



GUIDELINES FOR ISSUING CITATIONS AND IMPOSING DISCIPLINE

Physical Therapy Board of California

Department of Consumer Affairs

Physical Therapy Board of California

Guidelines for Issuing Citations & Imposing Discipline

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Statement of Purpose, Intent & Expectations

The purpose of physical therapists and physical therapist assistant licensure in the State of California is to protect the public's health, safety and welfare from the incompetent and unprofessional practice of physical therapy. These guidelines address the challenge of providing public protection and of enabling a licensee to practice his or her profession. In addition to protecting the public and rehabilitating a licensee, the Physical Therapy Board finds imposing the discipline set forth in the guidelines will further public protection by promoting uniformity, certainty, fairness, and deterrence.

The Physical Therapy Board of California (Board) is producing this 5th edition of the "Guidelines for Issuing Citations and Imposing Discipline" (Guidelines) for the public, individuals subject to issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, Members of the Board who review proposed decisions and stipulations and make final decisions, the Board's Executive Officer and staff, and Respondents and their Counsel. When an Initial Probationary License has been issued, a Statement of Issues, or an Accusation has been filed, these actions indicate the nature of the alleged violation is severe enough to warrant disciplinary action if the allegations are proven true. An administrative citation is not discipline and is issued for less egregious violations. However, when documentation of significant mitigation has been received; discipline may not be required to protect the public.

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

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

These include:

- 1) If at the time of hearing, the Administrative Law Judge finds Respondent, for any reason, not capable of safe practice, the Board expects the outright revocation of the license. This is particularly true in cases of patient sexual abuse. In less egregious cases, a stayed revocation with suspension and probation, pursuant to the guidelines contained in this manual, would be expected.
- 2) The Board expects revocation to normally be the appropriate order in cases where Respondent does not file a Notice of Defense or appear at a hearing.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.

- 4) When the revocation of a license is stayed, a suspension of the license shall be considered when further education, medical or psychological evaluation or treatment is deemed necessary to ensure safe practice. A suspension, when imposed, should not be for less than indicated in the guidelines.
- 5) The Board expects the decision to include an order for cost recovery.

The Board expects a similar result and explanation for any Stipulation negotiated prior to hearing. Any "Proposed Settlement" that departs from the disciplinary guidelines shall be accompanied by a memorandum identifying the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact.

Probation conditions are divided into three categories: 1) Standard Conditions which the Board expects in all probation cases; 2) Specific Conditions that depend on the nature and circumstances of the particular case; and 3) Conditions Applying the Uniform Standards Specific to Alcohol and/or Controlled Substance

LEGAL AUTHORITY

The legal authority for these guidelines is contained in Section 315, 315.2, 315.4, 2615, 2660, 2660.1, 2661 and 2661.5 of the Business and Professions Code; and Title 16, CCR §1399.15.

California Code of Regulations
Title. 16 Professional and Vocational Regulations
Division 13.2
Article 8 Disciplinary Guidelines

- (a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the “Guidelines for Issuing Citations and Imposing Discipline”, (Revised December 2013, 5th Edition; hereafter, “Guidelines”) which are hereby incorporated by reference. Subject to paragraph (c), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation – for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.
- (b) Notwithstanding the Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

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

- (1) Any offense for which registration is required by Section 290 of the Penal code or a finding that a person committed such an offense.
 - (2) Any offense defined in Section 261.5, 313.1, 647b, or 647 subdivisions (a) or (d) of the Penal code or a finding that a person committed such an offense.
 - (3) Any attempt to commit any of the offenses specified in this section.
 - (4) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would be punishable as one or more of the offenses specified in this section.
- (c) If the conduct found to be a violation involves drugs, alcohol, or both, and the individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.
- (1) Each of the “Conditions Applying the Uniform Standards,” as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.

(2) The Substance Abuse Coordination Committee's Uniform Standards Regarding Substance Abusing Healing Arts Licensees (4/2011) ("Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

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

Business and Professions Code, Section 820. Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness, affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

Business and Professions Code, Section 821. The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

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

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

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

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

- (a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.
- (b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.
- (c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.
- (d) Requiring the licentiate to undergo continuing treatment.

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

Business and Professions Code, Section 824. The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

DEFINITION OF ABUSE REHABILITATION PROGRAMS

The Board does not consider licensees who have been ordered to participate in the Board's diversion program to be "in diversion," rather the Board considers these individuals to be in a substance abuse rehabilitation program, hereafter referred to as the rehabilitation program. As a result, the Board will not use the term "diversion" in these disciplinary guidelines to describe licensees on probation or terms and conditions of probation related to the rehabilitation program. Instead the phrase "rehabilitation program" will be used.

There are two pathways into the Board's rehabilitation program:

1) Participants with drug and/or alcohol addiction issues who have self-referred to the program and are not under a disciplinary order; and, 2) Participants who have been ordered into the Board's rehabilitation program as a result of violations of the Physical Therapy Practice Act related to drug and/or alcohol addiction.

Self-Referrals

When a licensee enrolls in the Board's rehabilitation program as a self-referral, the participation is confidential. However, if a self-referred participant is determined to be too great a risk to the public health, safety, and welfare to continue the practice of physical therapy, the facts shall be reported by the rehabilitation program to the Executive Officer of the Board and all documents and information pertaining to and supporting that conclusion shall be provided to the Executive Officer. The matter may be referred for investigation and disciplinary action by the Board. Each physical therapist or physical therapist assistant who requests participation in a rehabilitation program shall agree to cooperate with the rehabilitation program designed for him or her. Any failure to comply with the program may result in termination of participation in the program.

Probationary Participants

Probationary participants are required to comply with terms of probation or risk losing their license. Pursuant to section 315 of the Business and Professions Code, the Board uses the Substance Abuse Coordination Committee's *Uniform Standards Regarding Substance Abusing Healing Arts Licensees (4/2011)* ("Uniform Standards"). A clinical diagnostic evaluation will be ordered as a term of probation and other Conditions Applying the Uniform Standards will also be included.

While self-referred licensees are not subject to terms and conditions in these Guidelines, they are subject to nearly identical contractual terms of participation and the violation of those terms could lead to termination of participation in the rehabilitation program.

SUBSTANCE ABUSE REHABILITATION PROGRAM

OVERVIEW OF PARTICIPANT REQUIREMENTS & COSTS (For either self-referrals or probation participants)

Licensees enrolled in the rehabilitation program are required to pay the entire cost of the program pursuant to Business and Professions Code Section 2668. The rehabilitation program costs include the monthly administrative fee, monthly health support fees, and random drug and alcohol testing fees. ***All rehabilitation program fees are subject to change.***

Substance Abuse Rehabilitation Program Timeframe: Participation in the rehabilitation program is for a period of approximately 3-5 years.

Monthly Administrative Fee: The participant pays the monthly administrative fee directly to the rehabilitation program. The monthly administrative fee is currently \$288. The monthly administrative fee may increase 3-5% annually each July. Costs are dependent on the contracted costs.

Random Biological Testing (RBT) & Fee: Currently the average cost of each RBT is approximately \$60.00 plus the collection fee at the testing site which can cost up to \$125.00 and possibly more if the applicant is required to test on a weekend. Additionally, there are charges for the medical review officer (MRO) who reviews any positive drug test results at the Board's request. Medical reviews are usually a direct result of problematic (i.e. positive) RBT results.

