

1 **SECTION 1.**

2 *Section 2071 of the Business and Professions Code is amended to read:*

3
4 **2071.**

5 The ~~Division of Licensing~~ board shall adopt and administer regulations that establish standards
6 for technical supportive services that may be performed by a medical assistant. Nothing in this
7 section shall prohibit the board ~~or division~~ from amending or repealing regulations covering
8 medical assistants. The board ~~or division~~ shall, prior to the adoption of any regulations, request
9 recommendations regarding these standards from appropriate public agencies, including, but not
10 limited to, the State Board of Optometry, the Board of Registered Nursing, the Board of
11 Vocational Nursing and Psychiatric Technicians, the Laboratory Field Services division of the
12 State Department of ~~Health Services~~; *Public Health*, those divisions of the State Department of
13 Education that pertain to private postsecondary education and career and vocational preparation,
14 the Chancellor of the California Community Colleges, the California Board of Podiatric
15 Medicine, the Physician Assistant Examining Committee, and the Physical Therapy ~~Examining~~
16 ~~Committee~~. ~~The Division of Licensing~~ Board of California. The board shall also request
17 recommendations regarding these standards from associations of medical assistants,
18 ~~physicians~~; *physicians and surgeons*, nurses, doctors of podiatric medicine, physician assistants,
19 physical therapists, laboratory technologists, optometrists, and others as the board ~~or~~
20 ~~division~~ finds appropriate, including, but not limited to, the California Optometric Association,
21 the California Nurses Association, the California Medical Association, the California Society of
22 Medical Assistants, the California Medical Assistants' Association, and the California ~~Chapter of~~
23 ~~the American~~ Physical Therapy Association. Nothing in this section shall be construed to
24 supersede or modify that portion of the Administrative Procedure Act ~~which that~~ relates to the
25 procedure for the adoption of regulations and which is set forth in Article 5 (commencing with
26 Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

27 **SEC. 2.**

28 *The heading of Article 1 (commencing with Section 2600) of Chapter 5.7 of Division 2 of the*
29 *Business and Professions Code is amended to read:*

30
31 **Article 1. Administration and General Provisions**

32 **SEC. 3.**

33 *Section 2601 of the Business and Professions Code is repealed.*

34
35 **2601.**

36 ~~“Board” as used in this chapter means the Physical Therapy Board of California.~~

37 **SEC. 4.**

38 *Section 2601 is added to the Business and Professions Code, to read:*

39
40 **2601.**

41 *For the purpose of this chapter, the following terms shall have the following meanings, unless*
42 *otherwise specified:*

43 (a) *“Board” means the Physical Therapy Board of California.*

Comment [SC1]: The only change proposed by the Physical Therapy Board was to update the name of the Physical Therapy Board from Physical Therapy Examining Committee, and update the CPTA's name from the California Chapter of the American Physical Therapy Association; however, the section was amended to reflect other changes – this section is within the Medical Practice Act.

- 1 (b) “Physical therapist” means a person who is licensed pursuant to this chapter to practice
2 physical therapy.
- 3 (c) “Physical therapist assistant” means a person who is licensed pursuant to this chapter to
4 assist in the provision of physical therapy under the supervision of a licensed physical therapist.
5 “Physical therapy assistant” and “physical therapist assistant” shall be deemed identical and
6 interchangeable terms.
- 7 (d) “Physical therapist technician” and “physical therapy aide,” as described in Section 2630.4,
8 shall be deemed identical and interchangeable terms.
- 9 (e) “Physiotherapy” shall be synonymous with “physical therapy.”

10 **SEC. 5.**
11 Section 2603 of the Business and Professions Code is amended to read:

12
13 **2603.**
14 The members of the board shall consist of ~~the following: one physical therapist involved in the~~
15 ~~education of physical therapists, three physical therapists who shall have practiced physical~~
16 ~~therapy for five years and shall be licensed by the board, and three public members who shall not~~
17 ~~be licentiates of the board or of any other board under the Medical Board of California or of any~~
18 ~~board referred to in Sections 1000 and 3600. four physical therapists, only one of whom shall be~~
19 ~~involved in physical therapy education, and three public members.~~

20 **SEC. 6.**
21 Section 2603.5 is added to the Business and Professions Code, to read:

22
23 **2603.5.**
24 (a) The physical therapist members of the board shall be appointed from persons having all of
25 the following qualifications:

- 26 (1) Be a resident of California.
- 27 (2) Possess an **unrestricted** license in California issued pursuant to this chapter.
- 28 (3) Have been licensed pursuant to this chapter and practicing in California for at least five
29 years prior to appointment to the board.

30 (b) (1) The public members of the board shall have both of the following qualifications:
31 (A) Be appointed from persons having all of the qualifications as set forth in Chapter 6
32 (commencing with Section 450) of Division 1.

- 33 (B) Be a resident of California.
- 34 (2) No public member of the board shall be, nor have been, any of the following:
35 (A) An officer or faculty member of any college, school, or institution involved in physical
36 therapy education.

Comment [SC2]:

1. “unrestricted” [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or

2. “valid, unexpired, and unrevoked” (used in Sections 2630 and 2630.3) or

3. “current, valid, and unrestricted” [used in Section 2630.5, subdivision (g)]

1 *(B) A licentiate of the Medical Board of California or of any board under this division or of any*
2 *board referred to in Section 1000 or 3600.*

3 **SEC. 7.**
4 *Section 2604 of the Business and Professions Code is amended to read:*

5
6 **2604.**
7 The members of the board shall be appointed for a term of four years, expiring on the first day
8 of June of each year.
9 The Governor shall appoint one of the public members and the four physical therapist members
10 of the board qualified as provided in ~~Section 2603-~~ *Sections 2603 and 2603.5.* The Senate
11 ~~Rules-~~ *Committee on Rules* and the Speaker of the Assembly shall each appoint a public
12 ~~member, and their initial appointment shall be made to fill, respectively, the first and second~~
13 ~~public member vacancies which occur on or after January 1, 1983. member qualified as provided~~
14 ~~in Section 2603.5.~~

15 ~~Not more than one member of the board shall be appointed from the full time faculty of any~~
16 ~~university, college, or other educational institution.~~

17 No person may serve as a member of the board for more than two consecutive terms. Vacancies
18 shall be filled by appointment for the unexpired term. Annually, the board shall elect one of its
19 members as *president and one of its members as vice* president.

20 The appointing power shall have the power to remove any member of the board from office for
21 neglect of any duty required by law or for incompetency or unprofessional or dishonorable
22 conduct.

23 **SEC. 8.**
24 *Section 2604.5 of the Business and Professions Code is repealed.*

25
26 ~~**2604.5.**~~
27 ~~The public members shall be appointed from persons having all of the following qualifications:~~

28 ~~(a) Be a citizen of California.~~

29 ~~(b) Shall not be an officer or faculty member of any college, school or institution engaged in~~
30 ~~physical therapy education.~~

31 ~~(c) Shall not be a licentiate of the Medical Board of California or of any board under this division~~
32 ~~or of any board referred to in Sections 1000 and 3600.~~

33 **SEC. 9.**
34 *Section 2605 is added to the Business and Professions Code, to read:*

35
36 **2605.**
37 *The board shall do all of the following:*

38 *(a) Evaluate the qualifications of applicants for licensure.*

- 1 (b) Provide for the examinations of physical therapists and physical therapist assistants and
2 establish a passing score for each examination.
- 3 (c) Issue all licenses for the practice of physical therapy in California. Except as otherwise
4 required by the director pursuant to Section 164, the license issued by the board shall describe
5 the licensee as a “physical therapist” or “physical therapist assistant” licensed by the Physical
6 Therapy Board of California.
- 7 (d) Suspend and revoke licenses and otherwise enforce the provisions of this chapter.
- 8 (e) Administer a continuing competency program.
- 9 (f) Participate, as a member, in the Delegate Assembly, and in applicable committee meetings, of
10 the Federation of State Boards of Physical Therapy.
- 11 (g) Publish, at least annually, a newsletter that includes, but is not limited to, actions taken by
12 the board, disciplinary actions, and relevant statutory and regulatory changes.
- 13 (h) Provide for the timely orientation and training of new professional and public member
14 appointees to the board directly related to board licensing and disciplinary functions and board
15 rules, policies, and procedures.
- 16 (i) Adopt and administer a program of education in matters relevant to the regulation of physical
17 therapy.

18 **SEC. 10.**

19 *Section 2607 of the Business and Professions Code is amended to read:*

20
21 **2607.**

22 The board may employ, subject to law, such clerical assistants and, except as provided in
23 Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

24 The board may *enter into contracts for services necessary for enforcement of this chapter and*
25 *may* as necessary select and contract with physical therapy consultants who are licensed physical
26 therapists to assist it in its programs on an intermittent basis. Notwithstanding any other
27 provision of law, the board may contract with these consultants on a sole source basis. For the
28 purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code,
29 any consultant under contract with the board shall be considered a public employee.

30 **SEC. 11.**

31 *Section 2607.5 of the Business and Professions Code is amended to read:*

32
33 **2607.5.**

34 (a) The board may ~~appoint a person exempt from civil service who shall be designated~~
35 ~~as- employ~~ an executive officer ~~and who shall exercise the powers and perform the duties~~
36 ~~delegated-~~ *exempt from the provisions of the Civil Service Act and may also employ*
37 *investigators, legal counsel, physical therapist consultants, and other assistance as it may deem*
38 *necessary to carry out this chapter. The board may fix the compensation to be paid for services*
39 *and may incur other expenses as it may deem necessary. Investigators employed* by the board

1 ~~and vested in him or her by this chapter.~~ shall be provided special training in investigating
2 physical therapy practice activities.

3 (b) The Attorney General shall act as legal counsel for the board for any judicial and
4 administrative proceedings and his or her services shall be a charge against it.

5 ~~(b)~~ (c) This section shall remain in effect only until January 1, 2014, 2018, and as of that date is
6 repealed, unless a later enacted statute, that is enacted before January 1, 2014, 2018, deletes or
7 extends that date.

Comment [SC3]: This change is already being addressed in SB 306.

