



Physical Therapy Board of California

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

# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: www.ptbc.ca.gov



1

## 2 Bill Analysis

3

|                    |                        |                |                       |
|--------------------|------------------------|----------------|-----------------------|
| <b>Bill Number</b> | SB 198                 | <b>Version</b> | Amended 4/25/13       |
| <b>Author</b>      | Price                  | <b>Sponsor</b> | PTBC                  |
| <b>Subject</b>     | Physical Therapy Board | <b>Status</b>  | Senate Appropriations |

4

## 5 Status

6

|                       |      |        |        |                       |      |        |        |       |             |          |        |           |
|-----------------------|------|--------|--------|-----------------------|------|--------|--------|-------|-------------|----------|--------|-----------|
| 2Year Dead            | Desk | Policy | Fiscal | Floor                 | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1 <sup>st</sup> House |      |        |        | 2 <sup>nd</sup> House |      |        |        |       |             |          |        |           |

7

8

## 9 Analysis

10

11 Note: Since this bill is sponsored by the Board and, therefore, the Board is familiar with  
12 the legislative changes proposed in the bill, only the sections that staff has identified as  
13 discussion items are being addressed in this analysis.

## 14 **Section 2071**

15

16 Existing law sets forth that the Division of Licensing of the Medical Board shall adopt  
17 and administer regulations that establish standards for technical support services that  
18 may be performed by a medical assistant, and that the Division of Licensing shall  
19 request recommendations regarding these standards from professional associations, as  
20 specified, and other boards, as specified. The Physical Therapy Board is identified in  
21 Section 2071 as the Physical Therapy Examining Committee and the California Physical  
22 Therapy Association is identified as the California Chapter of the American Physical  
23 Therapy Association.

24

25 The proposed amendment in this bill would update the name of the Physical Therapy  
26 Examining Committee to the Physical Therapy Board of California and update the name  
27 of the California Chapter of the American Physical Therapy Association to the California  
28 Physical Therapy Association.

29

30 In Legislative Counsel's drafting of the bill, "Division of Licensing" was replaced with  
31 "board," "Department of Health Services" was replaced with "Department of Public  
32 Health," and the term "physicians" was replaced with "physicians and surgeons," in  
33 addition to the proposed revisions the Board submitted. It is recommended this section



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1 be revised to eliminate the changes in regards to the Division of Licensing within the  
2 Medical Board.

### 3 **Section 2603.5, subdivision (a)(2)**

4  
5 Existing law provides the qualification requirements for public and professional  
6 members of the Board. Each professional member shall be licensed by the Board and  
7 be practicing for five years, and one of the professional members shall be involved in  
8 the education of physical therapists.

9  
10 The Board proposed to repeal existing Section 2603.5, and then add new 2603.5, which  
11 also provides the qualification requirements for public and professional members of the  
12 Board; however, the new section includes additional and more specific requirements.  
13 Physical therapist members of the board shall meet all of the following requirements: be  
14 a resident of California, possess an unrestricted license, and have been licensed and  
15 practicing in California for at least five years.

16  
17 Sections 2630 and 2630.3, set forth it is unlawful for anyone to hold himself or herself  
18 out as a physical therapist or physical therapist assistant unless licensed by the Board.  
19 Both sections require a person to hold a valid, unexpired, and unrevoked license to  
20 practice, or assist in the practice of, physical therapy in California.

21  
22 Section 2630.5, subdivision (g) provides licensure exemption for a physical therapist or  
23 a physical therapist assistant who holds a current, valid, and unrestricted license in  
24 another jurisdiction of the United States to practice in California for no more than 60  
25 days following a governmentally declared emergency in his or her residence.

26  
27 As in Section 2603.5, subdivision (a)(2), Section 2630.5, subdivisions (c-e) provides  
28 licensure exemptions, as specified, for a physical therapist that holds an unrestricted  
29 license in another jurisdiction of the United States.