Professional Support Group Meetings: Support group meetings are a treatment modality of the rehabilitation program. These groups are attended exclusively by licensed professionals who are in their own recovery and involved in a rehabilitation program. The support group facilitators are licensed professionals who have extensive clinical experience in working with licensed professionals in recovery and in rehabilitation programs. Each participant is required to attend support group meetings two times per week during their first 18 months in the rehabilitation program. The frequency of support group meeting attendance can be reduced to one time per week after 18 months of successful participation in the program. This reduction is also based upon the on-going clinical evaluation of each participant.

Professional Support Group Meeting Fees: The participant pays the monthly support group meeting fees directly to the support group facilitator. Support groups all charge different fees and negotiate directly with the participant. Average costs range from \$200-\$500 monthly. Participants may be required to attend support groups once or twice weekly.

12-Step Meetings: All participants are required to attend community-based 12-step meetings. The frequency requirement for attending 12-step meetings range from daily attendance to three times per week. The frequency requirement is established and modified by the Clinical Case Manager based upon the on-going clinical evaluation of each participant. Generally there is not a cost associated with attending 12-step meetings. Contributions at the 12-step meetings are voluntary.

Clinical Assessment: All participants are required to undergo an initial clinical assessment and subsequent re-assessments by contracted Assessors. There is currently no cost to the Physical Therapy Board participants for the initial clinical assessment and the annual re-assessments. However, if the participant is required to have more than one clinical assessment per year the participant is required to pay the cost for the additional clinical assessment. These additional assessments are usually a direct result of reoccurring problems in the rehabilitation program.

Additional Costs to Third Parties: Participants may be required to enter formal chemical dependency treatment (i.e. inpatient or outpatient facilities) at treatment programs approved by the rehabilitation program. Referrals to specific treatment programs are based upon the assessment of a participant's clinical need. The cost of any formal chemical dependency treatment program is the sole responsibility of each participant. The participants may also be required to undergo formal treatment for a mental health diagnosis. The cost of any formal treatment for mental health treatment program is the sole responsibility of each participant.

Worksite Monitor: Each participant is required to have a worksite monitor at his or her place of employment. The rehabilitation program will provide the applicant with the required consent forms at the time of enrollment. The worksite monitor is required to report to the rehabilitation program on the status of the participant.

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

DENIAL OF LICENSURE & ISSUANCE OF AN INITIAL PROBATIONARY LICENSE

Mandatory Denial of a License

In accordance with Section 2660.5 of the B&P Code, the Board must deny licensure to any applicant who is required to be registered pursuant to Penal Code Section 290, unless the only basis for the registration is a misdemeanor conviction under Penal Code Section 314. There is no discretion allowed. If an applicant is a 290 registrant, his or her application for licensure will be denied.

Permissive Denials of a License

The Board has the right to deny a license to any applicant for any of the following:

Business and Professions Code 480, the Physical Therapy Board has the authority to deny licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. Reasons for denial of a license include but are not limited to the following:

- Conviction of a crime substantially related to the practice of physical therapy
- Any act involving dishonesty, fraud, or deceit with intent to substantially benefit self or another or to substantially injure another
- Any act which is grounds for revocation of a license
- Making a false statement on the application

In addition to Section 480, the Board has the authority to deny a license for any of the following reasons:

Business and Professions Code 2635: every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, not addicted to alcohol or any controlled substance, have successfully completed the education and training required by Section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

Business and Professions Code 2660 (f)(1): Obtaining or possessing in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administering to himself or herself, or furnishing or administering to another, any controlled substances or any dangerous drug.(f)(2) Using any controlled substance or any dangerous drug; (w) Habitual intemperance.

Business and Professions Code 2660.2 (a): The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual activity referred to in Section 2660.1.

Business and Professions Code 2660.2: The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual misconduct as defined in B&P Code, Section 2660.1 and Title 16, California Code of Regulations, Section 1399.23. The Board may in its sole discretion, issue a public letter of reprimand or may issue a probationary license to any

applicant for a license who is guilty of unprofessional conduct but who has met all other requirements for licensure.

Appeal Rights

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

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

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CITATION

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

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in Section 1399.25 of Title 16 of the CCR.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

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

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

PUBLIC REPROVALS & REPRIMANDS

B&P Code Section 495 authorizes the Board to publicly reprove a physical therapist or physical therapist assistant for an act constituting grounds for suspension or revocation of a license. Issuing a Public Reproval as part of a disciplinary order may be considered when the following circumstances exist:

1. The offense is an isolated incident.
2. Sufficient time elapsed since the offense without further violations indicating a recurrence is unlikely.
3. Respondent admitted to the offense.
4. Respondent indicated remorse.
5. No prior discipline for a similar violation exists.
6. In the case of an offense related to substance abuse, active participation in a recovery program has been documented for at least one year without a relapse.

In lieu of filing or prosecuting a formal accusation against a licensee, B&P Code Section 2660.3 authorizes the Board, upon stipulation or agreement by the licensee, to issue a public letter of reprimand after it has conducted an investigation or inspection. The public letter of reprimand may include a requirement for specified training or education, and cost recovery for investigative costs. The Board may use a public letter of reprimand only for minor violations (as defined by the Board) committed by the licensee. Minor violations, include, but are not limited to, the following:

1. First DUI with no underlying circumstances that would be considered egregious. (e.g. no bodily injury to any third party)
2. One (1) minor adverse action in another State
3. Failure to maintain patient records, such as an isolated incident of a documentation violation

GUIDELINES SPECIFIC TO VIOLATION

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

B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act. When violations of the Medical Practice Act are cited, B&P Code 2660(a) must also be cited.

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

BUSINESS AND PROFESSIONS CODE

SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM B&P CODE 123

Citation:

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

Discipline:

Minimum: Public Repeval or Initial Probationary License
Maximum: Revocation or denial of license

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, E, F

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

CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136

Citation:

Minimum Fine: \$100
Maximum Fine: \$1,000

Discipline:

Minimum: Public Repeval
Maximum: Public Repeval

Refer to related regulation: CCR 1398.6

DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P CODE 141

Citation:

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

Discipline:

If violation is an offense in California, refer to corresponding statute. If not, the Board shall consider the discipline order from the state, federal government, or country of discipline when determining disciplinary action.

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

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, M, N, P, T, U, V, W, X, Y, Z, AA

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

(Condition "P" should be considered if the violation(s) relate(s) to psychiatric conditions. Conditions "T" thru "AA" should only be used if the violation relates to alcohol/substance abuse)

<i>Refer to related statutes and/or regulations: B&P Code 2236, 2660(e), (f)(1),(2),(3),(w)(a)¹, 2661, CCR 1399.24(d)</i>
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COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS B&P CODE 490.5

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

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

OBTAINING LICENSURE BY FRAUD B&P CODE 498

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 499, 581, 582, 583, 2235, 2660(c)(a)¹

FALSE STATEMENT OF MATERIAL FACT FOR APPLICATION B&P CODE 499

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 581, 582, 583, 2235, 2660(c)(a)¹

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

Discipline:

Revocation or Denial of License

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

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 582, 583, 2235, 2660(c)(a)¹

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

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 581, 583, 2235, 2660(c)(a)¹

FALSE STATEMENTS IN APPLICATION DOCUMENTS OR WRITINGS B&P CODE 583

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

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 581, 582, 2235, 2660(c)(a)¹

**VIOLATION OF EXAMINATION SECURITY; IMPERSONATION
B&P CODE 584**

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 2288, 2660(a), 2660.7

CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statutes: B&P Code 2660(t)

