

Proposed Physical Therapy Practice Act

Business and Professions Code

CHAPTER 5.7. PHYSICAL THERAPY

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The heading of Article 1 (commencing with Section 2600) of Chapter 5.7 OF Division 2 of the Business and Professions Code is amended to read:

Article 1. Administration and General Provisions

Section 2603 of the Business and Professions Code is amended to read:

2603. The members of the board shall consist of the following: four physical therapists, one of whom shall be physical therapist involved in the physical therapist education of physical therapists, three physical therapists who shall have practiced physical therapy for five years and shall be licensed by the board, and three public members who shall not be licentiates of the board or of any other board under the Medical Board of California or of any board referred to in Sections 1000 and 3600.

Section 2603.5 is added to the Business and Professions Code to read:

2603.5. (a) The physical therapist members of the board shall be appointed from persons having all of the following qualifications:

- (1) Be a citizen of California.

- (2) Possess an unrestricted license in California pursuant to this chapter.
- (3) Have been licensed for five (5) years before their appointment pursuant to this chapter.
- (b) The public members of the board shall be appointed from persons having all of the following qualifications:
 - (1) Be a citizen of California.
 - (2) Not be an officer or faculty member of any college, school or institution engaged in physical therapy education.
 - (3) Not be a licentiate of the Medical Board of California or of any board under this division or of any board referred to in Sections 1000 and 3600.
 - (4) Have an interest in consumer protection.

Section 2604 of the Business and Professions Code is amended to read:
2604. The members of the board shall be appointed for a term of four years, expiring on the first day of June of each year.

The Governor shall appoint one of the public members and the four physical therapist members of the board qualified as provided in Section 2603 and 2603.5. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, ~~and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.~~

Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

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

The appointing power shall have the power to remove any member of the board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

Section 2604.5 of the Business and Professions Code is repealed.
~~2604.5. The public members shall be appointed from persons having all of the following qualifications:~~

- ~~(a) Be a citizen of California.~~
- ~~(b) Shall not be an officer or faculty member of any college, school or institution engaged in physical therapy education.~~
- ~~(c) Shall not be a licentiate of the Medical Board of California or of any board under this division or of any board referred to in Sections 1000 and 3600.~~

Section 2605 is added to the Business and Professions Code to read:
2605. The board shall:

- (a) Evaluate the qualification of applicants for licensure.

(b) Provide for the examination of physical therapists and physical therapist assistants and establish a passing score for each examination.

(c) Issue all licenses for the practice of physical therapy in California. Except as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a “physical therapist or physical therapist assistant licensed by the Physical Therapy Board of California.”

(d) Suspend and revoke licenses, and otherwise enforce the provisions of this chapter.

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

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

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

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

Section 2607 of the Business and Professions Code is amended to read:

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

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

Section 2608 of the Business and Professions Code is amended to read:

2608. The procedure in all matters and proceedings relating to the denial, suspension, or revocation, or probationary restriction of licenses by the board under this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Section 2608.3 is added to the Business and Professions Code to read:

2608.3 For the purposes of this chapter, the following terms have the meaning set forth below, unless the context requires otherwise.

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

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

(c) "Non patient related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions.

(d) "Patient related task" means a physical therapy service rendered directly to the patient.

(e) "Physical therapists assistant" means a person who is licensed pursuant to this chapter to assist in the provision of physical therapy under the supervision of a licensed physical therapist. "Physical therapy assistant" and "physical therapist assistant" shall be deemed identical and interchangeable.

(f) "Physical therapist" means a person who is licensed pursuant to this chapter to practice physical therapy.

(g) "Physical therapy technician" and physical therapy aide" shall be deemed identical and interchangeable.

(h) "Physiotherapy" shall be synonymous with "physical therapy".

(i) "Direct and Immediate Supervision" means a supervising physical therapist is in close enough proximity to provide immediate advice, instruction or intervention in the care of the patient.

