

**Proposed Draft
Physical Therapy Board of California
September 1, 2005**

Physical Therapy Practice Act

Sources are in **boxes** = Law, Regulation, Federation State Boards of Physical Therapy's Model Practice Act (MPA), New Language (New), & American Physical Therapy Association's Guide (APTA)

Article 1. Administration and General Provisions

1.1 Legislative intent

This chapter may be cited as the Physical Therapy Practice Act. **2600**

1.2 Enforcement and administration of chapter

The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). **2602**

1.3. Priority to protect the public

Protection of the public shall be the highest priority for the Physical Therapy Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. **2602.1**

1.4. Definitions

For purposes of this chapter, the following terms have the meaning set forth below, unless the context requires otherwise. **MPA**

(a) "Board" means the Physical Therapy Board of California. **2601**

(b) "Clinical supervisor" means a physical therapist licensed pursuant to this chapter who is supervising physical therapist and/or physical therapist assistant students while they are rendering and/or assisting with physical therapy services as part of their academic training. **New**

(c) "Mobilization or manipulation" means a manual therapy technique comprising a continuum of skilled passive movements to the joints and/or related soft tissues that are applied at varying speeds and amplitudes. **APTA**

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1
2 (d) “Non patient related task” means a task related to observation of the patient,
3 transport of the patient, physical support only during gait or transfer training,
4 housekeeping duties, clerical duties, and similar functions. **2630**

5
6 (e) “Patient related task” means a physical therapy service rendered directly to the
7 patient. **2630**

8
9 (f) “Physical therapist assistant” means a person who is licensed pursuant to this
10 chapter to assist in the provision of physical therapy under the supervision of a licensed
11 physical therapist. “Physical therapy assistant” and “physical therapist assistant” shall
12 be deemed identical and interchangeable. **2655(b)(a) & MPA**

13
14 (g) “Physical therapist” means a person who is licensed pursuant to this chapter to
15 practice physical therapy. **New & 2622, 2655**

16
17 (h) “Physical therapy technician” and “physical therapy aide” shall be deemed identical
18 and interchangeable. **New & 2622**

19
20 (i) “Physiotherapy” shall be synonymous with “physical therapy”. **MPA & 2622**

21
22 (j) “Supervision” means a supervising physical therapist is in close enough proximity to
23 be instantly at hand at all times to provide advice or instruction.

24
25 **1.5. Members of Board** **Don't Repeal**

26 The Physical Therapy Board of California shall consist of nine (9) members. The
27 members of the board shall consist of the following: four physical therapists, one of
28 whom shall be involved in physical therapy education, one physical therapist assistant,
29 and four public members. Public members shall not be licentiates of the board or any
30 other board under the Medical Board of California or any board referred to in Sections
31 1000 and 3600 and shall have an interest in consumer protection. **2603**

32
33 The members of the board shall be appointed for a term of four years, expiring
34 on the first day of June of each year. **2604**

35
36 The Governor shall appoint two of the public members and four physical therapist
37 members and one physical therapist assistant member of the board as provided in
38 Section **2603**. The Senate Rules Committee and the Speaker of the Assembly shall
39 each appoint a public member. Not more than one member of the board shall be
40 appointed from the full-time faculty of any university, college, or other educational
41 institution. **2604**

42
43 No person may serve as a member of the board for more than two consecutive
44 terms. Vacancies shall be filled by appointment for the unexpired term. Annually, the
45 board shall elect one of its members as president and one as vice-president. **2604**

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1 The appointing power shall have the power to remove any member of the board
2 from office for neglect of any duty required by law or for incompetence or unprofessional
3 or dishonorable conduct. **2604**

4
5 **1.6 Member qualifications** **Don't Repeal**

6 (a) The physical therapist and physical therapist assistant members shall be appointed
7 from persons having all of the following qualifications:

- 8 (1) Be a citizen of California.
9 (2) Possess an unrestricted license in California pursuant to this chapter.
10 (3) Have been licensed for five (5) years before their appointment pursuant to this
11 chapter. **2603 & New**

12
13 (b) The public members shall be appointed from persons having all of the following
14 qualifications:

- 15 (1) Be a citizen of California
16 (2) Not be an officer or faculty member of any college, school or institution engaged
17 in physical therapy education.
18 (3) Not be a licentiate of the Medical Board of California or of any board under this
19 division or of any board referred to in Sections 1000 and 3600.

20 **2604.5 & New**

21
22 **1.7. Compensation and expenses**

23 Each member of the board shall receive a per diem and expenses as provided in
24 Section 103. **2606**

25
26 **1.8. Powers and Duties of the Board** **MPA**

27 The board shall:

28 (a) Evaluate the qualifications of applicants for licensure. **MPA & 2634**

29
30 (b) Provide for the examination of physical therapists and physical therapist assistants
31 and establish a passing score for each examination. **MPA & 2605**

32
33 (c) Issue all licenses for the practice of physical therapy in California. Except as
34 otherwise required by the director pursuant to Section 164, the license issued by the
35 board shall describe the licensee as a "physical therapist or physical therapist assistant
36 licensed by the Physical Therapy Board of California." **2609 & 2632**

37
38 (d) Suspend and revoke licenses, and otherwise enforce the provisions of this chapter.
39 **2609**

40
41 (e) Publish at least annually, a newsletter that includes but is not necessarily limited to
42 actions taken by the board, disciplinary actions, and statutory and regulatory changes.

43 **Revised MPA**

44
45 (f) Provide for the timely orientation and training of new professional and public
46 appointees to the board directly related to board licensing and disciplinary function, and
47 board rules, policies and procedures. **MPA**

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(g) Adopt a program of consumer and professional education in matters relevant to the professional practice of physical therapy. **MPA**

1.9. Executive officer; powers and duties

The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. **2607.5**

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). **2607.5**

1.10 Employees; contracts with consultants

The board may employ, subject to law, and, except as provided in Section 159.5, such employees as it may deem necessary to carry out its powers and duties. **2607**

The board may enter into contracts for services necessary for enforcement of this act and as necessary select and contract with physical therapy consultants who are licensed physical therapists to assist it in its programs on an intermittent basis. Notwithstanding any other provision of law, the board may contract with these consultants on a sole source basis. For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee. **2607**

1.11. Rules and regulations; adoption

The board shall adopt such regulations as may be reasonably necessary to effectuate the provisions of this chapter. In adopting regulations the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. **2615**

1.12. Meetings; officers; quorum

The board shall hold at least one regular meeting annually in the Sacramento, Los Angeles and San Francisco regions. **2611**

The board shall give notice of each meeting in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). **2612**

A majority of board members shall constitute a quorum for the transaction of business **MPA**

Article 2. Scope of Regulation and Exemptions

2.1 Necessity for license

It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as

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1 a physical therapist, unless at the time of so doing the person holds a valid, unexpired,
2 and unrevoked license issued under this chapter. **2630**

3
4 **2.2. Scope of Practice**

5 Physical therapy means:

6
7 (a) Examining, evaluating and testing persons with mechanical, physiological and
8 developmental impairments, functional limitations, and disabilities or other health and
9 movement related conditions in order to develop a plan of therapeutic intervention and
10 initiate treatment; **New**

11
12 (b) Alleviating impairments, functional limitations and disabilities by designing,
13 implementing and modifying therapeutic interventions that may include, but are not
14 limited to, therapeutic exercise; functional training in self-care, and in-home, community
15 or work integration or re-integration; manual therapy, including mobilization or
16 manipulation; therapeutic massage; prescription, application and, as appropriate,
17 fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices
18 and equipment; airway clearance techniques; integumentary protection and repair
19 techniques; debridement and wound care; physical agents or modalities; mechanical
20 and electrical therapeutic modalities; and patient related instruction;

21
22 (c) Reducing the risk of injury, impairment, functional limitation and disability;

23
24 (d) Promoting and maintaining physical fitness to enhance the bodily movement related
25 health and wellness of individuals through the use of physical therapy interventions;
26 **2620(d)**

27
28 The use of roentgen rays and radioactive materials, for diagnostic and
29 therapeutic purposes, and the use of electricity for surgical purposes, including
30 cauterization, are not authorized under the term “physical therapy” as used in this
31 chapter. **MPA, 2620**

32
33 **2.3. Topical medications**

34 A physical therapist licensed pursuant to this chapter may purchase, store, and apply
35 topical medications as part of the practice of physical therapy as defined in Section
36 **2620** if he or she complies with regulations duly adopted by the board pursuant to this
37 section and the Administrative Procedure Act. The board shall adopt regulations
38 implementing this section after meeting and conferring with the Medical Board of
39 California and the California State Board of Pharmacy specifying those topical
40 medications applicable to the practice of physical therapy and protocols for their use.
41 Nothing in this section shall be construed to authorize a physical therapist to prescribe
42 medications. **2620.3**