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

Citation:

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

Discipline:

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

Conditions of Probation:

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

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: E

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

Refer to related statutes and/or regulation: B&P Code 2660(b),(q),H&S 17500, CCR 1398.10

BENEFICIAL INTEREST REFERRALS – REQUIRED DISCLOSURE STATEMENT B&P 654.2

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statutes: B&P Code 2660 (q)

HEALTH CARE PRACTITIONER’S DISCLOSURE OF NAME AND LICENSE STATUS B&P CODE 680

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

Refer to related regulation: CCR 1398.11

EXCESSIVE PRESCRIBING OR TREATMENT B&P CODE 725

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, D, E, F, H, L, O

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

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

SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 726

Note: Pursuant to CCR 1399.15 any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

Refer to related statutes and/or regulation: B&P Code 2660 (m), (p), 2660.1, CCR 1399.15(b)

REPORTS OF MALPRACTICE SETTLEMENTS OR ARBITRATION AWARDS INVOLVING UNINSURED LICENSEES; PENALTIES FOR NON COMPLIANCE B&P CODE 802

Citation:

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

Discipline: Refer to related statutes and/or regulation violation triggering malpractice settlement.

INSURANCE FRAUD - UNPROFESSIONAL CONDUCT B&P CODE 810

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, E, F

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

Refer to related statutes: B&P Code 2261, 2262, 2660(a)¹, (j)

REQUIREMENTS FOR LICENSE EXEMPTION B&P CODE 901

Citation:

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

Refer to related statutes and regulations: B&P Code, 2630.5 (c)(d)(e)(f)(g), CCR 1399.99.2, 1399.99.3, 1399.99.4

NUTRITIONAL ADVICE B&P CODE 2068, 2660(a)¹

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

GROSS NEGLIGENCE B&P CODE 2234(b), 2660(a)¹

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

REPEATED NEGLIGENT ACTS B&P CODE 2234(c), 2660(a)¹

Refer to related statute: B&P Code 2660(h)

INCOMPETENCE B&P CODE 2234(d), 2660(a)¹

Refer to related statute: B&P Code 2660(d)(h)

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

PROCURING LICENSE BY FRAUD B&P CODE 2235, 2660(a)¹

Discipline:

Revocation or cancellation is the only suitable discipline in as much as the license would not have been issued but for the fraud or misrepresentation.

Refer to statute(s) for appropriate penalties: B&P Code 498, 499, 581, 582, 583, 2660(c)

CRIMINAL CONVICTION B&P CODE 2236, 2660(a)¹

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

Refer to related statutes and/or regulation: B&P Code 490, 2660(e)(f), 2661, CCR 1399.24(d)

CONVICTION RELATED TO DRUGS B&P CODE 2237, 2660(a)¹

Discipline:

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, M, N, P, T, U, V, W, X, Y, Z, AA

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

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

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

VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(a)¹

Discipline:

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

Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, M, N, P, T, U, V, W, X, Y, Z, AA

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

The conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

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

SELF ABUSE OF DRUGS OR ALCOHOL B&P CODE 2239, 2660(a)¹

Discipline:

Minimum: Revocation, stayed, suspension until the ability to practice safely is determined, participation in the rehabilitation program, 5 years probation or until satisfactory completion of the rehabilitation program, whichever is longer.

Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, J, L, M, N, P, T, U, V, W, X, Y, Z, AA

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

The conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

Refer to related statutes: B&P Code 2660(f)(1)(2)(3), 2660(w)

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

MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(a)¹

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

ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(a)¹

Refer to related statutes: B&P Code 810, 2261, 2660(a)¹, 2660(s)

VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(a)¹

Refer to related statute: B&P Code 2660(u)

AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(a)¹

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

FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(a)¹

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

EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(a)¹

Refer to related statute: B&P Code 2660(t)

UNAUTHORIZED USE OF MEDICAL DESIGNATION B&P CODE 2274, 2660(a)¹

Citation:

Minimum Fine: \$100

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

Maximum Fine: \$5,000

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286, 2660(a)¹

Citation:

Minimum Fine: \$100

Maximum Fine \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statute: B&P Code 2691

IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2660(a)¹

Discipline:

Revocation or denial of license

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

IMPERSONATION- PRACTICE OF MEDICINE B&P CODE 2289, 2660(a)¹

Discipline:

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

Maximum: Revocation

Conditions of Probation:

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, D, E, G, J, L, M, N, O

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

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

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

AUTHORIZATION TO INSPECT PATIENT RECORDS B&P CODE 2608.5

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

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

TOPICAL MEDICATIONS B&P CODE 2620.3

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related regulations: CCR 1399.77, 1399.78, 1399.79

CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION B&P CODE 2620.5

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: D

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

Refer to related statute and/or regulation: B&P Code 2660(d), CCR 1399.61

PATIENT RECORD B&P CODE 2620.7

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, O

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

Refer to related statute and/or regulation: B&P Code 2660(g), CCR 1398.13

PHYSICAL THERAPIST PATIENT CARE RESPONSIBILITY & USE OF ASSISTIVE PERSONNEL B&P CODE 2622

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes and/or regulations: B&P Code 2630.3, 2630.4, 2633, CCR 1398.44, 1399

UNLICENSED PRACTICE AS A PHYSICAL THERAPIST B&P CODE 2630

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, L

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

Refer to related statutes and/or regulation: B&P Code 2264, 2660(a)¹(i)

PHYSICAL THERAPIST ASSISTANT LICENSE & SUPERVISION REQUIREMENTS B&P 2630.3

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, J, K, L, O

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

Refer to related statutes and/or regulation: B&P Code 2264, 2660(a)¹(j), CCR 1398.44

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

PHYSICAL THERAPY AIDE SUPERVISION REQUIREMENTS B&P 2630.4

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, J, K, L, O

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

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

Refer to related regulation: CCR 1398.44

AUTHORIZED USE OF TITLE "P.T." AND "PHYSICAL THERAPIST" PERMITTED TITLES & OTHER DESIGNATIONS; DOCTORAL DEGREE B&P CODE 2633

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A

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

AUTHORIZED USE OF TITLE “PHYSICAL THERAPIST ASSISTANT” & PROHIBITIONS OF USING AFFIXES B&P 2633.5

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: A

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

AUTHORIZED USE OF TITLE BY “PHYSICAL THERAPIST STUDENT” OR “PHYSICAL THERAPIST ASSISTANT STUDENT” B&P 2633.7

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1398.37

REQUIREMENTS FOR OBTAINING LICENSURE WITHOUT A WRITTEN EXAMINATION AND APPLICANT STATUS FOR A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT B&P CODE 2636.5

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1399.10

PHYSICAL THERAPIST & PHYSICAL THERAPIST ASSISTANT GRADUATE-LICENSE APPLICANT STATUS REQUIREMENTS B&P CODE 2639

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1399.10, 1399.12

EQUIVALENT TRAINING REQUIREMENTS – PHYSICAL THERAPIST ASSISTANT B&P 2639.1

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

EXPIRATION AND RENEWAL OF LICENSE, DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE & CONTINUING COMPETENCY REQUIREMENTS – B&P CODE 2644

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: 2649

RETIRED STATUS B&P CODE 2648.7

Citation:

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

Discipline:

Minimum: Public Reproval

Maximum: Revocation

**DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT
B&P CODE 2649**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Refer to related statute: B&P Code 2644

**REQUIREMENTS OF GRADUATES FROM FOREIGN SCHOOLS
B&P CODE 2653**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Issue Initial Probationary License

Maximum: Deny Application

Refer to related regulation: CCR 1398.26, 1398.26.5

**VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE
ACTS B&P 2660(a)**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

See specific statute violated.