30  
31 In looking at these other sections, is “unrestricted” the appropriate term for the intent of  
32 Section 2603.5, subdivision (a)(2)?  
33



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1 In lieu of addressing each section individually, please refer to the above information for  
2 discussion as to which term(s) are appropriate for each of the following sections  
3 regarding the required licensure status:

- 4
- 5 2603.5(a)(2)
- 6 2630
- 7 2630.3 (a-b)
- 8 2630.5(c-f)
- 9 2630.5(g)

## 10 **Licensure and Renewal Requirements in Regulation** *(Sections 2635-* 11 *2653 in this analysis)*

12  
13 Legislative Counsel advised against moving all licensure and renewal requirements to  
14 regulation cautioning it may be in violation of the authority delegated specifically to the  
15 Legislature by the Constitution. The proposed revisions, as adopted by the Board,  
16 which moved all licensure and renewal requirements to regulation for the following  
17 sections were removed from SB 198, and the following replace those proposed  
18 revisions:

### 19 20 Section 2635

21  
22 Existing law sets forth every applicant for licensure by the Board shall, at the time of  
23 application, be over eighteen, not addicted to alcohol or controlled substances, have  
24 completed training required by Section 2650<sup>1</sup>, and not have committed any acts  
25 constituting grounds for denial under Section 480<sup>2</sup>.

26  
27 There will be no change to existing law.

### 28 29 Section 2636.5

30  
31 Existing law provides a license may be issued without a written exam if the applicant is,  
32 at the time of application, licensed as a physical therapist in another state or district of  
33 the United States, and he or she has passed the national licensing exam; he or she is a  
34 graduate of a physical therapist education program approved by the Board, or has met

<sup>1</sup> Minimum educational requirements for Board approved physical therapist programs.

<sup>2</sup> General Business and Professions Code section that gives boards the authority to deny a license if an applicant was convicted of a crime; committed a dishonest act to benefit himself or herself, or to injury another; or, committed any act that, if done by a licensee, would be grounds for license suspension or revocation, including knowingly providing false information on his or her application for licensure, if that act substantially relates to the qualifications, functions and duties of the profession.



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1 the requirements of Section 2653<sup>3</sup>; he or she files an application pursuant to Section  
 2 2632<sup>4</sup>, and he or she meets the requirements of Sections 2635<sup>5</sup> and 2650<sup>6</sup>. Existing  
 3 law also sets forth that if the application is based on a certificate issued by another  
 4 physical therapist licensing authority, the Board may require the applicant to pass an  
 5 oral exam and for the applicant to submit a statement of past work activity, and provides  
 6 authority for license applicant status to be issued to applicants applying from out-of-  
 7 state, if they hold a current license in another jurisdiction of the United States pending  
 8 the issuance of their license. Existing law requires the Board to notify applicants of  
 9 termination of license applicant status under this section by certified mail, returned  
 10 receipt requested.

11  
 12 This bill would add physical therapist assistants to Section 2636.5 as the current  
 13 authority contained within Sections 2655.71<sup>7</sup> and 2655.91<sup>8</sup> is being repealed. This bill  
 14 would eliminate reference to registration, identifying only the issuance of licenses;  
 15 Section 2632<sup>9</sup> as Section 2632 is repealed; and, the authority for the Board to require  
 16 an oral exam from an applicant licensed out-of-state. This bill would also eliminate the  
 17 specification of direct and immediate supervision leaving this to be further defined in  
 18 regulation, and would eliminate the requirement for the Board to notify applicants of  
 19 termination of license applicant status under this section by certified mail, returned  
 20 receipt requested.

21  
 22 **Issues**

- 23  
 24 1. In subdivision (a)(2), Sections 2639.1 and 2654 were added when adding  
 25 physical therapist assistants to this section; however, it is recommended these  
 26 sections be eliminated as applicants for licensure as a physical therapist applying  
 27 either through the equivalency pathway or as a “dropdown” from a physical  
 28 therapist application based upon education obtained from a program not

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<sup>3</sup> Licensure requirements for applicants who were issued a diploma from a physical therapist program that is not approved by the Board and is not located outside the United States.

