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# Physical Therapy Board of California

## *Progress Notes*

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### **A Strategic Plan Update** *by Ellen Wilson, P.T.*

The Physical Therapy Board of California is guided by an ongoing strategic plan, which is reviewed and updated annually by the Board. The strategic plan is shaped and influenced by factors such as governmental priorities and initiatives, changes in the practice of physical therapy, fiscal issues, and other environmental threats and opportunities. The timeline for achievement of strategic plan goals and objectives varies from six (6) months to several years.

A thumbnail sketch of current strategic plan focuses on the Board's programs is as following:

#### ENFORCEMENT

Monthly reporting of complaints, identification of alternative methods of investigation, revision of disciplinary guidelines, and more efficient and timely resolution of complaints.

#### EXAMINATION

Insure valid and reliable licensure exams, conduct question development workshops, provide internet version of the California Law Exam, and work with the Federation of State Boards of Physical Therapy to make examination results immediately available.

#### LICENSING

Insure there are qualified physical therapists and physical therapist assistants in California, adopt new coursework evaluation tools for foreign-educated physical therapists to allow a more fair licensure process, begin issuing photo licenses, imaging of licenses and enforcement records in case of a disaster, implement filing of forms on the internet, electronic payment of licensing fees, and electronic tracking of license applications.

#### CONSUMER EDUCATION and OUTREACH

Publish a bi-annual newsletter, update the PTBC website, increase participation in public and professional speaking engagements, publish a plain-language version of the laws and regulations, make the Attorney General opinions available on the Board's website, place informational inserts in all renewal mailings, and collaborate with other governing boards on consumer education and advocacy efforts.

#### DIVERSION

Increase licensee awareness of the Board's diversion program, encourage more self-referrals to enter the program, and develop an education module for use by the physical therapy educational programs on the abuse of drugs and alcohol.

#### ADMINISTRATION

Insure the Board has enough resources to meet its goals, realign the budget to the Board's strategic plan, complete another Sunset Review in 2006, and conduct training and development of staff.

Updates on the strategic plan will continued to be included in future editions of the Board's newsletter.

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

## PTBC Renewal Procedures

*by Cheryl Hayer*

Physical therapy licensees are required to renew their licenses every two years. Renewal notices are mailed to the addresses of record 90 days before the expiration of the licenses. Licenses are no longer valid if the renewal payment has not been submitted by the expiration date. However, there is a 30-day window in which the license can be renewed without a delinquency fee of \$60. The grace period applies ONLY to the delinquent fee and not to the validity of the license which is expired until renewed.

The PTBC frequently receives calls and e-mails from licensees who are concerned that they have not received their renewed license.

Typically it takes 6-8 weeks from the date the renewal payment was mailed until the license is received. If the PTBC does not have a current address on record, or a change of name or address was submitted along with the renewal payment, the processing time could be longer.

In the meantime, the PTBC considers the license renewed as of the postmark date of the payment and can verify renewal once the payment is received. It is not necessary to have the license in hand by the expiration date to continue practicing as long as you have mailed the renewal payment. The License Verification option on the PTBC website, [www.ptb.ca.gov](http://www.ptb.ca.gov), will reflect the renewal immediately upon posting of the payment. There is also a Statement of Renewal form available online at the Board's website so that licensees may certify to their employers that renewal payments have been sent to the Board.

## Don't Lose Your License Before It's Issued

*by Rebecca Marco*

Physical therapist license applicant "PTLA" status is a privilege granted to physical therapist applicants who have graduated from an approved physical therapy education program after a completed application for licensure is acknowledged by the Physical Therapy Board of California (Board). PTLA status is valid until the time of licensure pursuant to Sections 2636.5 and 2639 of the Business and Professions Code (B&P). During this time, under supervision of a licensed physical therapist, a PTLA may apply the learned skills of a physical therapist as defined in the Scope of Practice, §2620 of the B & P. If the applicant fails to pass the National Physical Therapy Examination on the first attempt, the PTLA status is revoked. PTLA status is also granted to foreign educated physical therapists after credential approval and passing of the NPTE while completing a required period of clinical service in a site approved by the Board. While the timing of granting PTLA status to the graduate of an approved physical therapy education program differs from the foreign educated physical therapist, both are afforded the opportunity to work as a physical therapist but not authorized to supervise a physical therapist assistant, prohibited by §2655 (B&P) or a physical therapy aide, prohibited by §2630 B&P. These referenced statutes require the supervisor to be a licensed physical therapist. Violating the Physical Therapy Practice Act is grounds for denial of the license; therefore, **don't supervise before having a license to do so!**

## What is Sunset Review and Why is it Necessary?

*By Arlyce Ten Broeck*

Sunset review was created by the legislature so that boards and other regulatory programs would have to demonstrate a compelling public need for their continued existence and prove their licensing function to be the least restrictive regulation consistent with the public health, safety, and welfare.

