
Physical Therapy Board of California

Progress Notes

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Senate Bill 1485 *by Donald Chu, PhD, PT—Board President*

Senate Bill 1485 was approved by the Governor on July 6, 2004 and was filed with the Secretary of State July 7, 2004. The provisions of Senate Bill 1485 became effective January 1, 2005. This bill was an act to amend Sections 2620 and 2622 of the Business and Professions (B&P) Code as they relate to the practice of Physical Therapy.

Section 2620 defines physical therapy. As amended by Senate Bill 1485 the definition of physical therapy now expressly includes “the promotion and maintenance of physical fitness to enhance the bodily movement related to health and wellness of individuals through the use of physical therapy interventions”. (Emphasis added) Now, with the changes to Section 2620, the physical therapist is clearly authorized to perform physical therapy interventions for the purpose of wellness and fitness.

Services related to wellness and fitness may include instruction in general flexibility, strength and conditioning exercise programs for home/clinical/health club settings, geriatric wellness exercise programs for individuals and groups and ergonomic or other educational programs for industry or private organizations.

Physical therapy interventions that are reasonably designed and intended, consistent with applicable professional standards, to promote or maintain physical fitness and not to treat or correct a medical condition may be employed by a physical therapist without any diagnosis by another health care practitioner. But if instead the intervention is for treatment or correction of a medical condition, the physical therapist must first obtain a diagnosis from a physician or other duly licensed practitioner. Nevertheless it may be possible to provide a wellness program without a diagnosis even for individuals with joint replacement or severe arthritis so long as the program is reasonably designed and intended solely to promote and maintain physical fitness.

The question has also arisen regarding the provision of massage services without a diagnosis. Once again, massage services can also be provided to clients if they are for wellness and fitness purposes and not for treatment of medical conditions. If massage is provided as an injury preventive, warm-up or cool down intervention, it would ordinarily be understood to be for purposes of wellness or fitness.

The question of reimbursement may well come up in any discussion of services provided. **In light of this, the billing codes used must accurately reflect the services actually provided.**

The other change made by Senate Bill 1485 was a relatively minor change to B&P Code Section 2622. Senate Bill 1485 revised the definition of physical therapist and “physical therapist technician” for the purposes of the practice act to mean a person who is licensed to practice physical therapy.

Please visit www.ptb.ca.gov to review the amended language for Section 2620.

NOTE: This document is not a declaratory opinion of the Physical Therapy Board of California (PTBC).

Foreign Educated Physical Therapist: A Level Playing Field

by Ellen Wilson, PT

The Physical Therapy Board of California receives over 600 applications annually for licensure from physical therapists educated outside the United States. As part of the licensure process, these applicants must have their academic coursework evaluated against United States standards to be sure both general and professional education is comparable to that of United States graduates.

The first in the nation to do so, California has adopted a new set of coursework evaluation tools. The tools are called “ELEERs”: Entry Level Education Equivalency Reviews“. There are five versions of the ELEER tool, which correspond to the US educational standards. The foreign educated physical therapists are held to the same educational standard as those educated in the United States. (Note: In addition to the credentials evaluation, foreign educated physical therapists must also pass the National Physical Therapy Examination, the California Law Examination, and complete a period of clinical service to assess competence.)

California is looking to see whether other states will follow our lead. We believe that we have a fair process, which is consistent with protecting the interests of California consumers. For more information on the licensing process, please visit our website.

Application Process: Graduates of an Accredited Program

by Carl Nelson

An applicant for licensure as a physical therapist or physical therapist assistant must follow established policies and procedures of the Physical Therapy Board of California (PTBC). Each individual applying for a physical therapist or physical therapist assistant license must submit a complete Application for Examination and/or Licensure. To access a copy of the application, please visit the PTBC's website. Each applicant is required to submit the following with the application: a completed fingerprint card or Livescan form and a completed Certificate of Completion form (P1E) from the accredited physical therapy or physical therapist assistant program. The P1E form must be submitted in a sealed envelope with the application.

Upon submitting a completed application to the PTBC, the applicant could simultaneously access the Federation of State Boards of Physical Therapy's (FSBPT) website at www.fsbpt.org to register and pay to take The National Physical Therapy Examination (NPTE) and/or the California Law Examination (CLE). If the applicant holds a current license in another state and their NPTE score transfers to California he/she will only register to take the CLE.

Within 30 days of receiving the application, the PTBC licensing staff will acknowledge receipt of the application and request any missing documents, grant license applicant status when appropriate, and provide notification of eligibility to sit for the NPTE and/or CLE. Once the PTBC approves an applicant to sit for the NPTE and/or CLE the FSBPT will send the applicant an Authorization to Test Letter (ATT). The ATT letter provides instructions on how to schedule to sit for the NPTE and/or CLE a Prometric Testing Site.