8 **SEC. 12.**
9 *Section 2608 of the Business and Professions Code is amended to read:*

10 **2608.**
11 The procedure in all matters and proceedings relating to the denial, suspension, *revocation*, or
12 ~~revocation~~ *probationary restriction* of licenses *issued by the board* under this chapter shall be
13 governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division
14 3 of Title 2 of the Government Code.
15

16 **SEC. 13.**
17 *Section 2608.5 of the Business and Professions Code is amended to read:*

18 **2608.5.**
19 Each member of the board, or any licensed physical therapist appointed by the board, may
20 inspect, or require reports from, a general or specialized hospital or any other facility providing
21 physical therapy care, treatment or services and the physical therapy staff thereof, with respect to
22 the physical therapy care, treatment, services, or facilities provided therein, and may inspect
23 physical therapy patient records with respect to the care, treatment, services, or facilities. The
24 authority to make inspections and to require reports as provided by this section shall not be
25 delegated by a member of the board to any person other than a physical therapist and shall be
26 subject to the restrictions against disclosure described in ~~Section 2263.~~ *subdivision (u) of Section*
27 *2660.*
28

29 **SEC. 14.**
30 *Section 2609 of the Business and Professions Code is repealed.*

31 ~~**2609.**~~
32 ~~The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as~~
33 ~~provided in this chapter.~~
34

35 **SEC. 15.**
36 *Section 2611 of the Business and Professions Code is amended to read:*

37 **2611.**
38 The board shall *hold meet* at least ~~one regular meeting annually in the Cities of Sacramento,~~
39 ~~Los Angeles and San Francisco~~ *three times each calendar year, meeting at least once each*
40 *calendar year in northern California and once each calendar year in southern California.* The
41 board may convene from time to time until its business is concluded. Special meetings of the
42

1 board may be held at any time and place as the board may designate. *Four members of the board*
2 *shall constitute a quorum for the transaction of business.*

3 **SEC. 16.**
4 *Section 2612 of the Business and Professions Code is amended to read:*

5
6 **2612.**
7 ~~Notice of each meeting of the board shall be given in accordance-~~ *The board shall comply* with
8 the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1
9 of Part 1 of Division 3 of Title 2 of the Government Code).

10 **SEC. 17.**
11 *Section 2614 of the Business and Professions Code is amended to read:*

12
13 **2614.**
14 ~~(a)~~ -The board shall hear all matters, including but not limited to, any contested case or any
15 petition for reinstatement, restoration, or modification of probation. Except as otherwise
16 provided in this chapter, all hearings shall be conducted in accordance with Chapter 5
17 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If
18 a contested case is heard by the board the hearing officer who presided at the hearing shall be
19 present during the board's consideration of the case and, if requested, shall assist and advise the
20 board. *The board shall issue its decision pursuant to Section 11517 of the Government Code.*

21 ~~(b) At the conclusion of the hearing, the board shall deny an application for, or suspend or~~
22 ~~revoke, or impose probation conditions upon, a license or approval.~~

23 **SEC. 18.**
24 *Section 2615 of the Business and Professions Code is amended to read:*

25
26 **2615.**
27 The board shall ~~from time to time adopt regulations that~~ *adopt those regulations as* may be
28 necessary to effectuate this chapter. In adopting regulations the board shall comply with Chapter
29 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

30 **SEC. 19.**
31 *The heading of Article 2 (commencing with Section 2620) of Chapter 5.7 of Division 2 of the*
32 *Business and Professions Code is amended to read:*

33
34 **Article 2. Scope of Regulation and Exemptions**

35 **SEC. 20.**
36 *Section 2620 of the Business and Professions Code is amended to read:*

37
38 **2620.**
39 ~~(a)~~ -Physical therapy means the art and science of physical or corrective rehabilitation or of
40 physical or corrective treatment of any bodily or mental condition of any ~~person by the use of the~~
41 ~~physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and~~
42 ~~active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment~~
43 ~~planning, instruction and consultative services. The practice of physical therapy includes the~~

~~promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term “physical therapy” as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease. person. Physical therapy includes all of the following:~~

~~(b) (a) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration. Examining, evaluating, and testing persons with mechanical, physiological, and developmental impairments, functional limitations, and disabilities or other health and movement-related conditions in order to develop a plan of therapeutic intervention.~~

~~(b) Alleviating impairments, functional limitations, and disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in self-care and in-home, community, or work integration or reintegration; manual therapy; therapeutic massage; prescription, application, and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective, and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrical therapeutic modalities; and patient-related instruction.~~

~~(c) Reducing the risk of injury, impairment, functional limitation, and disability.~~

~~(d) Promoting and maintaining physical fitness to enhance the bodily movement-related health and wellness of individuals through the use of physical therapy interventions.~~

SEC. 21.

Section 2620.2 is added to the Business and Professions Code, to read:

2620.2.

~~Nothing in this chapter shall restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.~~

SEC. 22.

Section 2620.7 of the Business and Professions Code is amended to read:

2620.7.

~~(a) A physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. Patient records shall be documented as required in regulations promulgated by the board.~~

~~(b) A physical therapist shall document the care actually provided to a patient in the patient record.~~

~~(c) A physical therapist shall sign the patient record legibly.~~

~~(d) (b)~~ Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at

Comment [SC4]: Scope was removed because even though the Board was proposing to clarify the language, there was opposition, and so it is too controversial. Removed at hearing 4/29/13.

Comment [SC5]: This is in current Section 2620, which has been removed from the bill (staying as current statute), so it can also be removed.

Difference between current language in 2620, and this revision – current language states “nothing in this section” and this says “nothing in this chapter.”

1 least one year after the minor has reached the age of 18 years, and not in any case less than seven
2 years.

3 **SEC. 23.**
4 *Section 2621 of the Business and Professions Code is amended to read:*

5
6 **2621.**
7 ~~Nothing in this chapter shall be construed as authorizing. This chapter does not authorize a~~
8 physical therapist to *diagnose disease, or* practice medicine, surgery, or any other form of
9 healing except as authorized by Section 2620.

Comment [SC6]: Scope was removed because even though the Board was proposing to clarify the language, there was opposition, and so it is too controversial. Removed at hearing 4/29/13.

10 **SEC. 24.**
11 *Section 2622 of the Business and Professions Code is repealed.*

12
13 ~~**2622.**~~
14 ~~“Physical therapist” and “physical therapist technician” mean a person who is licensed pursuant~~
15 ~~to this chapter to practice physical therapy. For purposes of this chapter, the term “physical~~
16 ~~therapy” and “physiotherapy” shall be deemed identical and interchangeable.~~

17 **SEC. 25.**
18 *Section 2622 is added to the Business and Professions Code, to read:*

- 19
20 **2622.**
21 *(a) A physical therapist shall be responsible for managing all aspects of the care of each patient*
22 *as set forth in regulations promulgated by the board.*
23 *(b) A physical therapist shall not supervise more than two physical therapist assistants at one*
24 *time to assist the physical therapist in his or her practice of physical therapy.*
25 *(c) A physical therapist may utilize the services of one aide engaged in patient-related tasks to*
26 *aid the physical therapist in his or her practice of physical therapy.*

27 **SEC. 26.**
28 *Section 2623 is added to the Business and Professions Code, to read:*

29
30 **2623.**
31 *The board may, by regulation, prescribe, amend, or repeal any rules contained within a code of*
32 *professional conduct appropriate to the establishment and maintenance of integrity and dignity*
33 *in the profession of physical therapy. Every licensee of the board shall be governed and*
34 *controlled by the rules and standards adopted by the board.*

35 **SEC. 27.**
36 *The heading of Article 3 (commencing with Section 2630) of Chapter 5.7 of Division 2 of the*
37 *Business and Professions Code is repealed.*

38
39 **SEC. 28.**
40 *Section 2630 of the Business and Professions Code is amended to read:*
41

1 **2630.**

2 It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this
3 state for compensation received or expected, or to hold himself or herself out as a physical
4 therapist, unless at the time of so doing the person holds a **valid, unexpired, and unrevoked**
5 *physical therapist* license issued under this ~~chapter.~~ *chapter, except as authorized by*
6 *subdivisions (c), (d), (e), and (g) of Section 2630.5.*

7 ~~Nothing in this section shall restrict the activities authorized by their licenses on the part of any~~
8 ~~persons licensed under this code or any initiative act, or the activities authorized to be performed~~
9 ~~pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with~~
10 ~~Section 3500).~~

11 ~~A physical therapist licensed pursuant to this chapter may utilize the services of one aide~~
12 ~~engaged in patient related tasks to assist the physical therapist in his or her practice of physical~~
13 ~~therapy. "Patient related task" means a physical therapy service rendered directly to the patient~~
14 ~~by an aide, excluding non-patient related tasks. "Non-patient related task" means a task related~~
15 ~~to observation of the patient, transport of the patient, physical support only during gait or transfer~~
16 ~~training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be~~
17 ~~under the orders, direction, and immediate supervision of the physical therapist. Nothing in this~~
18 ~~section shall authorize an aide to independently perform physical therapy or any physical therapy~~
19 ~~procedure. The board shall adopt regulations that set forth the standards and requirements for the~~
20 ~~orders, direction, and immediate supervision of an aide by a physical therapist. The physical~~
21 ~~therapist shall provide continuous and immediate supervision of the aide. The physical therapist~~
22 ~~shall be in the same facility as, and in proximity to, the location where the aide is performing~~
23 ~~patient-related tasks, and shall be readily available at all times to provide advice or instruction to~~
24 ~~the aide. When patient related tasks are provided to a patient by an aide, the supervising physical~~
25 ~~therapist shall, at some point during the treatment day, provide direct service to the patient as~~
26 ~~treatment for the patient's condition, or to further evaluate and monitor the patient's progress,~~
27 ~~and shall correspondingly document the patient's record.~~

28 ~~The administration of massage, external baths, or normal exercise not a part of a physical therapy~~
29 ~~treatment shall not be prohibited by this section.~~

30 **SEC. 29.**

31 *Section 2630.3 is added to the Business and Professions Code, to read:*

32
33 **2630.3.**

34 *(a) A licensed physical therapist assistant holding a **valid, unexpired, and unrevoked** physical*
35 *therapist assistant license may assist in the provision of physical therapy services only under the*
36 *supervision of a physical therapist licensed by the board. A licensed physical therapist shall at*
37 *all times be responsible for the extent, kind, quality, and documentation of all physical therapy*
38 *services provided by the physical therapist assistant.*

39 *(b) It is unlawful for any person or persons to hold himself or herself out as a physical therapist*
40 *assistant, unless at the time of so doing the person holds a **valid, unexpired, and unrevoked***
41 *physical therapist assistant license issued under this chapter, except as authorized in*
42 *subdivisions (f) and (g) of Section 2630.5.*

Comment [SC7]:

- 1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
- 2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
- 3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC8]:

- 1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
- 2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
- 3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC9]:

- 1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
- 2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
- 3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

1 (c) Physical therapist assistants shall not be independently supervised by a physical therapist
2 license applicant, as defined in Section 2639, or a physical therapist student, as defined in
3 Section 2633.7.

4 (d) A physical therapist assistant shall not perform any evaluation of a patient or prepare a
5 discharge summary. The supervising physical therapist shall determine which elements of the
6 treatment plan, if any, shall be assigned to the physical therapist assistant. Assignment of patient
7 care shall be commensurate with the competence of the physical therapist assistant.

8 **SEC. 30.**

9 Section 2630.4 is added to the Business and Professions Code, to read:

10
11 **2630.4.**

12 (a) A “physical therapy aide” is an unlicensed person, at least 18 years of age, who aids a
13 licensed physical therapist consistent with subdivision (b).

14 (b) The aide shall at all times be under the supervision of the physical therapist. An aide shall
15 not independently perform physical therapy or any physical therapy procedure. The board shall
16 adopt regulations that set forth the standards and requirements for the supervision of an aide by
17 a physical therapist.