Agencies under review have been required to report the following:

- Mission, goals, objectives and legal jurisdiction in protecting the health, safety and welfare of the public.
- Enforcement priorities, complaint and enforcement data, budget expenditures with average and median costs per case and case aging data specific to post and pre-accusation cases at the AGs.
- Fund condition, sources of revenues, and expenditure categories by program components.
- Licensing process including time and costs required to implement and administer the licensing examination, ownership of the exam, relevancy and validity of the licensing exam and passage rate and areas of examination.
- Initiation of legislative efforts, budget change proposals, and other initiatives taken to improve legislative mandates.

Boards and programs must continue to demonstrate a public need for continued existence and the degree of regulation they implement based on the following:

- Is regulation necessary to protect the public health, safety, and welfare?
- Have the basis or facts that necessitated the initial licensing or regulation of a practice or profession changed?
- Have other conditions arisen that would warrant increased, decreased, or the same degree of regulation?
- Is the regulation of the profession or practice necessary and are existing statutes and regulations established the least restrictive form of regulation consistent with the public interest and within the scope of the legislative intent?
- Does the board or program operate and enforce its regulatory responsibilities in the public interest and is its regulatory mission impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resource and personnel matters?
- Does the composition of the board adequately represent the public interest and does the board encourage public participation in its decisions?
- Does the board and its laws or regulations stimulate or restrict competition?
- Does its complaint, investigation, powers to intervene, and disciplinary procedures adequately protect the public and are its final decisions in the public interest?
- Does the scope of practice of the regulated profession contribute to the highest utilization of personnel and do entry requirements encourage affirmative action?

Please refer to Business and Professions Code Sections 473-473.6 for a more detailed description of Sunset Review.

## **LICENSING FOREIGN EDUCATED PHYSICAL THERAPISTS**

*by Christina Metzen*

The licensing process for graduates of non-accredited physical therapist educational programs is more extensive than for graduates of accredited physical therapist educational programs. Graduates of a non-accredited physical therapist educational programs must not only submit completed applications to the Physical Therapy Board of California (PTBC), but must also have their credentials evaluated by one of the five approved credential evaluation services. The credential evaluation services then provide their evaluation reports to the PTBC.

Once a credential evaluation report is received by the PTBC, it is reviewed by staff to determine if the applicant meets California's eligibility standards for professional licensure. If staff is unable to determine if the applicant meets the eligibility requirements, the credential report will be reviewed by the Board's Licensing Committee at the next public meeting.

Applicants meeting the education requirements are authorized to take the National Physical Therapist Examination (NPTE) and the California Law Examination (CLE). If the applicant is licensed in another state and has a passing score on the NPTE, he or she will only be required to take the CLE. Applicants have up to one year from the time their credentials are approved to take and pass the examinations.

Applicants who do not meet the education requirements will be notified by staff what the deficiencies are and how to make up the deficiencies. Applicants with deficiencies have up to one year to satisfy the identified deficiencies. In some cases, application extensions are granted.

Applicants who pass the NPTE must then find facilities that are willing and able to supervise them through a period of clinical service as defined by Business and Professions Code Section 2653. The period of clinical service is not to exceed nine months and must be completed in a manner acceptable to the PTBC at a clinical site approved by the PTBC. For those applicants who were licensed and working in other states, one month of clinical service will be waived for each month of verified licensed clinical practice in other states up to the required length of clinical service.

Applicants who satisfy the clinical service requirements will be issued a license provided they have a USA Social Security number, received fingerprint clearance and have passed the CLE.

Currently the Board has 998 foreign educated applications to be reviewed.

## **Physical Therapy Practice Review Act Task Force**

*by Becky Marco*

The PTBC appointed a task force to review the history of the Physical Therapy Practice Act. Members met in July to formulate a mission statement for the task force and to identify areas of the Act that need to be addressed.

The mission statement provides for the task force to review the Practice Act to determine if it still provides the foundation for the PTBC to fulfill its vision statement. The review will address applicability to the role of the P.T. professionals in the 21st century healthcare environment and clarity and understanding of the language for the public and licentiates.