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

ADVERTISING IN VIOLATION OF 17500 B&P CODE 2660(b)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

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

PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION B&P CODE 2660(c)

Discipline: (Prior to Licensure)

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Discipline: (After Licensure)

Revocation or cancellation is the only suitable discipline in as much as the license would not have been issued but for the fraud or misrepresentation.

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

PRACTICING OR OFFERING TO PRACTICE BEYOND SCOPE OF PRACTICE OF PHYSICAL THERAPY B&P CODE 2660(d)

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, I, J, L, M, N, O

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

Refer to related statutes: B&P Code 2234(d), 2660(h)

CONVICTION OF A CRIME B&P CODE 2660(e)

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

Refer to related statutes and/or regulation: B&P Code 490, 2236, 2237, 2660(ha)¹, 2661, CCR 1399.24

UNLAWFUL POSSESSION OR USE OF, OR CONVICTION OF A CRIMINAL OFFENSE INVOLVING A CONTROLLED SUBSTANCE B&P CODE 2660(f)

The conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

Refer to related statute: B&P Code 2239, 2660(a)¹

FAILURE TO MAINTAIN ADEQUATE & ACCURATE PATIENT RECORDS B&P CODE 2660(g)

Citation:

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

Discipline:

Minimum: Public Reprimand
Maximum: Revocation

Refer to related statute and/or regulation: B&P Code 2620.7, CCR 1398.13

GROSS NEGLIGENCE OR REPEATED ACTS OF NEGLIGENCE B&P CODE 2660(h)

Discipline:

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

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, E, I, J, K, L, M, N, O

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

Refer to related statutes: B&P Code 725, 2234(b), 2660(a)¹

AIDING OR ABETTING UNLAWFUL PRACTICE B&P CODE 2660 (i)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2264, 2660(a)¹

FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED B&P CODE 2660(j)

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: F

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

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

INFECTION CONTROL GUIDELINES B&P CODE 2660(k)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, E, I, J

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

VERBAL ABUSE OR SEXUAL HARASSMENT- B&P CODE 2660(I)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C,

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

SEXUAL MISCONDUCT OR VIOLATING B&P CODE 726 B&P CODE 2660 (m)

Note: Pursuant to CCR 1399.15 any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

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

PERMITTING PHYSICAL THERAPIST ASSISTANT AND/OR AIDE TO PERFORM, HOLD HIMSELF/HERSELF OUT AS COMPETENT TO PERFORM BEYOND LEVEL OF EDUCATION, TRAINING AND EXPERIENCE OF P.T.A. AND/OR AIDE B&P CODE 2660 (n)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2264, 2660(a)¹, (i)(j)

ADVERSE ACTION TAKEN BY ANOTHER STATE OR AGENCY OF THE FEDERAL GOVERNMENT B&P CODE 2660 (o)

Citation:

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

Discipline:

If violation is an offense in California, refer to corresponding statute. If not, the Board shall consider the discipline order from the state, federal government, or country of discipline when determining disciplinary action.

Refer to related regulation: B&P Code 141, CCR 1399.24

INAPPROPRIATE VIEWING OF DISROBED PATIENT IF UNNECESSARY TO PATIENT EVALUATION OR TREATMENT B&P CODE 2660 (p)

Discipline:

Minimum: Public Reproval
Maximum: Revocation

“Probation Conditions Specific to Violation” for consideration are: A, B, C, D, G,

Note: This is a variation of inappropriate treatments. Consider conditions of 726.

Refer to related statutes: B&P Code 726, 2660 (m), 2660.1

**ENGAGING IN ACTS IN VIOLATION OF SECTION 650, 651, OR 654.2
B&P CODE 2660 (q)**

Refer to related statute and/or regulation: B&P Code 650, 651 & 654.2

CHARGING FEES FOR SERVICES NOT PROVIDED B&P CODE 2660 (r)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2261, 2262, 2660(s)

**MISREPRESENTING DOCUMENTATION AND/OR FALSIFYING OF
PATIENT RECORDS B&P CODE 2660 (s)**

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F

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

Refer to related statutes: B&P Code 2261, 2262, 2660(a)(r)

**EMPLOYMENT OF RUNNERS, CAPPERS, STEERERS, OR OTHER
PERSONS B&P CODE 2660 (t)**

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: F

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

Refer to related statute: B&P Code 2273, 2660(a)¹

THE WILLFUL, UNAUTHORIZED VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2660 (u)

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: O (course should include HIPPA requirements)

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

Refer to related statute: B&P Code 2263, 2660(a)¹

FAILING TO MAINTAIN PATIENT CONFIDENTIALITY B&P CODE 2660 (v)

Citation:

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

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

Discipline:

Minimum: Public Reproval

Maximum: Revocation

“Probation Conditions Specific to Violation” for consideration are: O (course should include HIPPA requirements)

HABITUAL INTEMPERANCE B&P CODE 2660 (w)

The conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

Refer to related statute: B&P Code 2239, 2660(a)¹

**FAILURE TO COMPLY WITH THE PROVISIONS OF SECTION 2620.1
B&P CODE 2660(x)**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

**PRESUMPTION REGARDING INCAPABILITY TO CONSENT TO SEXUAL
ACTIVITY B&P CODE 2660.1**

Note: Pursuant to CCR 1399.15 any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

Refer to related statute and/or regulation: B&P Code 726, 2660(m), 2660(p), CCR 1399.15

**FAILURE OR REFUSAL TO PROVIDE MEDICAL RECORDS
B&P CODE 2660.4**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Maximum: Public Repeal

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

DENIAL OF LICENSE IN SPECIFIED CIRCUMSTANCES - REGISTERED SEX OFFENDER (APPLICANT) B&P 2660.5

Discipline: Denial of License

SUBVERSION OF EXAMINATION B&P 2660.7

Refer to related statutes: B&P Code 123, 584, 2288, 2660 (a)¹, (i)(k)

CONVICTION OF CRIME B&P CODE 2661

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. A conviction demonstrates a lack of judgment and unwillingness to obey a legal prohibition and also exhibits characteristics and actions that do not demonstrate that he or she exercises prudence and good judgment. Therefore, the conviction is substantially related to the qualifications, functions and duties as a licensee.

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

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

PHYSICAL THERAPY CORPORATION B&P CODE 2691

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

UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

Citation:

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

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

VIOLATION OF PROBATION

Discipline:

Implementation of Original Stayed Order.