Section 2608.5 of the Business and Professions Code is amended to read:

~~2608.5. Each member of the board, or any licensed physical therapist appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility providing physical therapy care, treatment or services and the physical therapy staff thereof, with respect to the physical therapy care, treatment, services, or facilities provided therein, and may inspect physical therapy patient records with respect to the care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the board to any person other than a physical therapist and shall be subject to the restrictions against disclosure described in Section 2263. Failure to cooperate with the inspection or to provide the required report constitutes unprofessional conduct.~~

Section 2609 of the Business and Professions Code is repealed.

~~2609. The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.~~

Section 2611 of the Business and Professions Code is amended to read:

2611. The board shall hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles and San Francisco regions. The board may convene from time to time until its business is concluded. Special meetings of the board may be held

at any time and place as the board may designate. A majority of board members shall constitute a quorum for the transaction of business.

Section 2612 of the Business and Professions Code is amended to read:

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

Section 2614 of the Business and Professions Code is amended to read:

2614. (a) The board shall hear all matters, including but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Except as otherwise provided in this chapter, all hearings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If a contested case is heard by the board the hearing officer who presided at the hearing shall be present during the board's consideration of the case and, if requested, shall assist and advise the board.

~~(b) At the conclusion of the hearing, the board shall deny an application for, or suspend or revoke, or impose probation conditions upon, a license or approval.~~

Section 2615 of the Business and Professions Code is amended to read:

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

The heading of Article 2 (commencing with Section 2620) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended to read:

Article 2. ~~General Provisions~~ Scope of Regulations and Exemptions

Section 2620 of the Business and Professions Code is amended to read:

2620. (a) ~~Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.~~

~~(b) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.~~

(a) Examining, evaluating and testing persons with mechanical, physiological and developmental impairments, functional limitations, and disabilities or other health and movement related conditions in order to develop a plan of therapeutic intervention;

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

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

(d) Promoting and maintaining physical fitness to enhance the bodily movement related to health and wellness of individuals through the use of physical therapy interventions.

Section 2620.2 is added to the Business and Professions Code to read:

2620.2 Nothing in this chapter shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.

Section 2620.3 of the Business and Professions Code is amended to read:

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

Section 2620.7 of the Business and Professions Code is amended to read:

~~2620.7. (a) A physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record.~~

~~(b) A physical therapist shall document the care actually provided to a patient in the patient record.~~

~~(c) A physical therapist shall sign the patient record legibly.~~

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

Section 2621 of the Business and Professions Code is amended to read:

2621. ~~Nothing in t~~This chapter shall be construed as authorizing does not authorize a physical therapist to practice medicine, surgery, or any other form of healing except as authorized by Section 2620.

Section 2622 of the Business and Professions Code is amended to read:

~~2622. "Physical therapist" and "physical therapist technician" mean a person who is licensed pursuant to this chapter to practice~~ A physical therapist shall be responsible for managing all aspects of the physical therapy. ~~For purposes of this chapter, the term "physical therapy" and "physiotherapy" shall be deemed identical and interchangeable.~~ care of each patient, including but not limited to the following:

(a) Perform, document, and sign the initial evaluation, which shall include written goals and treatment plan for each patient, and any required periodic reevaluations.

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

(c) Determine and direct the utilization of physical therapist assistants and the physical therapy aide and documents that delegation of care.

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

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

Section 2623 is added to the Business and Professions Code to read:

2623. The board may by regulation, prescribe, amend, or repeal any rules contained within a code of professional conduct appropriate to the establishment and maintenance of integrity and dignity in the profession. ~~In addition to the requirements contained in Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code, a copy of the initial changes to the rules shall be distributed to every holder of a license under this chapter at least 30 days prior to a date named for public hearing held for the purpose of receiving and considering objections to any of the proposed provisions.~~ Every licensee of the board in this state shall be governed and controlled by the rules and standards adopted by the board.

Section 2625 is added to the Business and Professions Code to read:

2625. A licensed physical therapist shall post, in a conspicuous location viewable to patients, in the licensee's physical therapy office, a "NOTICE TO CONSUMERS." The "NOTICE TO CONSUMERS" shall include the board's Web site, address, and phone number, and such additional information the board may prescribe by regulation.