<sup>4</sup> Authority for the Board to issue all licenses for the practice of physical therapy, except as provided in Section 164 [authority for the Director of DCA to determine the form and content of licenses], and requires that each application be accompanied by the application fee as prescribed by the Board and a statement under oath of the facts entitling the applicant to receive a license with or without an exam.

<sup>5</sup> General requirements for licensure.

<sup>6</sup> Minimum education requirements for Board approved physical therapist programs.

<sup>7</sup> Application requirements for out-of-state physical therapist assistants.

<sup>8</sup> License applicant status for out-of-state physical therapist assistants to assistant in the provision of physical therapy pending the issuance of their license.

<sup>9</sup> Authority for the Board to issue all licenses for the practice of physical therapy, except as provided in Section 164 [authority to the Director of DCA to determine form and content of licenses], and requires that each application be accompanied by the application fee as prescribed by the Board and a statement under oath of the facts entitling the applicant to receive a license with or without an exam.



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- 1 approved by the Board and outside the United States do not receive license
- 2 applicant status pending the issuance of his or her license, or at all.
- 3
- 4 2. In subdivision (c), it is recommended to add physical therapist assistant in the
- 5 fourth line where it states, “[...] perform as a physical therapist under the
- 6 supervision of a physical therapist licensed in this state.” This provides physical
- 7 therapist assistants who have graduated from an approved physical therapist
- 8 assistant program and who holds a current license in another state to receive
- 9 license applicant status pending the issuance of a license.

10

## 11 Section 2639.1

12

13 Section 2639.1 is a new section number, which would have established the authority for  
 14 applicants to apply based upon education and experience rather than graduation from  
 15 an approved program, or a non-approved program outside the United States. The  
 16 revision submitted set forth that the applicant must meet all the requirements as  
 17 established in regulation. As stated above, Legislative Counsel expressed concern  
 18 about this; therefore the language was amended to include the same general  
 19 application requirements required in Section 2635 – at the time of application, be over  
 20 eighteen, not addicted to alcohol or controlled substances, have completed training  
 21 required by Section 2650<sup>10</sup> and not have committed any acts constituting grounds for  
 22 denial under Section 480<sup>11</sup>.

23

## 24 **Issues**

25

26 Since Section 2635 sets forth that *all* applicants must meet the specified requirements  
 27 of the section, it may not be necessary to include these requirements in the amended  
 28 Section 2639.1. Alternative language is as follows:

29

30 *A person having, in the opinion of the Board, equivalent training and experience as that*  
 31 *which is promulgated by the Board in regulation and who meets the requirements of*  
 32 *Section 2635, may apply for licensure as a physical therapist assistant.*

33

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<sup>10</sup> Minimum educational requirements for Board approved physical therapist programs.

<sup>11</sup> General Business and Professions Code section that provides boards the authority to deny a license if an applicant was convicted of a crime; committed a dishonest act to benefit himself or herself, or to injury another; or, committed any act that, if done by a licensee, would be grounds for license suspension or revocation, including knowingly providing false information on his or her application for licensure, if that act substantially relates to the qualifications, functions and duties of the profession.



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1 Section 2644

2  
3 Existing law, Section 2684, provides that, notwithstanding Section 2422<sup>12</sup>, any license  
4 or approval for the practice of physical therapy shall expire at midnight on the last day of  
5 the birth month of the licensee or holder of approval during the second year of a two-  
6 year term, if not renewed. Existing law prescribes the following renewal requirements:  
7 submit the renewal form required by the Board, pay the prescribed renewal fees, submit  
8 proof of completion of continuing competency, and disclose misdemeanor or other  
9 criminal offenses, as specified.

10  
11 Existing law allows a period of five years after the license expiration date in which a  
12 licensee or holder of an approval may renew his or her license upon paying all accrued  
13 renewal fees and meeting all other renewal requirements.

