specific to Violation" should be considered individually since some, or
43 all, may not apply.

44
45
46 Refer to related statutes and/or regulation: B&P Code 2264, 2660(h)(j), CCR 1399

47

1
2 **AUTHORIZED USE OF TITLE “P.T.” AND “PHYSICAL THERAPIST”**
3 **PERMITTED TITLES & OTHER DESIGNATIONS; DOCTORAL DEGREE**
4 **B&P CODE 2633**

5
6 **Citation:**

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

9
10 **Discipline:**

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

13
14 ~~Conditions of Probation in Addition to Standard Conditions: -E~~

15
16 1) All “Standard Probation Conditions”

17 2) “Probation Conditions Specific to Violation” for consideration are: A.

18
19 “Probation Conditions Specific to Violation” should be considered individually since some, or
20 all, may not apply.

21
22
23
24 ~~**REQUIREMENTS FOR A PHYSICAL THERAPIST APPLICANT LICENSED**~~
25 ~~**IN ANOTHER STATE**~~

26 ~~**WRITTEN EXAMINATION NOT REQUIRED & PHYSICAL THERAPIST**~~
27 ~~**LICENSE APPLICANT STATUS B&P CODE 2636.5**~~

28
29 **Citation:**

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

32
33 **Discipline:**

34 Minimum: Issue Initial Probationary License
35 Maximum: Deny Application

36
37
38 Refer to related regulation: CCR 1399.10

39
40
41 **PHYSICAL THERAPIST LICENSE APPLICANT GRADUATE PRACTICE**
42 **B&P CODE 2639 (ALSO SEE 2640)**

43
44 **Citation:**

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

1 **Discipline:**

2 **Minimum:** Issue Initial Probationary License

3 **Maximum:** Deny Application

4

5 *Refer to related regulation: CCR 1399.10*

6

7 **COMPUTER ADMINISTERED TESTING/PHYSICAL THERAPIST**

8 **LICENSE APPLICANT STATUS B&P CODE 2640**

9

10

11 **Citation:**

12 **Minimum Fine:** \$100

13 **Maximum Fine:** \$5,000

14

15 **Discipline:**

16 **Minimum:** Issue Initial Probationary License

17 **Maximum:** Deny Application

18

19 *Refer to related regulations: CCR 1398.11, 1399.10*

20

21 **AUTHORIZED USE OF TITLE – PHYSICAL THERAPY STUDENT**

22 **IDENTIFICATION AS STUDENT OR INTERN B&P CODE 2650.1**

23

24 **Citation:**

25 **Minimum Fine:** \$100

26 **Maximum Fine:** \$5,000

27

28 **Discipline:**

29 **Minimum:** Issue Initial Probationary License

30 **Maximum:** Deny Application

31

32

33 *Refer to related regulation: CCR 1398.37*

34

35 **REQUIREMENTS OF APPLICANTS FROM GRADUATES FROM**

36 **FOREIGN SCHOOLS B&P CODE 2653**

37

38 **Citation:**

39 **Minimum Fine:** \$100

40 **Maximum Fine:** \$5,000

41

42 **Discipline:**

43 **Minimum:** Issue Initial Probationary License

44 **Maximum:** Deny Application

45

46 *Refer to regulations: CCR 1398.26, 1398.26.5*

1
2
3 **NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED**
4 **B&P CODE 2655.2**

5
6 **Citation:**

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

9
10 **Discipline:**

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

13
14 ~~Conditions of Probation in Addition to Standard Conditions: A, E, K, L~~

15
16 1) All "Standard Probation Conditions"

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

18
19 "Probation Conditions Specific to Violation" should be considered individually since some, or
20 all, may not apply.

21
22 **PHYSICAL THERAPIST ASSISTANT'S QUALIFICATIONS FOR**
23 **LICENSURE B&P 2655.3**

24
25 **Discipline:**

26 Minimum: Issue Initial Probationary License
27 Maximum: Deny Application

28
29 [The "Uniform Standards Related to Substance Abuse" shall be imposed.]

30
31
32 **PRACTICE AUTHORIZED (PHYSICAL THERAPIST ASSISTANT)**
33 **B&P CODE 2655.7**

34
35 **Citation:**

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

38
39 **Discipline:**

40 Minimum: Public Reproval
41 Maximum: Revocation

42
43 ~~Conditions of Probation in Addition to Standard Conditions:~~

44
45 Refer to related statute and/or regulation: [B&P Code 2630](#), [CCR 1398.44](#), [B&P Code](#)
46 [2630](#)

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

4
5 **Citation:**

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

8
9 **Discipline:**

10 Minimum: Issue Initial Probationary License
11 Maximum: Deny Application

12
13
14 **STUDENTS PERFORMING PHYSICAL THERAPY B&P 2655.75**

15
16 **Citation:**

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

19
20
21 Refer to related regulation: CCR 1398.52

22
23
24 **PERFORMANCE AS A GRADUATE PRACTICE (“PHYSICAL THERAPIST**
25 **ASSISTANT APPLICANT”)-PENDING EXAMINATION RESULTS**
26 **B&P CODE 2655.91**

27
28 **Citation:**

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

31
32 **Discipline:**

33 Minimum: Issue Initial Probationary License
34 Maximum: Deny Application

35
36 Refer to related statute and/or regulation: B&P 2655.93, CCR 1399.12

37
38
39 **PHYSICAL THERAPIST ASSISTANT APPLICANT B&P CODE 2655.93**

40
41 **Citation:**

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

44
45 **Discipline:**

46 Minimum: Issue Initial Probationary License
47 Maximum: Deny Application

1

2

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

4

5

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

7

8 Refer to related statute and/or regulation: B&P Code 651, 2271, 17500, CCR 1398.10

9

10

12 **PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION**

13 **B&P CODE 2660(b)**

14

15 **Discipline:**

16 Minimum: Issue Initial Probationary License

17 Maximum: Deny Application

18

19

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

21

22

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

24

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

29

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

31

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

34

35

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

37

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

39

40

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

42

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

44

45 Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale,
46 trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was

1 attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the "Uniform
2 Standards Related to Substance Abuse" shall be imposed.

3
4

5 Refer to related statute: B&P Code 2239

6
7

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

9

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

11

12 **VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS**

13 **B&P CODE 2660(h)**

14

15 **Citation:**

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

18

19 **Discipline:**

20 See specific statute violated.

21

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

25

26 **AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY**

27 **PRACTICE ACT OR REGULATIONS B&P CODE 2660(j) i**

28

29 **Citation:**

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

32

33 **Discipline:**

34 Minimum: Public Reproval
35 Maximum: Revocation

36
37

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

39

40 **Citation:**

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

43

44 **Discipline:**

45 Minimum: Public Reproval
46 Maximum: Revocation

47

1

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

3

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

6

7 **Citation:**

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

10

11 **Discipline:**

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

14

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

16

17 1) All "Standard Probation Conditions"

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

19

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

22

23

24 Refer to related statute: B&P Code 810,

25

26 **INFECTON CONTROL GUIDELINES B&P CODE 2660(I)**

27

28 **Citation:**

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

31

32 **Discipline:**

33 Minimum: Public Reproval
34 Maximum: Revocation

35

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

37

38 1) All "Standard Probation Conditions"

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

40

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

43

44

45

46

47

1 **VERBAL ABUSE OR SEXUAL HARASSMENT- B&P CODE 2660(m)**

2

3 **Citation:**

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

6

7 **Discipline:**

8 Minimum: Public Reproval
9 Maximum: Revocation

10

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

12

13 1) All "Standard Probation Conditions"

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

15

16 "Probation Conditions Specific to Violation" should be considered individually since some, or

17 all, may **not** apply.