Article 2 of Chapter 5.7 of Division 2 of the Business and Professions Code shall now include Sections 2630 through 2633.7.

Section 2630 of the Business and Professions Code is amended to read:

2630. It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid,

unexpired, and unrevoked physical therapist license issued under this chapter except as authorized in Section 2630.5 subsection c, d, and e.

~~Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500).~~

~~A physical therapist licensed pursuant to this chapter may utilize the services of one aide engaged in patient-related tasks to assist the physical therapist in his or her practice of physical therapy. "Patient-related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the orders, direction, and immediate supervision of an aide by a physical therapist. The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as, and in proximity to, the location where the aide is performing patient-related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical therapist shall, at some point during the treatment day, provide direct service to the patient as treatment for the patient's condition, or to further evaluate and monitor the patient's progress, and shall correspondingly document the patient's record.~~

~~The administration of massage, external baths, or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.~~

Section 2630.3 is added to the Business and Professions Code to read:
2630.3.

(a) A physical therapists assistant may assist in the provision of physical therapy services only under the supervision of a physical therapist licensed by the board. A licensed physical therapist shall at all times be responsible for the extent, kind, and quality of all physical therapy services provided by the physical therapist assistant.

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

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

Section 2630.4 is added to the Business and Professions Code to read:
2630.4

(a) A “physical therapy aide” is an unlicensed person, who is at least 18 years of age, and if standards have been established, has met these standards.

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

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

Section 2630.5 is added to the Business and Professions Code to read:

2630.5. The following persons are exempt from the licensure requirements of this chapter when engaged in the following activities:

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

(b) Physical Therapist Assistant Student – A regularly matriculated student undertaking a course of instruction in an approved physical therapist assistant educational program or a student enrolled in a program of supervised clinical educational pursuant to Section 2651, may perform physical therapy techniques as a part of his or her course of study.

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

(e) A physical therapist located outside this state, when in actual consultation, whether within this state or across state lines, with a licensed physical therapist of this state, or when an invited guest of the American Physical Therapy Association or one of their components, or of an approved physical therapy school or college for the sole purpose of engaging in professional education through lectures, clinics, or demonstrations, if he or she is, at the time of the consultation, lecture, or demonstration a licensed physical therapist in the state or country in which he or she resides. This

physical therapist shall not open an office, appoint a place to meet patients, receive calls from patients within the limits of this state, give orders, or have ultimate authority over the care of a physical therapy patient who is located within this state.

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

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

(h) A physical therapist or physical therapist assistant who has a current valid license in a jurisdiction of the United States who is forced to leave his/her residence or place of employment due to a declared local, state or national disaster or emergency in a state other than California. This exemption applies for no more than 60 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist or physical therapist assistant shall notify the board of their intent to practice and a valid mailing address, phone number and email address.

Section 2632 of the Business and Professions Code is repealed.

~~2632. All licenses for the practice of physical therapy in this state shall be issued by the board, and all applications for the licenses shall be filed with the board. Excepting as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a "physical therapist licensed by the Physical Therapy Board of California."~~

~~Each application shall be accompanied by the application fee prescribed by Section 2688, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.~~

Section 2633 of the Business and Professions Code is amended to read:

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

(b) A licensed physical therapist who has received a doctoral degree in physical therapy (DPT) or, after adoption of the regulations described in subdivision (d), a doctoral degree in a related health science may do the following:

(1) In a written communication, use the initials DPT, PhD, or EdD, as applicable, following the licensee's name.

(2) In a written communication, use the title "Doctor" or the abbreviation "Dr." preceding the licensee's name, if the licensee's name is immediately followed by an unabbreviated specification of the applicable doctoral degree held by the licensee.