14  
15 The proposed revisions renumbered Section 2684 to Section 2644. This bill eliminates  
16 reference to Section 2422<sup>12</sup>, and updates the reference to the continuing competency  
17 requirements from Section 2676 to Section 2649. This bill eliminates subdivision (c) of  
18 Section 2684 (proposed Section 2644) regarding the renewal of an expired license, and  
19 adds it to Section 2646.

20  
21 Section 2646

22  
23 Existing law, Section 2684, subdivision (c), allows a period of five years after the license  
24 expiration date in which a licensee or holder of an approval may renew his or her  
25 license upon paying all accrued renewal fees and meeting all other renewal  
26 requirements.

27  
28 This bill, as stated above, moves subdivision (c) of Section 2684 to Section 2646, and  
29 updates the section of reference regarding the renewal requirements. This bill adds to  
30 Section 2646 a specified renewal date, which is when the renewal application is  
31 received, when all applicable renewal fees are received, or on the date the delinquency  
32 and penalty fee, if any, are received, whichever occurs last. Moreover, the license  
33 effective period is specified as in effect through the expiration date set forth in Section  
34 2644 which next occurs after the effective date of the renewal, when it shall then  
35 become expired if it is not renewed. These added provisions are currently in the  
36 Physical Therapy Practice Act by reference to Medical Board’s renewal statutes (Article  
37 19 [commencing with Section 2420]). The change made to this section to address the  
38 concerns regarding moving renewal requirements to regulation was, instead of

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<sup>12</sup> Medical Board statute which states all licenses shall become invalid at midnight on the last day of February of each even-numbered year if not renewed, and to renew a license, a licensee shall submit the renewal form required by the Board with the prescribed renewal fee.



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1 referencing requirements in regulation, the reference is to the requirements set forth in  
2 Section 2644.

3  
4 Section 2647

5  
6 As stated above, the provision added as Section 2647 regarding the requirement to  
7 reapply if a licensee fails to renew within five years is in the Medical Board’s renewal  
8 statutes and referenced in the Physical Therapy Practice Act. The bill adds Section  
9 2647 specifically adding to the Physical Therapy Practice Act that if a licensee fails to  
10 renew within five years, he or she must reapply, rather than referencing Medical Board’s  
11 statute. The change made to this section to address the concerns regarding moving  
12 renewal requirements to regulation was, instead of referencing requirements in  
13 regulation, the reference is to the Article 3 in the Practice Act which sets forth the  
14 application for licensure requirements.

15  
16 Section 2653

17  
18 Existing law set for the licensure requirements for a physical therapist applicant who  
19 received a diploma from a physical therapist program not approved by the Board and  
20 that is not located in the United States.

21  
22 This bill adds that an applicant applying under this section must demonstrate English  
23 proficiency by achieving a score specified by the Board on the Test of Spoken English  
24 (TSE), and specifies the applicant shall meet the educational requirements set forth in  
25 Section 2650, subdivision (a)(2). This bill also specifies the applicant must pass the  
26 licensing exam prior to commencing the 9-month clinical service period.

27  
28 **Issue**

29  
30 The Test of Spoken English (TSE) is now referred to as the Test of English as a Foreign  
31 Language (TOEFL); therefore, the name of the exam needs to be updated.

32 **Section 2639**

33 Existing law provides that an every graduate of an approved physical therapist  
34 education program who has filed an application with the Board for the first time may, if  
35 authorized by the Board, practice as a “physical therapist license applicant,” as  
36 specified.

37 This bill would establish that an applicant who graduates from a physical therapist or  
38 physical therapist assistant school may practice as a physical therapist license applicant  
39 or a physical therapist assistant applicant, as appropriate, and as specified, for 120  
40 days pending the results of his or her licensing exam. This bill identifies who shall be



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1 considered a graduate and sets forth, in subdivision (c) that an applicant applying  
2 pursuant to Section 2636.5<sup>13</sup> may be issued license applicant status under the  
3 provisions of the section.