18 (c) Physical therapy aides shall not be independently supervised by a physical therapist license
19 applicant, as defined in Section 2639, or a physical therapist student, as defined in Section
20 2633.7.

21 (d) This section does not prohibit the administration by a physical therapy aide of massage,
22 external baths, or normal exercise not a part of a physical therapy treatment.

23 **SEC. 31.**

24 Section 2630.5 is added to the Business and Professions Code, to read:

25
26 **2630.5.**

27 The following persons are exempt from the licensure requirements of this chapter when engaged
28 in the following activities:

29 (a) A regularly matriculated physical therapist student undertaking a course of professional
30 instruction in an approved entry-level physical therapy education program or enrolled in a
31 program of supervised clinical education under the direction of an approved physical therapy
32 education program as described in Section 2651. These physical therapist students may perform
33 physical therapy as a part of their course of study.

34 (b) A regularly matriculated physical therapist assistant student undertaking a course of
35 instruction in an approved physical therapy education program or enrolled in a program of
36 supervised clinical education under the direction of an approved physical therapy education
37 program as described in Section 2651. These physical therapist assistant students may perform
38 physical therapy techniques as a part of their course of study.

39 (c) A physical therapist who holds an **unrestricted** license in another jurisdiction of the United
40 States **or credentialed** to practice physical therapy in another country if that person is

Comment [SC10]:

1. “unrestricted” [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or

2. “valid, unexpired, and unrevoked” (used in Sections 2630 and 2630.3) or

3. “current, valid, and unrestricted” [used in Section 2630.5, subdivision (g)]

Comment [SC11]: “or is credentialed”?

1 researching, demonstrating, or providing physical therapy in connection with teaching or
2 participating in an educational seminar of no more than 60 days in a calendar year.

3 (d) A physical therapist located outside this state, when in actual consultation, whether within
4 this state or across state lines, with a licensed physical therapist of this state, or when he or she
5 is an invited guest of the American Physical Therapy Association or one of its components, or an
6 invited guest of an approved physical therapy school or college for the sole purpose of engaging
7 in professional education through lectures, clinics, or demonstrations, if, at the time of the
8 consultation, lecture, or demonstration, he or she holds an **unrestricted** physical therapist license
9 in the state or country in which he or she resides. The physical therapist shall not open an office,
10 appoint a place to meet patients, receive calls from patients within the limits of this state, give
11 orders, or have ultimate authority over the care of a physical therapy patient who is located
12 within this state.

13 (e) A physical therapist who holds an **unrestricted** license in another jurisdiction of the United
14 States **or credentialed** to practice physical therapy in another country if that person, by contract
15 or employment, is providing physical therapy to individuals affiliated with or employed by
16 established athletic teams, athletic organizations, or performing arts companies temporarily
17 practicing, competing, or performing in the state for no more than 60 days in a calendar year.

18 (f) A physical therapist assistant who holds an **unrestricted** license in another jurisdiction of the
19 United States and is assisting a physical therapist engaged in activities described in subdivision
20 (c), (d), or (e).

21 (g) A physical therapist or physical therapist assistant who has a **current, valid, and unrestricted**
22 license in a jurisdiction of the United States who is forced to leave his or her residence in a state
23 other than California due to a **governmentally** declared emergency. This exemption applies for
24 no more than 60 days following the declaration of the emergency. In order to be eligible for this
25 exemption, the physical therapist or physical therapist assistant shall notify the board of his or
26 her intent to practice in this state and provide a valid mailing address, telephone number, and e-
27 mail address.

28 **SEC. 32.**

29 Section 2632 of the Business and Professions Code is repealed.

30 ~~2632.~~

31 ~~-All licenses for the practice of physical therapy in this state shall be issued by the board, and all
32 applications for the licenses shall be filed with the board. Excepting as otherwise required by the
33 director pursuant to Section 164, the license issued by the board shall describe the licensee as a
34 "physical therapist licensed by the Physical Therapy Board of California."~~

35 ~~Each application shall be accompanied by the application fee prescribed by Section 2688, shall
36 be signed by the applicant, and shall contain a statement under oath of the facts entitling the
37 applicant to receive a license without examination or to take an examination.~~

38 **SEC. 33.**

39 Section 2633.5 is added to the Business and Professions Code, to read:
40
41

Comment [SC12]:

1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC13]:

1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC14]: "or is credentialed"

Comment [SC15]:

1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC16]:

1. "unrestricted" [used in Sections 2603.5 and 2630.5, subdivisions (c-e)] or
2. "valid, unexpired, and unrevoked" (used in Sections 2630 and 2630.3) or
3. "current, valid, and unrestricted" [used in Section 2630.5, subdivision (g)]

Comment [SC17]: Leg Counsel added to clarify type of emergency.

1 **2633.5.**
2 *(a) Only a person licensed as a physical therapist assistant by the board may use the title*
3 *“physical therapist assistant” or “physical therapy assistant” or the letters “PTA” or any other*
4 *words, letters, or figures that indicate that the person is a physical therapist assistant licensed*
5 *pursuant to this chapter.*

6 *(b) The license of a physical therapist assistant shall not authorize the use of the prefix “LPT,”*
7 *“RPT,” “PT,” or Dr.,” or the title “physical therapist,” “therapist,” “doctor,” or any affix*
8 *indicating or implying that the physical therapist assistant is a physical therapist or doctor.*

9 **SEC. 34.**
10 *Section 2633.7 is added to the Business and Professions Code, to read:*
11

12 **2633.7.**
13 *During a period of clinical practice described in Section 2650 or in any similar period of*
14 *observation of related educational experience involving recipients of physical therapy, a person*
15 *so engaged shall be identified only as a “physical therapist student” or a “physical therapist*
16 *assistant student,” as authorized by the board in its regulations.*

17 **SEC. 35.**
18 *The heading of Article 3 (commencing with Section 2635) is added to Chapter 5.7 of Division 2*
19 *of the Business and Professions Code, to read:*
20

21 **Article 3. Qualifications and Requirements for Licensure**
22 **SEC. 36.**
23 *Section 2636 of the Business and Professions Code is amended to read:*
24

25 **2636.**
26 (a) Except as otherwise provided in this chapter, no person shall receive a license under this
27 chapter without first successfully passing the following ~~examinations:~~ *examinations, where*
28 *success is determined based on the examination passing standard set by the board:*

29 (1) An examination under the direction of the board to demonstrate the applicant’s knowledge of
30 the laws and regulations related to the practice of physical therapy in California. The
31 examination shall reasonably test the applicant’s knowledge of these laws and regulations.

32 (2) The ~~national-~~ physical therapy examination for the applicant’s licensure category. The
33 examination for licensure as a physical therapist shall test entry-level competence to practice
34 physical therapy. The examination for licensure as a physical therapist assistant shall test entry-
35 level competence to practice as a physical therapist assistant in the technical application of
36 physical therapy services.

37 (b) An applicant may take the examinations for licensure as a physical therapist or for licensure
38 as a physical therapist assistant after the applicant has met the educational requirements for that
39 particular category of licensure.

40 (c) The examinations required by the board for a license under this chapter may be conducted by
41 the board or by a public or private organization specified by the board. The examinations may be

1 conducted under a uniform examination system and, for that purpose, the board may make
2 arrangements with organizations furnishing examination materials as may, in its discretion, be
3 desirable.

4 ~~(d) The board shall establish a passing score for the examinations for licensure as a physical
5 therapist and for the examinations for licensure as a physical therapist assistant. The board shall
6 issue a license to an applicant who is otherwise qualified for licensure under this chapter and
7 who receives a passing score as established by the board on the examinations.~~

8 **SEC. 37.**

9 *Section 2636.5 of the Business and Professions Code is amended to read:*

10
11 **2636.5.**

12 (a) An applicant may be issued a license without a written examination if he or she meets all of
13 the following:

14 (1) He or she is at the time of application licensed ~~or registered~~ as a physical therapist *or*
15 *physical therapist assistant* in a state, district, or territory of the United States having, in the
16 opinion of the board, requirements for licensing ~~or registration~~ equal to or higher than those in
17 California, and he or she has passed, to the satisfaction of the board, an examination for licensing
18 ~~or registration~~ that is, in the opinion of the board, comparable to the examination used in this
19 state.

20 (2) He or she is a graduate of a physical therapist *or physical therapist assistant* education
21 program approved by the board, or has met the requirements of Section ~~2653. 2639.1, 2653, or~~
22 ~~2654.~~

23 (3) He or she files an application ~~as provided in Section 2632-~~ *with the board* and meets the
24 requirements prescribed by Sections 2635 and 2650.

25 (b) An applicant for licensure under subdivision (a), whose application is based on a certificate
26 issued by a physical therapy licensing authority of another state may be required to ~~pass an oral~~
27 ~~examination given by the board and-~~ file a statement of past work activity.

28 (c) An applicant who has filed a physical therapy application under this section with the board
29 for the first time may, between the date of receipt of notice that his or her application is on file
30 and the date of receipt of his or her license, perform as a physical therapist under the ~~direct and~~
31 ~~immediate~~ supervision of a physical therapist licensed in this state.

32 During this period the applicant shall identify himself or herself only as a “physical therapist
33 license ~~applicant.” applicant” or “physical therapist assistant license applicant,” as~~
34 *appropriate.*

35 If the applicant under this section does not qualify and receive a license as provided in this
36 section and does not qualify under Section ~~2639 2639,~~ all privileges under this section shall
37 terminate upon notice by ~~certified mail, return receipt requested-~~ *the board.* An applicant may
38 only qualify once to perform as a physical therapist license applicant.

39

Comment [SC18]: Need to include physical therapist assistants:

“An applicant who has filed a physical therapy application under this section with the board for the first time may, between the date of receipt of notice that his or her application is on file and the date of receipt of his or her license, perform as a physical therapist or physical therapist assistant, as appropriate, under the supervision of a physical therapist licensed in this state.”

Comment [SC19]: Need to include physical therapist assistants:

“An applicant may only qualify once to perform as a physical therapist license applicant or a physical therapist assistant license applicant.”

1 **SEC. 38.**

2 *Section 2638 of the Business and Professions Code is amended to read:*

3
4 **2638.**

5 Any applicant for licensure as a physical therapist *or physical therapist assistant* who fails to
6 pass the examination required by the board may take another examination and shall pay the
7 reexamination fee.

Comment [SC20]: Is this clear that the applicant would have to retake the licensing exam, not that the applicant would take a different exam?