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

(c) A doctoral degree described in subdivision (b) shall be granted by an institution accredited by the Western Association of Schools and Colleges or by an accrediting agency recognized by the National Commission on Accrediting or the United States Department of Education that the board determines is equivalent to the Western Association of Schools and Colleges.

(d) The board shall define, by regulation, the doctoral degrees that are in a related health science for purposes of subdivision (b).

(e) A person shall not be advertised, be identified or otherwise be promoted as being a "physical therapist," "physiotherapist" or "physical therapist assistant" unless the individual so advertised or promoted is licensed under this chapter. A person, who offers, provides or bills for services shall not characterize those services as "physical therapy" or "physiotherapy" unless the individual performing those services is a person legally authorized to practice physical therapy or assist in the provision of physical therapy.

Section 2633.5 is added to the Business and Professions Code to read:

2633.5. A person licensed as a physical therapist assistant by the board may use the title "physical therapist assistant" or "physical therapy assistant" or the letters "PTA" or any other words, letters, or figures that indicate that the person is a physical therapist assistant licensed pursuant to this chapter.

No other person shall be so designated or shall use the term "physical therapist assistant" or "PTA." The license of a physical therapist assistant shall not authorize the use of the prefix "L.P.T.," "R.P.T.," "P.T.," or "Dr." or the title "physical therapist," "doctor," or any suffix or affix indication or implying that the physical therapist assistant is a physical therapist or doctor.

Section 2633.7 is added to the Business and Professions Code to read:

2633.7. During the period of clinical practice referred to in Section 2650 or in any similar period of observation of related educational experience involving recipients of physical therapy, a person so engaged shall be identified only as a "physical therapist student," or "physical therapist assistant student" as authorized by the board in its regulations.

The heading of Article 3 (commencing with Section 2635) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended to read:

Article 3. Licensing of Practitioners - Qualifications and Requirements for Licensure

Section 2635 of the Business and Professions Code is amended to read:

2635. ~~Every~~ An applicant for a license ~~under this chapter~~ as a physical therapist shall, at the time of application;

- (a) ~~Be~~ a person over 18 years of age
- (b) File an application with the board on a form provided by the board. Each application shall contain a legal verification signed by the applicant verifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct and shall be accompanied by the fee provided for in Section 2688.
- (c) ~~Not use, not addicted to alcohol or any controlled substance; or use any dangerous drugs specified in Section 4022, or use alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such impairs the ability of the licensee to practice physical therapy safely or not have any misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof.~~
- (d) Be a graduate of:
 - (1) A physical therapist, ~~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.~~ program approved by the board at the time of graduation or,
 - (2) A foreign physical therapist education program and meet all of the requirements of Section 2653.
 - (3) Not have committed any act or crime constituting grounds for denial of licensure under Section 480.

Section 2636.5 of the Business and Professions Code is amended to read:

2636.5. (a) An applicant may be issued a license without a written examination if ~~he or she~~ the applicant meets all of the following:

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

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

(3) ~~He or she files~~ The applicant has filed an application as provided in Section 2632 or 2655.3 and ~~meets the requirements prescribed by Sections 2635 and 2650.~~

~~(b) An applicant for licensure under subdivision (a), whose application is based on a certificate issued by a physical therapy licensing authority of another state may be required to pass an oral examination given by the board and file a statement of past work activity shall submit proof of continuing competency equivalent to that which is required for the renewal of California physical therapist assistant license per Section 2649.~~

~~(c) An applicant who has filed a physical therapy application under this section with the board for the first time may, between the date of receipt of notice that his or her application is on file and the date of receipt of his or her license, perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state.~~

~~During this period the applicant shall identify himself or herself only as a "physical therapist license applicant."~~

~~If the applicant under this section does not qualify and receive a license as provided in this section and does not qualify under Section 2639 all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.~~

Section 2636.7 is added to the Business and Professions Code to read:

2636.7 (a) Upon approval of an application filed pursuant to Section 2636.5 and upon the payment of the fee prescribed by Section 2688 the board may issue license applicant status to practice as a physical therapist or physical therapist assistant for a period of 90 days from the date of issuance.