### 4 **Issue**

5 Subdivision (c) is not necessary as Section 2636.5 already specifies an applicant  
6 applying based on his or her out-of-state license may be granted license applicant  
7 status pending the issuance of a license. Including the authority to grant license  
8 applicant status in Section 2636.5 is more accurate than the reference in Section 2639  
9 because Section 2639 refers to the requirements of a licensee required to take the  
10 licensing exam and, therefore, states “pending the results of the first licensing exam  
11 administered,” which is not appropriate for reciprocity applicants.

### 12 **Section 2648**

13 Existing law, Business and Professions Code section 114.3 requires every board under  
14 the Department of Consumer Affairs to waive renewal requirements, including fees and  
15 continuing competency, if the applicant is a member of the military and called to active  
16 duty, as specified. Section 114.3 requires that the license notify the Board within sixty  
17 days of discharge from active duty, and provides the licensee six months to complete  
18 the renewal requirements, although the licensee cannot practice in California during this  
19 time.

20 The proposed revisions add Section 2648, which provides the Board authority to  
21 exempt members of the military who are called to active duty from renewal  
22 requirements. The licensee shall become liable for payment of the current renewal fee  
23 upon discharge from active duty and shall have 60 days to pay the fee before a  
24 delinquency fee is charged. This section does not exempt the licensee from meeting  
25 the continuing competency requirements.

### 26 **Issue**

27 The current general provision allows the licensee six months to complete all renewal  
28 requirements, whereas the Board is proposing to require the licensee to pay the current  
29 renewal fee within sixty days before a delinquency fee is charged. It is recommended  
30 the proposed revision be amended to reflect current law allowing the licensee six  
31 months to pay the renewal fee before a delinquency fee is charged.

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<sup>13</sup> Reciprocity applicants.



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## 1 Section 2660

2  
3 In the proposed revisions, three new violations were added to Section 2660, creating  
4 three new subdivisions – violations of Business and Professions Code sections 650<sup>14</sup>,  
5 651<sup>15</sup> and 654.2<sup>16</sup>. Legislative Counsel made a violation of these sections one  
6 subdivision.  
7

## 8 Section 2660.2

9 Existing law provides that the Board, in lieu of filing or prosecuting a formal accusation  
10 against a licensee, may upon stipulated settlement or agreement by the licensee, issue  
11 a public letter of reprimand (Section 2660.3). Existing law also provides the Board the  
12 authority to refuse a license to any applicant guilty of unprofessional conduct or sexual  
13 activity referred to in Section 2660.1<sup>17</sup> (Section 2660.2).  
14

15 This bill adds that the Board may require training, education and cost recovery in the  
16 public letter of reprimand (Section 2660.3). Additionally, this bill provides that the Board  
17 can issue a public letter of reprimand, as specified, to an applicant that may also require  
18 training, education and cost recovery (Section 2660.2).  
19

### 20 Issue

21  
22 Legislative Counsel initially had some concerns with this section, so it was refined to  
23 clarify the intent of the provision; however, in subdivision (a), the reference to 2660.3  
24 remains, which is not necessary with the addition of subdivision (c). It is recommended  
25 the language added to subdivision (a) be eliminated.  
26

## 27 Support and Opposition

### 28 Support

29 Physical Therapy Board of California (Sponsor)  
30  
31  
32

<sup>14</sup> Prohibition of referring patients for profit.

<sup>15</sup> Prohibition against false advertising.

<sup>16</sup> Requirement to disclose beneficial interest and notification to patient that he or she may choose to another provider of that service, if he or she wishes.

<sup>17</sup> Sets forth a patient or client is presumed to be incapable of giving free, full, and informed consent to any sexual activity, as specified.



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1 Opposition

2

3 California Chiropractic Association opposed this version of the bill because of the scope  
4 language; however, at the hearing Senator Price informed the Committee the scope  
5 language will be removed, and the CCA indicated it no longer opposed the bill with that  
6 amendment.