18

19

20

21

22

22 ~~**SUBVERSION OF EXAMINATION B&P 2660.7**~~

23

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

25

26

27 **PRESUMPTION REGARDING CONSENT TO SEXUAL ACTIVITY**

28 **MISCONDUCT WITH PATIENT OR CLIENT**

29

29 **B&P CODE 2660.1**

30

31 Note: Pursuant to CCR 1399.15 any findings the licensee committed a sex offense or

32 been convicted of a sex offense, the order shall revoke the license. The proposed

33 decision shall not contain an order staying the revocation of the license.

34

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

36

37

38

39

39 **DENIAL OF LICENSE IN SPECIFIED CIRCUMSTANCES - REGISTERED**

40 **SEX OFFENDER (APPLICANT) B&P 2660.5**

41

42 **Discipline:**

43 Denial of License

44

45

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

2
3

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

5
6

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

8

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

13

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

17
18

19 Refer to related statutes and/or regulations: B&P Code 490, 2236, 2660(d), CCR
20 1399.23, 1399.24

21
22

23 **DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT**

24 **B&P CODE 2676**

25

26 **Citation:**

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

29

30 **Discipline:**

31 Minimum: Public Repraval
32 Maximum: Revocation

33
34

35 Refer to related statute: B&P Code 2684

36
37

38 **EXPIRATION AND RENEWAL OF LICENSES, & DISCLOSURE OF**
39 **MISDEMEANOR OR CRIMINAL OFFENSE & CONTINUING**
40 **COMPETENCY REQUIREMENTS B&P CODE 2684**

41

42 **Citation:**

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

45

46 **Discipline:**

47 Minimum: Public Repraval

1Maximum: Revocation

2
3Refer to related statute: B&P Code ~~Section~~ 2630, 2676

4
5
6**PHYSICAL THERAPY CORPORATION B&P CODE 2691**

7
8Refer to related statute: B&P Code ~~Section~~ 2286 Note: If a licensee violates this section it
9would be a criminal offense; therefore, also see also B&P Code 2236.

10
11**UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692**

12
13**Citation:**

14Minimum Fine: \$100
15Maximum Fine: \$5,000

16
17**Discipline:**

18Minimum: Public Reproval
19Maximum: Revocation

20
21
22
23**ADVERTISING IN VIOLATION OF SECTION 2660(a), B&P CODE 17500**

24
25Refer to related statutes and/or regulation: B&P Code 651, 2271, 2660(a), CCR 1398.10

26
27
28**VIOLATION OF PROBATION**

29
30**Discipline:**

31
32NOTE: The maximum penalty should be given for repeated similar offenses or for
33probation violations revealing a cavalier or recalcitrant attitude.

34
35Implementation of Original Stayed Order.

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4 **HEALTH AND SAFETY CODE**
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8 **PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110**
9

10 **Citation:** _____

11 **Minimum Fine:** _____ \$100

12 **Maximum Fine:** _____ \$5,000
13

14 **Discipline:**

15 **Minimum:** _____ Revocation, stayed, 5 days suspension, 3 years probation

16 **Maximum:** _____ Revocation
17

18 **Conditions of Probation in Addition to Standard Conditions:** ~~G~~
19
20
21

22 **TITLE 16, CALIFORNIA CODE OF REGULATIONS**
23

24 **FILING OF ADDRESSES CCR 1398.6**
25

26 **Citation:** _____

27 **Minimum Fine:** _____ \$100

28 **Maximum Fine:** _____ \$5,000
29
30

31 *Also may cite Refer to statute: B&P Code 136*
32

33 **ADVERTISING CCR 1398.10**
34

35 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 651, 2271,*
36 *2660(a)(h), H&S 17500*
37
38

39 **PHYSICAL THERAPY AIDE, APPLICANT, STUDENT AND INTERN**
40 **IDENTIFICATION CCR 1398.11**
41

42 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 680*
43

44 **PATIENT RECORD DOCUMENTATION REQUIREMENT**

45 **CCR 1398.13**
46

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

2

3 **APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26**

4

5 **Citation:** _____

6 **Minimum Fine:** _____ \$100

7 **Maximum Fine:** _____ \$5,000

8

9

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

11

12 **CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED**

13 **APPLICANTS CCR 1398.26.5**

14

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

16

17 **IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS**

18 **AND INTERNS DEFINED CCR 1398.37**

19

20 ~~Also may cite~~ Refer to statute(s) for appropriate penalties: B&P Code 2650.1

21

22 **CRITERIA FOR APPROVAL OF PHYSICAL THERAPY FACILITIES TO**

23 **SUPERVISE THE CLINICAL SERVICE OF FOREIGN EDUCATED**

24 **APPLICANTS CCR 1398.38**

25

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

27

28 **SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44**

29

30 **Citation:** _____

31 **Minimum Fine:** _____ \$100

32 **Maximum Fine:** _____ \$5,000

33

34 **Discipline:**

35 **Minimum:** _____ Revocation, stayed, 5 days suspension, 3 years probation

36 **Maximum:** _____ Revocation

37

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

39

40

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

42

43

44 **IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT**

45 **STUDENTS AND INTERNS DEFINED CCR 1398.52**

46

1 **Citation:** _____

2 **Minimum Fine:** _____ \$100

3 **Maximum Fine:** _____ \$5,000

4

5

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

7

8

9 **REQUIREMENTS FOR USE OF AIDES CCR 1399**

10

11 ~~Also may cite~~ Refer to statute(s) for appropriate penalties: B&P Code 2264, 2630,
12 2660(j)(h)

13

14

15 **SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS**

16 **CCR 1399.10**

17

18 **Citation:**

19 **Minimum Fine:** \$100

20 **Maximum Fine:** \$5,000

21

22 **Discipline:**

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

24 **Maximum:** Revocation

25

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

27 1) All "Standard Probation Conditions"

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

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

31

32

33 ~~Also may cite~~ Refer to related statute(s) for appropriate penalties: B&P Code 2636.5,
34 2639, 2640

35

36

37 **SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE**

38 **APPLICANTS CCR 1399.12**

39

40 **Citation:**

41 **Minimum Fine:** \$100

42 **Maximum Fine:** \$5,000

43

44 **Discipline:**

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

46 **Maximum:** Revocation

47

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

2

3) All "Standard Probation Conditions"

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

5

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

8

9

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

11

12

13 **REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS**

14 **CCR1399.23**

15

16 **Discipline:**

17

18 Revocation or Denial of License

19

20 ~~Also may cite Refer to related statute(s) for appropriate penalties: B&P Code 480, 726,~~

21 ~~2660.1, 2660.5, 2608, 2660.1, 2660.2, 2661~~

22

23

24 **PROHIBITING ANOTHER PARTY FROM COOPERATING OR DISPUTING**

25 **A COMPLAINT CCR 1399.24 (a)**

26

27 **Citation:**

28 Minimum Fine: \$100

29 Maximum Fine: \$5,000

30

31 **Discipline:**

32 Minimum: Public Reproval

33 Maximum: Revocation

34

35 Standard Conditions Only

36

37

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

39

40

41 Refer to statute for appropriate penalties: B&P Code 2608.5

42

43

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

45

46 **Citation:**

47 Minimum Fine: \$100

48 Maximum Fine: \$5,000

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Discipline:

Minimum: Public Reproval

Maximum: Revocation

Standard Conditions Only

FAILURE TO REPORT TO BOARD CRIMINAL 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

1
2
3 **AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL**
4 **MEDICATIONS CCR 1399.78**

5
6 *Also may cite Refer to statute(s) for appropriate penalties and related regulations: B&P*
7 *Code 2620.3, CCR 1399.77, 1399.79*

8
9 **AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79**

10
11 *Also may cite Refer to statute(s) for appropriate penalties and related regulations:: B&P*
12 *Code 2620.3, CCR 1399.77, 1399.78*

13
14 **PATIENT RECORD DOCUMENTATION REQUIREMENT**
15 **CCR 1399.85**

16
17 *Also may cite: B&P Code 2630.7*

18
19 **CONTINUING COMPETENCY REQUIRED CCR 1399.91**

20
21
22 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

23
24 **CONTENT STANDARDS FOR CONTINUING COMPETENCY CCR 1399.92**

25
26 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

27
28
29 **CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND**
30 **OTHER LIMITATIONS CCR 1399.93**

31
32 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

33
34
35 **AUTHORIZED PATHWAYS FOR OBTAINING CONTINUING**
36 **COMPETENCY HOURS CCR 1399.94**

37
38 *Also may cite Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684*

39
40 **STANDARDS FOR APPROVED AGENCIES CCR 1399.95**

41
42 **Citation:**

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

45
46 **Maximum:**

1
2 Revocation of recognition as an approved agency

3
4

5 Refer to related statute: B&P Code 2676

6
7

8 **STANDARDS FOR APPROVED PROVIDERS CCR 1399.96**

9
10 **Citation:**

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

13
14 **Maximum:**

15
16 Revocation of recognition as an approved provider

17
18

19 Refer to related statute: B&P Code 2676

20
21

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

23
24 Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

25
26 **INACTIVE STATUS (CONTINUING COMPETENCY) CCR 1399.98**

27
28 Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

29

30 **EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS**

31 **CCR 1399.99**

32
33 Refer to statute(s) for appropriate penalties: B&P Code 2676, 2684

34
35

36 **SPONSORING ENTITY REGISTRATION AND RECORDKEEPING**

37 **REQUIREMENTS CCR 1400.1**

38
39

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

41
42 **OUT OF STATE PRACTITIONER AUTHORIZATION TO PARTICPATE IN**

43 **SPONSORED EVENT CCR 1400.2**

44
45 Refer to statute(s) for appropriate penalties: B&P Code 901

46

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

3
4 Refer to statute for appropriate penalties: B&P Code 901

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1 **HEALTH AND SAFETY CODE**

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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

1 Probation conditions are divided into ~~two~~ three categories: 1) Standard Conditions
2 ~~that the Board expects generally appear~~ in all probation cases; ~~and~~ 2) Specific
3 Conditions that depend on the nature and circumstances of the particular case; ~~and~~ 3)
4 Conditions Specific to Alcohol and/or Controlled Substance. The standard conditions
5 generally appearing in every probation case are as follows:

6 7 **Standard Probation Conditions**

8 9 10 **1. License Revocation, Sstayed**

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

12 13 14 **2. License Suspension**

15
16 The Respondent's license shall be suspended for [insert specific
17 number of days, months]. See specific violation for recommended time
18 of suspension.

19
20 Note: This term is not meant to be used for punitive purposes but should
21 be used as an educational consequence to ensure Respondent's
22 understanding of his or her actions.

23 24 **3. Cost Recovery**

25
26 The Respondent's is ordered to reimburse the Board the actual and
27 reasonable investigative and prosecutorial costs incurred by the Board in
28 the amount of \$ _____ ~~(to be determined by actual investigative and~~
29 ~~prosecutorial costs)~~. Said costs shall be reduced, however, and the
30 remainder forgiven, if Respondent pays _____% of said costs, or
31 \$ _____ ~~(to be determined by actual investigative and prosecutorial~~
32 ~~costs)~~, within thirty (30) days of the effective date of this Decision. In the
33 event Respondent fails to pay within thirty (30) days of the Decision, the
34 full amount of costs shall be immediately due and payable. Failure to
35 pay the ordered reimbursement, or any agreed upon payment,
36 constitutes a violation of the probation order. The filing of bankruptcy by
37 Respondent shall not relieve Respondent of his/her responsibility to
38 reimburse the Board. If Respondent is in default of his responsibility to
39 reimburse the Board, the Board will collect cost recovery from the
40 Franchise Tax Board, the Internal Revenue Service, or by any other
41 means of attachment of earned wages legally available to the Board.
42 ~~Failure to fulfill the obligation could also result in attachment to~~
43 ~~Department of Motor Vehicle registrations, license renewals, or both.~~

44
45 Note: Costs ~~are determined by~~ represent the actual investigative and
46 prosecutorial costs.

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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 Rrespondent, whether it is inside or outside of California.

Further, Rrespondent 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 Rrespondent 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 Rrespondent 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.~~

1 Prior to engaging in the practice of physical therapy, Respondent shall
2 provide a true copy of the Initial Probationary License Decision and
3 Order, Statement of Issues ~~or,~~ Accusation, Decision and Order, or
4 Stipulated Decision and Order ~~as appropriate~~ to his or her employer,
5 supervisor, or contractor, or prospective employer or contractor, and at
6 any other facility where Respondent engages in the practice of physical
7 therapy before accepting or continuing employment.

8
9 Respondent shall provide the probation monitor the names, physical
10 addresses, mailing addresses, and telephone numbers of all employers
11 and supervisors, or contractors, and shall inform the probation monitor in
12 writing of the facility or facilities at which Respondent ~~will be engaging~~
13 in the practice of physical therapy for purposes of allowing the probation
14 monitor to communicate with the employer, supervisor, or contractor
15 regarding the Respondent's work status, performance and monitoring.

16
17 The information will be provided in writing to the probation monitor within
18 ten (10) calendar days and will include written employer confirmation of
19 receipt.

20
21 **11. Notification of Change of Name or Address**

22
23 ~~The R~~espondent shall notify the Board, in writing, of any and all ~~of~~ name
24 and/or address changes within ten (10) days of the change.

25
26
27 **12. Restriction of Practice - Temporary Services Agencies**

28
29 ~~The R~~espondent shall not work for a temporary services agency or
30 registry.

31 OR:

32
33 **NOTE:** If ~~R~~espondent's restrictions are limited to a certain number of
34 registries and/or temporary service agencies:

35
36 ~~The R~~espondent's work for a temporary services agency or registry
37 shall be limited as follows:

38
39 1) Respondent shall be limited to work for (indicate # of temporary
40 services or registries) temporary service agency or registry

41
42 2) This work must be approved by the ~~P~~robation ~~M~~onitor

43
44 3) Respondent must disclose this disciplinary proceeding as described
45 above in Condition # [include appropriate term] to the temporary service
46 agency or registry

1 4) Respondent must disclose this disciplinary proceeding, as described
2 above in Condition # [include appropriate term] to the supervisor at the
3 facility where physical therapy care is being performed.
4

5 Respondent must notify his/her ~~P~~probation ~~M~~onitor or Board's
6 designee, in writing, of any change in registry or temporary service. ~~The~~
7 Respondent must have written approval by the ~~P~~probation ~~M~~onitor
8 prior to commencing work at a new registry or temporary service agency.
9

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

14 Respondent shall not supervise any physical therapy student interns,
15 foreign educated physical therapist license applicants or other
16 individuals accumulating hours or experience in a learning capacity in
17 physical therapy during the entire period of probation. Respondent shall
18 terminate any such supervisory relationship in existence on the effective
19 date of this probation.
20

21 **14. Prohibited Use of Aliases**
22

23 Respondent shall not use aliases and shall be prohibited from using any
24 name which is not his/her legally-recognized name or based upon a
25 legal change of name.
26

27 **15. Intermittent Work**
28

29 If ~~the~~ Respondent works less than 192 hours as a physical therapist or
30 a physical therapist assistant in the physical therapy profession in a
31 period of three consecutive months, those months shall not be counted
32 toward satisfaction of the probationary period. ~~The~~ Respondent is
33 required to immediately notify the probation monitor or his or her
34 designee if he/she works less than 192 hours in a three-month period.
35

36 If probationer is complying with all other terms, probation shall not be
37 tolled.
38

Comment [EB5]: Language is being deleted unless consequences are identified.