Items to be addressed are the definition of P.T. practice, format of the Practice Act, patient access to care, continued competency, entry into the profession, ownership of a P.T. practice, investigative authority of the Board, appropriate identifications of P.T. providers to patients, documentation of care provide and use of assistive personnel.

Recommendations for consideration by the Board will be made by February 2005. Tentative meeting dates are 8/17 and 10/12/2004 and 01/11/2005.

## Concern for David

*by Don Fensterman, LCSW with Maximus*

David's co-workers at the Physical Therapy Clinic had witnessed his pain. A recent divorce, the death of his mother, and financial problems were enough stress for anyone to handle. David always had a gentle manner with his clients, but recently, things had changed. David's mood seemed to fluctuate and he was short-tempered with his clients. He sometimes looked tired and got defensive with the slightest comments. Recently he started calling in sick and when he came to work he arrived late.

One of David's co-workers, Cindy, is a close friend outside of work. She is concerned about David. Cindy knows he is drinking a lot since his divorce. Cindy also knows about the Board's Diversion Program and she thinks it would be a good idea for David to call the program and get some help. She learned David can enter the Diversion Program as a self-referral and his information would be kept confidential.

What do you think Cindy should do now? What would you do?

### Diversion Hotline

Do you know an employer or associate 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?

**FSBPT** means the *Federation of State Boards of Physical Therapy* a national federation  
of state regulatory boards

**CPTA** means the *California Physical Therapy Association*  
a membership of California physical therapists

**PTBC** means the *Physical Therapy Board of California*  
a state board charged with the licensing and regulation of PTs and PTAs in California.

## Purpose of the PTBC

In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB 1001). While the name has been changed to the Physical Therapy Board of California (PTBC), the charge to the PTBC by the legislature remains the same. The PTBC was created for the protection of the California physical therapy consumer from the incompetent, unprofessional or criminal practice of physical therapy.

### **Medical Board Chief of Enforcement Request**

As chief of enforcement for the Medical Board of California, I am extremely interested in advancing the board's mission of consumer protection. Recently a nurse in a California hospital was quoted in a major newspaper article stating that she knew (without naming anyone) of many physicians who deserved to have their licenses revoked by our board. The context for this was within a story about a licensee whose license was being revoked by our board. Such a statement is of concern to us, because we rely in part on peer review and input from allied health professionals to help us in doing our job of patient protection. In my opinion, healthcare workers are in a uniquely qualified position of trust and obligation to report to regulatory agencies problems they see with other healthcare providers that lead to or could lead to patient harm.

I am asking those "on the front line" to recognize and act on this obligation by informing the Medical Board of physician misconduct of which they are aware. While we take complaints anonymously, they are impossible to pursue if we cannot find witnesses to corroborate the allegations. I cannot guarantee your name will not surface, but we will work with you to avoid that if possible. I can guarantee you that you will be doing the right thing by your patients and your profession. We, at the board, are deeply committed to our mission of consumer protection, and the proper licensing and regulation of physicians in California. We hope you will work with us and your constituencies toward this end. Please call our toll-free complaint line at (800) 633-2322, or download our complaint form from our website [www.caldocinfo.ca.gov](http://www.caldocinfo.ca.gov) or [www.medbd.ca.gov](http://www.medbd.ca.gov).

Thank you on behalf of the consumers of the State of California. *Joan Jerzak, Chief*

## **DISCIPLINARY ACTIONS TAKEN**

### **February 2004 through July 2004**

The following disciplinary actions have been taken by the Physical Therapy Board from February 1, 2004 through July 26, 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](mailto:cps@dca.ca.gov).

#### **February Actions**

**Nasol, Ann, AT 6649**, issued 02/23/2004. Union City, CA.

B&P Code Violation 583.

Decision effective 02/23/2004.

Initial probationary license issued.

**Sager, Steven, AT 6644**, issued 02/10/2004. Berkeley, CA.

B&P Code Violations 2660(d), 2660(l), 480(a)(1), 480(a)(3), 490.

Decision effective 02/10/2004.

Public reproof.

**Salah, Hussein, AT 550**, issued 03/09/1981. Visalia, CA.

B&P Code Violation 2660(d).

Decision Effective 02/23/2004.

License revoked, stayed, 3 years probation.

#### **March Actions**

**Allison, Beverly, AT 3089**, issued 05/21/1993. Forestville, CA. B&P Code Violation 2660(d).

Decision effective 03/01/2004. Stipulated revocation.

**Jones, Floyd, AT 4767**, issued 01/08/1997. Los Angeles, CA.

B&P Code Violations 2660(d), 2660(l), 2661.