8 **SEC. 39.**

9 *Section 2639 of the Business and Professions Code is repealed.*

10
11 ~~**2639.**~~

12 ~~Every graduate of an approved physical therapist education program who has filed a complete~~
13 ~~application for licensure with the board for the first time may, following receipt of a letter of~~
14 ~~authorization to perform as a “physical therapist license applicant,” perform as a physical~~
15 ~~therapist under the direct and immediate supervision of a physical therapist licensed in this state~~
16 ~~pending the results of the first licensing examination administered for which he or she is eligible~~
17 ~~following graduation from an approved physical therapist education program. During this period~~
18 ~~the applicant shall identify himself or herself only as a “physical therapist license applicant.” If~~
19 ~~the applicant passes the examination, the physical therapist license applicant status shall remain~~
20 ~~in effect until a regular renewable license is issued, or licensure is denied, by the board. If the~~
21 ~~applicant fails the licensing examination, or if he or she passes the examination but licensure is~~
22 ~~denied, the applicant shall be prohibited from performing as a physical therapist license applicant~~
23 ~~at any time in the future.~~

24 ~~A person shall not be considered a graduate unless he or she has successfully completed all the~~
25 ~~clinical training and internships required for graduation from the program.~~

26 ~~If the applicant fails to take the next succeeding examination without due cause or fails to pass~~
27 ~~the examination or receive a license, all privileges under this section shall terminate upon notice~~
28 ~~by certified mail, return receipt requested. An applicant may only qualify once to perform as a~~
29 ~~physical therapist license applicant.~~

30 **SEC. 40.**

31 *Section 2639 is added to the Business and Professions Code, to read:*

32
33 **2639.**

34 *(a) (1) Every graduate of an approved physical therapy education program who has filed a*
35 *complete application, as defined in regulation, for licensure with the board and has been*
36 *awarded either physical therapist license applicant status or physical therapist assistant license*
37 *applicant status shall practice under the supervision of a licensed physical therapist pursuant to*
38 *this chapter for no more than 120 days pending the results of the first licensing examination*
39 *administered. If the applicant passes the examination, the physical therapist license applicant*
40 *status or physical therapist assistant license applicant status shall remain in effect until a*
41 *regular renewable license is issued, or licensure is denied, by the board. A supervising physical*
42 *therapist shall document receipt of the letter authorizing the physical therapist license applicant*
43 *status or physical therapist assistant license applicant status and record the expiration date of*
44 *that status in the employee record. A supervising physical therapist shall require the applicant to*

Comment [SC21]: Please see bill analysis

1 provide documentation of the license issued at the conclusion of the physical therapist license
2 applicant status or physical therapist assistant license applicant status. During this period the
3 applicant shall identify himself or herself only as “physical therapist license applicant” or
4 “physical therapist assistant license applicant,” as appropriate.

5 (2) A person shall not be considered a graduate unless he or she has successfully completed all
6 the clinical training and internship required for graduation from the education program.

7 (3) A person who has filed a complete application pursuant to Section 2636.5 may be issued
8 license applicant status authorizing that individual to practice under the provisions described in
9 paragraph (1).

10 (b) A physical therapist license applicant who has been awarded license applicant status may
11 perform as a physical therapist if he or she is under the supervision of a physical therapist
12 licensed by the board. A physical therapist assistant license applicant who has been awarded
13 license applicant status may perform as a physical therapist assistant if he or she is under the
14 supervision of a physical therapist licensed by the board. The applicant shall comply with any
15 requirements applicable to the license for which he or she applied. An applicant may not
16 perform in those capacities if he or she fails the first examination attempt.

17 **SEC. 41.**
18 Section 2639.1 is added to the Business and Professions Code, to read:

19 **2639.1.**
20 A person seeking licensure as a physical therapist assistant having, in the opinion of the board,
21 training or experience, or a combination of training and experience, equivalent to that obtained
22 in an approved physical therapist assistant education program, and who is, at the time of
23 application, a person over 18 years of age, not addicted to alcohol or any controlled substance,
24 and who has not committed acts or crimes constituting grounds for denial of licensure under
25 Section 480 may apply to the board for licensure.

26 **SEC. 42.**
27 Section 2640 of the Business and Professions Code is repealed.

28 ~~**2640.**~~
29 ~~(a) If the board uses computer administered testing for the administration of the licensing~~
30 ~~examination, this section shall apply and Section 2639 shall not apply.~~

31 ~~(b) Every graduate of an approved physical therapist education program who has filed a~~
32 ~~complete application for licensure with the board for the first time may, following receipt of a~~
33 ~~letter of authorization to take the licensing examination and perform as a “physical therapist~~
34 ~~license applicant,” perform as a physical therapist under the direct and immediate supervision of~~
35 ~~a physical therapist licensed in this state, for 90 days pending the results of the first licensing~~
36 ~~examination administered. During this period, the applicant shall identify himself or herself only~~
37 ~~as a “physical therapist license applicant.” If the applicant passes the examination, the physical~~
38 ~~therapist license applicant status shall remain in effect until a regular renewable license is issued,~~
39 ~~or licensure is denied, by the board.~~

Comment [SC22]: Instead of duplicating requirements set forth in Section 2635, recommend amending language to read:

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

1 ~~(e) A person shall not be considered a graduate unless he or she has successfully completed all~~
2 ~~the clinical training and internships required for graduation from the program.~~

3 ~~(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or~~
4 ~~receive a license, all privileges under this section shall terminate. An applicant may only qualify~~
5 ~~once to perform as a physical therapist license applicant.~~

6 **SEC. 43.**

7 *Article 3 (commencing with Section 2644) is added to Chapter 5.7 of Division 2 of the Business*
8 *and Professions Code, to read:*

9
10 **Article 3. Renewal of Licenses**

11 **2644.**

12 *(a) Every license issued under this chapter shall expire at 12 a.m. on the last day of the birth*
13 *month of the licensee during the second year of a two-year term, if not renewed.*

14 *(b) To renew an unexpired license, the licensee shall, on or before the date on which it would*
15 *otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed*
16 *renewal fee, and submit proof of the completion of continuing competency required by the board*
17 *pursuant to Section 2649. The licensee shall disclose on his or her license renewal application*
18 *any misdemeanor or other criminal offense for which he or she has been found guilty or to which*
19 *he or she has pleaded guilty or no contest.*

20 **2645.**

21 *At least 60 days before the expiration of any license, the board shall mail to each licensee under*
22 *this chapter, at the latest address furnished by the licensee to the board, a notice stating the*
23 *amount of the renewal fee and the date on which it is due, and that failure to pay it on or before*
24 *the due date shall result in expiration of the license.*

25 **2646.**

26 *A license that has expired may be renewed at any time within five years after its expiration by*
27 *applying for renewal as set forth in Section 2644. Renewal under this section shall be effective*
28 *on the date on which the renewal application is filed, on the date on which the renewal fee or*
29 *accrued renewal fees are paid, or on the date on which the delinquency fee and penalty fee, if*
30 *any, are paid, whichever last occurs. A renewed license shall continue in effect through the*
31 *expiration date set forth in Section 2644 that next occurs after the effective date of the renewal,*
32 *at which time it shall expire and become invalid if it is not so renewed.*

33 **2647.**

34 *A person who fails to renew his or her license within five years after its expiration may not*
35 *renew it, and it shall not be reissued, reinstated, or restored thereafter. However, the person may*
36 *apply for a new license if he or she satisfies the requirements set forth in Article 3 (commencing*
37 *with Section 2635).*

38 **2648.**

39 *(a) A licensee is exempt from the payment of the renewal fee while engaged in full-time training*
40 *or active service in the United States Army, Navy, Air Force, Marines, or Coast Guard, or in the*
41 *United States Public Health Service.*

Comment [SC23]: Should be Article 4

Comment [SC24]: Updated due to Leg Counsel's concerns with moving renewal requirements to regulation – please see bill analysis

Comment [SC25]: Updated due to Leg Counsel's concerns with moving renewal requirements to regulation – please see bill analysis

Comment [SC26]: Updated due to Leg Counsel's concerns with moving renewal requirements to regulation – please see bill analysis

1 (b) A person exempted from the payment of the renewal fee by this section shall not engage in
2 any practice of, or assistance in the provision of, physical therapy not related to his or her
3 military service and shall become liable for payment of the fee for the current renewal period
4 upon his or her discharge from full-time active service and shall have a period of 60 days after
5 becoming liable within which to pay the renewal fee before the delinquency fee is required. Any
6 person who is discharged from active service within 60 days of the end of the renewal period is
7 exempt from the payment of the renewal fee for that period.

8 (c) The time spent in full-time active service or training shall not be included in the computation
9 of the five-year period for renewal and reinstatement of licensure provided in Section 2646.

10 (d) A person exempt from renewal fees under this section shall not be exempt from meeting the
11 requirements of Section 2649.

12 **2648.3.**

13 A licensee who demonstrates to the satisfaction of the board that he or she is unable to practice,
14 or assist in the provision of, physical therapy due to a disability may request a waiver of the
15 license renewal fee. The granting of a waiver shall be at the discretion of the board and may be
16 terminated at any time. Waivers shall be based on the inability of a licensee to practice, or assist
17 in the provision of, physical therapy. A licensee whose renewal fee has been waived pursuant to
18 this section shall not engage in the practice of, or assist in the provision of, physical therapy
19 unless and until the licensee pays the current renewal fee and does either of the following:

20 (a) Establishes to the satisfaction of the board, on a form prescribed by the board and signed
21 under penalty of perjury, that the licensee's disability either no longer exists or does not affect
22 his or her ability to practice, or assist in the provision of, physical therapy safely.

23 (b) Signs an agreement, on a form prescribed by the board and signed under penalty of perjury,
24 to limit his or her practice of, or assistance in the provision of, physical therapy in the manner
25 prescribed by his or her reviewing physician.

26 (c) A person exempt from renewal fees under this section shall not be exempt from meeting the
27 requirements of Section 2649.

28 **2648.5.**

29 (a) The renewal fee shall be waived for licensees residing in California who certify to the board
30 that license renewal is for the sole purpose of providing voluntary, unpaid physical therapy
31 services.

32 (b) A person exempt from renewal fees under this section shall not be exempt from meeting the
33 requirements of Section 2649.

34 **2648.7.**

35 A licensee is exempt from the payment of the renewal fee and from meeting the requirements set
36 forth in Section 2649 if he or she has applied to the board for retired license status. A holder of a
37 license in retired status pursuant to this section shall not engage in the practice of, or assist in
38 the provision of, physical therapy unless the licensee applies for renewal and meets all of the
39 requirements as set forth in Section 2644.

Comment [SC27]: Section 114.3, which was chaptered last year, allows a member of the military returning from active duty 6 months to comply with all renewal requirements – make consistent with Section --?