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

TITLE 16, CALIFORNIA CODE OF REGULATIONS

**FILING OF ADDRESSES, EMAIL ADDRESSES & NAME CHANGE
CCR 1398.6**

Refer to statute: B&P Code 136, 2660

ADVERTISING CCR 1398.10

Refer to statute(s) for appropriate penalties: B&P Code 651, 2271, 2660(b)(a)¹, H&S Code 17500

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

Refer to statute(s) for appropriate penalties: B&P Code 680

**PATIENT RECORD DOCUMENTATION REQUIREMENT
CCR 1398.13**

Refer to statute(s) for appropriate penalties: B&P Code 2620.7

NOTICE TO CONSUMERS (FORM NTC 12-01) CCR 1398.15

Citation:

Minimum Fine: \$100

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

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Public Reproval

Refer to related statute: B&P Code 2660

APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26

Refer to statute(s) for appropriate penalties: B&P Code 2653

CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR 1398.26.5

Refer to statute(s) for appropriate penalties: B&P Code 2653

IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED CCR 1398.37

Refer to statute(s) for appropriate penalties: B&P Code 2633.7

SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44

Refer to statute(s) for appropriate penalties: B&P Code 2660(a), 2622

IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS AND INTERNS DEFINED CCR 1398.52

Refer to statute(s) for appropriate penalties: B&P Code 2630.5

REQUIREMENTS FOR USE OF AIDES CCR 1399

Refer to statute(s) for appropriate penalties: B&P Code 2264, 2630, 2660(a)

SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS CCR 1399.10

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
 - 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, M
- "Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute(s) for appropriate penalties: B&P Code 2636.5, 2639

**SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE
APPLICANTS CCR 1399.12**

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, M

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

Refer to related statute(s): B&P Code 2639

**REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS
CCR 1399.23**

Discipline:

Revocation or Denial of License

Refer to related statute(s) and regulation for appropriate penalties: B&P Code 480, 726, 2660.1, 2660.5, 2608, 2660.2, 2661, CCR 1399.15

**PROHIBITING ANOTHER PARTY FROM COOPERATING WITH OR
DISPUTING A COMPLAINT CCR 1399.24(a)**

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

FAILURE TO PROVIDE CERTIFIED DOCUMENTS CCR 1399.24(b)

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

FAILURE TO COOPERATE IN BOARD INVESTIGATION 1399.24(c)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

FAILURE TO REPORT TO BOARD CRIMINIAL OR DISCIPLINARY INFORMATION CCR 1399.24(d)

Refer to related statutes for appropriate penalties: B&P Code 141, 490, 2661, 2660(e)

FAILURE TO COMPLY WITH SUBPOENA ORDER CCR 1399.24(e)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

CERTIFICATION REQUIRED - ELECTROMYOGRAPHY CCR 1399.61

Refer to statute(s) for appropriate penalties: B&P Code 2620.5

ADMINISTRATION OF MEDICATIONS CCR 1399.77

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.78, 1399.79

AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.77, 1399.79

AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.77, 1399.78

CONTINUING COMPETENCY REQUIRED CCR 1399.91

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

CONTENT STANDARDS FOR CONTINUING COMPETENCY CCR 1399.92

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS CCR 1399.93

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

AUTHORIZED PATHWAYS FOR OBTAINING CONTINUING COMPETENCY HOURS CCR 1399.94

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

STANDARDS FOR APPROVED AGENCIES CCR 1399.95

Citation:

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

Maximum: Revocation of recognition as an approved agency

Refer to related statute: B&P Code 2649

STANDARDS FOR APPROVED PROVIDERS CCR 1399.96

Citation:

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

Maximum: Revocation of recognition as an approved provider

Refer to related statute: B&P Code 2649,

RECORD KEEPING (CONTINUING COMPETENCY) CCR 1399.97

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

INACTIVE STATUS (CONTINUING COMPETENCY) CCR 1399.98

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS CCR 1399.99

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

SPONSORING ENTITY REGISTRATION AND RECORDKEEPING REQUIREMENTS CCR 1399.99.2

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

OUT OF STATE PRACTITIONER AUTHORIZATION TO PARTICPATE IN SPONSORED EVENT CCR 1399.99.3

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

TERMINATION OF AUTHORIZATION AND APPEAL (OUT OF STATE PRACTITIONER'S AUTHORIZATION) CCR 1399.99.4

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

HEALTH AND SAFETY CODE

PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S CODE 123110

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: NONE

PROBATION CONDITIONS

Probation conditions are divided into three categories: 1) Standard Conditions the Board expects in all probation cases; 2) Specific Conditions that depend on the nature and circumstances of the particular case; and 3) Conditions Specific to Alcohol and/or Controlled Substance.

STANDARD PROBATION CONDITIONS

The standard conditions generally appearing in every probation case are as follows:

1. License Revocation, Stayed

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

2. License Suspension

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

3. Cost Recovery

Respondent is ordered to reimburse the Board the actual and Reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$_____. The Board or its designee may establish a payment plan for cost recovery; however, Respondent shall pay the full amount of cost recovery at least 180 days prior to completion of the probation. Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order and may result in revocation. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of earned wages legally available to the Board.

Note: Costs represent the actual investigative and prosecutorial costs.

4. Obey All Laws

Respondent shall obey all federal, state and local laws, the statutes and regulations governing the practice of physical therapy, and remain in full compliance with any court ordered criminal probation. This condition applies to any jurisdiction with authority over Respondent, whether it is inside or outside of California.

Further, Respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest to include the name and address of the arresting agency.

5. Compliance with Orders of a Court

Respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

6. Compliance with Criminal Probation and Payment of Restitution

Respondent shall not violate any terms or conditions of criminal probation and shall be in compliance with any restitution ordered, payments, or other orders.

7. Quarterly Reports

Respondent shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

8. Probation Monitoring Program Compliance

Respondent shall comply with the Board's probation monitoring program.

9. Interview with the Board or its Designee

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals.

10. Notification of Probationer Status to Employers

Respondent shall notify all present and future employers (during the period of probation) of the reason for and the terms and conditions of the probation.

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

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

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

11. Notification of Name, Address or E-mail Address Change

Respondent shall notify the Board, in writing, of any and all name, address, and/or e-mail address changes within ten (10) days of the change.

12. Restriction of Practice - Temporary Services Agencies

Respondent shall not work for a temporary services agency or registry.

OR:

NOTE: If Respondent's restrictions are limited to a certain number of registries and/or temporary service agencies:

Respondent's work for a temporary services agency or registry shall be limited as follows:

- 1) Respondent shall be limited to work for (indicate # of temporary services or registries) temporary service agency or registry.
- 2) This work must be approved by the Probation Monitor.
- 3) Respondent must disclose this disciplinary proceeding as described above in Condition # [include appropriate term] to the temporary service agency or registry.
- 4) Respondent must disclose this disciplinary proceeding, as described above in Condition # [include appropriate term] to the supervisor at the facility where physical therapy care is being performed.

Respondent must notify his or her Probation Monitor or Board's designee, in writing, of any change in registry or temporary service. Respondent must have written approval by the Probation Monitor prior to commencing work at a new registry or temporary service agency.

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

Respondent shall not supervise any physical therapy student interns, foreign educated physical therapist license applicants, or other individuals accumulating hours or experience in a learning capacity in physical therapy during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of the Decision and Order.

14. Prohibited Use of Aliases

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

15. Intermittent Work

If Respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three (3) consecutive months, those months shall not be counted toward satisfaction of the probationary period. Respondent is required to

immediately notify the probation monitor or his or her designee if he or she works less than 192 hours in a three-month period.

16. Tolling of Probation

The period of probation shall run only during the time Respondent is practicing or performing physical therapy within California. If, during probation, Respondent does not practice or perform within California, Respondent is required to immediately notify the probation monitor in writing of the date Respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by Respondent in California prior to notification to the Board of Respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

17. Violation of Probation

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

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

18. Request to Surrender License Due to Retirement, Health or Other Reasons

Following the effective date of the Decision and Order, if Respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as (1) the license is no longer renewable; (2) Respondent makes application for the renewal of the tendered license; or (3) Respondent makes application for a new license.