39 **16. Tolling of Probation**
40
41

42 The period of probation shall run only during the time Respondent is
43 practicing or performing physical therapy within California. If, during
44 probation, Respondent does not practice or perform within California,
45 Respondent is required to immediately notify the probation monitor in
46 writing of the date ~~that~~ Respondent is practicing or performing physical
47 therapy out of state, and the date of return, if any. Practicing or
48
49

1 performing physical therapy by ~~the R~~respondent in California prior to
2 notification to the Board of ~~the R~~respondent's return will not be credited
3 toward completion of probation. Any order for payment of cost recovery
4 shall remain in effect whether or not probation is tolled.

5
6 If probationer is complying with all other terms, probation shall not be
7 tolled.

Comment [EB6]: Same as above on Term #15

8
9 **17. Violation of Probation**

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

12
13 If Rrespondent violates probation in any respect, the Board, after giving
14 Rrespondent notice and the opportunity to be heard, may revoke
15 probation and carry out the disciplinary order that was stayed. If an
16 accusation or petition to revoke probation is filed against Rrespondent
17 during probation, the Board shall have continuing jurisdiction until the
18 matter is final, and the period of probation shall be extended until the
19 matter is final.
20

21
22
23 **18. Request to Surrender License Due to Retirement, Health or Other**
24 **Reasons**

25
26 Following the effective date of this probation, if Rrespondent ceases
27 practicing or performing physical therapy due to retirement, health or
28 other reasons or is otherwise unable to satisfy the terms and conditions
29 of probation Rrespondent may request to surrender his/her license to the
30 Board. The Board reserves the right to evaluate ~~the R~~respondent's
31 request and to exercise its discretion whether to grant the request, or to
32 take any other action deemed appropriate and reasonable under the
33 circumstances. Upon formal acceptance of the tendered license, the
34 terms and conditions of probation shall be tolled until such time as the
35 license is no longer renewable; ~~the R~~respondent makes application for
36 the renewal of the tendered license or makes application for a new
37 license.
38

39
40 **19. Completion of Probation**

41
42 Respondent shall comply with all financial obligations required by this
43 Order (e.g., cost recovery, restitution, probation costs) not later than 180
44 calendar days prior to completion of probation unless otherwise specified
45 in Order. Upon successful completion of probation, Rrespondent's
46 license shall be fully restored.
47

1 **20. California Law Examination - Written Exam on the Laws and**
2 **Regulations Governing the Practice or Performance of Physical**
3 **Therapy**
4

5 Within ninety (90) Ddays of the effective date of this decision,
6 respondent shall take and pass the Board's written examination on the
7 laws and regulations governing the practice of physical therapy in
8 California. If Respondent fails to pass the examination, Respondent
9 shall be suspended from the practice of physical therapy until a repeat
10 examination has been successfully passed. Respondent shall pay the
11 costs of all examinations.
12

13 **21. Practice or Performance of Physical Therapy While on Probation**
14

15 It is not contrary to the public interest for ~~the~~ Respondent to practice
16 and/or perform physical therapy under the probationary conditions
17 specified in the disciplinary order. Accordingly, it is not the intent of the
18 Board that this order, the fact that ~~the~~ Respondent has been disciplined,
19 or ~~that the~~ Respondent is on probation, shall be used as the sole basis
20 for any third party payor to remove Respondent from any list of
21 approved providers.
22

23 **22. Probation Monitoring Costs**
24

25 Respondent shall reimburse all costs incurred by the Board for probation
26 monitoring during the entire period of probation. Respondent will be
27 billed at least quarterly. Such costs shall be made payable to the
28 Physical Therapy Board of California and sent directly to the Physical
29 Therapy Board of California. Failure to make ordered reimbursement
30 within sixty (60) days of the billing shall constitute a violation of the
31 probation order.
32

1
2 Additionally, the supervisor shall have full and random access to all patient
3 records of Respondent. The supervisor may evaluate all aspects of
4 Respondent's practice regardless of Respondent's areas of deficiencies.

5
6 Each proposed supervisor shall be a California licensed physical therapist who
7 shall submit written reports to the Board on a quarterly basis verifying that
8 supervision has taken place as required and include an evaluation of
9 Respondent's performance. It shall be Respondent's responsibility to assure that
10 the required reports are filed in a timely manner. Each supervisor shall have
11 been licensed in California for at least five (5) years and not have ever been
12 subject to any disciplinary action by the Board. An administrative citation and fine
13 does not constitute discipline and therefore, in and of itself is not a reason to
14 deny approval of an individual as a supervisor.

15
16 The supervisor shall be independent, with no prior business or professional
17 relationship with Respondent and the supervisor shall not be in a familial
18 relationship with or be an employee, partner or associate of Respondent. If the
19 supervisor terminates or is otherwise no longer available, Respondent shall not
20 practice until a new supervisor has been approved by the Board. All costs of the
21 supervision shall be borne by Respondent.

22
23 If Respondent is placed on probation due to substance or alcohol abuse, then the
24 supervisor shall meet the following additional requirements:

25
26 The supervisor shall sign an affirmation that he or she has reviewed the terms
27 and conditions of the licensee's disciplinary order and agrees to supervise the
28 licensee as set forth in the manner directed by the Board. The supervisor shall
29 have face-to-face contact with the licensee in the work environment on a frequent
30 basis as determined by the Board, but at least once per week. The supervisor
31 shall interview other staff in the office regarding the licensee's behavior, if
32 applicable. The supervisor shall review the licensee's work attendance and
33 behavior.

34
35 The supervisor shall orally report any suspected substance abuse to the Board
36 and the licensee's employer within one (1) business day of occurrence. If
37 occurrence is not during the Board's normal business hours the oral report must
38 be within one (1) hour of the next business day. The supervisor shall submit a
39 written report to the Board within 48 hours of occurrence.

40
41 The supervisor shall complete and submit a written report monthly or as directed
42 by the Board. The report shall include: the licensee's name; license number;
43 supervisor's name and signature; supervisor's license number; worksite
44 location(s); dates licensee had face-to-face contact with supervisor; worksite staff
45 interviewed, if applicable; attendance report; any change in behavior and/or
46 personal habits; any indicators that can lead to suspected substance abuse.

Comment [EB7]: Recommendation was made to clarify "an occasional random check". Based on this recommendation, the whole paragraph was restructured to make it clear to the reader there are two levels of supervision that may be imposed and that the supervisor must conduct a random check at least once quarterly .