1 **SEC. 44.**
2 *The heading of Article 4 (commencing with Section 2650) of Chapter 5.7 of Division 2 of the*
3 *Business and Professions Code is amended and renumbered to read:*

4
5 **Article 5. Educational Standards**

6 **SEC. 45.**
7 *Section 2650 of the Business and Professions Code is repealed.*

8
9 **2650.**

10 ~~(a) Except as otherwise provided in this chapter, each applicant for a license as a physical~~
11 ~~therapist shall be a graduate of a professional degree program of an accredited postsecondary~~
12 ~~institution or institutions approved by the board, and shall have completed a professional~~
13 ~~education including academic coursework and clinical internship in physical therapy.~~

14 ~~(b) As referenced in the evaluative criteria of the Commission on Accreditation in Physical~~
15 ~~Therapy Education of the American Physical Therapy Association, the curriculum shall consist~~
16 ~~of a combination of didactic, clinical, and research experiences in physical therapy using critical~~
17 ~~thinking and weighing of evidence, and shall include, at a minimum, all of the following:~~

18 ~~(1) The sciences basic to physical therapy including biomedical, physical, physiological,~~
19 ~~neurobiological, anatomical, social and behavioral sciences.~~

20 ~~(2) Clinical sciences including laboratory or other practical experiences involving quantitative~~
21 ~~and qualitative evaluation within the scope of physical therapy practice including kinesiology,~~
22 ~~neuroscience, pathology, human development, and gerontology.~~

23 ~~(3) Treatment that constitutes the practice of physical therapy.~~

24 ~~(4) Learning experiences provided in the areas of administration, education, and consultation.~~

25 ~~(5) Research methods including the review and critical analysis of research reports.~~

26 ~~(6) Ethical, legal, and economical concepts of physical therapy practice.~~

27 ~~(c) Each applicant shall have at least 18 weeks of full-time clinical experience with a variety of~~
28 ~~patients.~~

29 **SEC. 46.**
30 *Section 2650 is added to the Business and Professions Code, to read:*

31
32 **2650.**

33 *(a) The physical therapist education requirements are as follows:*

34 *(1) Except as otherwise provided in this chapter, each applicant for a license as a physical*
35 *therapist shall be a graduate of a professional degree program of an accredited postsecondary*
36 *institution or institutions approved by the board and shall have completed a professional*
37 *education program including academic course work and clinical internship in physical therapy.*

1 (2) Unless otherwise specified by the board by regulation, the educational requirements shall
2 include instruction in the subjects prescribed by the Commission on Accreditation in Physical
3 Therapy Education (CAPTE) of the American Physical Therapy Association or the Accreditation
4 Council of Canadian Physiotherapy and shall include a combination of didactic and clinical
5 experiences. The clinical experience shall include at least 18 weeks of full-time experience with a
6 variety of patients.

7 (b) The physical therapist assistant educational requirements are as follows:

8 (1) Except as otherwise provided in this chapter, each applicant for a license as a physical
9 therapist assistant shall be a graduate of a physical therapist assistant program of an accredited
10 postsecondary institution or institutions approved by the board, and shall have completed both
11 the academic and clinical experience required by the physical therapist assistant program, and
12 have been awarded an associate degree.

13 (2) Unless otherwise specified by the board by regulation, the educational requirements shall
14 include instruction in the subjects prescribed by the CAPTE of the American Physical Therapy
15 Association or the Accreditation Council of Canadian Physiotherapy or such other body as may
16 be approved by the board by regulation and shall include a combination of didactic and clinical
17 experiences. The clinical experience shall include at least 18 weeks of full-time experience with a
18 variety of patients.

19 **SEC. 47.**

20 *Section 2650.1 of the Business and Professions Code is repealed.*

21 ~~**2650.1.**~~

22 ~~-During the period of clinical practice referred to in Section 2650 or in any similar period of
23 observation or related educational experience involving recipients of physical therapy, a person
24 so engaged shall be identified only as a "physical therapy student," or as a "physical therapy
25 intern" as authorized by the board in its regulations.~~

26 **SEC. 48.**

27 *Section 2650.2 of the Business and Professions Code is repealed.*

28 ~~**2650.2.**~~

29 ~~-Nothing in this chapter shall be construed to prevent a regularly matriculated student
30 undertaking a course of professional instruction in an approved physical therapist education
31 program or a student enrolled in a program of supervised clinical training under the direction of
32 an approved physical therapist education program pursuant to Section 2651, from performing
33 physical therapy as a part of his or her course of study.~~

34 **SEC. 49.**

35 *Section 2651 of the Business and Professions Code is amended to read:*

36 **2651.**

37 The board ~~may~~ *shall* approve only those physical therapist *and physical therapist*
38 *assistant* education programs that prove to the satisfaction of the board that they comply with
39 the minimum physical ~~therapy- therapist or physical therapist assistant~~ educational
40
41
42

1 requirements set forth in this chapter and adopted by the board pursuant to this chapter. Physical
2 therapist *and physical therapist assistant* education programs that are accredited by the
3 Commission on Accreditation in Physical Therapy Education of the American Physical Therapy
4 Association (*APTA*) or the Accreditation Council of Canadian Physiotherapy or such other body
5 as may be approved by the board by regulation, shall be deemed approved by the board unless
6 the board determines otherwise. *This chapter shall not prohibit the board from disapproving any*
7 *foreign physical therapist or physical therapist assistant educational program or from denying*
8 *an applicant if, in the opinion of the board, the instruction received by the applicant or the*
9 *courses offered by the program were not equivalent to that which is required by this chapter.*

10 **SEC. 50.**

11 *Section 2652 of the Business and Professions Code is repealed.*

12
13 ~~**2652.**~~

14 ~~-All physical therapist education programs, whether situated in this state or not, furnishing~~
15 ~~courses of study meeting the standards required by Sections 2650 and 2651 and the regulations~~
16 ~~of the board adopted pursuant to this chapter shall be approved by the board and shall be entitled~~
17 ~~to compel this approval, if it is denied, by action in the Superior Court of the State of California,~~
18 ~~the procedure and power of the court in which action shall be the same as provided in Section~~
19 ~~2087.~~

20 **SEC. 51.**

21 *Section 2653 of the Business and Professions Code is repealed.*

22
23 ~~**2653.**~~

24 ~~-(a) An applicant for a license as a physical therapist who was issued a diploma by a physical~~
25 ~~therapist education program that is not an approved program and is not located in the United~~
26 ~~States shall meet all of the following requirements in order to be licensed as a physical therapist:~~

27 ~~(1) Furnish documentary evidence satisfactory to the board, that he or she has completed the~~
28 ~~equivalent professional degree to that issued by a United States accredited physical therapist~~
29 ~~education program in a physical therapist education program that entitles the applicant to~~
30 ~~practice as a physical therapist in the country where the diploma was issued. The physical~~
31 ~~therapy education received by the applicant shall meet the criteria set forth in subdivisions (b)~~
32 ~~and (c) of Section 2650. The board may require an applicant to submit documentation of his or~~
33 ~~her education to a credentials evaluation service for review and a report to the board.~~

34 ~~(2) Pass the written examination required by Section 2636. The requirements to pass the written~~
35 ~~examination shall not apply to an applicant who at the time of application has passed, to the~~
36 ~~satisfaction of the board, an examination for licensure in another state, district, or territory of the~~
37 ~~United States, that is, in the opinion of the board, comparable to the examination given in this~~
38 ~~state.~~

39 ~~(3) Complete a period of clinical service under the direct and immediate supervision of a~~
40 ~~physical therapist licensed by the board which does not exceed nine months in a location~~
41 ~~approved by the board, in a manner satisfactory to the board. The applicant shall have passed the~~
42 ~~written examination required in subdivision (b) prior to commencing the period of clinical~~
43 ~~service. The board shall require the supervising physical therapist to evaluate the applicant and~~

1 ~~report his or her findings to the board. The board may in its discretion waive all or part of the~~
2 ~~required clinical service pursuant to guidelines set forth in its regulations. During the period of~~
3 ~~clinical service until he or she is issued a license as a physical therapist by the board, the~~
4 ~~applicant shall be identified as a “physical therapist license applicant.”~~

5 ~~(4) An applicant for licensure under this subdivision, whose application is based on a certificate~~
6 ~~issued by a physical therapist licensing authority of another state, may be required to pass an oral~~
7 ~~examination given by the board, and to file a statement of past work activity.~~

8 ~~(b) Nothing contained in this section shall prohibit the board from disapproving any foreign~~
9 ~~physical therapist education program or from denying the applicant if, in the opinion of the~~
10 ~~board, the instruction received by the applicant or the courses were not equivalent to that~~
11 ~~required by this chapter. If the applicant does not qualify to take the physical therapist~~
12 ~~examination, his or her education may be evaluated and the applicant may be eligible to take the~~
13 ~~physical therapist assistant examination.~~

14 **SEC. 52.**

15 *Section 2653 is added to the Business and Professions Code, to read:*

16 **2653.**

17 *An applicant for a license as a physical therapist who has graduated from a physical therapist*
18 *education program that is not approved by the board and is not located in the United States shall*
19 *do all of the following:*
20

21 *(a) Furnish documentary evidence satisfactory to the board, that he or she has completed a*
22 *professional degree in a physical therapist educational program substantially equivalent at the*
23 *time of his or her graduation to that issued by a board approved physical therapist education*
24 *program. The professional degree must entitle the applicant to practice as a physical therapist in*
25 *the country where the diploma was issued. The applicant shall meet the educational*
26 *requirements set forth in paragraph (2) of subdivision (a) of Section 2650. The board may*
27 *require an applicant to submit documentation of his or her education to a credentials evaluation*
28 *service for review and a report to the board.*

29 *(b) Demonstrate proficiency in English by achieving a score specified by the board on the Test of*
30 *Spoken English administered by the Educational Testing Services or such other examination as*
31 *may be specified by the board by regulation.*

32 *(c) Complete nine months of clinical service in a location approved by the board under the*
33 *supervision of a physical therapist licensed by a United States jurisdiction, in a manner*
34 *satisfactory to the board. The applicant shall have passed the written examination required in*
35 *Section 2636 prior to commencing the period of clinical service. The board shall require the*
36 *supervising physical therapist to evaluate the applicant and report his or her findings to the*
37 *board. The board may in its discretion waive all or part of the required clinical service pursuant*
38 *to guidelines set forth in its regulations. During the period of clinical service, the applicant shall*
39 *be identified as a physical therapist license applicant. If an applicant fails to complete the*
40 *required period of clinical service, the board may, for good cause shown, allow the applicant to*
41 *complete another period of clinical service.*

Comment [SC28]: Updated due to Leg Counsel's concerns with moving renewal requirements to regulation – please see bill analysis

1 **SEC. 53.**

2 *Section 2654 is added to the Business and Professions Code, to read:*

3
4 **2654.**

5 *If an applicant who has graduated from a physical therapist education program that is not*
6 *approved by the board and is not located in the United States does not qualify to take the*
7 *physical therapist examination, his or her education may be evaluated by the board and the*
8 *applicant may be eligible to take the physical therapist assistant examination.*

9 **SEC. 54.**

10 *Article 4.5 (commencing with Section 2655) of Chapter 5.7 of Division 2 of the Business and*
11 *Professions Code is repealed.*

12
13 **SEC. 55.**

14 *The heading of Article 5 (commencing with Section 2660) of Chapter 5.7 of Division 2 of the*
15 *Business and Professions Code is amended and renumbered to read:*

16 **Article 6. Enforcement**

17 **SEC. 56.**

18 *Section 2660 of the Business and Professions Code is amended to read:*

19
20 **2660.**

21 *Unprofessional conduct constitutes grounds for citation, discipline, denial of a license, or*
22 *issuance of a probationary license. The board may, after the conduct of appropriate proceedings*
23 *under the Administrative Procedure Act, issue a citation, impose discipline, deny a*
24 *license, suspend for not more than 12 months, or revoke, or impose probationary conditions*
25 *upon any ~~license, certificate, or approval~~ license issued under this chapter for unprofessional*
26 *conduct that includes, in addition to other provisions of this chapter, but is not limited to, ~~one or~~*
27 *~~any combination of the following causes:~~ the following:*

28
29 *(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation*
30 *of, or conspiring to violate any provision of this chapter, any regulations duly adopted under this*
31 *chapter, or the Medical Practice Act.*

32 ~~(a)~~ *(b) Advertising in violation of Section 17500.*

33 ~~(b)~~ *(c) ~~Fraud in the procurement of any license under this chapter.~~ Obtaining or attempting to*
34 *obtain a license by fraud or misrepresentation.*

35 ~~(e)~~ *(d) ~~Procuring Practicing~~ or ~~aiding or offering to procure or aid in criminal abortion.~~ offering*
36 *to practice beyond the scope of practice of physical therapy.*

37 ~~(d)~~ *(e) Conviction of a crime that substantially relates to the qualifications, functions, or duties*
38 *of a physical therapist or physical therapist assistant. The record of conviction or a certified copy*
39 *thereof shall be conclusive evidence of that conviction.*

40 ~~(e)~~ *(f) ~~Habitual intemperance.~~ Unlawful possession or use of, or conviction of a criminal offense*
41 *involving, a controlled substance as defined in Division 10 (commencing with Section 11000) of*

Comment [SC29]: This subdivision was reorganized by staff, but no substantive change was made.