19. Completion of Probation

Respondent shall comply with all financial obligations required by this Order (e.g., cost recovery, restitution, probation costs) not later than 180

calendar days prior to completion of probation unless otherwise specified in Order. Upon successful completion of probation, Respondent's license shall be fully restored.

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

Within ninety (90) days of the effective date of this Decision and Order, Respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If Respondent fails to pass the examination, Respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed. Respondent shall pay the costs of all examinations. Passing of the examination shall not satisfy the Continuing Competency requirements pursuant to B&P Code 2676 as a condition for renewal of license.

21. Practice or Performance of Physical Therapy While on Probation

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

22. Probation Monitoring Costs

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

PROBATION CONDITIONS SPECIFIC TO VIOLATION

The following conditions lettered A through S are specific to the violation, and should be used depending on the nature and circumstances of the particular case.

A. Restriction of Practice - Presence of Physical Therapist

Note: The purpose of this condition is to allow Respondent (physical therapist or physical therapist assistant) to practice with a level of supervision which ensures Respondent is in compliance with the Physical Therapy Practice Act as well as the probationary conditions. If Respondent works with another physical therapist that is eligible and available to function as Respondent's supervisor, the "Supervision Required" (Condition A) should be used in lieu of Condition B. Condition A is commonly used for, but not limited to: sexual misconduct, aiding and abetting, documentation cases, behavioral issues and where Respondent is not a sole proprietor. This condition should never be used in conjunction with "B" "Practice Monitor Required".

Choose level of supervision:

1) Full Presence/Documentation Review

The level of supervision shall be direct and require 1) the physical presence of the supervising physical therapist while physical therapy is performed by Respondent; and may require, 2) review patient records and any pertinent documents necessary to determine compliance with Respondent's Decision and Order. Direct and physical presence means, the supervising physical therapist shall be near or close enough to observe or hear the Respondent. While this may not require sharing the same treatment room with Respondent, it does require the supervising physical therapist to be within an audible range that would ensure the immediate presence of the supervising physical therapist.

2) Limited Presence/ Documentation Review

The level of supervision shall not require the physical presence of the supervising physical therapist at all times while physical therapy is performed by Respondent. However, Respondent shall be physically observed at least once per shift and may require review of patient records and any pertinent documents necessary to determine compliance with Respondent's Decision and Order at least once during Respondent's shift by the supervising physical therapist.

3) No Presence/Documentation Review As Determined

The level of supervision shall not require the physical presence of the supervising physical therapist while physical therapy is performed; however, it will require review of patient records and any pertinent documents necessary to determine compliance with Respondent's Decision and Order on a time base as agreed upon by the Board.

Within fifteen (15) business days of the effective date of this Decision and Order, Respondent shall submit to the Board in writing, for its prior approval, the name and qualifications of one or more proposed supervisor(s) and an outline of the plan by which Respondent's practice will be supervised.

Each proposed supervisor shall hold a valid California physical therapist license and shall have been licensed in California for at least five (5) years and never been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline; and therefore, in and of itself is not a reason to deny approval of an individual as a supervisor. The supervisor shall not be an employee of Respondent, have a relationship which is financial or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the supervisor to render impartial and unbiased reports to the Board. The supervisor shall also not be a family member of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

Upon approval of the supervisor and outline of supervision, the supervisor shall sign an agreement that he or she has reviewed the conditions of the licensee's disciplinary order and/or contract and agrees to supervise the licensee as set forth by the Board. Respondent shall submit the signed agreement to the Board. The supervisor shall have full and random access to Respondent's patient records and may evaluate all aspects of Respondent's practice. The supervisor shall complete and submit a written report, on a basis determined by the Board, verifying supervision has taken place as approved by the Board. It shall be Respondent's responsibility to ensure the supervisor submits the reports to the Board in a timely manner.

The supervisor's report shall include:

- A. Respondent's name and license number
- B. Supervisor's name, license number and signature
- C. Worksite location(s)
- D. Evaluation of Respondent's compliance with his or her probationary conditions and existing laws and regulations governing the practice of physical therapy
- E. Assessment of Respondent's progress in regards to the specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
- F. Summary of the supervisor's conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions

Supervisor shall keep any information used to write his or her report (e.g. record of patient records reviewed) in case Board requests said information. This information does not need to be submitted to the Board unless the Board or its representative requests it or if supervisor feels the information is pertinent to include in report.

After one (1) year of full compliance with probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement to a lower level of supervision.

B. Restriction of Practice – Monitoring

Note: This probation condition shall only be applied if the Respondent holds a vested interest in the physical therapy practice (i.e. officer, partner, shareholder, sole proprietor). This condition does not require the physical presence of another licensed physical therapist; however, it does require arranged visits by a Practice Monitor approved by the Board for documentation review only. This condition should never be used with condition A.

Within fifteen (15) business days of the effective date of this Decision and Order, Respondent shall submit to the Board in writing, for its prior approval, the name and qualifications of one or more proposed licensed physical therapist(s) to serve as Practice Monitor(s). Each Practice Monitor shall be a California licensed physical therapist and shall have been licensed for at least five (5) years and have never been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself, is not a reason to deny approval of an individual as a Practice Monitor. The monitor shall not be an employee of the Respondent, have a relationship which is financial or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the Practice Monitor to render impartial and unbiased reports to the Board. The Practice Monitor shall also not be a family member of Respondent. If the Practice Monitor terminates or is otherwise no longer available, Respondent shall not practice until a new Practice Monitor has been approved by the Board. All costs associated with the Practice Monitor shall be paid by Respondent.

Respondent shall not practice until receiving written approval from the Board regarding Respondent's choice of a Practice Monitor.

Upon approval of the Practice Monitor by the Board, the Practice Monitor in conference with the Board's probation monitor will establish the schedule upon which visits will be made to Respondent's place of employment to review Respondent's current practice and adherence to the conditions of probation. The Practice Monitor shall have full and random access to all of Respondent's patient records at all times. The Practice Monitor shall evaluate all aspects of Respondent's practice.

The Practice Monitor shall report on Respondent's current practice and compliance with the conditions of Respondent's probation to the Board's probation monitor after each visit. Frequency of the visits by the Practice Monitor shall be determined by the Board. It shall be Respondent's responsibility to ensure the Practice Monitor submits the reports to the Board within fourteen (14) days of the visit.

The Practice Monitor's report shall include:

1. Respondent's name and license number
2. Practice Monitor's, license number and signature
3. Worksite location(s)
4. Evaluation of Respondent's compliance with his or her probationary conditions and existing laws and regulations governing the practice of physical therapy
5. Assessment of Respondent's progress in regards to the correction of specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
6. Summary of the Practice Monitor's conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions

The Practice Monitor shall also maintain and submit with his or her reports a log of the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred.

C. Restriction of Practice – Prohibition of Home Care

Respondent shall not provide physical therapy services in a patient's home.

D. Restriction of Practice – Prohibition of Solo Practice

Respondent shall be prohibited from engaging in the solo practice of physical therapy.

This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.

In cases where Respondent's ability to function independently is in doubt as a result of a deficiency in knowledge or skills or as a result of questionable judgment, this condition should be included. Solo practice means a physical therapy business or practice where only Respondent provides patient care.