(b) License applicant status to practice as a physical therapist or physical therapist assistant shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for licensure is denied.

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

Section 2639 if the Business and Professions Code is amended to read:

2639. (a) Practice:

(1) Every graduate of an approved physical therapist or physical therapist assistant education program who has filed a complete application for licensure with the board and received license applicant status as a physical therapist or physical therapist assistant license applicant must practice under the supervision of a licensed physical therapist pursuant to this chapter, for the first time may, following receipt of a letter of authorization to perform as a "physical therapist license applicant," perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state pending the results of the first licensing examination administered for which he or she is eligible following graduation from an approved physical therapist education program. A supervising physical therapist shall document receipt license applicant status and record the expiration date in the employee record. A supervising

~~physical therapist shall require that applicant to provide documentation of the license issued at the expiration of the license applicant status. During this period the applicant shall identify himself or herself only as a "physical therapist license applicant." or "physical therapist assistant license applicant," as appropriate. If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board. If the applicant fails the licensing examination, or if he or she passes the examination but licensure is denied, the applicant shall be prohibited from performing as a physical therapist license applicant at any time in the future.~~

~~(2) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.~~

~~(3) If the applicant fails to take the next succeeding examination without due cause or fails to pass the examination or receive a license, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.~~

~~(b) Supervision:~~

~~(1) A physical therapist license applicant or physical therapist assistant license applicant whose application for licensure has been filed and reviewed by the board may receive only one permit. The applicant shall comply with any documentation requirements applicable to the license for which he or she applied.~~

~~(2) It is unprofessional conduct for a physical therapist to permit an applicant to work as a license applicant after the termination of the permit.~~

Section 2640 of the Business and Professions Code is repealed.

~~2640. (a) If the board uses computer administered testing for the administration of the licensing examination, this section shall apply and Section 2639 shall not apply.~~

~~(b) Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the board for the first time may, following receipt of a letter of authorization to take the licensing examination and perform as a "physical therapist license applicant," perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first licensing examination administered. During this period, the applicant shall identify himself or herself only as a "physical therapist license applicant." If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board.~~

~~(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.~~

~~(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive a license, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist license applicant.~~

Article 4 (commencing with Section 2644) is added to Chapter 5.7 of Division 2 of the Business and Professions Code and to read:

Article 4. Renewal of Licenses

2644. (a) Any license for the practice of physical therapy shall expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term, if not renewed.

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

2645. At least 60 days before the expiration of any license, the board shall mail to each licensee under this chapter, at the latest address furnished by the licensee to the board, a notice stating the amount of the renewal fee and the date on which it is due, and that failure to pay it on or before that due date will result in expiration of the license.

2646. A license which has expired may be renewed at any time within 3 years after its expiration on filing an application for renewal on a form prescribed by the board and payment of all accrued renewal fees and any other fees required by Section 2686. If the license is not renewed by the expiration date, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any. Renewal under this section shall be effective on the date on which the renewal fee application is filed, on the date on which the renewal fee or accrued renewal fee are paid, or on the date on which the delinquency fee or the delinquency fee and penalty fee, if any, are paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date set forth in Section 2644 which next occurs after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

2647. (a) A person who fails to renew his or her license within 3 years after its expiration may not renew it, and it may not be reissued, reinstated, or restored thereafter, but that person may apply for and obtain a new license if her or she:

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

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

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

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

The heading of Article 4 (commencing with Section 2650) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 4-5. Educational Standards

Section 2650 of the Business and Professions Code is amended to read:

~~2650. (a) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist shall be a graduate of a professional degree program of an accredited postsecondary institution or institutions approved by the board, and shall have completed a professional education requirements are as follows: including academic coursework and clinical internship in physical therapy.~~

~~(b) As referenced in the evaluative criteria of the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association, the curriculum shall consist of a combination of didactic, clinical, and research experiences in physical therapy using critical thinking and weighing of evidence, and shall include, at a minimum, all of the following:~~