- 1 **B. Restriction of Practice – Prohibition of Home Care**
2
3 The Respondent shall not provide physical therapy services in a patient's
4 home.
5
6
7 **~~C. Restriction of Practice – Prohibition Not to Treat a Specific Patient~~**
8 **~~Population~~**
9
10 The respondent shall not treat any _____
11 (Name the specific patient population)
12
13 ~~Failure to comply with any component of this condition as specified above is a~~
14 ~~violation of probation.~~
15
16
17 **CD. Restriction of Practice – Prohibition of Solo Practice**
18
19 The Respondent shall be prohibited from engaging in the solo practice of
20 physical therapy.
21
22 This condition applies only to a physical therapist since a physical therapist
23 assistant may not perform physical therapy without supervision.
24
25 In cases where Respondent's ability to function independently is in doubt as a
26 result of a deficiency in knowledge or skills or as a result of questionable
27 judgment, this condition should be included. Solo practice means a physical
28 therapy business or practice where only Respondent provides patient care.
29
30
31 **~~E. Restriction of Practice – Presence of Another Physical Therapist Required~~**
32
33 **~~Physical Therapists:~~** The respondent shall be prohibited from working any
34 ~~shift in which there is no other physical therapist on duty.~~
35
36 **~~Physical Therapist Assistants:~~** The respondent shall be prohibited from
37 ~~working a shift for which there is not a physical therapist on duty.~~
38
39
40 **DF. Restriction of Practice - Prohibition of Self-Employment or Ownership**
41
42 Respondent shall not be the sole proprietor or partner in the ownership of any
43 business that offers physical therapy services. Respondent shall not be a
44 Board member or an officer or have a majority interest in any corporation that
45 offers or provides physical therapy services.
46
47 **EG. Restriction of Practice - Prohibition of Direct Billing of Third-Party Payers**
48

1 Respondent shall not have final approval over any physical therapy billings
2 submitted to any third-party payers in any employment.
3
4

5
6 **FH. Restriction of Practice - Monitoring**
7

8 ~~Within thirty (30) days of the effective date of this decision, the respondent shall~~
9 ~~select a licensed physical therapist to serve as the professional practice~~
10 ~~monitor during the period of probation and submit the name of the licensed~~
11 ~~physical therapist selected for approval by the Board or its designee. The~~
12 ~~professional practice monitor shall be selected from an established pool of~~
13 ~~physical therapists licensed to practice in the State of California who are~~
14 ~~currently serving as trained expert consultants to the Board. If there is no~~
15 ~~practice monitor available from the pool of physical therapists, the respondent~~
16 ~~may provide the probation monitor with the name and license number of a~~
17 ~~physical therapist for approval if deemed appropriate.~~
18

19 Within 15 calendar days of the effective date of this decision, Respondent shall
20 submit to the Board, for its prior approval, the name and qualifications of one or
21 more proposed licensed physical therapist to serve as a practice monitor by
22 which Respondent's practice would be monitored. The Board will advise
23 Respondent within 14 business days whether or not the proposed practice
24 monitor and plan of monitoring are approved. Respondent shall not practice
25 until receiving notification of Board approval of Respondent's choice of a
26 practice monitor. ~~The professional practice monitor shall not be someone with a~~
27 ~~conflict of interest in reviewing the licensee's practice. A conflict of interest is~~
28 ~~one that may interfere with the ability to fairly assess the licensee's~~
29 ~~Respondent's practice and provide the probation monitor with a non-biased~~
30 ~~report. This includes, but is not limited to, a business partner or family member~~
31 ~~of the licensee Respondent.~~ **The practice monitor shall be independent, with no**
32 **prior business or relationship with Respondent and the practice monitor shall**
33 **not be in a familial relationship with or be an employee, partner or associate of**
34 **Respondent.**
35
36

37 After the practice monitor has been approved by the Board, the professional
38 practice monitor in conference with the Board's probation monitor will establish
39 the schedule upon which clinical visits will be made to respondent's place of
40 employment to review respondent's current practice and respondent's adherence
41 to the terms of probation. The professional practice monitor shall report to the
42 Board's probation monitor on compliance with the terms and conditions of the
43 respondent's probation after each clinical visit. The practice monitor shall have
44 full and random access to all patient records of Respondent at all times, or for
45 copying on premises, and shall retain all records for the entire term of probation .
46 The practice monitor may evaluate all aspects of Respondent's practice
47 regardless of Respondent's areas of deficiencies.
48

Comment [EB8]: Replaced with language from SB 1441 below.

1 The report shall indicate whether respondent's practices are within the
2 standards of practice of physical therapy and/or billing, and whether respondent
3 is practicing physical therapy safely, and/or billing appropriately.

4
5 Each practice monitor shall have been licensed in California for at least five (5)
6 years and not have ever been subject to any disciplinary action by the Board. An
7 administrative citation and fine does not constitute discipline and therefore, in
8 and of itself is not a reason to deny approval of an individual as a practice
9 monitor. The proposed practice monitor shall submit written reports to the Board
10 on a quarterly basis, or another time basis as agreed upon by the probation
11 monitor, verifying that he/she has monitored Respondent as required and include
12 an evaluation of Respondent's performance. It shall be Respondent's
13 responsibility to assure that the required reports are filed in a timely manner.

14
15 ~~The practice monitor shall be independent, with no prior business or relationship~~
16 ~~with Respondent and the practice monitor shall not be in a familial relationship~~
17 ~~with or be an employee, partner or associate of Respondent. If the practice~~
18 ~~monitor terminates or is otherwise no longer available, Respondent shall not~~
19 ~~practice until a new practice monitor has been approved by the Board. All costs~~
20 ~~associated with the practice monitor shall be paid by the Respondent.~~

Comment [EB9]: Language moved to above paragraph

21
22 If Respondent is placed on probation due to substance or alcohol abuse, then the
23 practice monitor shall meet the following additional requirements:

24
25 The practice monitor shall sign an affirmation that he or she has reviewed the
26 terms and conditions of the licensee's disciplinary order and agrees to monitor
27 the licensee as set forth in the manner directed by the Board. The practice
28 monitor shall have face-to-face contact with the licensee in the work environment
29 as determined by the Board, but at least once per week. The practice monitor
30 shall interview other staff in the office regarding the licensee's behavior, if
31 applicable. The practice monitor shall review the licensee's work attendance and
32 behavior.

33
34 The practice monitor shall orally report any suspected substance abuse to the
35 Board and the licensee's employer within one (1) business day of occurrence. If
36 occurrence is not during the Board's normal business hours the oral report must
37 be within one (1) hour of the next business day. The practice monitor shall submit
38 a written report to the Board within 48 hours of occurrence.

39
40 The practice monitor shall complete and submit a written report monthly or as
41 directed by the Board. The report shall include: the licensee's name; license number;
42 practice monitor's name and signature; practice monitor's license number; worksite
43 location(s); dates licensee had face-to-face contact with practice monitor; worksite
44 staff interviewed, if applicable; attendance report; any change in behavior and/or
45 personal habits; any indicators that can lead to suspected substance abuse.