E. Restriction of Practice - Prohibition of Self-Employment or Ownership

Respondent shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

F. Restriction of Practice - Prohibition of Direct Billing of Third-Party Payers

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

G. Restriction of Practice - Third Party Presence

During probation, Respondent shall have a third party present while examining or treating _____ (name the specific patient population). Respondent shall, within ten (10) days of the effective date of the Decision and Order, submit to the Board or its designee for its approval the name(s) of the person(s) who will act as the third party present. Respondent shall execute a release authorizing the third party present to divulge any information that the Board may request. The person(s) acting in the role of the third party present shall be provided with a copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order.

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

Respondent shall not treat any _____.
(name the specific patient population)

I. Restriction of Practice –Prohibition from Performing Specified Physical Therapy Procedures

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

In addition to the required oral notification, after the effective date of this Decision and Order, the first time a patient seeks the prohibited services, and each subsequent time, Respondent shall provide a written notification to the patient stating that Respondent does not perform _____ (e.g. a specific physical therapy procedure; on a specific patient population) Respondent shall maintain a copy of the written notification in the patient's file, shall make the notification available for immediate inspection and copying on the premises at all times during business hours by the practice monitor or the Board's probation monitor, and shall retain the notification for the entire term of probation. Failure to maintain the notification as defined in the section, or to

make the notification available for immediate inspection and copying on the premises during business hours is a violation of probation.

If Respondent can demonstrate competency in performing _____ (e.g. a specific physical therapy procedure; on a specific patient population) to the satisfaction of a physical therapist (holding a valid and current, unrestricted license), approved by the Board's probation monitor, the approved physical therapist can recommend to the Board in writing that this term of the probation end without the probationer petitioning to modify the probation. The Board or its designee will make the decision and notify Respondent of its decision in writing. Until Respondent has been notified in writing by the Board that this term has been terminated, Respondent shall continue to practice under the provision of this term.

Respondent shall pay all costs of the evaluation.

J. Restriction of Practice - No Supervision of Physical Therapist License Applicants or Physical Therapist Assistant License Applicants

Respondent shall not supervise any physical therapist license applicants or physical therapist assistant applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision and Order.

K. Restriction of Practice - No Supervision of Physical Therapist Assistants

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

L. Restriction of Practice - No Supervision of Physical Therapy Aides

Respondent shall not supervise any physical therapy aides during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision and Order.

M. Notification to Patients

Respondent shall notify each patient, in writing, his or her license is on probation and that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. physical therapist will be reviewing patient records or other specific requirement].

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

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

The Physical Therapy Board of California (PTBC) has placed license [INSERT LICENSE #], issued to [INSERT LICENSEE NAME], on probation.

As a condition of probation, the above-named licensee must notify patients that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. practice monitor will be reviewing patient records or other specific requirement]. In addition, Respondent is required to notify and obtain written acknowledgement from each patient of this condition. A copy of the acknowledgement shall be offered to the patient and placed in the patient's record.

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

N. Notification of Probationer Status to Employees

If Respondent is an employer, Respondent shall notify all present or future employees of the reason for and terms and conditions of the probation. Respondent shall do so by providing a copy of the Initial Probationary License, Statement of Issues, Accusation, and Decision and Order to each employee and submit confirmation of employee receipt to the Board within ten (10) days. The confirmation(s) provided to the Board shall include the name, address, and phone number of the employees.

O. Education Course(s)

Within thirty (30) days of the effective date of this Decision and Order, Respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program (including date, title, and length of course(s) in the content of _____ (specify course subject) which shall not be less than eight (8) hours. Respondent shall supply documentation verifying satisfactory completion of coursework. Respondent shall be responsible for costs incurred of the course(s). Course hours shall not satisfy the Continuing Competency requirements pursuant to B&P Code 2676 as a condition for renewal of license.

If Respondent fails to provide documentation verifying satisfactory completion of the coursework within 180 days, Respondent shall be suspended from the practice of physical therapy until documentation verifying satisfactory completion of the coursework is provided.

P. Psychiatric Evaluation

Within thirty (30) calendar days of the effective date of this Decision and Order, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-

appointed Board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee indicating whether Respondent is mentally fit to practice physical therapy safely. Psychiatric evaluations conducted prior to the effective date of the Decision and Order shall not be accepted towards the fulfillment of this requirement. Respondent shall pay all cost of all psychiatric evaluations, psychological testing, and any required additional follow up visits.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, or comply with the required additional conditions or restrictions, is a violation of probation.

(Option: Condition Precedent)

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee that Respondent is mentally fit to practice physical therapy safely. The period of time Respondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

Q. Psychotherapy

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

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require Respondent to undergo psychiatric evaluations by a Board-appointed Board certified psychiatrist.

If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall have continued jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines Respondent is mentally

fit to resume the practice of physical therapy without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

Note:

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

R. Medical Evaluation

Within thirty (30) days of the effective date of this Decision and Order, and on a periodic basis thereafter, as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board appointed physician and surgeon, who shall furnish a medical report to the Board or its designee. Respondent shall pay the cost of the medical evaluation.

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

Optional Condition

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee of its determination Respondent is medically fit to practice safely.

S. Medical Treatment

Within fifteen (15) days of the effective date of this Decision and Order, Respondent shall submit to the Board or its designee for its prior approval the name and qualifications of a physician of Respondent's choice. Upon approval, Respondent shall undergo and continue medical treatment until the Board or its designee deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the Board or its designee indicating whether Respondent is capable of practicing physical therapy safely. The Board or its designee may require Respondent to undergo periodic medical evaluations by a Board appointed physician. Respondent shall pay the cost of the medical treatment.

CONDITIONS APPLYING THE UNIFORM STANDARDS
SPECIFIC TO ALCOHOL
AND CONTROLLED SUBSTANCES

The following conditions, lettered T through AA, must be used in cases where alcohol or a controlled substance was involved in the violation.

T. Clinical Diagnostic Evaluation (CDE)

Within thirty (30) days of the effective date of the Decision and Order, Respondent shall undergo a CDE from a licensed practitioner who holds a valid, unrestricted license to conduct CDE's, has three (3) years of experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The Board may request Respondent to undergo a CDE at any time during the period of probation. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse CDE's.

Respondent shall undergo a CDE to determine whether the Respondent has a substance abuse problem and whether the Respondent is a threat to himself or herself or others. The evaluator shall make recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the Respondent's rehabilitation and safe practice.

Respondent shall not be evaluated by an evaluator that has a financial, personal, or business relationship with the Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

During the evaluation, if Respondent is determined to be a threat to himself or herself or others, the evaluator shall notify the Board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed thirty (30) days.

Respondent may return to either full-time or part-time work if the Board determines he or she is fit to do so based upon consideration of the CDE report and the following criteria:

- License type;
- Licensee's history;
- Documented length of sobriety/time that has elapsed since last substance use;
- Scope and pattern of use;
- Treatment history;

- Medical history and current medical condition;
- Nature, duration and severity of substance abuse; and,
- Whether the licensee is a threat to himself or herself or others.

The Board shall determine whether or not the Respondent is safe to return to full-time or part-time work, and what restrictions shall be imposed on the Respondent. However, Respondent shall not return to practice until he or she has thirty days of negative drug tests.

If the Respondent is required to participate in inpatient, outpatient, or any other type of treatment, the Board shall take into consideration the recommendation of the CDE, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.

In the event that interpretation or clarification of any of the Conditions Applying the Uniform Standards is necessary, the Uniform Standards shall be controlling.

U. Substance Abuse Rehabilitation Program

Within fifteen (15) calendar days from the effective date of this Decision and Order, Respondent shall enroll and participate in the Board's rehabilitation program at Respondent's cost until the rehabilitation program determines that participation in the rehabilitation program is no longer necessary.

