

1 **PHYSICAL THERAPY BOARD OF CALIFORNIA**

2 **SPECIFIC LANGUAGE**

3
4 **Modified Text**

5
6 **Changes to the originally proposed language are shown in double underline for new**
7 **text and underline with strikeout for deleted text.**

8 **(For ease of locating the modified text, it also has been shaded.)**

9 Add Article 14, commencing with section 1400, Division 13.2 of Title 16 of the California
10 Code of Regulations as follows:

11 **Article 14. Sponsored Health Care Events - Requirements for Exemption**

12 **§1400. Definitions**

13 For the purposes of section 901 of the Code:

14 (a) "Community-based organization" means a public or private nonprofit organization
15 that is representative of a community or a significant segment of a community, and is
16 engaged in meeting human, educational, environmental, or public safety community
17 needs.

18 (b) "Out-of-state practitioner" means a person who is not licensed in California as a
19 ~~vocational nurse~~ physical therapist, but who holds a current valid and active license or
20 certificate in good standing in another state, district, or territory of the United States to
21 practice.

22 NOTE: Authority cited: Section 2615, Business and Professions Code. Reference:
23 Section 901, Business and Professions Code.

24 **§1400.1. Sponsoring Entity Registration and Recordkeeping Requirements**

25 (a) **Registration.** A sponsoring entity that wishes to provide, or arrange for the
26 provision of, health care services at a sponsored event under section 901 of the Code
27 shall register with the Board not later than ninety (90) calendar days prior to the date on
28 which the sponsored event is scheduled to begin. A sponsored entity shall register with
29 the Board by submitting to the Board a completed ~~Form~~ (PTBC ~~Form~~ 901-A 5/5 11/2/11),
30 which is hereby incorporated by reference.

31 (b) **Determination of Completeness of Form.** The Board may, by resolution,
32 delegate to the Department of Consumer Affairs ~~or its Executive Officer~~ the authority to
33 receive and process ~~Form~~ (PTBC ~~Form~~ 901-A 5/5 11/2/11) on behalf of the Board. The
34 Board or its ~~delegate~~ shall inform the sponsoring entity within fifteen (15)
35 calendar days of receipt of ~~Form~~ (PTBC ~~Form~~ 901-A 5/5 11/2/11), in writing, that the
36 form is either complete and the sponsoring entity is registered or that the form is
37 deficient and what specific information or documentation is ~~required~~ required to complete

38 the form and be registered. The Board or its ~~delegate~~ shall reject the
39 registration if all of the identified deficiencies have not been corrected at least thirty (30)
40 days prior to the commencement of the sponsored event.

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42 **(c) Recordkeeping Requirements.** Regardless of where it is located, a sponsoring
43 entity shall maintain, at a physical location in California, a copy of all records
44 required by section 901 of the Code as well as a copy of the authorization for
45 participation issued by the Board to an out-of-state practitioner. The sponsoring entity
46 shall maintain these records for a period of at least five (5) years after the date on which
47 a sponsored event ended. The records may be maintained in either paper or electronic
48 form. In addition, the sponsoring entity shall keep a copy of all records ~~required~~
49 by section 901(g) of the Code at the physical location of the sponsored event until that
50 event has ended. These records shall be available for inspection and copying during the
51 operating hours of the sponsored event upon ~~required~~ of any representative of
52 the Board.

53 **(d) Requirement for Prior Board Approval of Out-of-State Practitioner.**
54 A sponsoring entity shall not permit an out-of-state practitioner to participate in a
55 sponsored event unless and until the sponsored entity has received written approval
56 from the ~~Board~~PTBC.