43
44 **2.4. Certification to Penetrate Tissues for the Purpose of Neuromuscular
45 Evaluation – Standard Procedures 2620.5**

46 A physical therapist may, upon specified authorization of a physician and surgeon,
47 perform tissue penetration for the purpose of evaluating neuromuscular performance as
48 a part of the practice of physical therapy, as defined in Section 2620, provided the
49 physical therapist is certified by the board to perform the tissue penetration and

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1 evaluation and provided the physical therapist does not develop or make diagnostic or
2 prognostic interpretations of the data obtained. Any physical therapist who develops or
3 makes a diagnostic or prognostic interpretation of this data is in violation of the Medical
4 Practice Act (Chapter 5 (commencing with Section 2000) of Division 2), and may be
5 subject to all of the sanctions and penalties set forth in that act.
6

7 The board, after meeting and conferring with the Division of Licensing of the
8 Medical Board of California, shall do all of the following:
9

10 (a) Adopt standards and procedures for tissue penetration for the purpose of
11 evaluating neuromuscular performance by certified physical therapists.
12

13 (b) Establish standards for physical therapists to perform tissue penetration for the
14 purpose of evaluating neuromuscular performance.
15

16 (c) Certify physical therapists meeting standards established by the board pursuant to
17 this section.
18

19 **2.5. Practice of medicine.**

20 This chapter does not authorize a physical therapist to practice medicine, surgery, or
21 any other form of healing except as authorized by Section 2620, or to engage in the
22 practice of chiropractic. **2621**
23

24 **2.6. Practice by other licensed healing arts providers.**

25 Nothing in this chapter shall be construed to restrict or prohibit other healing arts
26 practitioners licensed or registered under this division from practice within the scope of
27 their license or registration. **2620(b)**
28

29 **2.7. Exemptions**

30 The following persons are exempt from the licensure requirements of this chapter when
31 engaged in the following activities:
32

33 (a) Physical Therapist Student - A regularly matriculated student undertaking a course
34 of professional instruction in an approved physical therapist educational program or a
35 student enrolled in a program of supervised clinical education under the direction of an
36 approved physical therapist educational program pursuant to Section **2651** or a student
37 enrolled in a Doctor of Physical Therapy transition or bridge educational program that is
38 offered by a physical therapist educational program accredited by a regional or national
39 accrediting body recognized by the United States Department of Education may perform
40 physical therapy as a part of his or her course of study. **2650.2**
41

42 (b) Physical Therapist Assistant Student - A regularly matriculated student undertaking
43 a course of instruction in an approved physical therapist assistant educational program
44 or a student enrolled in a program of supervised clinical education under the direction of
45 an approved physical therapist assistant educational program pursuant to Section
46 **2655.9**, may perform physical therapy techniques as a part of his or her course of study.
47 **2655.75 rewritten**
48

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1 (c) A physical therapist or physical therapist assistant who is licensed in another
2 jurisdiction of the United States or credentialed to practice physical therapy in another
3 country if that person is teaching, demonstrating or providing physical therapy in
4 connection with teaching or participating in an educational seminar of no more than
5 sixty (60) days in a calendar year.
6

7 (d) A physical therapist located outside this state, when in actual consultation, whether
8 within this state or across state lines, with a licensed physical therapist of this state, or
9 when an invited guest of the American Physical Therapy Association or one of their
10 components, or of an approved physical therapy school or college for the sole purpose
11 of engaging in professional education through lectures, clinics, or demonstrations, if he
12 or she is, at the time of the consultation, lecture, or demonstration a licensed physical
13 therapist in the state or country in which he or she resides. This physical therapist shall
14 not open an office, appoint a place to meet patients, receive calls from patients within
15 the limits of this state, give orders, or have ultimate authority over the care of a physical
16 therapy patient who is located within this state.
17

18 (e) A physical therapist who is licensed in another jurisdiction of the United States or
19 credentialed to practice physical therapy in another country if that person by contract or
20 employment is providing physical therapy to individuals affiliated with or employed by
21 established athletic teams, athletic organizations or performing arts companies
22 temporarily practicing, competing or performing in the state for no more than sixty (60)
23 days in a calendar year.
24

25 (f) A physical therapist assistant who is licensed in another jurisdiction of the United
26 States and is assisting a physical therapist engaged specifically in activities related to
27 subdivisions (d) or (e) of this section.
28

29 **2.8. Physical therapist assistant supervision; prohibited practices**

30 (a) A physical therapist assistant may assist in the provision of physical therapy services
31 only under the supervision of a physical therapist licensed by the board. A licensed
32 physical therapist shall at all times be responsible for the extent, kind, and quality of all
33 physical therapy services provided by the physical therapist assistant. **2655.7 &**
34 **1398.44**
35

36 (b) Neither a physical therapist license applicant nor a physical therapy student may
37 independently supervise a physical therapist assistant or physical therapy aide.
38

39 (c) A physical therapist assistant shall not perform any evaluation of a patient or prepare
40 a discharge summary. The supervising physical therapist shall determine which
41 elements of the treatment plan, if any, shall be assigned to the physical therapist
42 assistant. Assignment of patient care shall be commensurate with the competence of
43 the physical therapist assistant.
44

45 (d) A physical therapy assistant shall not provide any physical therapy services
46 whatsoever at any facility or office in which the physical therapist assistant or a member
47 of the physical therapist assistant's immediate family possesses any ownership interest.
48

49 **2.9. Physical therapy aides**

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1 (a) A "physical therapy aide" is an unlicensed person, who is at least 18 years of age,
2 and who has had at least the minimum amount of hours of appropriate training pursuant
3 to standards established by the board. The physical therapy aide shall be issued a
4 certificate by the training institution or instructor indicating satisfactory completion of the
5 required training. A copy of the certificate shall be retained as a record by each
6 employer of the physical therapy aide.
7

8 (b) A physical therapist licensed pursuant to this chapter may utilize the services of one
9 aide engaged in patient-related tasks to assist the physical therapist in his or her
10 practice of physical therapy. The aide shall at all times be under the orders, direction,
11 and immediate supervision of the physical therapist. Nothing in this section shall
12 authorize an aide to independently perform physical therapy or any physical therapy
13 procedure. The board shall adopt regulations that set forth the standards and
14 requirements for the orders, direction, and immediate supervision of an aide by a
15 physical therapist. The physical therapist shall provide direct and immediate supervision
16 of the aide. When patient-related tasks are provided to a patient by an aide, the
17 supervising physical therapist shall, at some point during the treatment day, provide
18 direct service to the patient as treatment for the patient's condition, or to further evaluate
19 and monitor the patient's progress, and shall correspondingly document the patient's
20 record.
21

22 (c) The administration of massage, external baths, or normal exercise not a part of a
23 physical therapy treatment shall not be prohibited by this section. **2630**
24

25 (d) A physical therapy aide shall not provide any services whatsoever at any facility or
26 office in which the physical therapy aide or a member of the physical therapy aide's
27 immediate family possesses any ownership interest.
28
29

30 **2.10. Code of professional conduct**

31 The board may by regulation, prescribe, amend, or repeal rules of professional conduct
32 appropriate to the establishment and maintenance of a high standard of integrity and
33 dignity in the profession. In addition to the requirements contained in Chapter 4
34 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government
35 Code, a copy of the rules shall be mailed to every holder of a license under this chapter
36 at least 30 days prior to a date named for a public hearing held for the purpose of
37 receiving and considering objections to any of the proposed provisions. Every licensee
38 of the board in this state shall be governed and controlled by the rules and standards
39 adopted by the board. **5018**
40

41 **2.11. Patient Care Management**

42 A physical therapist shall be responsible for managing all aspects of the physical
43 therapy care of each patient, including but not limited to the following:
44

45 (a) Perform, document, and sign the initial evaluation, which shall include written goals
46 and treatment plan for each patient and when the patient is to be reevaluated, and any
47 required periodic reevaluations.
48

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1 (b) Inform the patient of the benefits and substantial risks, if any, of the recommended
2 intervention and treatment alternatives prior to initiating a plan of care.

3
4 (c) Determine and direct the utilization of physical therapist assistant and the physical
5 therapy aide and document that delegation of care.

6
7 (d) Direct, describe, document, and sign in the patient record, the care provided to each
8 patient on each date of service.

9
10 (e) Perform, document, and sign the discharge summary, including response to
11 therapeutic intervention at the time of discharge.