1 **GI. Restriction of Practice - Third Party Presence**

2
3 During probation, Respondent shall have a third party present while examining
4 or treating _____ (name the specific patient
5 population). Respondent shall, within ten (10) days of the effective date of the
6 decision, submit to the Board or its designee for its approval the name(s) of the
7 person(s) who will act as the third party present. ~~The~~ Respondent shall
8 execute a release authorizing the third party present to divulge any information
9 that the Board may request. The person(s) acting in the role of the third party
10 present shall be provided with a copy of the Accusation and Decision and
11 Order.
12

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

15
16 Respondent shall not treat any _____:
17 (name the specific patient population)
18
19
20

21 **IJ. Restriction of Practice – ~~Incompetence~~ Prohibition from Performing**
22 **Specified Physical Therapy Procedures**

23
24 During probation, Respondent is prohibited from performing or supervising the
25 performance of _____ (specific physical therapy procedure;
26 on a specific patient population). After the effective date of this Decision, the
27 first time that a patient seeking the prohibited services makes an appointment,
28 Respondent shall orally notify the patient that Respondent does not perform
29 _____ (e.g. a specific physical therapy procedure; on a specific
30 patient population). Respondent shall maintain a log of all patients to whom the
31 required notification was made. The log shall contain the: 1) patient's name,
32 address and phone number; 2) patient's medical record number, if available;
33 3) the full name of the person making the notification; 4) the date the
34 notification was made; and 5) a description of the notification given.
35 Respondent shall keep this log in a separate file or ledger, in chronological
36 order, shall make the log available for immediate inspection and copying on the
37 premises at all times during business hours by the ~~professional~~-practice monitor
38 or the Board's probation monitor, and shall retain the log for the entire term of
39 probation. Failure to maintain a log as defined in the section, or to make the
40 log available for immediate inspection and copying on the premises during
41 business hours is a violation of probation.
42

43 In addition to the required oral notification, after the effective date of this
44 Decision, the first time that a patient who seeks the prohibited services
45 presents to Respondent and each subsequent time, Respondent shall provide
46 a written notification to the patient stating that Respondent does not perform
47 _____ (e.g. a specific physical therapy procedure; on a specific
48 patient population) Respondent shall maintain a copy of the written notification
49 in the patient's file, shall make the notification available for immediate

1 inspection and copying on the premises at all times during business hours by
2 the ~~professional~~ practice monitor or the Board's probation monitor, and shall
3 retain the notification for the entire term of probation. Failure to maintain the
4 notification as defined in the section, or to make the notification available for
5 immediate inspection and copying on the premises during business hours is a
6 violation of probation.

7
8 If Respondent can demonstrate competency in performing _____
9 (e.g. a specific physical therapy procedure; on a specific patient population) to
10 the satisfaction of ~~a the practice professional performance monitor, or another~~
11 ~~qualified professional physical therapist, approved by~~ the Board's probation
12 monitor ~~has approved, the practice professional performance approved~~
13 ~~physical therapist monitor or the qualified professional~~ can recommend to the
14 Board in writing that this term of the probation end without petitioning to modify
15 the probation. The Board or its designee will make the decision and notify ~~the~~
16 Respondent of its decision in writing. Until ~~the~~ Respondent has been notified
17 in writing by the Board that this term has been terminated ~~the~~ Respondent
18 shall continue to practice under the provision of this term.

19
20 Respondent shall pay all costs of the evaluation.

21
22 **JK. Restriction of Practice - No Supervision of Physical Therapist License**
23 **Applicants, Physical Therapist Assistant License Applicants**

24
25 Respondent shall not supervise any physical therapist license applicants or
26 physical therapist assistant applicants during the entire period of probation.
27 Respondent shall terminate any such supervisory relationship in existence on
28 the effective date of this probation.

29
30 **KL. Restriction of Practice - No Supervision of Physical Therapist Assistants**

31
32 Respondent shall not supervise any physical therapist assistants during the
33 entire period of probation. Respondent shall terminate any such supervisory
34 relationship in existence on the effective date of this Decision.

35
36 **OR**

37
38 Respondent shall not supervise any physical therapist assistants until a course
39 in supervising assistive personnel (as required in Term O) has been completed
40 and supervisor is ~~so~~ approved by the Board or its designee. Such approval
41 shall be in writing to ~~the~~ Respondent. Respondent shall terminate any such
42 supervisory relationship in existence on the effective date of this Decision
43 unless otherwise indicated by the Board or its designee.

44
45 **(Optional)**

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

1
2 **LM. Restriction of Practice - No Supervision of Physical Therapy Aides**

3
4 Respondent shall not supervise any physical therapy aides until a course in
5 supervising assistive personnel (as required in Term O) has been completed
6 and supervisor is approved by the Board or its designee during the entire
7 period of probation. Respondent shall terminate any such supervisory
8 relationship in existence on the effective date of this Decision.

9
10 **(Optional)**

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

14
15
16 **N. Restriction of Practice — Administration or Possession of Controlled**
17 **Substances**

18
19 Respondent shall not administer or possess any controlled substances as
20 defined in the California Uniform Controlled Substances Act. ~~This prohibition~~
21 ~~does not apply to medications lawfully prescribed to R~~respondent for a bona
22 ~~fide illness or condition by a practitioner licensed to prescribe such medications.~~

23
24
25 **MO. Notification to Patients**

26
27 The respondent shall notify each patient, in writing, ~~that his or /her license is on~~
28 ~~probation and that [INSERT LANGUAGE SPECIFIC TO CASE, e.g.~~
29 ~~professional practice monitor physical therapist will be reviewing patient~~
30 ~~records or other specific requirement].~~

31
32 Such notification shall be signed and dated by each patient prior to the
33 commencement or continuation of any examination or treatment of each patient
34 by the Rrespondent. A copy of such notification shall be maintained in the
35 patient's record. Respondent shall offer the patient a copy of the
36 acknowledgement.

37
38 The notification shall include the following language unless the Board or its
39 designee agrees, in writing, to a modification:

40
41 The Physical Therapy Board of California (PTBC) has placed
42 ~~physical therapist~~ license number [INSERT LICENSE #], issued
43 to [INSERT LICENSEE NAME], on probation.

44
45 As a condition of probation, the above-named ~~physical therapist~~
46 ~~licensee~~ must notify patients that [INSERT LANGUAGE
47 SPECIFIC TO CASE, e.g. ~~professional practice monitor~~ will be
48 reviewing patient records or other specific requirement]. In
49 addition, ~~the physical therapist~~ Respondent is required to notify

1 and obtain written acknowledgement from each patient of this
2 condition. A copy of the acknowledgement shall be offered to
3 the patient and placed in the patient's record.

4
5 Information regarding PTBC license disciplinary actions may be
6 accessed online at www.ptbc.ca.gov.

7
8
9
10 **NP. Notification of Probationer Status to Employees**

11
12 If ~~R~~respondent is an employer of other physical therapist or physical therapist
13 assistants, ~~R~~respondent shall, notify all present or future employees of the reason
14 for and terms and conditions of the probation. Respondent shall do so by providing
15 a copy of the Initial Probationary License, Statement of Issues, Accusation, and
16 Decision and Order to each employee and submit confirmation of employee receipt
17 to the Board within ten (10) days. The confirmation(s) provided to the Board shall
18 include the name, address, and phone number of the employees.

19
20 **QV. Education Course(s)**

21
22 Within thirty (30) days of the effective date of this Decision, ~~R~~respondent shall
23 submit to the Board, or its designee, for prior approval, a physical therapy
24 remedial educational program (including date, title, and length of course(s) in
25 the content of _____ (e.g. specify course subject) which
26 shall not be less than 8(eight) 20 hours. Respondent shall supply
27 documentation verifying satisfactory completion of coursework. ~~This will be~~
28 ~~signed by the instructor(s) of the courses and evidence, of passing grades on~~
29 ~~exams/tests given by the instructor.~~ Respondent shall be responsible for costs
30 incurred of the course(s). Course hours shall not satisfy the Continuing
31 Competency requirements pursuant to B&P 2676 as a condition for renewal of
32 license.