57
58 **(e) A sponsoring entity shall place a notice visible to patients at every station where**
59 patients are being seen by a physical therapist. The notice shall be in at least 48-
60 point type in Arial font and shall include the following statement and information:

61
62 **NOTICE**

63
64 **Physical Therapists providing health care services at this health fair are either**
65 **licensed and regulated by the Physical Therapy Board of California or hold a current**
66 **valid license from another state and have been authorized to provide health care**
67 **services in California only at this specific health fair.**

68
69 **Physical Therapy Board of California**

70 **916-561-8200**

71 **www.ptbc.ca.gov**

72
73 **(f) Report.** Within fifteen (15) calendar days after a sponsored event has
74 concluded, the sponsoring entity shall file a report with the Board summarizing the
75 details of the sponsored event. This report may be in a form of the sponsoring entity's
76 choosing, but shall include, at a minimum, the following information:

77 **(1) The date(s) of the sponsored event;**

78 **(2) The location(s) of the sponsored event;**

79 **(3) The type(s) and general description of all health care services provided at**
80 **the sponsored event; and**

81 **(4) A list of each out-of-state practitioner granted authorization pursuant to**
82 **this Article who participated in the sponsored event, along with the license**

83 number of that practitioner.

84 NOTE: Authority cited: Section 2615, Business and Professions Code. Reference:
85 Section 901, Business and Professions Code.

86 **Add Section §1400.2. Out-of-State Practitioner Authorization to Participate in**
87 **Sponsored Event) Request for Authorization to Participate.** An out-of-state
88 practitioner ("applicant") may ~~request~~request authorization from the Board to participate
89 in a sponsored event and provide such health care services at the sponsored event as
90 would be permitted if the applicant were licensed by the Board to provide those
91 services. An applicant shall ~~request~~request authorization by submitting to the Board a
92 completed ~~Form~~ (PTBC ~~Form~~ 901-A ~~5/5~~ 11/2/11), which is hereby incorporated by
93 reference, accompanied by a nonrefundable, and non-transferrable processing fee of
94 fifty dollars (\$50). The applicant shall also furnish either a full set of fingerprints or
95 submit to a Live Scan process to establish the identity of the applicant and to permit the
96 Board to conduct a criminal history record check. The applicant shall pay any costs for
97 furnishing the fingerprints and conducting the criminal history record check. This
98 requirement shall apply only to the first application for authorization that is submitted by
99 the applicant if no more than four years have passed since the last Request for
100 Authorization, PTBC Form 901-B (5/5/11) was received by the Board.

101 **(b) Response to Request for Authorization to Participate.** Within twenty (20)
102 calendar days of receiving a completed request for authorization, the Board shall notify
103 the sponsoring entity or local government entity administering the sponsored event,
104 whether that ~~request~~request is approved or denied.

105 **(c) Denial of Request for Authorization to Participate.**

106 **(1) The Board shall deny a ~~request~~request for authorization to participate if:**

107 **(A) The submitted ~~PTBC Form~~ (PTBC ~~Form~~ 901-A ~~5/5~~ 11/2/11) is**
108 **incomplete and the applicant has not responded within seven (7) calendar**
109 **days to the ~~Boards~~PTBC's ~~request~~request for additional information.**

110 **(B) The applicant has not met all of the following educational and experience**
111 **requirements:**

112 **(i) Completion of a course of instruction in vocational or practical**
113 **nursing in a school accredited by the Board or another United**
114 **States province, provided that the course completed is**
115 **substantially equivalent to that prescribed by section 2533 of this**
116 **chapter.**

117 **(ii) Taken the National League for Nursing State Board Test Pool**
118 **Examination for Practical Nurses or the National Council Licensing**
119 **Examination for Practical Nurses, and passed said examination**
120 **with a score equal to or above the minimum passing score**
121 **required by the Board for said examination.**
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(B) The applicant has failed to comply with a requirement of this Article or has committed any act that would constitute grounds for denial of an application for licensure by the Board.

(C) The applicant does not possess a current valid and active license in good standing. The term "good standing" means the applicant:

(i) Has not been charged with an offense for any act substantially related to the practice for which the applicant is licensed by any public agency.

(ii) Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed upon the applicant's professional conduct or practice, including any voluntary surrender of license.

(iii) Has not been the subject of an adverse judgment resulting from the practice for which the applicant is licensed that the Board determines constitutes evidence of a pattern of negligence or incompetence. The Board has not received been unable to obtain a timely report of the results of the criminal history report check for the applicant from the California Department of Justice.