12
13 A violation of this section constitutes unprofessional conduct. **MPA**

14
15 **2.12. Use of titles by physical therapist**

16 **Use of titles and Terms; Restrictions; Classification of Violation**

17 (a) A person holding a license as a physical therapist issued by the board may use the
18 title "physical therapist" or the letters "P.T." or any other words, letters or figures which
19 indicate that the person using same is a licensed physical therapist. No other person
20 shall be so designated or shall use the term licensed or registered physical therapist,
21 licensed or registered physiotherapist, or the letters "L.P.T.," "R.P.T.," or "P.T.". **2633**

22
23 (b) A licensed physical therapist who has received the degree of Doctor of Physical
24 Therapy (DPT), Doctor of Philosophy (Ph.D.), or Doctor of Education (Ed.D.), or other
25 equivalent degree from a duly accredited institution, as specified in Section 2633 of the
26 Code, may:

27 (1) in any written communication, use the initials DPT, Ph.D., or Ed.D., as
28 applicable, following the licensee's name;

29 (2) in any written communication, use the title "Doctor" or the abbreviation "Dr."
30 preceding the licensee's name, if the licensee's name is immediately followed by an
31 unabbreviated specification of the applicable doctorate degree held by the licensee; and

32 (3) in any spoken communication while engaged in the practice of physical
33 therapy, use the title doctor preceding the person's name, if the speaker specifies that
34 he or she is a physical therapist. **New**

35
36 (c) For purposes of this section, "written communication" includes a badge bearing the
37 licensee's name. **New**

38
39 (d) Notwithstanding this section, a physical therapist licensed under this chapter may
40 use an initial or other suffix indicating possession of a specific academic degree earned
41 at, and issued by, an institution accredited by the Western Association of Schools and
42 Colleges or any accrediting agency recognized by the National Commission on
43 Accrediting or the United States Department of Education which the board determines is
44 equivalent, except that the initials "M.D." shall not be used. **2633**

45
46 (e) A person shall not advertise or otherwise promote another person as being a
47 "physical therapist" or "physiotherapist" unless the individual so advertised or promoted
48 is licensed as a physical therapist under this chapter. A person who offers, provides or
49 bills any other person for services shall not characterize those services as "physical

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1 therapy” or “physiotherapy” unless the individual performing those services is a person
2 legally authorized to practice physical therapy.
3

4 **2.13. Use of titles by physical therapist assistant**

5 A person licensed as a physical therapist assistant by the board may use the title
6 “physical therapist assistant” or “physical therapy assistant” or the letters “PTA” or any
7 other words, letters, or figures that indicate that the person is a physical therapist
8 assistant licensed pursuant to this chapter. **2655.11 revised**
9

10 No other person shall be so designated or shall use the term “physical therapist
11 assistant” or “PTA”. The license of a physical therapist assistant shall not authorize the
12 use of the prefix “LPT”, “RPT”, “PT”, or “Dr.” or the title “physical therapist”, “doctor”, or
13 any suffix or affix indicating or implying that the physical therapist assistant is a physical
14 therapist or doctor. **2655.11**
15

16 **2.14. Use of titles by students**

17 During the period of clinical practice referred to in Section **2650** or in any similar period
18 of observation or related educational experience involving recipients of physical therapy,
19 a person so engaged shall be identified only as a “physical therapist student or physical
20 therapist intern”, “physical therapist assistant student” or “physical therapist assistant
21 intern” as authorized by the board in its regulations. **2655.11 continued & 2650.1**
22
23

24 **2.15. Posting of Notice**

25 A licensed physical therapist shall post, in a conspicuous location in the licensee’s
26 principal physical therapy business office, a “NOTICE TO CONSUMERS”. The
27 “NOTICE TO CONSUMERS” shall include the board’s website, address, and phone
28 number, and such information the board may prescribe by regulation. **New**
29

30 **Article 3. Qualifications and Requirements for Licensure**

31
32 Educational Requirements for the Physical Therapist and Physical Therapist Assistant.
33 **2650 & 2659**
34

35 **3.1. Educational standards**

36 (a) The physical therapist educational requirements are as follows:
37

38 (1) Except as otherwise provided in this chapter, each applicant for a license as a
39 physical therapist shall be a graduate of a professional degree program of an accredited
40 post secondary institution or institutions approved by the board, and shall have
41 completed a professional education including academic course work and clinical
42 internship in physical therapy. **2650**
43

44 (2) Unless otherwise specified by the board by regulation, the educational
45 requirements shall include instruction in the subjects prescribed by the Commission on
46 Accreditation in Physical Therapy Education of the American Physical Therapy
47 Association or the Accreditation Council of Canadian Physiotherapy Academic
48 Programs and shall include a combination of didactic and clinical experiences. The

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1 clinical experience shall include at least eighteen weeks of full-time experience with a
2 variety of patients. **2650**

3
4 (b) The physical therapist assistant educational requirements are as follows:

5
6 (1) Except as otherwise provided in this chapter, each applicant for a license as a
7 physical therapist assistant shall be a graduate of a physical therapist assistant program
8 of an accredited post secondary institution or institutions approved by the board, and
9 shall have completed both the academic and clinical experience required by the
10 physical therapist assistant program, and have been awarded the associate degree.

11
12 (2) Unless otherwise specified by the board by regulation, the educational
13 requirements shall include instruction in the subjects prescribed by the Commission on
14 Accreditation in Physical Therapy Education of the American Physical Therapy
15 Association and shall include a combination of didactic and clinical experiences. The
16 clinical experience shall include at least eighteen weeks of fulltime experience with a
17 variety of patients. **2655.9(a)(b)**

18
19 **3.2. Approved Educational Programs**

20 The board shall approve only those physical therapist or physical therapist
21 assistant educational programs that prove to the satisfaction of the board that they
22 comply with the minimum physical therapist or physical therapist assistant educational
23 requirements set forth in this chapter and as adopted by the board pursuant to this
24 chapter. **2651 & 2655.9**

25
26 Physical therapist and physical therapist assistant educational programs that are
27 accredited by the Commission on Accreditation and Physical Therapy Education of the
28 American Physical Therapy Association or the Accreditation Council of Canadian
29 Physiotherapy, or such other body as may be approved by the board by regulation, shall
30 be deemed approved by the board unless the board determines otherwise. **2651 &**
31 **2655.9**

32
33 Nothing contained in this chapter shall prohibit the board from disapproving any
34 foreign physical therapist educational program or from denying an applicant if, in the
35 opinion of the board the instruction received by the applicant or the courses were not
36 equivalent to that required by this chapter.

37
38 **License 2630**

39
40 **Qualifications for Licensure**

41 **2632, 2635, 2635, 2636.1, 2637, 2653, 2655.3, 2655.5, 2655.71, 2081, 3352**

42
43 **3.3. Qualifications for Physical Therapist**

44 An applicant for a license as a physical therapist shall:

45
46 (a) Be a person over 18 years of age. **2635**

47 (b) File an application on a form provided by the board. Each application shall contain a
48 legal verification signed by the applicant verifying under penalty of perjury that the

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1 information provided by the applicant is true and correct and that any information in
2 supporting documents provided by the applicant is true and correct and shall be
3 accompanied by the fee provided for in Section 2688. **2632**

4
5 (c) Not use any controlled substance; or use any dangerous drugs specified in Section
6 4022, or use alcoholic beverages, to the extent, or in such a manner as to be dangerous
7 or injurious to the licensee, or to any other person or to the public, or to the extent that
8 such use impairs the ability of the licensee to practice physical therapy safely or not
9 have any misdemeanor or any felony involving the use, consumption, or self-
10 administration of any of the substances referred to in this section, or any combination
11 thereof. **2635**

12
13 (d) Be a graduate of a physical therapist education program approved by the board at
14 the time of graduation. **Section 2650**

15
16 (e) Not have committed any act or crime constituting grounds for denial of licensure
17 under Section 480.

18
19 (f) Pass the examination required by Section 2636 and approved by the board and the
20 board examination demonstrating knowledge of laws and regulations in California
21 related to the practice of physical therapy. **2636**

22
23 **3.4. Qualifications for Physical Therapist Assistant**

24 An applicant for a license as a physical therapist assistant shall:

25
26 (a) Be a person over 18 years of age. **2635**

27
28 (b) File an application on a form provided by the board. Each application shall contain a
29 legal verification signed by the applicant verifying under penalty of perjury that the
30 information provided by the applicant is true and correct and that any information in
31 supporting documents provided by the applicant is true and correct and shall be
32 accompanied by the fee provided for in Section 2688. **2632**

33
34 (c) Not use any controlled substance; or use of any dangerous drugs specified in
35 Section 4022, or use alcoholic beverages, to the extent, or in such a manner as to be
36 dangerous or injurious to the licensee, or to any other person or to the public, or to the
37 extent that such use impairs the ability of the licensee to practice physical therapy safely
38 or not have any misdemeanor or any felony involving the use, consumption, or self-
39 administration of any of the substances referred to in this section, or any combination
40 thereof. **2635 & 2655.3(c)**

41
42 (d) Meet one of the following education requirements:

43
44 (1) Be a graduate of a physical therapist assistant education program approved
45 by the board at the time of graduation. **2655.3(a)**

46
47 (2) Be a graduate of an approved physical therapy program at the time of
48 graduation.