~~(1) The sciences basic to physical therapy including biomedical, physical, physiological, neurobiological, anatomical, social and behavioral sciences.~~

~~(2) Clinical sciences including laboratory or other practical experiences involving quantitative and qualitative evaluation within the scope of physical therapy practice including kinesiology, neuroscience, pathology, human development, and gerontology.~~

~~(3) Treatment that constitutes the practice of physical therapy.~~

~~(4) Learning experiences provided in the areas of administration, education, and consultation.~~

~~(5) Research methods including the review and critical analysis of research reports.~~

~~(6) Ethical, legal, and economical concepts of physical therapy practice.~~

~~(c) Each applicant shall have at least 18 weeks of full-time clinical experience with a variety of patients.~~

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

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association or the Accreditation Council of Canadian Physiotherapy Academic Programs and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

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

(1) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist assistant shall be a graduate of a physical therapist assistant program of an accredited post secondary institution or institutions approved by the board, and

shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded the associate degree.

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association or the Accreditation Council of Canadian Physiotherapy or such other body as may be approved by the board by regulation and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

Section 2650.1 of the Business and Professions Code is repealed.

~~2650.1. During the period of clinical practice referred to in Section 2650 or in any similar period of observation or related educational experience involving recipients of physical therapy, a person so engaged shall be identified only as a "physical therapy student," or as a "physical therapy intern" as authorized by the board in its regulations.~~

Section 2650.2 of the Business and Professions Code is repealed.

~~2650.2. Nothing in this chapter shall be construed to prevent a regularly matriculated student undertaking a course of professional instruction in an approved physical therapist education program or a student enrolled in a program of supervised clinical training under the direction of an approved physical therapist education program pursuant to Section 2651, from performing physical therapy as a part of his or her course of study.~~

Section 2651 of the Business and Professions Code is amended to read:

2651. The board may ~~shall~~ approve only those physical therapist ~~or physical therapist assistant~~ education programs that prove to the satisfaction of the board that they comply with the minimum physical therapy ~~therapist or physical therapist assistant~~ educational requirements set forth in this chapter and adopted by the board pursuant to this chapter. Physical therapist ~~and physical therapist assistant~~ education programs that are accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association ~~or the Accreditation Council of Canadian Physiotherapy or such other body as may be approved by the board by regulation~~, shall be deemed approved by the board unless the board determines otherwise. ~~Nothing contained in this chapter shall prohibit the board from disapproving any foreign physical therapist educational program or from denying an applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required by this chapter.~~

Section 2652 of the Business and Professions Code is repealed.

~~2652. All physical therapist education programs, whether situated in this state or not, furnishing courses of study meeting the standards required by Sections 2650 and 2651 and the regulations of the board adopted pursuant to this chapter shall be approved by the board and shall be entitled to compel this approval, if it is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2087.~~

Section 2653 of the Business and Professions Code is amended to read:

~~2653. (a) An applicant for a license as a physical therapist who was issued a diploma by a has graduated from a physical therapist education program that is not an approved program by the board and is not located in the United States shall meet all of the following requirements in order to be licensed as a physical therapist:~~

~~(1a) Furnish documentary evidence satisfactory to the board, that he or she has completed the equivalent a professional degree in a physical therapist educational program substantially equivalent at the time of his or her gradation to that issued by a board approved United States-accredited physical therapist education program, in a physical therapist education program that entitles The professional degree must entitle the applicant to practice as a physical therapist in the country where the diploma was issued. The physical therapy education received by the applicant shall meet the criteria set forth in subdivisions ~~(ba) (2) and (c)~~ of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.~~

~~(2) Pass the written examination required by Section 2636. The requirements to pass the written examination shall not apply to an applicant who at the time of application has passed, to the satisfaction of the board, an examination for licensure in another state, district, or territory of the United States, that is, in the opinion of the board, comparable to the examination given in this state.~~

~~(b) Demonstrate proficiency in English by achieving a score specified by the board on the Test of Spoken English administered by the Educational Testing Services or such other examination as may be specified by the board by regulation.~~