Decision effective 03/08/2004.

Stipulated revocation, stayed 3 years probation.

**Stacy, Barbara, PT 9115**, issued 03/30/1997. Canyon Lake, CA.

B&P Code Violations 2630, 2660(k), 2660(l), 2660(h).

Decision effective 03/08/2004.

Stipulated revocation, stayed, 3 years probation.

**Sterns, Jennifer, AT 2917**, issued 10/14/1992. La Mesa, CA.

B&P Code Violations 2239, 2660(d), 2660(f), 2660(g), 2660(l).

Decision effective 03/05/2004.

License revoked.

**Van Vranken, Teresa, PT 23446**, issued 08/31/1998. Los Angeles, CA.

B&P Code Violations 820, 2660(d).

Decision effective 03/09/2004.

Stipulated revocation, stayed, 3 years probation.

**Walsh, Teresa, AT 1272**, issued 08/01/1986. Pleasanton, CA.

B&P Code Violations 810, 2660(l).

Decision effective 03/08/2004.

Stipulated revocation, stayed, 3 years probation, 30 days suspension.

**April Actions**

**Kiefer, Mary, PT 19549**, issued 01/04/1994. Sacramento, CA.

B&P Code Violations 725, 2660(k).

Decision effective 04/23/2004.

Stipulated revocation, stayed, 3 years probation, 5 days suspension.

**McManus, Lisa, PT 16855**, issued 08/31/1990. Cypress, CA.

B&P Code Violations 2660(d).

Decision effective 04/26/2004.

Public reproof.

**Mortimer, John, AT 585**, issued 08/12/1981. Las Vegas, NV.

B&P Code Violations 490, 2660, 2660(d).

Decision effective 04/12/2004.

License revoked.

**Parr, Jane, PT 11162**, issued 09/30/1982. Woodland Hills, CA.

B&P Code Violations 2234(b), 2620.7, 2660(b), 2660(h), 2660(i).

Decision effective 04/28/2004.

Stipulated surrender.

**May Actions**

None

**June Actions**

**Marvin, Jason, PT 25977**, issued 02/21/2001. Sacramento, CA.

B&P Code Violations 2660(h), 2660(j), 2660(k).

Decision effective 06/09/2004.

Public reproof.

**Pakozdi, David, PT 10216**, issued 02/17/2001. Los Angeles, CA.

B&P Code Violations 810, 2052, 2620, 2621, 2630, 2660(h), 2660(i), 2660(j), 2660(k). CCR Code Violation 1399, PC Code Violation 550.

Decision effective 06/01/2004.

Stipulated revocation, stayed, 3 years probation.

**Posner, William, PT 14754**, issued 01/15/1988. San Diego, CA.

B&P Code Violations 726, 2234. Decision effective 06/14/2004. Stipulated revocation, stayed, 3 years probation.

**Savaheli, Jane, PT 9186**, issued 06/22/1979. Los Angeles, CA. B&P Code Violations 2660, 2660(i), 2660(j), 2660(k), 2660(l).

Decision effective 06/03/2004.

License revoked, stayed, 3 years probation.

**July Actions**

**Kunnath (Jacob), Jayme, PT 27169**, issued 04/09/2002. Davis,

CA. B&P Code Violations 498, 2660(b), and 2660(d).

Decision effective 07/26/2004.

Stipulated revocation, stayed, 5 years probation.

**Hartwig, David A., PT 22617**, issued 10/30/1997. Mi-Wuk Village, CA. CCR Violation 1398.44.

Decision effective 07/26/2004.

Stipulated revocation, stayed, 3 years probation.

**GLOSSARY OF VIOLATION CODES**

B&P 141(a)	Disciplinary Action Taken By Others
B&P 480	Grounds For Denial of License
B&P 480(a)(1)	Conviction of a Crime Substantially Related to Practice
B&P 490	Conviction of a Crime—Substantial Relationship Required
B&P 498	Licensure by Fraud
B&P 580	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
B&P 2660(k)	Aiding and Abetting Unlicensed Activity
B&P 2660(l)	Commit Fraud, Dishonest Activity - Physical Therapist
B&P 2661	Conviction of a Crime
CCR 1399	Requirement for Use of Physical Therapy Aides
H&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) Codes and/or California Code of Regulations (CCR) pertaining to the practice of Physical Therapy refer to our website at [www.ptb.ca.gov](http://www.ptb.ca.gov). Pertinent Health and Safety (H&S) and Penal Codes (PC) can be found at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).