1
2 (e) Not have committed any act or crime constituting grounds for denial of licensure
3 under Section 480. **2655.3(d)**

4
5 (f) Pass the examination required by Section **2636** and approved by the board and the
6 board examination demonstrating knowledge of laws and regulations in California
7 related to the practice of physical therapy. **2655.3(b)**

8
9 **3.5. Qualifications for a Physical Therapist from a Foreign Educational Program**

10 An applicant for a license as a physical therapist who has graduated from a foreign
11 physical therapist educational program that is not approved by the board shall meet all
12 the following requirements: **2653**

13
14 (a) Be a person over 18 years of age. **2635**

15
16 (b) File an application on a form provided by the board. Each application shall contain a
17 legal verification signed by the applicant verifying under penalty of perjury that the
18 information provided by the applicant is true and correct and that any information in
19 supporting documents provided by the applicant is true and correct and shall be
20 accompanied by the fee provided for in Section **2688**. **2632**

21
22 (c) Not use any controlled substance; or use of any dangerous drugs specified in
23 Section 4022, or use alcoholic beverages, to the extent, or in such a manner as to be
24 dangerous or injurious to the licensee, or to any other person or to the public, or to the
25 extent that such use impairs the ability of the licensee to practice physical therapy safely
26 or not have any misdemeanor or any felony involving the use, consumption, or self-
27 administration of any of the substances referred to in this section, or any combination
28 thereof. **2635**

29
30 (d) Furnish documentary evidence satisfactory to the board, that he or she has
31 completed a professional degree in a physical therapist educational program
32 substantially equivalent at the time of his or her graduation to that issued by a board
33 approved physical therapist educational program. The professional degree must entitle
34 the applicant to practice as a physical therapist in the country where the diploma was
35 issued. The physical therapy education received by the applicant shall meet the criteria
36 set forth in subdivision (a) (2) of section **2650**. The board may require an applicant to
37 submit documentation of his or her education to a credential evaluation service for
38 review and a report to the board. **2653(b)**

39
40 An applicant for licensure as a physical therapist who satisfactorily completed a
41 physical therapist educational program that is not an approved program, is not located
42 in a United States jurisdiction, and is determined not equivalent to a United States
43 professional degree may satisfy the educational requirement by graduation from a
44 Doctor of Physical Therapy transition or bridge educational program that is offered by a
45 physical therapist educational program accredited by a regional or national accrediting
46 body recognized by the United States Department of Education.

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1 (e) Demonstrate proficiency in English by achieving a score specified by the board on
2 the Test of Spoken English administered by the Educational Testing Services or such
3 other examination as may be specified by the board by regulation. **New**
4

5 (f) Pass the written examinations required by section **2636**. The requirement to pass the
6 written licensure examinations shall not apply to an applicant who at the time of
7 application has passed, to the satisfaction of the board, an examination for licensure in
8 another state, district, or territory of the United States, that is, in the opinion of the board
9 comparable to the examination given in this State. All applicants must pass the
10 California law examination. **2653(a)**
11

12 (g) Complete nine (9) months of clinical service under the direct and immediate
13 supervision of a licensed physical therapist licensed by a U.S. jurisdiction in a location
14 approved by the board, in a manner satisfactory to the board. The applicant shall have
15 passed the written examinations required in Sections **2636** prior to commencing the
16 period of clinical service. The board shall require the supervising physical therapist to
17 evaluate the applicant and report his or her findings to the board. The board may in its
18 discretion waive all or part of the required clinical service pursuant to guidelines set forth
19 in its regulations. During the period of clinical service until he or she is issued a license
20 as a physical therapist by the board, the applicant shall be identified as “physical
21 therapist licensed applicant”. If an applicant fails to complete the required period of
22 clinical service, the board may, for good cause shown, allow the applicant to complete
23 another period of clinical service. **2653(b) & 2655.3**
24

25 **3.6. Qualifications for a Physical Therapist Assistant from a Foreign Educational** 26 **Program**

27 An applicant who satisfactorily completed a physical therapist educational program that
28 is not an approved program and is not located in the United States or the courses were
29 not equivalent to that required by this chapter may apply for licensure as a physical
30 therapist assistant.
31

32 In addition to the requirements contained in **Section 3.4**, the applicant shall furnish
33 documentary evidence satisfactory to the board that he or she has completed a physical
34 therapist educational program that entitles the applicant to practice as a physical
35 therapist in the country in which the professional education was obtained. The board
36 may require an applicant to submit documentation of his or her education to a
37 credentials evaluation service for review and a report to the board.
38

39 **3.7. Registered Sex Offenders**

40 The board shall deny a physical therapist or physical therapist assistant license to an
41 applicant who is required to register pursuant to Section 290 of the Penal Code. This
42 subdivision does not apply to an applicant who is required to register as a sex offender
43 pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction
44 under Section 314 of the Penal Code. **[derived from 2221(d)]**
45

46 **3.8. Probationary licenses**

47 **[2660.2.]** (a) The board may refuse a license to any applicant guilty of unprofessional
48 conduct or sexual activity referred to in Section **2660.1**. The board may, in its sole
49 discretion, issue a public letter of reprimand in accordance with **Section 4.7** or may

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1 issue a probationary license to any applicant for a license who is guilty of unprofessional
2 conduct but who has met all other requirements for licensure. The board may issue the
3 license subject to any terms or conditions not contrary to public policy, including, but not
4 limited to, the following:

- 5 (1) Medical or psychiatric evaluation.
- 6 (2) Continuing medical or psychiatric treatment.
- 7 (3) Restriction of the type or circumstances of practice.
- 8 (4) Continuing participation in a board-approved rehabilitation program.
- 9 (5) Abstention from the use of alcohol or drugs.
- 10 (6) Random fluid testing for alcohol or drugs.
- 11 (7) Compliance with laws and regulations governing the practice of physical
12 therapy.

13
14 (b) The applicant shall have the right to appeal the denial, or public letter of reprimand,
15 or the issuance with terms and conditions, of any license in accordance with Chapter 5
16 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
17 **Code**, and the board shall have all the powers granted therein. The action shall be final,
18 except that the propriety of the action is subject to review by the superior court pursuant
19 to Section 1094.5 of the **Code** of Civil Procedure. **2660.2(b)**

20
21 **3.9. Examination** **2605, 2636, 2638, 2655.4, 2655.6**

22 (a) Except as otherwise provided in this chapter, no person shall receive a license under
23 this chapter without first successfully passing an examination given under the direction
24 of the board. An applicant may take the physical therapist or physical therapist
25 assistant examination after the applicant has met the educational requirement for
26 licensure. The examination for physical therapists shall test entry-level competence to
27 practice physical therapy and may include examination and evaluation, diagnosis,
28 prognosis, treatment intervention, prevention and consultation. The examination for
29 physical therapist assistants shall test for entry level competence to practice as a
30 physical therapist assistant in the technical application of physical therapy services.

31 **2636**

32
33 **Inserted 5082.1.** (b) The examination required by the board for the granting of a
34 license pursuant to this chapter may be conducted by the board or by a public or private
35 organization specified by the board. The examination shall be conducted under a
36 uniform examination system and for that purpose, the board may make such
37 arrangements with organizations furnishing examination material as may, in its
38 discretion, be desirable.

39
40 The board shall, however, establish a passing score for each examination. Every
41 applicant who is otherwise qualified as provided in this chapter and who receives a
42 passing grade as established by the board on the examination shall be granted a
43 license. **2636.1 & 2637--used 3517 Language**

44
45 **3.10. Examination subversion**

46 In addition to the penalties prescribed by Section 123, if the board determines that an
47 applicant, examinee, or licensee has engaged, or has attempted to engage, in conduct
48 that subverts or undermines the integrity of the examination process as described in

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1 that section, the board may disqualify the applicant from taking the examination or may
2 deny application for licensure or revoke the license. **New—in place of 2660(e)**

3
4 **3.11. Physical Therapist License Applicant and Physical Therapist Assistant**
5 **License Applicant** **2640 & 2655.93**

6 (a) Practice.