Once the applicant has tested, PTBC will send the applicant their NPTE and/or CLE score report within 1-2 weeks from the date the applicant sat for the examination(s). When an applicant passes the necessary examination(s) and provides the necessary documents and fees for licensing,

the applicant will then be issued license.

New Clinical Service Requirements for Foreign Educated Physical Therapist

by Christina Metzen

Effective January 8, 2005, Section 1398.26 of the California Code of Regulations was amended, and Section 1398.26.5 was adopted to revise existing clinical service provisions for foreign educated applicants: (1) to specify that the supervising physical therapist is the Center Coordinator of Clinical Education (CCCE) and/or the Clinical Instructor (CI); (2) to require by January 1, 2008 that a CCCE, and by January 1, 2010 that all Clinical Instructors must be certified as a Clinical Instructor by the American Physical Therapy Association (APTA); (3) to require the supervising physical therapist to be onsite and available to the applicant to provide assistance with patient care; (4) to require an evaluation of the applicant's skill level using the Clinical Performance Instrument (12/1997) issued by the APTA midway through, and at the end of the period of clinical service; (5) to waive three months of clinical service if the applicant completes a postsecondary course in Law and Professional Ethics or four continuing education units in Ethics; and (6) to waive one month of clinical service for each month of licensed clinical practice in another state.

The Dilemma of the Traveling Physical Therapist

by Donald Chu, PhD, PT—Board President

An interesting situation exists for the Physical Therapist (PT) who comes to California from out-of-state and wants to practice physical therapy for a short period of time. Under current California law, the physical therapist cannot practice physical therapy in California without applying and being issued a physical therapy license from the Physical Therapy Board of California (PTBC).

Where this becomes particularly problematic is when a PT is traveling with an athletic team. Be it collegiate or professional, California law does not allow for the traveling physical therapist to practice physical therapy unless they are licensed in the State of California. This has always been the case, but the question has not been raised until recently.

This thorny issue has been thrust upon the Physical Therapy Board's Practice Act Review Task Force (Task Force). The Task Force is charged with reviewing many issues in the Physical Therapy Practice Act, among which is, "What might be done to facilitate the ability of the Physical Therapist to legally work with their athletic team when it is competing within the state of California?"

Another issue that has been presented to the Task Force is the issuance of temporary licenses to out-of-state PT's to legally allow them to perform as Course Instructors or as PT's in attendance of instructional courses within the State of California. This would allow the out-of-state PT Course Instructor to provide hands-on treatment or demonstration components in the course and allow the out-of-state PT's attending the course to provide hands-on treatment under supervision of the PT course instructor.

Discussion of these issues might result in legislation being proposed to provide for a temporary waiver of licensure. This privilege would not extend to the treatment of anyone in the general population. Until legislation is passed everyone who provides physical therapy services in California must be licensed in California.

These issues should raise some interesting conversations and "talking points" for the Task Force to consider. Please forward any ideas, thoughts or recommendations to the Physical Therapy Board of California by e-mailing pi@dca.ca.gov.

Physical Therapy Practice Review Act Task Force

by Rebecca Marco

As you recall from the September 2004 publication of "Progress Notes", the PTBC appointed a task force to review the Physical Therapy Practice Act (Act). The task force met on multiple occasions and has successfully fulfilled its mission, identified by the PTBC in its strategic plan, to address the applicability of the Act to the role of the physical therapy profession in the 21st century healthcare environment and to add clarity and understanding of the language for the public and licentiates.

To complete their charge, the task force has carefully reviewed the Model Practice Act developed by the Federation of State Boards of Physical Therapy (FSBPT). The PTBC will consider the proposed language of the task force at their strategic planning meeting scheduled for March 21 and 22, 2005. It is the intention of the PTBC to introduce the language to the legislature during the Sunset Review of the PTBC later this year.

Reporting Your Address of Record to the PTBC

by Cheryl Hayer

Per Title 16, California Code of Regulations, Section 1398.6(a), licensees are required to report to the PTBC their residential address. An alternate address, such as a post office box or place of business, may be listed as your address of record.

Your residential address will not be publicly disclosed if you prefer to use an alternate address. All PTBC mailings will be sent to your address of record and the same would be disclosed to the public with a written request from any interested party. Licensees are also required to report any subsequent address changes within 30 days of the change, confirming the new and old address as well as the date the address change took effect.