- 1 *the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with*
2 *Section 4015) of Chapter 9, as follows:*
- 3 ~~(f)~~ (1) ~~Addiction to the excessive use of any habit forming~~ *Obtaining or possessing in violation*
4 *of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist,*
5 *administering to himself or herself, or furnishing or administering to another, any controlled*
6 *substances or any dangerous drug.*
- 7 ~~(g)~~ (2) ~~Gross negligence in his or her practice as a physical therapist or physical therapist~~
8 ~~assistant.~~ *Using any controlled substance or any dangerous drug.*
- 9 ~~(h)~~ (3) Conviction of a ~~violation of any of the provisions of this chapter or of the Medical~~
10 ~~Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or~~
11 ~~abetting the violating of, or conspiring to violate any provision or term of this chapter or of the~~
12 ~~Medical Practice Act.~~ *criminal offense involving the consumption or self-administration of, or*
13 *the possession of, or falsification of a record pertaining to, any controlled substance or any*
14 *dangerous drug, in which event the record of the conviction is conclusive evidence thereof.*
- 15 ~~(i)~~ (g) ~~The aiding or abetting of any person to violate this chapter or any regulations duly~~
16 ~~adopted under this chapter.~~ *Failure to maintain adequate and accurate records relating to the*
17 *provision of services to his or her patients.*
- 18 (h) *Gross negligence or repeated acts of negligence in practice or in the delivery of physical*
19 *therapy care.*
- 20 ~~(j)~~ (i) ~~The aiding- Aiding~~ or abetting ~~of~~ any person to engage in the unlawful practice of
21 physical therapy.
- 22 ~~(k)~~ (j) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to
23 the qualifications, functions, or duties of a physical therapist or physical therapist assistant.
- 24 ~~(l)~~ (k) Except for good cause, the knowing failure to protect patients by failing to follow
25 infection control guidelines of the board, thereby risking transmission of blood-borne infectious
26 diseases from licensee to patient, from patient to patient, and from patient to licensee. In
27 administering this subdivision, the board shall consider referencing the standards, regulations,
28 and guidelines of the State Department of Public Health developed pursuant to Section 1250.11
29 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the
30 California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300)
31 of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other
32 blood-borne pathogens in health care settings. As necessary, the board shall consult with the
33 Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of
34 California, the Board of Registered Nursing, and the Board of Vocational Nursing and
35 Psychiatric Technicians of the State of California, to encourage appropriate consistency in the
36 implementation of this subdivision.
- 37 (l) *The commission of verbal abuse or sexual harassment.*
- 38 (m) *Engaging in sexual misconduct or violating Section 726.*

1 (n) *Permitting a physical therapist assistant or physical therapy aide under one's supervision or*
2 *control to perform, or permitting the physical therapist assistant or physical therapy aide to hold*
3 *himself or herself out as competent to perform, professional services beyond the level of*
4 *education, training, and experience of the physical therapist assistant or aide.*

5 (o) ~~The board shall seek to ensure that licensees are informed of the responsibility of licensees~~
6 ~~and others to follow infection control guidelines, and of the most recent scientifically recognized~~
7 ~~safeguards for minimizing the risk of transmission of blood borne infectious~~
8 ~~diseases.~~ *revocation, suspension, or other discipline, restriction, or limitation imposed by*
9 *another state upon a license or certificate to practice physical therapy issued by that state, or the*
10 *revocation, suspension, or restriction of the authority to practice physical therapy by any agency*
11 *of the federal government.*

12 (p) *Viewing a completely or partially disrobed patient in the course of treatment if the viewing is*
13 *not necessary to patient evaluation or treatment under current standards.*

14 (q) *Engaging in any act in violation of Section 650, 651, or 654.2.*

15 (r) *Charging a fee for services not performed.*

16 (s) *Misrepresenting documentation of patient care or deliberate falsifying of patient records.*

17 (t) *Except as otherwise allowed by law, the employment of runners, cappers, steerers, or other*
18 *persons to procure patients.*

19 (u) *The willful, unauthorized violation of professional confidence.*

20 ~~(m)~~ (v) ~~The commission of verbal abuse or sexual harassment.~~ *Failing to maintain*
21 *confidentiality, except as otherwise required or permitted by law, of all information that has*
22 *been received from a patient in confidence during the course of treatment and all information*
23 *about the patient that is obtained from tests or other means.*

24 (w) *Habitual intemperance.*

25 **SEC. 57.**

26 *Section 2660.2 of the Business and Professions Code is amended to read:*

27
28 **2660.2.**

29 (a) The board may refuse a license to any applicant guilty of unprofessional conduct or sexual
30 activity referred to in Section 2660.1. The board may, in its sole discretion, issue a *public letter*
31 *of reprimand in accordance with Section 2660.3 or may issue a* probationary license to any
32 applicant for a license who is guilty of unprofessional conduct but who has met all other
33 requirements for licensure. The board may issue the license subject to any terms or conditions
34 not contrary to public policy, including, but not limited to, the following:

35 (1) Medical or psychiatric evaluation.

36 (2) Continuing medical or psychiatric treatment.

37 (3) Restriction of the type or circumstances of practice.

Comment [SC30]: These sections were individual subdivisions – Leg Counsel put them in one subdivision.

Comment [SC31]: Please see bill analysis

1 (4) Continuing participation in a board-approved rehabilitation program.

2 (5) Abstention from the use of alcohol or drugs.

3 (6) Random fluid testing for alcohol or drugs.

4 (7) Compliance with laws and regulations governing the practice of physical therapy.

5 (b) The applicant shall have the right to appeal the denial, or the issuance with terms and
6 conditions, of any license in accordance with Chapter 5 (commencing with Section 11500) of
7 Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers
8 granted therein. The action shall be final, except that the propriety of the action is subject to
9 review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

10 *(c) In lieu of refusing a license, the board may, upon stipulation or agreement by the licensee,*
11 *issue a public letter of reprimand after it has conducted an investigation or inspection as*
12 *provided for in this chapter. The public letter of reprimand may include a requirement for*
13 *specified training or education, and cost recovery for investigative costs. The board shall notify*
14 *the licensee of its intention to issue the letter 30 days before the intended issuance date of the*
15 *letter. The licensee shall indicate in writing at least 15 days prior to the letter's intended*
16 *issuance date whether he or she agrees to the issuance of the letter. The board, at its option, may*
17 *extend the time within which the licensee may respond to its notification. If the licensee does not*
18 *agree to the issuance of the letter, the board shall not issue the letter and may proceed to file the*
19 *accusation. The board may use a public letter of reprimand only for minor violations, as defined*
20 *by the board, committed by the applicant. A public letter of reprimand issued pursuant to this*
21 *section shall be disclosed by the board to an inquiring member of the public and shall be posted*
22 *on the board's Internet Web site.*

Comment [SC32]: Staff included cost recovery

23 **SEC. 58.**

24 *Section 2660.3 of the Business and Professions Code is amended to read:*

25
26 **2660.3.**

27 In lieu of filing or prosecuting a formal accusation against a licensee, the board may, upon
28 stipulation or agreement by the licensee, issue a public letter of reprimand after it has conducted
29 an investigation or inspection as provided for in this chapter. The *public letter of reprimand may*
30 *include a requirement for specified training or education, and cost recovery for investigative*
31 *costs. The board shall notify the licensee of its intention to issue the letter 30 days before the*
32 *intended issuance date of the letter. The licensee shall indicate in writing at least 15 days prior to*
33 *the letter's intended issuance date whether he or she agrees to the issuance of the letter. The*
34 *board, at its option, may extend the time within which the licensee may respond to its*
35 *notification. If the licensee does not agree to the issuance of the letter, the board shall not issue*
36 *the letter and may proceed to file the accusation. The board may use a public letter of reprimand*
37 *only for minor violations, as defined by the board, committed by the licensee. A public letter of*
38 *reprimand issued pursuant to this section shall be disclosed by the board to an inquiring member*
39 *of the public and shall be posted on the board's Internet Web site.*

Comment [SC33]: Staff included cost recovery

40 **SEC. 59.**

41 *Section 2660.4 is added to the Business and Professions Code, to read:*

1
2 **2660.4.**
3 *A licensee who fails or refuses to comply with a request from the board for the medical records*
4 *of a patient, that is accompanied by that patient's written authorization for release of records to*
5 *the board, within 15 days of receiving the request and authorization shall pay to the board a civil*
6 *penalty of one thousand dollars (\$1,000) per day for each day that the records have not been*
7 *produced after the 15th day, unless the licensee is unable to provide the records within this time*
8 *period for good cause.*

9 **SEC. 60.**
10 *Section 2660.5 of the Business and Professions Code is amended to read:*

11
12 **2660.5.**
13 The board shall deny a physical therapist license or physical therapist assistant
14 ~~approval~~ license to an applicant who is required to register pursuant to Section 290 of the Penal
15 Code. This section does not apply to an applicant who is required to register as a sex offender
16 pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under
17 Section 314 of the Penal Code.