7 (1) Every graduate of an approved physical therapist or physical therapist
8 assistant education program who has filed a complete application for licensure with the
9 board for the first time may, following receipt of a letter authorizing the applicant to
10 perform physical therapy services as a physical therapist license applicant or physical
11 therapist assistant license applicant, as appropriate, under the direct and immediate
12 supervision (as defined in this chapter) of a physical therapist licensed in this state for
13 90 days pending the results of the first examination required by Section **2636** taken by
14 the applicant. A supervising physical therapist shall document receipt of the letter
15 authorizing the physical therapist license applicant or physical therapist assistant
16 license applicant status and record the expiration date of such status in the employee
17 record. A supervising physical therapist shall require the applicant to provide
18 documentation of the license issued at the conclusion of the physical therapist license
19 applicant or physical therapist assistant license applicant status. During this period, the
20 applicant shall identify himself or herself only as a “physical therapist license applicant”
21 or “physical therapist assistant license applicant”, as appropriate. If the applicant
22 passes the examination, the physical therapist license applicant or physical therapist
23 assistant license applicant status shall remain in effect until a license is issued, or
24 licensure is denied by the board. **2639, 2655.91, 2655.93**

25
26 (2) A person shall not be considered a graduate unless he or she has
27 successfully completed all the clinical training and internships required for graduation
28 from the program. **2639, 2655.93**

29
30 (3) If the applicant fails to take the examination within 90 days or fails to pass the
31 examination or receive a license, all privileges under this section shall terminate. An
32 applicant may only qualify once to perform as a physical therapist license applicant or
33 once as a physical therapist assistant license applicant. **2639, 2655.93**

34
35 (b) Supervision

36 (1) A physical therapist license applicant or physical therapist assistant license
37 applicant whose application for licensure has been filed and reviewed by the board may
38 perform once as a physical therapist license applicant or once as a physical therapist
39 assistant license applicant if he or she is under the direct and immediate supervision of
40 a physical therapist licensed by the board. The applicant shall document each treatment
41 in the patient record, along with his or her signature.

42
43 (2) It is unprofessional conduct for a physical therapist to permit an applicant to
44 work as a license applicant after the termination of applicant status. **2640**

45
46 **3.12. Licensure Without Examination**

47 **2636.5.** (a) An applicant may be issued a license without a written examination if the
48 applicant meets all of the following:

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1 (1) The applicant is at the time of application licensed or registered as a physical
2 therapist or, if applying for licensure as a physical therapist assistant, is licensed or
3 registered as a physical therapist assistant in a state, district, or territory of the United
4 States having, in the opinion of the board, requirements for licensing or registration
5 equal to or higher than those in California at the time of initial licensure, and he or she
6 has passed, to the satisfaction of the board, an examination for licensing or registration
7 that is, in the opinion of the board, comparable to the examination used in this state for
8 the license for which application has been made.

9
10 (2) The applicant is a graduate of a physical therapist education program
11 approved by the board, or has met the requirements of Section 2653 or, if applying for
12 licensure as a physical therapist assistant, is a graduate of either a physical therapist or
13 a physical therapist assistant education program approved by the board.

14
15 (3) The applicant has filed an application as provided in Section **2632** and meets
16 the requirements prescribed by Sections **2635 and 2650**.

17
18 (b) An applicant for licensure under subdivision (a), whose application is based on a
19 certificate issued by a physical therapy licensing authority of another state may be
20 required to pass an oral examination given by the board and file a statement of past
21 work activity.

22
23 **3.13. Temporary Permit to Practice –Licensure by Endorsement** **MPA 3.05 [2733]** (a)
24 Upon approval of an application filed pursuant to **Section 3.12**, and upon the payment
25 of the fee prescribed by **Section ?** the board may issue a temporary permit to practice
26 as a physical therapist or physical therapist assistant for a period of 90 days from the
27 date of issuance. **2636.5(c) & New**

28 (b) A temporary permit to practice as a physical therapist or physical therapist assistant
29 shall terminate upon notice thereof by certified mail, return receipt requested, if it is
30 issued by mistake or if the application for licensure is denied.

31
32 (c) The board may extend a temporary permit issued to any person who, in the
33 judgment of the board, has been excusably delayed in completing his or her application
34 for or the minimum requirements for a license, but the board may not extend a
35 temporary permit more than twice.

36
37 **Article 4. Enforcement**

38
39 **4.1. Grounds for Disciplinary Action**

40 **[2234]** Unprofessional conduct constitutes grounds for discipline or for denial of a
41 license or issuance of a probationary license. In addition to other provisions of this
42 chapter, unprofessional conduct includes, but is not limited to, the following:

43
44 **[2266, 2620.7(a)-(c)]** (a) Failure of a physical therapist to maintain adequate and
45 accurate records relating to the provision of services to his or her patients.

46
47 (b) Advertising in violation of Section 17500. **2660(a)**

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1 (c) Obtaining or attempting to obtain a license or certificate by fraud or
2 misrepresentation. **2660(b)**
3

4 (d) Conviction of a crime that substantially relates to the qualifications, functions, or
5 duties of a physical therapist or physical therapist assistant. The record of conviction or
6 a certified copy thereof shall be conclusive evidence of that conviction. **2660(d)**
7

8 (e) **[3750 (a)(b)(d)]** Obtained or possessed in violation of law, or except as directed by a
9 licensed physician and surgeon, dentist, or podiatrist administered to himself or herself,
10 or furnished or administered to another, any controlled substances as defined in
11 Division 10 (commencing with Section 11000) of the Health and Safety Code, or any
12 dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9.
13 **2660(f), (g)**
14

15 (1) Used any controlled substance as defined in Division 10 (commencing with
16 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in
17 Article 2 (commencing with Section 4015) of Chapter 9.

18 (2) Been convicted of a criminal offense involving the consumption or self-
19 administration of any of the substances described in subdivisions (f) and (1), or the
20 possession of, or falsification of a record pertaining to, the substances described in
21 subdivision (f), in which event the record of the conviction is conclusive evidence
22 thereof.
23

24 (f) Gross negligence or repeated acts of negligence in the practice or delivery of
25 physical therapy care. **2660(h)**,
26

27 (g) Conviction of a violation of any of the provisions of this chapter or of the State
28 Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or
29 assisting in or abetting the violating of, or conspiring to violate any provision or term of
30 this chapter or of the State Medical Practice Act. **2660(i)**
31

32 (h) The aiding or abetting of any person to violate this chapter or any regulations duly
33 adopted under this chapter. **2660(j)**
34

35 (i) The aiding or abetting of any person to engage in the unlawful practice of physical
36 therapy. **2660(k)**
37

38 (j) The commission of any fraudulent, dishonest, or corrupt act which is substantially
39 related to the qualifications, functions, or duties of a physical therapist or a physical
40 therapist assistant. **2660(l)**
41

42 (k) **[2660(m)]** Except for good cause, the knowing failure to protect patients by failing to
43 follow infection control guidelines of the board, thereby risking transmission of blood-
44 borne infectious diseases from licensee to patient, from patient to patient, and from
45 patient to licensee. In administering this subdivision, the board shall consider
46 referencing the standards, regulations, and guidelines of the State Department of Health
47 Services developed pursuant to Section 1250.11 of the Health and Safety Code and the
48 standards, regulations, and guidelines pursuant to the California Occupational Safety

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1 and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the
2 Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne
3 pathogens in health care settings. As necessary, the board shall consult with the
4 Medical Board of California, the California Board of Podiatric Medicine, the Board of
5 Dental Examiners of California, the Board of Registered Nursing, and the Board of
6 Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency
7 in the implementation of this subdivision.

8
9 (l) Practicing or offering to practice beyond the scope of the practice of physical therapy.
10 **New**

11
12 (m) **[4980(t)]** Permitting a physical therapist assistant or physical therapy aide under
13 one's supervision or control to perform, or permitting the physical therapist assistant or
14 physical therapy aide to hold himself or herself out as competent to perform,
15 professional services beyond the physical therapist assistant or physical therapy aides
16 level of education, training, or experience. **New**

17
18 (n) **[2305]**. The revocation, suspension, or other discipline, restriction, or limitation
19 imposed by another state upon a license or certificate to practice physical therapy
20 issued by that state, or the revocation, suspension, or restriction of the authority to
21 practice physical therapy by any agency of the federal government. **New**

22
23 (o) Engaging in sexual misconduct or violating Section 726. A patient, client or
24 customer of a licentiate under this chapter is conclusively presumed to be incapable of
25 giving free, full, and informed consent to any sexual activity. **2660.1 & New**

26
27 (p) The commission of verbal abuse or sexual harassment. **2660(n)**

28
29 (q) Viewing a completely or partially disrobed patient in the course of treatment if the
30 viewing is not necessary to patient evaluation or treatment under current standards.
31 **New**

32
33 (r) Engaging in any act violating Section 650. **New**

34
35 (s) Charging a fee for services not performed. **New**

36
37 (t) Engaging in any act that violates Section 651. **New**

38
39 (u) Misrepresenting documentation of patient care or deliberate falsifying of patient
40 records.