33
34 If Respondent fails to provide documentation verifying satisfactory completion
35 of the coursework, Respondent shall be suspended from the practice of
36 physical therapy until documentation verifying satisfactory completion of the
37 coursework is provided.

38
39 **U. Community Services**

40
41 ~~The respondent shall be required to provide community service without~~
42 ~~compensation within the State of California as part of the probation. The~~
43 ~~respondent shall submit for prior approval a community service program to the~~
44 ~~Board or its designee.~~

45 **Notes:**

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

48
49 ~~Always add this specific condition whenever community service is substituted for~~
50 ~~suspension.~~

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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, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed Board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee indicating whether 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 Respondent is mentally fit to practice physical therapy safely. The period of time ~~that~~ Respondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

Q.X. Psychotherapy

Within sixty (60) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a Board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five (5) years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information

1 and documents that the psychotherapist may deem pertinent. Respondent
2 shall have the treating psychotherapist submit quarterly status reports to the
3 Board or its designee. The Board or its designee may require Respondent to
4 undergo psychiatric evaluations by a Board-appointed Board certified
5 psychiatrist.
6

7 If, prior to the completion of probation, Respondent is found to be mentally
8 unfit to resume the practice of physical therapy without restrictions, the Board
9 shall have continued jurisdiction over Respondent's license and the period of
10 probation shall be extended until the Board determines ~~that~~ Respondent is
11 mentally fit to resume the practice of physical therapy without restrictions.
12 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.
13

14
15 *Note:*

16 *This condition is for ~~these~~ cases where the evidence demonstrates ~~that the~~*
17 *Respondent has had an impairment (impairment by mental illness, alcohol abuse*
18 *and/or drug self-abuse) related to the violations but is not at present a danger to*
19 *Respondent's patients.*
20

21 **RY. Medical Evaluation**

22
23 Within thirty (30) days of the effective date of this decision, and on a periodic
24 basis thereafter, as may be required by the Board or its designee,
25 Respondent shall undergo a medical evaluation by a Board appointed
26 physician and surgeon, who shall furnish a medical report to the Board or its
27 designee. ~~The~~ Respondent shall pay the cost of the medical evaluation.
28

29 If Respondent is required by the Board or its designee to undergo medical
30 treatment, Respondent shall within thirty (30) days of the requirement submit
31 to the Board or its designee for its prior approval the name and qualifications
32 of a physician and surgeon of Respondent's choice. Upon approval of the
33 treating physician and surgeon, Respondent shall undergo and continue
34 medical treatment until further notice from the Board or its designee.
35 Respondent shall have the treating physician and surgeon submit quarterly
36 status reports to the Board or its designee indicating whether ~~the~~
37 Respondent is capable of practicing physical therapy safely.
38

39 *Optional Condition*

40
41 Respondent shall not engage in the practice of physical therapy until notified
42 by the Board or its designee of its determination ~~that~~ Respondent is
43 medically fit to practice safely.
44

45 **SZ. Medical Treatment**

46
47 Within fifteen (15) days of the effective date of this decision, Respondent
48 shall submit to the Board or its designee for its prior approval the name and
49 qualifications of a physician of Respondent's choice. Upon approval,
50 Respondent shall undergo and continue medical treatment until the Board or

1 its designee deems that no further medical treatment is necessary.
2 Respondent shall have the treating physician submit quarterly status reports
3 to the Board or its designee indicating whether Respondent is capable of
4 practicing physical therapy safely. The Board or its designee may require
5 Respondent to undergo periodic medical evaluations by a Board appointed
6 physician. The Respondent shall pay the cost of the medical treatment.
7
8

9 Conditions Specific to Alcohol and Controlled Substance

10 11 12 13 IQ. Prohibition of Possession or Use of Controlled Substances 14 Abstain from Use of Alcohol, Controlled Substances and Dangerous 15 Drugs

16 Respondent shall abstain completely from the personal use, or possession,
17 injection, or consumption of by any route, including inhalation, of all
18 psychotropic (mood altering) drugs, including of controlled substances as
19 defined in the California Uniform Controlled Substances Act, dangerous drug
20 as defined by Section 4211-4022 of the Business and Professions Code, or
21 any drug requiring a prescription. This prohibition does not apply to
22 medications lawfully prescribed to Respondent for a bona fide illness or
23 condition by a practitioner licensed to prescribe such medications. Within fifteen
24 (15) calendar days of receiving any lawful prescription medications,
25 Respondent shall notify the probation monitor recovery program in writing of the
26 following: prescriber's name, address, and telephone number; medication
27 name and strength, issuing pharmacy name, address, and telephone number,
28 and specific medical purpose for medication. Respondent shall also provide a
29 current list of prescribed medication with the prescriber's name, address, and
30 telephone number on each quarterly report submitted. Respondent shall
31 provide the probation monitor with a signed and dated medical release covering
32 the entire probation period.
33
34

35 Respondent shall identify for the Board's approval a single coordinating
36 physician and surgeon who shall be aware of Respondent's history of
37 substance abuse and who will coordinate and monitor any prescriptions for
38 Respondent for dangerous drugs, controlled substances, psychotropic or mood
39 altering drugs. Once a Board-approved physician and surgeon has been
40 identified, Respondent shall provide a copy of the accusation and decision to
41 the physician and surgeon. The coordinating physician and surgeon shall
42 report to the Board or its designee on a quarterly basis Respondent's
43 compliance with this condition. If any substances considered addictive have
44 been prescribed, the report shall identify a program for the time limited use of
45 such substances.
46

47 The Board may require that only a physician and surgeon who is a specialist in
48 addictive medicine be approved as the coordinating physician and surgeon.
49

Comment [EB10]: Language in this section is specific to "controlled substance and dangerous drugs". Prohibitions from alcohol should remain as its own term.

Comment [EB11]: Federal and State Laws prohibiting obtaining this information

Comment [EB12]: Same as above comment (EB11)

Comment [EB13]: Probation Monitor should not be obtaining this information, the recovery program should be notified

Comment [EB14]: Legal counsel recommends this language struck since it is a violation of HIPPA and other privacy acts

Comment [EB15]: Deleted based on above comment (EB11)

Comment [EB16]: The board does not have the authority to prohibit someone that has a medical conditions

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

10
11 **UR. Prohibition of the Use of Alcohol**

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

Comment [EB17]: Since "Alcohol" was removed from the title in term TQ-current language of prohibition of the use of alcohol will remain.