18 **SEC. 61.**
19 *Section 2660.8 is added to the Business and Professions Code, to read:*

20
21 **2660.8.**
22 *A licensee whose matter has been heard by an administrative law judge of the Medical Quality*
23 *Hearing Panel as designated in Section 11371 of the Government Code, or whose default has*
24 *been entered or who has entered into a stipulation for disciplinary action with the board, may, in*
25 *accordance with the provisions of this chapter:*

- 26 *(a) Have his or her license revoked upon order of the board.*
- 27 *(b) Have his or her right to practice suspended for a period not to exceed one year upon order of*
28 *the board.*
- 29 *(c) Be placed on probation and required to pay the costs of probation monitoring upon order of*
30 *the board.*
- 31 *(d) Be publicly reprimanded by the board.*
- 32 *(e) Be required to surrender his or her license based on an order of the board.*
- 33 *(f) Have any other action taken in relation to discipline as part of an order of probation, as the*
34 *board or an administrative law judge may deem proper.*

35 **SEC. 62.**
36 *Section 2661 of the Business and Professions Code is amended to read:*

37
38 **2661.**
39 A plea or verdict of guilty or a conviction following a plea of nolo contendere ~~made to a charge~~
40 ~~of a felony or of any offense which substantially relates to the qualifications, functions, or duties~~

1 ~~of a physical therapist~~ is deemed to be a conviction within the meaning of this article. The board
2 may order ~~the license suspended or revoked, or may decline to issue a license,~~ *discipline of the*
3 *licensee in accordance with Section 2660 or the board may take action as authorized in Section*
4 *2660.2 on an application* when the time for appeal has elapsed, or the judgment of conviction
5 has been affirmed on appeal or when an order granting probation is made suspending the
6 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal
7 Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty,
8 or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

9 **SEC. 63.**

10 *Section 2661.7 of the Business and Professions Code is amended to read:*

11
12 **2661.7.**

13 (a) A person whose license ~~or approval~~ has been revoked or suspended, or who has been placed
14 on probation, may petition the ~~Physical Therapy Board of California-~~ *board* for reinstatement or
15 modification of penalty, including modification or termination of probation, after a period of not
16 less than the following minimum periods has elapsed from the effective date of the decision
17 ordering that disciplinary action:

18 (1) At least three years for reinstatement of a license or approval revoked for unprofessional
19 conduct, except that the board may, for good cause shown, specify in a revocation order that a
20 petition for reinstatement may be filed after two years.

21 (2) At least two years for early termination ~~or~~ *or one year for modification of a condition*
22 *of* probation of three years or more.

23 (3) At least one year for ~~modification of a condition, or~~ reinstatement of a license ~~or~~
24 ~~approval~~ revoked for mental or physical illness, or *for modification of a condition,*
25 *or* termination of probation of less than three years.

26 (b) The petition shall state any facts as may be required by the board. The petition shall be
27 accompanied by at least two verified recommendations from physical therapists licensed by the
28 board who have personal knowledge of the activities of the petitioner since the disciplinary
29 penalty was imposed.

30 (c) The petition may be heard by the board. The board may assign the petition to an
31 administrative law judge designated in Section 11371 of the Government Code. After a hearing
32 on the petition, the administrative law judge shall provide a proposed decision to the
33 ~~committee~~ *board* that shall be acted upon in accordance with the Administrative Procedure Act.

34 (d) The board or the administrative law judge hearing the ~~petition,~~ *petition* may consider all
35 activities of the petitioner since the disciplinary action was taken, the offense for which the
36 petitioner was disciplined, the petitioner's activities during the time the license was in good
37 standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional
38 ability. The hearing may be continued, as the *board or the* administrative law judge designated
39 in Section 11371 of the Government Code finds necessary.

1 (e) The administrative law judge designated in Section 11371 of the Government Code when
2 hearing a petition for reinstating a ~~license license~~, or ~~approval, or~~ modifying a penalty, may
3 recommend the imposition of any terms and conditions deemed necessary.

4 (f) No petition shall be considered while the petitioner is under sentence for any criminal offense,
5 including any period during which the petitioner is on court-imposed probation or parole. No
6 petition shall be considered while there is an accusation or petition to revoke probation pending
7 against the ~~person~~: *petitioner*. The board may deny, without a hearing or argument, any petition
8 filed pursuant to this section within a period of two years from the effective date of the prior
9 decision following a hearing under this section.

10 (g) Nothing in this section shall be deemed to alter Sections 822 and 823.

11 **SEC. 64.**

12 *The heading of Article 5.5 (commencing with Section 2662) of Chapter 5.7 of Division 2 of the*
13 *Business and Professions Code is amended and renumbered to read:*

14
15 **Article 7. Substance Abuse Rehabilitation Program**

16 **SEC. 65.**

17 *Section 2663 of the Business and Professions Code is amended to read:*

18
19 **2663.**

20 The board shall establish and administer a ~~diversion program~~ *substance abuse rehabilitation*
21 *program, hereafter referred to as the rehabilitation program*, for the rehabilitation of physical
22 therapists and physical therapist assistants whose competency is impaired due to the abuse of
23 drugs or alcohol. The board may contract with any other state agency or a private organization to
24 perform its duties under this article. The board may establish one or more
25 ~~diversion rehabilitation~~ *evaluation* committees to assist it in carrying out its duties under this
26 article. Any ~~diversion rehabilitation~~ *evaluation* committee established by the board shall operate
27 under the direction of the ~~diversion rehabilitation~~ *program manager*, as designated by the
28 executive officer of the board. The program manager has the primary responsibility to review
29 and evaluate recommendations of the committee.

30 **SEC. 66.**

31 *Section 2664 of the Business and Professions Code is amended to read:*

32
33 **2664.**

34 (a) Any ~~diversion rehabilitation~~ *evaluation* committee established by the board shall have at
35 least three members. In making appointments to a ~~diversion rehabilitation~~ *evaluation*
36 committee, the board shall consider the appointment of persons who are either recovering from
37 substance abuse and have been free from substance abuse for at least three years immediately
38 prior to their appointment or who are knowledgeable in the treatment and recovery of substance
39 abuse. The board also shall consider the appointment of a physician and surgeon who is board
40 certified in psychiatry.

41 (b) Appointments to a ~~diversion rehabilitation~~ *evaluation* committee shall be by the affirmative
42 vote of a majority of members appointed to the board. Each appointment shall be at the pleasure

1 of the board for a term not to exceed four years. In its discretion, the board may stagger the terms
2 of the initial members so appointed.

3 (c) A majority of the members of a **diversion rehabilitation** evaluation committee shall
4 constitute a quorum for the transaction of business. Any action requires an affirmative vote of a
5 majority of those members present at a meeting constituting at least a quorum. Each
6 **diversion rehabilitation** evaluation committee shall elect from its membership a chairperson and
7 a vice chairperson. Notwithstanding the Bagley-Keene Open Meeting Act (Article 9
8 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
9 Government Code), relating to public meetings, a **diversion rehabilitation** evaluation committee
10 may convene in closed session to consider matters relating to any physical therapist or physical
11 therapist assistant applying for or participating in a **diversion rehabilitation** program, and a
12 meeting which will be convened entirely in closed session need not comply with Section 11125
13 of the Government Code. A **diversion rehabilitation** evaluation committee shall only convene in
14 closed session to the extent it is necessary to protect the privacy of an applicant or participant.
15 Each member of a **diversion rehabilitation** evaluation committee shall receive a per diem and
16 shall be reimbursed for expenses as provided in Section 103.

17 **SEC. 67.**

18 *Section 2665 of the Business and Professions Code is amended to read:*

19
20 **2665.**

21 Each **diversion rehabilitation** evaluation committee has the following duties and
22 responsibilities:

23 (a) To evaluate physical therapists and physical therapist assistants who request participation in
24 the **rehabilitation** program and to make recommendations. In making recommendations, the
25 committee shall consider any recommendations from professional consultants on the admission
26 of applicants to the **diversion rehabilitation** program.

27 (b) To review and designation of treatment facilities to which physical therapists and physical
28 therapist assistants in the **diversion rehabilitation** program may be referred.

29 (c) To receive and review information concerning physical therapists and physical therapist
30 assistants participating in the program.

31 (d) Calling meetings as necessary to consider the requests of physical therapists and physical
32 therapist assistants to participate in the **diversion rehabilitation** program, to consider reports
33 regarding participants in the program, and to consider any other matters referred to it by the
34 board.

35 (e) To consider whether each participant in the **diversion rehabilitation** program may with safety
36 continue or resume the practice of physical therapy.

37 (f) To set forth in writing the terms and conditions of the **diversion rehabilitation** agreement that
38 is approved by the program manager for each physical therapist and physical therapist assistant
39 participating in the program, including treatment, supervision, and monitoring requirements.

1 (g) ~~Holdings~~ *To hold* a general meeting at least twice a year, which shall be open and public, to
2 evaluate the *diversion rehabilitation* program's progress, to prepare reports to be submitted to
3 the board, and to suggest proposals for changes in the *diversion rehabilitation* program.

4 (h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the
5 Government Code, any member of a *diversion rehabilitation* evaluation committee shall be
6 considered a public employee. No board or *diversion rehabilitation* evaluation committee
7 member, contractor, or agent thereof, shall be liable for any civil damage because of acts or
8 omissions which may occur while acting in good faith in a program established pursuant to this
9 article.

10 **SEC. 68.**

11 *Section 2666 of the Business and Professions Code is amended to read:*

12
13 **2666.**

14 (a) Criteria for acceptance into the *diversion rehabilitation* program shall include all of the
15 following:

16 (1) The applicant shall be licensed as a physical therapist or ~~approved~~ as a physical therapist
17 assistant by the board and shall be a resident of California.

18 (2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner
19 ~~which that~~ may affect his or her ability to practice physical therapy safely or competently.

20 (3) The applicant shall have voluntarily requested admission to the program or shall be accepted
21 into the program in accordance with terms and conditions resulting from a disciplinary action.

22 (4) The applicant shall agree to undertake any medical or psychiatric examination ordered to
23 evaluate the applicant for participation in the program.

24 (5) The applicant shall cooperate with the program by providing medical information, disclosure
25 authorizations, and releases of liability as may be necessary for participation in the program.

26 (6) The applicant shall agree in writing to cooperate with all elements of the treatment program
27 designed for him or her.

28 Any applicant may be denied participation in the program if the board, the program manager, or
29 a *diversion rehabilitation* evaluation committee determines that the applicant will not
30 substantially benefit from participation in the program or that the applicant's participation in the
31 program creates too great a risk to the public health, safety, or welfare.

32 (b) A participant may be terminated from the program for any of the following reasons:

33 (1) The participant has successfully completed the treatment program.

34 (2) The participant has failed to comply with the treatment program designated for him or her.

35 (3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).

1 (4) It is determined that the participant has not substantially benefited from participation in the
2 program or that his or her continued participation in the program creates too great a risk to the
3 public health, safety, or welfare. Whenever an applicant is denied participation in the program or
4 a participant is terminated from the program for any reason other than the successful completion
5 of the program, and it is determined that the continued practice of physical therapy by that
6 individual creates too great a risk to the public health, safety, and welfare, that fact shall be
7 reported to the executive officer of the board and all documents and information pertaining to
8 and supporting that conclusion shall be provided to the executive officer. The matter may be
9 referred for investigation and disciplinary action by the board. Each physical therapist or
10 physical therapy assistant who requests participation in a **diversion rehabilitation** program shall
11 agree to cooperate with the recovery program designed for him or her. Any failure to comply
12 with that program may result in termination of participation in the program.