41
42 (v) **[2273]** Except as otherwise allowed by law, the employment of runners, cappers,
43 steerers, or other persons to procure patients. **New**

44
45 (w) Engaging in any act that violates Section 654.2. **New**

46
47 (x) **[4982(m)]** Failure to maintain confidentiality, except as otherwise required or
48 permitted by law, of all information that has been received from a patient in confidence

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1 during the course of treatment and all information about the patient which is obtained
2 from tests or other means. **New**

3
4 **4.2. Conviction defined; time of action by board**

5 A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed
6 to be a conviction within the meaning of this article. The board may order discipline of
7 the licensee in accordance with Section **2660** or the board may order the denial of the
8 license when the time for appeal has elapsed or the judgment of conviction has been
9 affirmed on appeal or when an order granting probation is made suspending imposition
10 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
11 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
12 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
13 complaint, information, or indictment. **2661**

14
15 **4.3. Patient Records**

16 Patient records shall be maintained for a period of no less than seven years following
17 the discharge of the patient, except that the records of unemancipated minors shall be
18 maintained at least one year after the minor has reached the age of 18 years, and not in
19 any case less than seven years. A violation of this section shall constitute
20 unprofessional conduct. **2620.7(d)**

21
22 **4.4. Name and address changes**

23 Each licensee shall report to the board a name change or change in address of record
24 within thirty (30) days after the date of that change, giving both the old and new
25 address, or old and new name, as the case may be. If an address reported to the board
26 is a post office box, the licensee shall also provide the board with a street address. If
27 another address is the licensee's address of record, he or she may request that the
28 second address not be disclosed to the public. **2021**

29
30 **4.5. [2608.5] Inspections; reports**

31 The board may inspect, or require reports from, a general or specialized hospital or any
32 other facility providing physical therapy care, treatment or services and the physical
33 therapy staff thereof, with respect to the physical therapy care, treatment, services, or
34 facilities provided therein, and may inspect physical therapy patient records with respect
35 to the care, treatment, services, or facilities. The authority to make inspections and to
36 require reports as provided by this section shall not be delegated by the board to any
37 person other than a physical therapist and shall be subject to the restrictions against
38 disclosure described in Section **2263**. Failure to cooperate with the investigation or to
39 provide the requested report constitutes unprofessional conduct.

40
41 **4.6. [2225.5] Failure to provide records**

42 A licensee who fails or refuses to comply with a request for the medical records of a
43 patient, that is accompanied by that patient's written authorization for release of records
44 to the board within 15 days of receiving the request and authorization, shall pay to the
45 board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
46 documents have not been produced after the 15th day, unless the licensee is unable to
47 provide the documents within this time period for good cause. **New**

48
49 **4.7. [2233] Public letters of reprimand**

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1 The board may, by stipulation or settlement with a licensee, issue a public letter of
2 reprimand after it has conducted an investigation or inspection as provided in this
3 chapter, in lieu of filing or prosecuting a formal accusation. The licensee shall indicate
4 agreement or nonagreement in writing within 30 days of formal notification by the board
5 of its intention to issue the letter. The board, at its option, may extend the response
6 time. Use of a public reprimand shall be limited to minor violations. **New**

7
8 **4.8. Hearings**

9 The board shall hear all matters, including but not limited to, any contested case or any
10 petition for reinstatement, restoration, or modification of probation. The procedure in all
11 matters and proceedings relating to the denial, suspension, revocation or probationary
12 restriction of licenses by the board under this chapter shall be governed by the
13 provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
14 2 of the Government Code. If a contested case is heard by the board, the hearing
15 officer who presided at the hearing shall be present during the board's consideration of
16 the case and, if requested, shall assist and advise the board. **2608, 2614**

17
18 **4.9. Disciplinary Actions; Penalties**

19 **[2227]** (a) A licensee whose matter has been heard by an administrative law judge of
20 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
21 Code, or whose default has been entered or who has entered into a stipulation for
22 disciplinary action with the board, may, in accordance with the provisions of this
23 chapter:

- 24
25 (1) Have his or her license revoked upon order of the board.
26
27 (2) Have his or her right to practice suspended for a period not to exceed one year
28 upon order of the board.
29
30 (3) Be placed on probation and be required to pay the costs of probation monitoring
31 upon order of the board.
32
33 (4) Be publicly reprimanded by the board.
34
35 (5) Based on an order of the board, surrender of a license.
36
37 (6) Have any other action taken in relation to discipline as part of an order of
38 probation, as the board or an administrative law judge may deem proper.
39

40
41 **4.10. Petitions for reinstatement or reduction of penalty **2661.7****

42 (a) A person whose license has been revoked or suspended, or who has been placed
43 on probation, may petition the Physical Therapy Board of California for reinstatement or
44 modification of penalty, including modification or termination of probation, after a period
45 of not less than the following minimum periods has elapsed from the effective date of
46 the decision ordering that disciplinary action:
47

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1 (1) At least three years for reinstatement of a license revoked for unprofessional
2 conduct, except that the board may, for good cause shown, specify in a revocation
3 order that a petition for reinstatement may be filed after two years.
4

5 (2) At least two years for early termination, or one year for modification of a condition
6 of probation of three years or more.
7

8 (3) At least one year for reinstatement of a license revoked for mental or physical
9 illness, or for modification of a condition, or termination of probation of less than three
10 years.
11

12 (b) The petition shall state any facts as may be required by the board. The petition
13 shall be accompanied by at least two verified recommendations from physical therapists
14 licensed by the board who have personal knowledge of the activities of the petitioner
15 since the disciplinary penalty was imposed.
16

17 (c) The petition may be heard by the board. The board may assign the petition to an
18 administrative law judge designated in Section 11371 of the Government Code. After a
19 hearing on the petition, the administrative law judge shall provide a proposed decision
20 to the board that shall be acted upon in accordance with the Administrative Procedure
21 Act.
22

23 (d) The board or the administrative law judge hearing the petition, may consider all
24 activities of the petitioner since the disciplinary action was taken, the offense for which
25 the petitioner was disciplined, the petitioner's activities during the time the license was
26 in good standing, and the petitioner's rehabilitative efforts, general reputation for truth,
27 and professional ability. The hearing may be continued, as the administrative law judge
28 designated in Section 11371 of the Government Code finds necessary.
29

30 (e) The administrative law judge designated in Section 11371 of the Government Code
31 when hearing a petition for reinstating a license, or modifying a penalty, may
32 recommend the imposition of any terms and conditions deemed necessary.
33

34 (f) No petition shall be considered while the petitioner is under sentence for any
35 criminal offense, including any period during which the petitioner is on court-imposed
36 probation or parole. No petition shall be considered while there is an accusation or
37 petition to revoke probation pending against the person. The board may deny, without a
38 hearing or argument, any petition filed pursuant to this section within a period of two
39 years from the effective date of the prior decision following a hearing under this section.
40

41 (g) Nothing in this section shall be deemed to alter Sections 822 and 823. **2661.7**
42

43 **Article 5. Continuing Education and Competency**
44

45 **5.1. [3719]** Each person renewing his or her license shall submit proof satisfactory to
46 the board that, during the preceding two-year period, he or she completed the required
47 number of continuing education hours established by regulation of the board or such
48 other proof of continuing competency as the board may establish by regulation.
49 Required continuing education shall not exceed 30 hours every two years.

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1 The board shall adopt and administer regulations, including but not limited to,
2 continuing education, intended to ensure the continuing competency of persons
3 licensed pursuant to this chapter. **New**

4
5 Article 6. Diversion Program

6
7 **6.1. Legislative intent**

8 The board shall seek ways and means to identify and rehabilitate physical therapists
9 and physical therapist assistants whose competency is impaired due to abuse of
10 controlled substances or other habit-forming drugs, chemicals or alcohol so that they
11 may be treated and returned to the practice of physical therapy in a manner which will
12 not endanger the public health and safety. **2662**

13
14 The board may permit individuals enrolled in an approved physical therapy or physical
15 therapist assistant program to participate in its diversion program, provided, however,
16 that any such student who participates in the diversion program shall pay all cost of the
17 program. **New**

18
19 **6.2. Diversion Evaluation Committee**

20 The board shall establish and administer a diversion program for the rehabilitation of
21 physical therapists and physical therapist assistants whose competency is impaired due
22 to the abuse of controlled substances or other habit-forming drugs, chemicals or
23 alcohol. The board may contract with any other state agency or a private organization
24 to perform its duties under this article. The board may establish one or more diversion
25 evaluation committees to assist it in carrying out its duties under this article. **2663**

26
27 **6.3. Composition**

28 (a) Any diversion evaluation committee established by the board shall have at least
29 three members. In making appointments to a diversion evaluation committee, the board
30 shall consider the appointment of persons who are either recovering from substance
31 abuse and have been free from substance abuse for at least three years immediately
32 prior to their appointment or who are knowledgeable in the treatment and recovery of
33 substance abuse. The board also shall consider the appointment of a physician and
34 surgeon who is board certified in psychiatry.