~~(3c) Complete a period 9 months of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the board, a U.S. jurisdiction in a location approved by the board, in a manner satisfactory to the board. The applicant shall have passed the written examination required in ~~subdivision (b)~~ Section 2636 prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant." If an applicant fails to complete the required period of clinical service, the board may, for good cause shown, allow the applicant to complete another period of clinical service.~~

~~(4) An applicant for licensure under this subdivision, whose application is based on a certificate issued by a physical therapist licensing authority of another state, may be required to pass an oral examination given by the board, and to file a statement of past work activity.~~

~~(b) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapist education program or from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not~~

equivalent to that required by this chapter. If the applicant does not qualify to take the physical therapist examination, his or her education may be evaluated and the applicant may be eligible to take the physical therapist assistant examination.

Section 2655 of the Business and Professions Code is repealed.

~~2655. As used in this article:~~

~~(a) "Physical therapist" means a physical therapist licensed by the board.~~

~~(b) "Physical therapist assistant" means a person who meets the qualifications stated in Section 2655.3 and who is approved by the board to assist in the provision of physical therapy under the supervision of a physical therapist who shall be responsible for the extent, kind, and quality of the services provided by the physical therapist assistant.~~

~~(c) "Physical therapist assistant" and "physical therapy assistant" shall be deemed identical and interchangeable.~~

Section 2655.1, of the Business and Professions Code is repealed.

~~2655.1 The board shall adopt regulations that set forth standards and requirements for the adequate supervision of physical therapist assistants.~~

Section 2655.11. of the Business and Professions Code is repealed.

~~2655.11 A person holding an approval as a physical therapist assistant issued by the board may use the title "physical therapist assistant" or "physical therapy assistant" or the letters "P.T.A." or any other words, letters, or figures that indicate that the person is an approved physical therapist assistant. No other person shall be so designated or shall use the term "physical therapist assistant" or "P.T.A." The approval as a physical therapist assistant shall not authorize the use of the prefix "L.P.T.," "R.P.T.," "P.T.," or "Dr." or the title "physical therapist," "doctor," or any suffix or affix indicating or implying that the physical therapist assistant is a physical therapist or a doctor.~~

Section 2655.2 of the Business and Professions Code is repealed.

~~2655.2. A physical therapist shall not supervise more physical therapist assistants at any one time than in the opinion of the board can be adequately supervised. Two physical therapist assistants shall be the maximum number of physical therapist assistants supervised by a physical therapist at any one time, but the board may permit the supervision of a greater number by a physical therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case, however, shall the total number of physical therapist assistants exceed twice the number of physical therapists regularly employed by a facility at any one time.~~

Section 2655.3 of the Business and Professions Code is amended to read:

~~2655.3. A person seeking approval~~ An applicant for a license as a physical therapist assistant shall: ~~make application to the board for that approval. Every person applying for approval as a physical therapist assistant shall have all of the following qualifications:~~

~~(a) Have graduated from a physical therapist assistant education program approved by the board pursuant to Section 2655.9, or have training or experience or a combination of training and experience which in the opinion of the board is equivalent to that obtained in an approved physical therapist assistant education program. Be a person over 18 years of age.~~

~~(b) Successfully pass the examination required under this article. File an application with the board on a form provided by the board. Each application shall contain a legal verification signed by the application verifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct and shall be accompanied by the fee provided for in Section 2688.~~

~~(c) Not be addicted to alcohol or use any controlled substance-, or use of any dangerous drugs specified in Section 4022, or use alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice physical therapy safely or not have any misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof.~~

~~(d) Not have committed acts or crimes constituting grounds for denial of approval under Section 480.~~

~~(e) Meet one of the following education requirements:~~

~~(1) Be a graduate of a physical therapist assistant education program approved by the board at the time of graduation.~~

~~(2) Be a graduate of a physical therapist education program approved by the board at the time of graduation.~~

~~(3) Meet the requirements set forth in Section 2654.~~

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

Section 2655.6 of the Business and Professions Code is repealed.