13 The **diversion rehabilitation** evaluation committee shall inform each participant in the program
14 of the procedures followed in the program, of the rights and responsibilities of a physical
15 therapist or physical therapist assistant in the program, and the possible results of noncompliance
16 with the program.

17 (c) In addition to the criteria and causes set forth in subdivision (a), the board may set forth in its
18 regulations additional criteria for admission to the program or causes for termination from the
19 program.

20 **SEC. 69.**

21 *Section 2667 of the Business and Professions Code is amended to read:*

22
23 **2667.**

24 All board and **diversion rehabilitation** evaluation committee records and records of proceedings
25 and participation of a physical therapist or physical therapist assistant in a program shall be
26 confidential and are not subject to discovery or subpoena.

27 **SEC. 70.**

28 *Section 2668 of the Business and Professions Code is amended to read:*

29
30 **2668.**

31 (a) A fee to cover the actual cost of administering the program shall be charged for participation
32 in the program. If the board contracts with any other entity to carry out this article, at the
33 discretion of the board, the fee may be collected and retained by that entity.

34 (b) If the board contracts with any other entity to carry out this section, the executive officer of
35 the board, or his or her designee, shall review the activities and performance of the contractor on
36 a biennial basis. As part of this review, the board shall review files of participants in the
37 program. However, the names of participants who entered the program voluntarily shall remain
38 confidential, except when the review reveals misdiagnosis, case mismanagement, or
39 noncompliance by the participant.

40 (c) Subdivision (a) shall apply to all new participants entering into the board's
41 **diversion rehabilitation** program on or after January 1, 2007. Subdivision (a) shall apply on and
42 after January 1, 2008, to participants currently enrolled as of December 31, 2007.

1 **SEC. 71.**

2 *Section 2669 of the Business and Professions Code is amended to read:*

3
4 **2669.**

5 Participation in a ~~diversion rehabilitation~~ program shall not be a defense to any disciplinary
6 action ~~which that~~ may be taken by the board. This section does not preclude the board from
7 commencing disciplinary action against a physical therapist or physical therapist assistant who is
8 terminated unsuccessfully from the ~~program under this section-~~ program. That disciplinary
9 action may not include as evidence any confidential information.

10 **SEC. 72.**

11 *The heading of Article 6 (commencing with Section 2670) of Chapter 5.7 of Division 2 of the*
12 *Business and Professions Code is amended and renumbered to read:*

13
14 **Article 8. Offenses Against this Chapter**

15 **SEC. 73.**

16 *Section 2672 of the Business and Professions Code is amended to read:*

17
18 **2672.**

19 Whenever any person has engaged or is about to engage in any acts or practices
20 ~~which that~~ constitute or will constitute an offense against this chapter, the superior court of any
21 county, on application of the ~~Medical Board of California, the-~~ board, or 10 or more persons
22 holding physical therapist licenses issued under this chapter, may issue an injunction or other
23 appropriate order restraining the conduct. Proceedings under this section shall be governed by
24 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

25 **SEC. 74.**

26 *The heading of Article 6.5 (commencing with Section 2676) of Chapter 5.7 of Division 2 of the*
27 *Business and Professions Code is repealed.*

28
29 **SEC. 75.**

30 *Section 2676 of the Business and Professions Code is amended and renumbered to read:*

31
32 ~~2676.~~ **2649.**

33 (a) A person renewing his or her license ~~or approval-~~ shall submit proof satisfactory to the board
34 that, during the preceding two years, he or she has completed the required number of continuing
35 education hours established by regulation by the board, or such other proof of continuing
36 competency as the board may establish by regulation. Required continuing education shall not
37 exceed 30 hours every two years.

38 (b) The board shall adopt and administer regulations including, but not limited to, continuing
39 education intended to ensure the continuing competency of persons licensed ~~or~~
40 ~~approved-~~ pursuant to this chapter. The board may establish different requirements for physical
41 therapists and physical therapist assistants. The board may not require the completion of an
42 additional postsecondary degree or successful completion of an examination as a condition of
43 renewal, but may recognize these as demonstrative of continuing competency. This program

1 shall include provisions requiring random audits of licensees ~~and holders of approval~~ in order to
2 ensure compliance.

3 (c) The administration of this section may be funded through professional license fees,
4 continuing education provider *fees*, and ~~course approval fees, or both~~ *recognized approval*
5 *agency fees*. The fees shall not exceed the amounts necessary to cover the actual costs of
6 administering this section.

7 **SEC. 76.**

8 *The heading of Article 7 (commencing with Section 2680) of Chapter 5.7 of Division 2 of the*
9 *Business and Professions Code is amended and renumbered to read:*

10
11 **Article 9. Fiscal Administration**

12 **SEC. 77.**

13 *Section 2682 of the Business and Professions Code is amended to read:*

14
15 **2682.**

16 There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed
17 or ~~approved or~~ seeking to be licensed ~~or approved~~ shall be paid by the board into the fund after
18 reporting to the Controller at the beginning of each month the amount and source of the
19 collections. All money in the Physical Therapy Fund is appropriated ~~to carry out the purposes~~
20 ~~of~~ *for the exclusive purpose of executing* this chapter.

21 **SEC. 78.**

22 *Section 2683 of the Business and Professions Code is repealed.*

23
24 ~~**2683.**~~

25 ~~Except as provided in Section 2684, the provisions of Article 19 (commencing with Section~~
26 ~~2420) of Chapter 5 apply to the issuance and govern the expiration and renewal of licenses~~
27 ~~issued under this chapter.~~

28 **SEC. 79.**

29 *Section 2684 of the Business and Professions Code is repealed.*

30
31 ~~**2684.**~~

32 ~~(a) Notwithstanding Section 2422, any license or approval for the practice of physical therapy~~
33 ~~shall expire at midnight on the last day of the birth month of the licensee or holder of the~~
34 ~~approval during the second year of a two-year term, if not renewed.~~

35 ~~(b) To renew an unexpired license or approval, the licensee or the holder of the approval shall,~~
36 ~~on or before the dates on which it would otherwise expire, apply for renewal on a form~~
37 ~~prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of~~
38 ~~continuing education or competency required by the board pursuant to Article 6.5 (commencing~~
39 ~~with Section 2676). The licensee or holder of the approval shall disclose on his or her license~~
40 ~~renewal application any misdemeanor or other criminal offense for which he or she has been~~
41 ~~found guilty or to which he or she has pleaded guilty or no contest.~~

1 ~~(e) A license or approval that has expired may be renewed within five years upon payment of all~~
2 ~~accrued and unpaid renewal fees and satisfaction of the requirements described in subdivision~~
3 ~~(b).~~

4 **SEC. 80.**

5 *Section 2685 of the Business and Professions Code is repealed.*

6
7 ~~**2685.**~~

8 ~~-At least 60 days before the expiration of any license or approval, the board shall mail to each~~
9 ~~licensee under this chapter, at the latest address furnished by the licensee to the executive officer,~~
10 ~~a notice stating the amount of the renewal fee and the date on which it is due, and that failure to~~
11 ~~pay it on or before the due date will result in expiration of the license.~~

12 **SEC. 81.**

13 *The heading of Article 8 (commencing with Section 2690) of Chapter 5.7 of Division 2 of the*
14 *Business and Professions Code is amended and renumbered to read:*

15
16 **Article 10. Physical Therapy Corporations**

17 **SEC. 82.**

18 *Section 12529 of the Government Code, as amended by Section 113 of Chapter 332 of the*
19 *Statutes of 2012, is amended to read:*

20
21 **12529.**

22 (a) There is in the Department of Justice the Health Quality Enforcement Section. The primary
23 responsibility of the section is to prosecute proceedings against licensees and applicants within
24 the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine,
25 the Board of Psychology, *the Physical Therapy Board of California*, or any committee under the
26 jurisdiction of the Medical Board of California, and to provide ongoing review of the
27 investigative activities conducted in support of those prosecutions, as provided in subdivision (b)
28 of Section 12529.5.

29 (b) The Attorney General shall appoint a Senior Assistant Attorney General of the Health Quality
30 Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement
31 Section shall be an attorney in good standing licensed to practice in the State of California,
32 experienced in prosecutorial or administrative disciplinary proceedings and competent in the
33 management and supervision of attorneys performing those functions.

34 (c) The Attorney General shall ensure that the Health Quality Enforcement Section is staffed
35 with a sufficient number of experienced and able employees that are capable of handling the
36 most complex and varied types of disciplinary actions against the licensees of the ~~board.~~ *boards.*

37 (d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with
38 the Attorney General from the special funds financing the operations of the Medical Board of
39 California, the California Board of Podiatric Medicine, the Board of Psychology, *the Physical*
40 *Therapy Board of California*, and the committees under the jurisdiction of the Medical Board of
41 California, with the intent that the expenses be proportionally shared as to services rendered.

42 (e) This section shall become operative January 1, 2014.

1 **SEC. 83.**

2 *Section 12529.5 of the Government Code, as amended by Section 115 of Chapter 332 of the*
3 *Statutes of 2012, is amended to read:*

4
5 **12529.5.**

6 (a) All complaints or relevant information concerning licensees that are within the jurisdiction of
7 the Medical Board of California, the California Board of Podiatric Medicine, or the Board of
8 ~~Psychology~~ *Psychology, or the Physical Therapy Board of California,* shall be made available
9 to the Health Quality Enforcement Section.

10 (b) The Senior Assistant Attorney General of the Health Quality Enforcement Section shall
11 assign attorneys to assist the boards in intake and investigations and to direct discipline-related
12 prosecutions. Attorneys shall be assigned to work closely with each major intake and
13 investigatory unit of the boards, to assist in the evaluation and screening of complaints from
14 receipt through disposition and to assist in developing uniform standards and procedures for the
15 handling of complaints and investigations.

16 A deputy attorney general of the Health Quality Enforcement Section shall frequently be
17 available on location at each of the working offices at the major investigation centers of the
18 boards, to provide consultation and related services and engage in case review with the boards'
19 investigative, medical advisory, and intake staff. The Senior Assistant Attorney General and
20 deputy attorneys general working at his or her direction shall consult as appropriate with the
21 investigators of the boards, medical advisors, and executive staff in the investigation and
22 prosecution of disciplinary cases.

23 (c) The Senior Assistant Attorney General or his or her deputy attorneys general shall assist the
24 boards ~~or committees~~ in designing and providing initial and in-service training programs for
25 staff of the ~~boards or committees,~~ *boards,* including, but not limited to, information collection
26 and investigation.

27 (d) The determination to bring a disciplinary proceeding against a licensee of the boards shall be
28 made by the executive officer of the boards ~~or committees~~ as appropriate in consultation with
29 the senior assistant.

30 (e) This section shall become operative January 1, 2014.

31 **SEC. 84.**

32 *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California*
33 *Constitution because the only costs that may be incurred by a local agency or school district will*
34 *be incurred because this act creates a new crime or infraction, eliminates a crime or infraction,*
35 *or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the*
36 *Government Code, or changes the definition of a crime within the meaning of Section 6 of Article*
37 *XIII B of the California Constitution.*

38