



## Physical Therapy Board of California

2005 Evergreen Street, Suite 1350, Sacramento, California 95815

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### **Petition for Penalty Relief Reinstatement/Modification/Termination**

Business and Professions Code, section 2661.7 allows a person whose physical therapy or physical therapy assistant license has been revoked or suspended, or who has been placed on probation, to petition the Physical Therapy Board (Board) for reinstatement, modification of penalty or termination of probation.

*Please read the entire instructions carefully.*

#### **PRELIMINARY**

Filing the petition usually takes one (1) year from the date the completed petition is received by the Physical Therapy Board - until the Board renders its decision.

If you are currently under criminal probation, you are ineligible to file a petition until you complete the criminal probation period- Business and Professions Code Section 2661.7(f).

Type or print your answers legibly on the petition form. If additional space is needed to complete your answers, attach a separate page.

The petition package will be returned to the petitioner if it is not legible, not fully completed, or not prepared in accordance with the following instructions.

#### **PREPARING THE PETITION**

**All Petitions Must Include:** A narrative statement. For reading ease, the narrative statement must be typed and may not be handwritten. Try to be brief and concise when telling the Board the reasons your request should be granted. Give a brief factual description of the offense that was the basis of your discipline. If applicable, give the history of past discipline and the history of prior petitions. Give details of your continuing education, training programs and seminars or educational courses as well as what physical therapy journals you read on a regular basis. Describe your rehabilitative efforts, which may include rehabilitation programs, psychotherapy, medical treatment(s), and include the duration of each.

**Reinstatement Cases:** Include in your statement: How long has your license been revoked? How have you earned a living since revocation? What aspect of your rehabilitation do you feel will protect against the recurrence of your prior conduct? What are your plans if your license is reinstated? Where will you practice? What type of practice? Is there a particular person or group you will be working for?

**Modification Cases:** State the specific probation condition you want changed and why it should be changed. How is this probation term affecting you? How would modification make a difference?

**Termination of Probation Cases:** State the compelling reasons for termination of probation.

**Letters of Recommendation:**

Pursuant to Business and Professions Code section 2661.7(b) at least two recommendations from physical therapists licensed by the Board are required. Both recommendations must illustrate to have personal knowledge of the discipline taken against you and your activities since your disciplinary penalty was imposed. Recommendation letters cannot be more than three (3) months old from the time of submission to the Board.

Recommendation letters **MUST** be signed under penalty of perjury and must be dated by the licensee. Instruct your colleagues to verify their letter of recommendation **and** include the following declaration above their signature.

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct."	
_____	_____
Print Name	Signature
_____	_____
License Number	Date

Many letters of recommendation are returned to the petitioner because the above declaration is not included. Letters of recommendation containing mere conclusions and few facts are of little persuasion to the Board (e.g., I think he/she is a fine physical therapist or physical therapist assistant and a credit to the profession). It is more effective when letters from colleagues provide personal information about the way in which the petitioner has changed since the disciplinary action was taken. Be sure to submit original recommendation letters, *not* copies. Letters should be part of the original package and not submitted separately. All letters of recommendation are verified by the Physical Therapy Board of California and therefore must contain the physical therapist's license number, address and a phone number where they can be reached.

**Fingerprints (Live Scan Form)**

Individuals petitioning for termination or modification of terms and conditions of probation are required to submit fingerprints for clearance at the State and Federal level. Petitioners must use Live Scan, an electronic imaging process that doesn't require fingerprint cards, in order to expedite the criminal record check.

*Do not* process your fingerprints via Live Scan until you are ready to submit your petition. The Board will only maintain fingerprint reports for up to 60 days as mandated by law. After 60 days, the Board will destroy the fingerprint reports if there is no petition on file.

Refer to the Board's website for instructions to complete the fingerprints at:

[http://www.ptbc.ca.gov/applicants/livescan\\_inst.shtml](http://www.ptbc.ca.gov/applicants/livescan_inst.shtml)

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Complete the Live Scan Form and take it to your local Police, Sheriff, or Department of Justice (DOJ) office in your area for processing. Contact the Live Scan agency directly to determine if an appointment is necessary and to confirm what method of payment is accepted.

### **Submitting Your Petition Package:**

Complete and assemble the original Petition for Penalty Relief. Include with your petition copies of accusations and ALL prior disciplinary decisions taken against you by this Board. You may order a copy of the Stipulation, Decision and/or Accusation by submitting your request in writing to the Board, or you may download these documents from the Board's website at: [www.ptb.ca.gov](http://www.ptb.ca.gov). It is your responsibility to Xerox and collate ten (10) copies of the entire petition packet to submit to the Board.

Your petition packet must include ten petition packets (in this order):

- 1) Petition for Modification/Reinstatement of License Application
- 2) Petitioner's Narrative Statement
- 3) Authorization for Release (If provided by Board)
- 4) Two (2) letters of recommendation from licensed physical therapists who have personal knowledge of your professional activities since disciplinary action was taken
- 5) Copy of the Accusation(s), Decision and Order(s)
- 6) Copy of completed live scan form verifying that you have submitted your fingerprints for processing

Incomplete Petitions WILL BE returned to the petitioner.

Clip each package (**do not bind or staple**) together. Once the original Petition and 10 copies of ALL documents are submitted to the Board, no additional information may be submitted until you attend the administrative hearing. If you are going to present additional documents at the hearing, bring the original document and seven (7) copies to the hearing. The judge will decide whether to accept additional information at that time. Mail Petition packets to:

Physical Therapy Board of California  
Consumer Protection Services Program  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815

The Board will acknowledge receipt for consideration of your petition within 30 days of the date received. If your petition is incomplete, all documents will be returned.

### **HEARING**

You will be notified in writing when your hearing will be scheduled. Hearings are held in conjunction with the Physical Therapy Board of California Board meetings. If you have any questions about the date, contact the Board at (916) 561-8200 or refer to the Board's website for the upcoming meeting dates and locations. You will be sent written notice from the Board of the exact time, date and location of the hearing when your petition has been processed. Please be present one half hour before your scheduled hearing time. You may appear with or without an attorney.

An administrative Law Judge (ALJ) will preside over the hearing and the Board members will be present. You will be asked questions under oath. You should apprise the ALJ and Board members of any circumstances that

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have changed since you filed your petition. **Emphasis should be put on evidence of rehabilitation** rather than discussion of the discipline case.

For additional information regarding the process of an administrative hearing, please refer to:

<http://www.dgs.ca.gov/oah/GeneralJurisdiction/RepYourself.aspx>

The final Decision will not be announced nor discussed at the meeting. After the hearing, the ALJ is permitted thirty (30) days to provide the Board with a Decision, upon which the Board will act. The Decision in your case will be mailed approximately 50 days after the hearing.

Contact this office at (916) 561-8200, Ext. 8215 if you have questions regarding your petition for Penalty Relief.