Respondent shall comply with all components of the rehabilitation program. Respondent shall sign a release authorizing the rehabilitation program to report all aspects of participation of the rehabilitation program as requested by the Board or its designee.

Failure to comply with requirements of the rehabilitation program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by Respondent and shall be immediately suspended from the practice of physical therapy.

[Optional language: This condition may be waived by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

V. Abstain from Use of Controlled Substances and Dangerous Drugs

Respondent shall abstain completely from personal use, possession, injection, consumption by any route, including inhalation of all controlled substances as defined in the California Uniform, Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the recovery program in writing of the

following: prescriber's name, address, and telephone number; medication name and strength, issuing pharmacy name, address, and telephone number. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the probation monitor with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board's approval a single coordinating physician and surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, and controlled substances. Once a Board-approved physician and surgeon has been identified, Respondent shall provide a copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order to the physician and surgeon. The coordinating physician and surgeon shall report to the Board or its designee on a quarterly basis Respondent's compliance with this condition.

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

If Respondent has a positive drug screen for any substance not legally authorized, Respondent shall be contacted and instructed to leave work and ordered by the Board to cease any practice and may not practice unless and until notified by the Board. The Board will notify Respondent's employer, if any, and worksite monitor, if any, that Respondent may not practice. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

[Optional language: This condition may be waived by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

W. Abstain from the Use of Alcohol

Respondent shall abstain completely from the use of alcoholic beverages.

[Optional language: This condition may be waived by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

X. Biological Testing

Respondent shall immediately submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board or its designee.

Respondent shall be subject to a minimum of fifty two (52), but not to exceed, one-hundred and four (104) random tests per year within the first year of probation, and a minimum of thirty six (36) random tests per year thereafter, for the duration of the probationary term. However, in cases where there is evidence that the Respondent has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the Board, the Board may give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.

Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall ensure that the test results are sent immediately to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If the test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If a positive result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by Respondent. A positive result is one which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be contacted and instructed to leave work and ordered to cease all practice. Respondent shall not resume practice until notified by the Board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

This condition may be waived or modified by the Board upon a written finding by the CDE that Respondent is not a substance abusing licensee.

The "Exceptions to Testing Frequency Schedule" identified in Uniform Standard #4 apply.

Y. Major Violations

This provision applies if Respondent commits a violation of the rehabilitation program or any other condition applying the uniform standards specific to controlled substance(s).

If Respondent commits a major violation, Respondent shall immediately upon notification by the Board, cease practice until notified otherwise in writing by the Board.

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

1. Failure to complete a Board-ordered program;
2. Failure to undergo a required CDE;
3. Committing multiple minor violations of probation conditions;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance; and
8. Knowingly using, making, altering, or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

Z. Facilitated Group Support Meetings

Within fifteen (15) days from the effective date of the decision, Respondent shall submit to the Board or its designee for prior approval the name of one or more meeting facilitator(s). Respondent shall participate in facilitated group support meetings within fifteen (15) days after a notification of the Board's or designee's approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board or its designee shall give consideration to the following:

- The licensee's history
- The documented length of sobriety/time that has elapsed since substance abuse
- The recommendation of the clinical evaluator
- The scope and pattern of use
- The licensee's treatment history,
- The nature, duration, and severity of substance abuse

Verified documentation of attendance shall be submitted by Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered, the group facilitator shall meet the following qualifications and requirements:

1. The group meeting facilitator shall have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organizations.

2. The group meeting facilitator shall not have a financial relationship, personal relationship, or business relationship with the licensee in the last five (5) years.
3. The group facilitator shall provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.
4. The group meeting facilitator shall report any unexcused absence to the Board or its designee within twenty-four (24) hours.

AA. Worksite Monitor

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

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

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

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

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

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

The worksite monitor shall report to the Board as follows:

- Any suspected substance abuse must be verbally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the verbal

report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.

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

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

If Respondent tests positive for a banned substance, the Board will immediately notify Respondent's employer that the Respondent's license has been ordered to cease practice.

[Optional language: This condition may be waived or modified by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

GLOSSARY OF TERMS

Accusation - Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

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

California Code of Regulations (CCR) - Regulations define and clarify the intent of the statutes (laws). The regulations specific to physical therapy are located in Title 16, Chapter 13.2, Article 6 of the California Code of Regulations and can be accessed through the Physical Therapy Board of California website at www.ptb.ca.gov.

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

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

Default Decision - Licensee fails to respond to Accusation by filing a Notice of Defense or fails to appear at an administrative hearing resulting in a default decision.

Diversion –The Board does not divert licensees from discipline.

Health and Safety Code (H&S) - Statutes of law pertaining to the health and safety of the citizens of California. Certain sections of the law contained in this document pertain to the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at www.ptb.ca.gov.

Initial Probationary License (IPL) - The Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure. An IPL is not considered disciplinary action and is removed from the record upon completion of probation. The IPL is posted on the Board's website only during the period of probation.

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

Petition to Revoke Probation - Charges filed against a probationer seeking revocation of their physical therapy license based upon violation(s) of probation.

Practice Monitor (Probation Condition Term B) - The practice monitor is a licensed physical therapist that serves as a subject matter expert to review the probationer's current

practice and to evaluate all aspects of the probationer's practice. The practice monitor is approved by the Board and reports to the Board's probation monitor. The practice monitor is used in lieu of a supervising physical therapist when probationer holds a vested interest in the physical therapy practice.

Probation Monitor - The Probation Monitor is an employee of the Physical Therapy Board that monitors probationers to ensure compliance with the terms and conditions of Respondent's probation.

Probation Tolerated - Credit for time served towards the probationary period does not begin until the probationer commences practice in the State of California.

Public Letter of Reprimand-

In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand. If the licensee does not agree to the issuance of the letter, the board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

Public Reprimand - A formal public reprimand, pursuant to B&P Code, section 495, may be issued for an act constituting grounds for suspension or revocation of a license. This requires filing of a formal accusation. A public reprimand is considered disciplinary action.

Rehabilitation - A part of a disciplinary action taken in cases of substance abuse.

Revoked - The right to practice is ended.

Revoked, stayed, probation - "Stayed" means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.

Statement of Issues - Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

Supervising Physical Therapist (Probation Condition Term A) - The supervising physical therapist ensures probationer adheres to the Physical Therapy Practice Act as well as the probationary conditions and practices in the same facility as the probationer. The supervisor has full and random access to probationer's patient records and evaluates all aspects of probationer's practice. The supervising physical therapist is approved by the Board and reports to the Board's probation monitor. The role of the supervising physical therapist may vary depending on the level of supervision set forth in the Decision and Order.

Surrender of License - The licensee turns in the license, subject to acceptance by the Board. The right to practice is ended.

Suspension - The licensee is prohibited from practicing for a specific period.

Uniform Standards Regarding Substance–Abusing Healing Arts Licensees (Uniform Standards) - Addresses penalties established for licensees dealing with substance-abuse violations per SB 1441, developed by the Substance Abuse Coordination Committee, within the Department of Consumer Affairs.

Worksite Monitor (Probation Condition Term Z) - The worksite monitor is a person, usually a physical therapist, which observes for signs of substance abuse through face to face contact, interviews and attendance monitoring. The Worksite Monitor is approved by the Board's rehabilitation program and reports to the Board's rehabilitation program on the status of the probationer.

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