1398.6. Filing of Addresses

(a) Each licensee shall report to the board each and every change of residence address within 30 days after each change, giving both the old and new address. In addition to the address of residence, a licensee may provide the board with an alternate address of record. If an alternate address is the licensee's address of record, he or she may request that the residence address not be disclosed to the public.

Is Your License About to Expire?

by Debi Mitchell

Your physical therapist or physical therapist assistant license expires every two years on the last day of your birth month. A renewal notice is mailed to you approximately 85 days prior to the date of expiration to the address of record the Board has on file. **Have you notified the Board of your current address per Section 1398.6 of Title 16 California Code of Regulations?** Failure to notify the Board of your current address may result in the issuance of a citation. If you continue to work with an expired license, the Board may issue a citation or take disciplinary action against your license. Be proactive and know when your license expires and submit your renewal fee to the Board 6-8 weeks prior to expiration to allow the Board adequate processing time. If you do not receive a renewal notice you should contact the Board.

New Regulations Effective in 2004

by Rebecca Marco

The following regulations went into effect in 2004:

Section 1399.70, *Electromyography Reports* became effective 07/15/04 – The addition of this section requires the electromyographer include a specific statement that clarifies that a certified electromyographer conducted the evaluation and that the purpose of the evaluative report is solely to assist the physician and surgeon in providing a medical diagnosis to the patient.

Section 1399.26, *Citation and Fines* became effective 10/08/04 –Amendment adds into regulation additional sections on the California Code of Regulations and the Business and Professions Codes for which the Board may issue a citation and fine if the section is violated.

Section 1399.16, Initial Probationary License became effective 11/08/04 – This section delegates to the executive officer the authority to issue an initial probationary license and requires the use of the Board’s Disciplinary Guidelines as a guideline for appropriate terms and conditions for an initial probationary license.

To obtain the exact language please access the Office of Administrative Law’s official website at: www.oal.ca.gov

Diversion Hotline

Do you know an employer or associate who is a physical therapist or physical therapist assistant who is struggling with a drug or alcohol problem?

Do you have a problem?

If so, the PTBC has a voluntary and confidential program to help licensees overcome the disease of addiction.

Just pick up the telephone and call Maximus at
1-800-522-9198

Did You Know?

ONLY a physical therapist can supervise a physical therapist assistant and/or a physical therapy aide.

THE physical therapist is the primary person responsible for the physical therapy treatment provided to the patient by the physical therapist assistant and/or physical therapy aide.

A physical therapist can only supervise two physical therapist assistants and one physical therapy aide at any one time while performing patient related tasks.

DISCIPLINARY ACTIONS TAKEN
August 2004 through December 2004

The following disciplinary actions have been taken by the Physical Therapy Board from August 1, 2004 through December 31, 2004.

The Decisions become operative on the effective date, except in situations where the licensee has obtained a court ordered stay. Copies of Decisions and other pending disciplinary actions or documents may be requested by contacting the Board in writing or by e-mail: cps@dca.ca.gov.

Disciplinary action by the Board is PUBLIC INFORMATION and will be published in the Board's Progress Notes and on the Board's web site.

August 2004

Cardoza, John, AT 3120, Issued 09/10/1993. Sunnyvale, CA. B & P Code Sections: 2661, 2660(i), 2239. Decision Effective: 08/05/2004. License Revoked, Stayed, 3 Years Probation.

Chan, Ryan S., PT 19081, Issued 05/27/1993. San Jose, CA. B & P Code Sections: 2660(d), 2660(l). Decision Effective: 08/05/2004. License Revoked.

Colgan, Alouis F., AT 4077, Issued 11/29/1995. Encino, CA. B & P Code Sections: 2660(d), 2660(l), 2661, 490, 493, 2660. Decision Effective: 08/19/2004. License Revoked.

Eddy, Lynne J., PT 14164, Issued 03/18/1987. San Diego, CA. B & P Code Sections: 2660(d), 490, 2660(i). Decision Effective: 08/16/2004. License Revoked.

Freeman, Michael V., AT 4997, Issued 01/15/1998. Pleasanton, CA. B & P Code Sections: 2660(d), 2239, 2660(i). Decision Effective: 08/19/2004. License Revoked, Stayed, 5 Years Probation.

September 2004

Jasper-Richey, Suzanne A., AT 870, Issued 10/28/1983. La Jolla, CA. B & P Code Section: 2630. Decision Effective: 09/02/2004. Public Reprimand.

Richey, Joel B., PT 13574, Issued 05/08/1986. La Jolla, CA. B & P Code Sections: 2660(j), 2660(k), 1398.44. Decision Effective: 09/02/2004. Public Reprimand.