15
16 **VS. Biological Fluid Testing**

17
18 Respondent shall immediately submit to and pay for any random and directed
19 biological fluid or hair sample, breath alcohol or any other mode of testing
20 required by testing, at respondent's cost, upon the request of the Board or its
21 designee. Respondent shall be subject to a minimum of fifty two (52), but not
22 to exceed, one-hundred and four (104) random tests per year within the first
23 year of probation, and a minimum of thirty six (36) random tests per year
24 thereafter, for the duration of the probationary term. Respondent shall make
25 daily contact as directed by the Board to determine if he or she must submit to
26 drug testing. Respondent shall have the test performed by a Board-approved
27 laboratory certified and accredited by the U.S. Department of Health and
28 Human Services on the same day that he or she is notified that a test is
29 required. This shall insure that the test results are sent immediately to the
30 Board. Failure to comply within the time specified shall be considered an
31 admission of a positive drug screen and constitute a violation of probation. If
32 the test results in a determination that the urine was too diluted for testing, the
33 result shall be considered an admission of a positive urine screen and
34 constitutes a violation of probation. If an "out of range result" a positive result is
35 obtained, the Board may require Respondent to immediately undergo a
36 physical examination and to complete laboratory or diagnostic testing to
37 determine if any underlying physical condition has contributed to the diluted
38 result and to ~~cease practice~~ suspend Respondent's license to practice. Any
39 such examination or laboratory and testing costs shall be paid by respondent.
40 An "out of range result" is one in which, based on scientific principles, indicates
41 Respondent attempted to alter the test results in order to either render the test
42 invalid or obtain a negative result when a positive result should have been the
43 outcome. If it is determined Respondent altered the test results, the result shall
44 be considered an admission of a positive urine screen and constitutes a
45 violation of probation and Respondent must cease practicing. Respondent shall
46 not resume practice until notified by the Board. If Respondent tests positive for
47 a banned substance, Respondent shall be contacted and instructed to leave
48 work and ordered to cease any all practice. Respondent shall not resume
49 practice until notified by the Board. All alternative drug testing sites due to

Comment [EB18]: If this language is used, the board would have to identify specifically what "out of range" is.

Comment [EB19]: Language was extracted from Uniform Standard #8. Only a portion of the language was extracted since the remaining language pertains to steps that will be taken by the Drug and Alcohol Recovery Monitoring Program.

1 vacation or travel outside of California must be approved by the Board prior to
2 the vacation or travel.

3
4 **WT. Diversion Drug & Alcohol Recovery Monitoring Program**

5
6 Within fifteen (15) calendar days from the effective date of this ~~d~~Decision,
7 Respondent shall enroll and participate in the Board's ~~Diversion drug & alcohol~~
8 recovery monitoring program at Respondent's cost until the ~~diversion drug &~~
9 alcohol recovery monitoring program determines that participation in the
10 ~~Diversion drug & alcohol recovery monitoring program~~ is no longer necessary.

11
12 Respondent shall comply with all components of the ~~diversion drug & alcohol~~
13 recovery monitoring program. This includes the fact that the Board may
14 receive reports on all aspects of Respondent's participation in the drug &
15 alcohol recovery monitoring program. Respondent shall sign a release
16 authorizing the drug & alcohol recovery monitoring program to report all
17 aspects of the drug & alcohol recovery monitoring program as requested by
18 the Board or its designee.

19
20 Failure to comply with requirements of the ~~Diversion drug & alcohol recovery~~
21 monitoring program, terminating the program without permission or being
22 expelled for cause shall constitute a violation of probation by Respondent and
23 shall be immediately suspended from the practice of physical therapy.

24
25 If Respondent is not accepted into the drug & alcohol recovery monitoring program
26 for any reason, then the following probation condition shall apply.

27
28 Upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation.
29 Respondent shall provide the evaluator with a copy of the Board's Decision prior to
30 the clinical diagnostic evaluation being performed.

31
32 Any time Respondent is ordered to undergo a clinical diagnostic evaluation,
33 Respondent's license shall be suspended ~~cease practice~~ for a minimum of 1 month
34 pending the results of a clinical diagnostic evaluation. During such time, Respondent
35 shall submit to random drug testing at least 2 times per week.

36
37 Respondent shall cause the evaluator to submit to the Board a written clinical
38 diagnostic evaluation report within 10 days from the date the evaluation was
39 completed, unless an extension, not to exceed 30 days, is granted to the evaluator
40 by the Board. The cost of such evaluation shall be paid by Respondent.

41
42 Respondent's license shall be suspended ~~cease practice~~ until the Board determines
43 that he or she is able to safely practice either full-time or part-time and has had at
44 least 1 month of negative drug test results. Respondent shall comply with any
45 restrictions or recommendations made as a result of the clinical diagnostic
46 evaluation.

47
48 Note: This condition should be imposed when Respondent's license is placed
49 on probation for substance or alcohol abuse violations.

1
2 ~~In the event the Board's diversion program is unavailable, respondent shall~~
3 ~~participate in a diversion program approved by the Board or its designee.~~
4
5
6
7

8 **GLOSSARY OF TERMS**

9
10 **Accusation** - Charges filed against a licensee alleging violation(s) of the Physical
11 Therapy Practice Act.
12

13 **Business and Professions Code (B&P)** - The statutes in law ~~that~~ governing the
14 practice of physical therapy. The Physical Therapy Practice Act begins with section
15 2600 of the Business and Professions Code. There are some sections of law named
16 in this document that affect the practice of physical therapy but are not included in the
17 Physical Therapy Practice Act. The Physical Therapy Practice Act can be accessed
18 through the Physical Therapy Board of California website at www.ptb.ca.gov.
19

20 **California Code of Regulations (CCR)** - Regulations define the statutes (laws) ~~that~~
21 governing the practice of physical therapy. The regulations specific to physical
22 therapy are located in Title 16, Chapter 13.2, Article 6 of the California Code of
23 Regulations and can be accessed through the Physical Therapy Board of California
24 website at www.ptb.ca.gov.
25

26 **Citation** - A means of addressing relatively minor violations, which would not warrant
27 discipline in order to protect the public. Citations are not disciplinary actions, but are
28 matters of public record.
29

30 **Decision** - The order of the Board in a disciplinary action.
31

32 **Default Decision** - Licensee fails to respond to Accusation by filing a Notice of
33 Defense or fails to appear at an administrative hearing.
34

35 **Diversion** – While the Board does not divert licensees from discipline, it monitors the
36 progress of the compliance with probationary terms dealing with substance abuse.
37

38 **Health and Safety Code (H&S)** - Statutes of law contained in the Health and Safety
39 Code that affect the practice of physical therapy. These statutes can be accessed
40 through the Physical Therapy Board of California website at www.ptb.ca.gov.
41

42 **Initial Probationary License** - The Board may in its sole discretion issue a
43 probationary license to any applicant for licensure who is guilty of unprofessional
44 conduct but who has met all other requirements for licensure.
45

46 **Interim Suspension Order** - An order issued upon petition, suspending a licensee
47 from all or a specified part of his or her physical therapy practice.
48

- 1 **Petition to Revoke Probation** - Charges filed against a probationer seeking
2 revocation of their physical therapy license based upon violation(s) of probation.
3
- 4 **Probation Tolled** - Credit for time served towards the probationary period does not
5 begin until the probationer commences practice in the State of California.
6
- 7 **Public Letter of Reprimand or Public Repeval**— A formal public ~~letter of reprobation~~
8 reprimand issued by the Board, pursuant to B&P Code, section 2660.3, which could
9 be in lieu of filing a formal accusation is considered disciplinary action.
10
- 11 **Public Repeval** – A formal public reprobation issued by the Board pursuant to B&P
12 Code, section 495 for an act constituting grounds for suspension or revocation of a
13 license is considered disciplinary action.
14
- 15 **Revoked** - The right to practice is ended.
16
- 17 **Revoked, stayed, probation** – “Stayed” means the revocation is postponed, put off.
18 Professional practice may continue so long as the licensee complies with specific
19 probationary terms and conditions. Violation of probation may result in the revocation
20 that was postponed.
21
- 22 **Statement of Issues** - Charges filed against an applicant to deny licensure due to
23 alleged violation(s) of the Physical Therapy Practice Act.
24
- 25 **Surrender of License** - The licensee turns in the license, subject to acceptance by
26 the Board. The right to practice is ended.
27
- 28 **Suspension** - The licensee is prohibited from practicing for a specific period.
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