(2) The Board may deny a request for authorization to participate if any of the following occurs:

(A) The request is received less than twenty (20) calendar days before the date on which the sponsored event will begin.

(B) The applicant has been previously denied a request for authorization by the Board to participate in a sponsored event.

(C) The applicant has previously had an authorization to participate in a sponsored event terminated by the Board.

(D) The applicant has participated in three (3) or more sponsored events during the twelve (12) month period immediately preceding the current application.

(d) Appeal of Denial. An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in section 2557.3.

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163 (e) An out-of-state practitioner who receives authorization to practice physical
164 therapy at an event sponsored by a local government entity shall place a
165 notice visible to patients at every station where patients are being seen by a
166 physical therapist. The notice shall be in at least 48-point type in Arial font and
167 shall include the following statement and information:

172 NOTICE

174 I hold a current valid license to practice physical therapy in a state other than
175 California. I have been authorized by the Physical Therapy Board of California to
176 provide health care services in California only at this specific health fair..

178 Physical Therapy Board of California
179 916-561-8200
180 www.ptbc.ca.gov

181 (f)

182 NOTE: Authority cited: Section 2615, Business and Professions Code. Reference:
183 Section 901, Business and Professions Code.

184 **Add Section §1400.3. Termination of Authorization and Appeal**

185 **(a) Grounds for Termination.** The Board may terminate an out-of-state
186 practitioner's authorization to participate in a sponsored event for any of the
187 following reasons:

188 (1) The out-of-state practitioner has failed to comply with any applicable
189 provision of this Article, or any applicable practice requirementrequirement or
190 regulation of the Board.

191 (2) The out-of-state practitioner has committed an act that would constitute
192 grounds for discipline if done by a licensee of the Board.

193 (3) The Board has received a credible complaint indicating that the out-of-
194 state practitioner is unfit to practice at the sponsored event or has otherwise
195 endangered consumers of the practitioner's services.

196 **(b) Notice of Termination.** The Board shall provide both the sponsoring entity or a
197 local government entity administering the sponsored event, and the out-of-state
198 practitioner with a written notice of the termination, including the basis for the
199 termination. If the written notice is provided during a sponsored event, the Board may
200 provide the notice to any representative of the sponsored event on the premises of the
201 event.

202 **(c) Consequences of Termination.** An out-of-state practitioner shall immediately
203 cease his or her participation in a sponsored event upon receipt of the written notice of

204 termination.

205 Termination of authority to participate in a sponsored event shall be deemed a
206 disciplinary measure reportable to the national practitioner data banks. In addition, the
207 Board shall provide a copy of the written notice of termination to the licensing authority
208 of each jurisdiction in which the out-of-state practitioner is licensed.

209 (d) **Appeal of Termination.** An out-of-state practitioner may appeal the Board's
210 decision to terminate an authorization in the manner provided by section 901(0(2) of the
211 Code. The ~~request~~request for an appeal shall be considered a ~~request~~request for an
212 informal hearing under the Administrative Procedure Act.

213 (e) **Informal Conference Option.** In addition to ~~requesting~~requesting a hearing, the
214 out-of-state practitioner may ~~request~~request an informal conference with the Executive
215 Officer regarding the reasons for the termination of authorization to participate. The
216 Executive Officer shall, within thirty (30) days from receipt of the ~~request~~request, hold
217 an informal conference with the out-of-state practitioner. At the conclusion of the
218 informal conference, the Executive Officer may affirm or dismiss the termination of
219 authorization to participate. The Executive Officer shall state in writing the reasons for
220 his or her action and mail a copy of his or her findings and decision to the out-of-state
221 practitioner within ten (10) days from the date of the informal conference. The out-of-
222 state practitioner does not waive his or her ~~request~~request for a hearing to contest a
223 termination of authorization by ~~requesting~~requesting an informal conference. If the
224 termination is dismissed after the informal conference, the ~~request~~request for a hearing
225 shall be deemed to be withdrawn.

226 NOTE: Authority cited: Section 2615, Business and Professions Code. Reference:
227 Section 901, Business and Professions Code.

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