October 2004

Andalon, Oscar, PT 29851, Issued 10/25/2004. Long Beach, CA. B & P Code Section: 583. Decision Effective: 10/25/2004. Initial Probationary License Issued, 3 Years Probation.

November 2004

Delzompo, Anthony M., PT 21739, Issued 08/23/1996. Aptos and Santa Cruz, CA. B & P Code Sections: 2660(d), 2660(l), 1398.6, 822, 2660, 2660(f), 2660(g). Decision Effective: 11/01/2004. Stipulated Revocation.

Ferrolino, Don F., PT 16584, Issued 04/05/1990. Glendale, CA. B & P Code Section: 2620.7. Decision Effective: 10/18/2004. Revocation, Stayed, 5 Years Probation.

Knopper, Victoria, PT 11835, Issued 01/03/1984. Pasco and Paradise, CA. B & P Code Section: 2660(h). Decision Effective: 11/03/2004. Public Reprimand.

Soriano, John G., PT 26708, Issued 12/03/2001. Union City, CA. B & P Code Sections: 2660(d), 2661,2660(l). Decision Effective: 11/22/2004. Stipulated Revocation, Stayed, 2 Years Probation.

Swan, Jean M., PT 9262, Issued 08/15/1979. Benicia, CA. B & P Code Sections: 2660(d), 2661. Decision Effective: 11/22/2004. Stipulated Revocation, Stayed, 7 Years Probation with Suspension.

December 2004

Tresler, Mary L., AT 2054, Issued 08/03/1989. Auburn, CA. B & P Code Sections: 2660(i). Decision Effective: 12/16/2004. Stipulated Revocation.

Schultz, Michael R., AT 6030, Issued 02/20/2001. Concord, CA. B & P Code Sections: 2660(d), 2660(l). Decision Effective: 12/16/2004. Stipulated Revocation, Stayed 5 Years Probation.

Kennedy, Lisa M., PT 16252, Issued 12/21/1989. La Canada, CA. B & P Code Sections: 822. Decision Effective: 12/24/2004. Suspended Until Respondent Demonstrates Recovery.

GLOSSARY OF CODES

B&P 141(a)	Disciplinary Action Taken By Others
B&P 480	Grounds For Denial of License
B&P 480(a)(l)	Conviction of a Crime Substantially Related to Practice
B&P 490	Conviction of a Crime—Substantial Relationship Required
B&P 493	Conviction of a Crime with Conclusive Evidence
B&P 498	Licensure by Fraud
B&P 580	False Information on Affidavit
B&P 583	False Information on Affidavit
B&P 725	Excessive Prescribing and Treatment
B&P 726	Sexual Relations with Patients
B&P 810	Violation/Insurance Requirement
B&P 820	Mental or Physical Illness
B&P 822	Action Taken Due to Licentiate's Ability to Practice Safely
B&P 2052	Unlawful Practice of Medicine
B&P 2234(b)	Unprofessional Conduct/Gross Negligence
B&P 2238	Violation of Drug Statutes
B&P 2239	Unlawful Use of Prescribing
B&P 2261	False Statements on Documents
B&P 2264	Aiding and Abetting Unlicensed Activity
B&P 2620	PT Not Authorized to Diagnose
B&P 2620.7	Patient Record Documentation & Retention
B&P 2621	Unlawful Practice of Medicine
B&P 2630	License Required—Exceptions
B&P 2660	Unprofessional Conduct
B&P 2660(b)	Procuring License By Fraud
B&P 2660(d)	Conviction of a Criminal Offense
B&P 2660(f)	Habitual Intemperance
B&P 2660(g)	Drug Addiction
B&P 2660(h)	Gross Negligence
B&P 2660(i)	Violating the Code
B&P 2660(j)	Aiding and Abetting

Aiding and Abetting Unlicensed Activity

B&P 2660(l) Commit Fraud, Dishonest Activity - Physical Therapist

B&P 2661 Conviction of a Crime

CCR 1398.6 Filing of Addresses
CCR 1398.44 Supervision of a Physical Therapist Assistant
CCR 1399 Requirement for Use of Physical Therapy Aides
CCRH&S 113350 Possession of a Controlled Substance
PC 261 Rape
PC 550 Fraudulent Insurance Claims

For a copy of the Business and Professions (B&P) Code Sections and/or Title 16 California Code of Regulation (CCR) Sections pertaining to the practice of Physical Therapy refer to our website at www.ptb.ca.gov. Pertinent Health and Safety (H&S) and Penal Code Sections (PC) can be found at www.leginfo.ca.gov.