35
36 (b) Appointments to a diversion evaluation committee shall be by the affirmative vote of
37 a majority of members appointed to the board. Each appointment shall be at the
38 pleasure of the board for a term not to exceed four years. In its discretion, the board
39 may stagger the terms of the initial members so appointed.

40
41 (c) A majority of the members of a diversion evaluation committee shall constitute a
42 quorum for the transaction of business. Any action requires an affirmative vote of a
43 majority of those members present at a meeting constituting at least a quorum. Each
44 diversion evaluation committee shall elect from its membership a chairperson and a vice
45 chairperson. Notwithstanding the Bagley-Keene Open Meeting Act (Article 9
46 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
47 Government Code), relating to public meetings, a diversion evaluation committee may
48 convene in closed session to consider matters relating to any physical therapist or

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1 physical therapist assistant applying for or participating in a diversion program, and a
2 meeting which will be convened entirely in closed session need not comply with Section
3 11125 of the Government Code. A diversion evaluation committee shall only convene
4 in closed session to the extent it is necessary to protect the privacy of an applicant or
5 participant. Each member of a diversion evaluation committee shall receive a per diem
6 and shall be reimbursed for expenses as provided in Section 103. **2664**

7
8 **6.4. Duties and Responsibilities**

9 Each diversion evaluation committee has the following duties and responsibilities:
10

- 11 (a) The evaluation of physical therapists and physical therapist assistants who request
12 participation in the program and the consideration of any recommendations from
13 professional consultants on the admission of applicants to the diversion program.
14
15 (b) The review and designation of treatment facilities to which physical therapists and
16 physical therapist assistants in the diversion program may be referred.
17
18 (c) The receipt and review of information concerning physical therapists and physical
19 therapist assistants participating in the program.
20
21 (d) Calling meetings as necessary to consider the requests of physical therapists and
22 physical therapist assistants to participate in the diversion program, to consider reports
23 regarding participants in the program, and to consider any other matters referred to it by
24 the board.
25
26 (e) The consideration of whether each participant in the diversion program may with
27 safety continue or resume the practice of physical therapy.
28
29 (f) Setting forth in writing a treatment program for each participant in the diversion
30 program with requirements for supervision and surveillance.
31
32 (g) Holding a general meeting at least twice a year, which shall be open and public, to
33 evaluate the diversion program's progress, to prepare reports to be submitted to the
34 board, and to suggest proposals for changes in the diversion program.
35
36 (h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the
37 Government Code, any member of a diversion evaluation committee shall be
38 considered a public employee. No board or diversion evaluation committee member,
39 contractor, or agent thereof, shall be liable for any civil damage because of acts or
40 omissions which may occur while acting in good faith in a program established pursuant
41 to this article. **2665**

42
43 **6.5. Criteria for Acceptance**

44 (a) Criteria for acceptance into the diversion program shall include all of the following:
45

- 46 (1) The applicant shall be licensed as a physical therapist or as a physical
47 therapist assistant by the board or shall be enrolled in an approved physical therapy or
48 physical therapist assistant program and shall be a resident of California.
49

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1 (2) The applicant shall be found to abuse controlled substances or other habit-
2 forming drugs, chemicals or alcohol in a manner which may affect his or her ability to
3 practice physical therapy safely or competently.
4

5 (3) The applicant shall have voluntarily requested admission to the program or
6 shall be accepted into the program in accordance with terms and conditions resulting
7 from a disciplinary action.
8

9 (4) The applicant shall agree to undertake any medical or psychiatric examination
10 ordered to evaluate the applicant for participation in the program.
11

12 (5) The applicant shall cooperate with the program by providing medical
13 information, disclosure authorizations, and releases of liability as may be necessary for
14 participation in the program.
15

16 (6) The applicant shall agree in writing to cooperate with all elements of the
17 treatment program designed for him or her. Any applicant may be denied participation
18 in the program if the board, its designee, or a diversion evaluation committee, as the
19 case may be, determines that the applicant will not substantially benefit from
20 participation in the program or that the applicant's participation in the program creates
21 too great a risk to the public health, safety, or welfare.
22

23 (b) A participant may be terminated from the program for any of the following reasons:
24

25 (1) The participant has successfully completed the treatment program.
26

27 (2) The participant has failed to comply with the treatment program designated for him
28 or her.
29

30 (3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).
31

32 (4) It is determined that the participant has not substantially benefited from
33 participation in the program or that his or her continued participation in the program
34 creates too great a risk to the public health, safety, or welfare. Whenever an applicant
35 is denied participation in the program or a participant is terminated from the program for
36 any reason other than the successful completion of the program, and it is determined
37 that the continued practice of physical therapy by that individual creates too great a risk
38 to the public health, safety, and welfare, that fact shall be reported to the executive
39 officer of the board and all documents and information pertaining to and supporting that
40 conclusion shall be provided to the executive officer. The matter may be referred for
41 investigation and disciplinary action by the board. Each physical therapist or physical
42 therapy assistant who requests participation in a diversion program shall agree to
43 cooperate with the recovery program designed for him or her. Any failure to comply
44 with that program may result in termination of participation in the program.
45

46 The diversion evaluation committee shall inform each participant in the program of the
47 procedures followed in the program, of the rights and responsibilities of a physical
48 therapist or physical therapist assistant in the program, and the possible results of
49 noncompliance with the program.

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1 (c) In addition to the criteria and causes set forth in subdivision (a), the board may set
2 forth in its regulations additional criteria for admission to the program or causes for
3 termination from the program. **2666**

4
5 **6.6. Confidentiality of Records**

6 All board and diversion evaluation committee records and records of proceedings and
7 participation of a physical therapist or physical therapist assistant in a program shall be
8 confidential and are not subject to discovery or subpoena. **2667**

9
10 **6.7. Participation Fee**

11 A fee may be charged for participating in the program, not to exceed the actual cost of
12 administering the program. **2668 & 3534.8**

13
14 (b) If the board contracts with any other entity to carry out this section, the executive
15 officer of the board, or his or her designee, shall review the activities and performance
16 of the contractor on a biennial basis. As part of this review, the board shall review files
17 of participants in the program. However, the names of participants who entered the
18 program voluntarily shall remain confidential, except when the review reveals
19 misdiagnosis, case mismanagement, or noncompliance by the participant. **2668**

20
21 **6.8. Participation Not a Defense**

22 Participation in a diversion program shall not be a defense to any disciplinary action that
23 may be taken by the board. This section does not preclude the board from commencing
24 disciplinary action against a physical therapist or physical therapist assistant who is
25 terminated unsuccessfully from the program under this section. That disciplinary action
26 may not include as evidence any confidential information. **2669**

27
28 **Article 7. Professional Physical Therapy Corporations**

29
30 **7.1. Professional corporations**

31 A physical therapy corporation is a corporation that is authorized to render professional
32 services, as defined in Section 13401 of the Corporations Code, so long as that
33 corporation and its shareholders, officers, directors, and employees rendering
34 professional services who are physical therapists are in compliance with the Moscone-
35 Knox Professional Corporation Act, this article and all other statutes and regulations
36 now or hereafter enacted or adopted pertaining to the corporation and the conduct of its
37 affairs.

38 With respect to a physical therapy corporation, the governmental agency referred to in
39 the Moscone-Knox Professional Corporation Act is the Physical Therapy Board of
40 California. **2690**

41
42 **7.2. Unprofessional conduct; violations**

43 It shall constitute unprofessional conduct and a violation of this chapter for any person
44 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in
45 or abet the violation of, or conspire to violate any provision or term of this article, the
46 Moscone-Knox Professional Corporation Act, or any regulations duly adopted under
47 those laws. **2691**

1 **7.3. Unprofessional conduct; conduct of practice**

2 A physical therapy corporation shall not do or fail to do any act the doing of which or
3 the failure to do which would constitute unprofessional conduct under any statute or
4 regulation, now or hereafter in effect. In the conduct of its practice, it shall observe and
5 be bound by such statutes and regulations to the same extent as a person holding a
6 license under this chapter. **2692**

7
8 **7.4. Name**

9 The name of a physical therapy corporation and any name or names under which it
10 may render professional services shall contain the words "physical therapy" or "physical
11 therapist", and wording or abbreviations denoting corporate existence. **2693**

12
13 **7.5. Shareholders, officers, and directors; license requirement**

14 Except as provided in Section 13403 of the Corporations Code, each shareholder,
15 director and officer of a physical therapy corporation, except an assistant secretary and
16 an assistant treasurer, shall be a licensed person as defined in Section 13401 of the
17 Corporations Code. **2694**

18
19 **7.6. Income; disqualified shareholder**

20 The income of a physical therapy corporation attributable to professional services
21 rendered while a shareholder is a disqualified person, as defined in Section 13401 of
22 the Corporations Code, shall not in any manner accrue to the benefit of such
23 shareholder or his or her shares in the physical therapy corporation. **2695**

24
25 **7.7. Regulations**

26 The board may adopt and enforce regulations to carry out the purposes and objectives
27 of this article, including regulations requiring (a) that the bylaws of a physical therapy
28 corporation shall include a provision whereby the capital stock of the corporation owned
29 by a disqualified person (as defined in Section 13401 of the Corporations Code), or a
30 deceased person, shall be sold to the corporation or to the remaining shareholders of
31 the corporation within the time as the regulations may provide, and (b) that a physical
32 therapy corporation shall provide adequate security by insurance or otherwise for claims
33 against it by its patients arising out of the rendering of professional services. **2696**

34
35 **Article 8. Renewal of Licenses**

36
37 **8.1. [2684] Expiration and renewal of licenses**

38 (a) Notwithstanding **Section 2422**, any license for the practice of physical therapy shall
39 expire at 12 midnight on the last day of the birth month of the licensee during the
40 second year of a two-year term, if not renewed.

41 (b) To renew an unexpired license, the licensee shall, on or before the dates on which
42 it would otherwise expire, apply for renewal on a form prescribed by the board and pay
43 the prescribed renewal fee. The licensee shall disclose on his or her license renewal
44 application any misdemeanor or other criminal offense for which he or she has been
45 found guilty or to which he or she has pleaded guilty or no contest.

46
47 **8.2. Notice to pay renewal fee**

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1 At least 60 days before the expiration of any license, the board shall mail to each
2 licensee under this chapter, at the latest address furnished by the licensee to the
3 executive officer, a notice stating the amount of the renewal fee and the date on which it
4 is due, and that failure to pay it on or before the due date will result in expiration of the
5 license. **2685**

6
7 **8.3. Delinquent renewal of license**

8 **[2427]** A license which has expired may be renewed at any time within three years after
9 its expiration on filing an application for renewal on a form prescribed by the board and
10 payment of all accrued renewal fees and any other fees required by **Section ?**. If the
11 license is not renewed within 30 days after its expiration, the licensee, as a condition
12 precedent to renewal, shall also pay the prescribed delinquency fee, if any. Except as
13 provided in **Section ?**, renewal under this section shall be effective on the date on
14 which the renewal application is filed, on the date on which the renewal fee or accrued
15 renewal fees are paid, or on the date on which the delinquency fee or the delinquency
16 fee and penalty fee, if any, are paid, whichever last occurs. If so renewed, the license
17 shall continue in effect through the expiration date set forth in **Section 8.1** which next
18 occurs after the effective date of the renewal, when it shall expire and become invalid if
19 it is not again renewed.

20
21 **8.4. Application for new license after cancelled license** **2684**

22 **[2428]** (a) A person who fails to renew his or her license within three years after its
23 expiration may not renew it, and it may not be reissued, reinstated, or restored
24 thereafter, but that person may apply for and obtain a new license if he or she:

25
26 (1) Has not committed any acts or crimes constituting grounds for denial of licensure
27 under Division 1.5 (commencing with Section 475).

28
29 (2) Takes and passes the examination, if any, which would be required of him or her if
30 application for licensure was being made for the first time, or otherwise establishes to
31 the satisfaction of the board that, with due regard for the public interest, he or she is
32 qualified to practice the profession or activity for which the applicant was originally
33 licensed.

34
35 (3) Pays all of the fees that would be required if application for licensure was being
36 made for the first time.

37
38 The board may provide for the waiver or refund of all or any part of an examination fee
39 in those cases in which a license is issued without an examination pursuant to this
40 section. **New**

41
42 **Article 9. Revenue**

43
44 **9.1. Physical Therapy Fund** **Don't Repeal**

45 There is in the State Treasury the Physical Therapy Fund. All collections from persons
46 licensed or approved or seeking to be licensed or approved shall be paid by the board
47 into the fund after reporting to the Controller at the beginning of each month the amount

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1 and source of the collections. All money in the Physical Therapy Fund is appropriated
2 to carry out the purposes of this chapter. **2682**
3

4 **9.2. Monthly report; disposition of collections**

5 Within 10 days after the beginning of each calendar month the board shall report to the
6 State Controller the amount and source of all collections made from persons licensed or
7 seeking to be licensed under this chapter and at the same time pay all such sums into
8 the State Treasury, where they shall be credited to the Physical Therapy Fund. **2681**
9

10 **9.3. Fines and forfeitures credited to physical therapy fund**

11 All fees earned by the board and all fines and forfeitures of bail to which the board is
12 entitled shall be reported at the beginning of each month, for the month proceeding, to
13 the State Controller. At the same time, the entire amount of these collections shall be
14 paid into the State Treasury and shall be credited to the Physical Therapy Fund.
15

16 This fund shall be for the uses of the board and is continuously appropriated to the
17 board to pay all salaries and all other expenses necessarily incurred in carrying into
18 effect the provisions of this chapter. **2687**
19

20 **9.4. Fees**

21 The amount of fees provided in connection with licenses for the practice of physical
22 therapy is as follows:
23

24 (a) The application fee for a physical therapist's license shall be established by the
25 board at not more than one hundred and fifty dollars (\$150). The application fee for an
26 applicant under Section **2653** shall be established by the board at not more than two
27 hundred dollars (\$200).
28

29 (b) The examination and reexamination fees for the physical therapist examination,
30 physical therapist assistant examination, and the examination to demonstrate
31 knowledge of the rules and regulations related to the practice of physical therapy shall
32 be the actual cost to the board of the development and writing of, or purchase of the
33 examination, and grading of each written examination, plus the actual cost of
34 administering each examination. The board may in its discretion require the fee for the
35 examination required by Section **2636** to be paid directly to the examination provider.
36

37 (g) The initial license fee for a physical therapist license shall be fixed by the board at
38 not more than one hundred dollars (\$100).
39

40 (h) The renewal fee for a physical therapist license shall be fixed by the board at not
41 more than two hundred dollars (\$200).
42

43 (i) A fee to be set by the board of not more than one hundred and fifty dollars (\$150)
44 shall be charged for each application for license as a physical therapist assistant.
45

46 (j) A fee to be set by the board of not more than one hundred dollars (\$100) shall be
47 charged for the issuance of and for the renewal of each license as a physical therapist
48 assistant.
49

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1 (k) The renewal fee for a physical therapist assistant license shall be fixed by the board
2 at not more than two hundred dollars (\$200).

3
4 (l) The duplicate wall certificate fee shall not exceed fifty dollars (\$50). The duplicate
5 renewal receipt fee shall not exceed fifty dollars (\$50).

6
7 (m) The endorsement or letter of good standing fee is fifty dollars (\$50).

8
9 (n) The amount of any fee established by statute or by the board pursuant to statutory
10 authority that is in effect when this section becomes operative on January 1, 2007,
11 pursuant to subdivision (10), shall remain in effect after that operative date, unless the
12 board establishes a fee amount that is less or greater than the previously established
13 fee amount as permitted by law.

14
15 (o) This section shall become operative on January 1, 2007. **2688**

16
17 **9.5. Report on increased fees**

18 The board shall submit a report to the fiscal and appropriate policy committees of the
19 legislature whenever the board increases any fee. The report shall specify the
20 justification for the increase and the percentage of the fee increase to be used for
21 enforcement purposes. **2688.5**

22
23 **9.6. Electromyographical testing; fees**

24 (a) The board may establish by regulation suitable application and renewal fees of not
25 more than two hundred dollars (\$200), for persons certified to perform
26 electromyographical testing pursuant to Section **2620.5**, based upon the cost of
27 operating the certification program. The application fee shall be paid by the applicant at
28 the time the application is filed and the renewal fee shall be paid as provided in Section
29 **2683**.

30
31 (b) The board shall charge an examination and reexamination fee of five hundred
32 dollars (\$500) to applicants who are examined and who have been found to otherwise
33 meet the board's standards for certification. **2689**

34
35 **Article 10. Offenses Against This Chapter**

36
37 **[2670] 10.1. Violation as misdemeanor**

38 Any person who violates any of the provisions of this chapter shall be guilty of a
39 misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or
40 imprisonment in a county jail not exceeding six months, or by both.

41
42 **[2672] 10.2. Injunction against violation**

43 Whenever any person has engaged or is about to engage in any acts or practices which
44 constitute or will constitute an offense against this chapter, the superior court of any
45 county, on application of the Medical Board of California, the board, or 10 or more
46 persons holding physical therapist licenses issued under this chapter, may issue an
47 injunction or other appropriate order restraining the conduct. Proceedings under this
48 section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part
49 2 of the Code of Civil Procedure.

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1