~~2655.6. Any applicant for approval as a physical therapist assistant who fails to pass the examination given by the board may take another examination and shall pay the reexamination fee.~~

Section 2655.7 of the Business and Professions Code is repealed.

~~2655.7. Notwithstanding Section 2630, a physical therapist assistant may assist in the provision of physical therapy service provided the assistance is rendered under the supervision of a physical therapist licensed by the board.~~

Section 2655.71 of the Business and Professions Code is repealed.

~~2655.71. (a) An applicant may be issued an approval as a physical therapist assistant without written examination if he or she meets all of the following requirements:~~

~~— (1) He or she is at the time of application approved, licensed, or registered as a physical therapist assistant in a state, district, or territory of the United States having, in the opinion of the board, requirements for approval, licensing, or registration equal to~~

or higher than those in California, and he or she has passed, to the satisfaction of the board, an examination for that approval, licensing or registration that is, in the opinion of the board, comparable to the examination used in this state.

~~—(2) He or she is a graduate of a physical therapist assistant education program approved by the board or has graduated from a program determined by the board to be equivalent, or as meeting the evaluative criteria for accreditation by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.~~

~~(3) He or she files an application as provided in Section 2655.3.~~

~~(b) An applicant who has filed a physical therapist assistant application for the first time may assist in the provision of physical therapy in accordance with Section 2655.91.~~

Section 2655.75 of the Business and Professions Code is repealed.

~~2655.75. Nothing in this chapter shall be construed to prevent a regularly matriculated student undertaking a course of instruction in an approved physical therapist assistant education program or a student enrolled in a program of supervised clinical training under the direction of an approved physical therapist assistant education program pursuant to Section 2655.9, as part of his or her course of study, from performing physical therapy techniques in preparing the student to be approved to assist a physical therapist in his or her practice of physical therapy.~~

Section 2655.8 of the Business and Professions Code is repealed.

~~2655.8. Any person, other than one who has been approved by the board, who holds himself or herself out as a "physical therapist assistant" or who uses any other term indicating or implying that he or she is a physical therapist assistant, is guilty of a misdemeanor.~~

Section 2655.9 of the Business and Professions Code is repealed.

~~2655.9. (a) The board shall approve each physical therapist assistant education program that proves to the satisfaction of the board that it complies with criteria for approval of those programs set forth in this section and established by the board. These criteria may be based upon the standards and curriculum guidelines for a physical therapist assistant education program as promulgated by the American Physical Therapy Association or an essentially equivalent organization.~~

~~(b) Except as otherwise provided in this chapter, each applicant for approval as a physical therapist assistant shall be a graduate of an accredited postsecondary institution or institutions and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded the associate degree.~~

~~(c) The curriculum shall consist of a combination of basic sciences, applied clinical sciences, and progressive application through clinical experience. The curriculum shall reflect education in the skills and judgment required of the physical therapist assistant in the contemporary performance of physical therapy through an organized sequence of integrated learning experiences.~~

~~–(1) The basic sciences shall include, at a minimum, human anatomy and physiology, physical or health sciences, and social or behavioral sciences.~~

~~–(2) The applied clinical sciences shall include neurology, normal and pathological kinesiology, normal and abnormal growth and development, gerontology, orthopedic disorders, and fundamentals of physical therapy including the economic, legal, and ethical aspects of practice. Clinical studies shall also provide laboratory experiences in simulated patient treatment including the observation, measurement, and reporting of a patient's physiologic state and effectiveness of the treatment relative to the goals established by the physical therapist's evaluation.~~

~~–(3) The clinical experience shall include physical therapy treatments of patients of varying ages, disabilities, and diseases. This experience shall occur in a variety of practice settings allowing for interaction with health care professionals. Clinical experience shall include daily written and verbal communication with the supervising physical therapist to report each patient's treatment program relative to the treatment goals and to discuss adjustments in the treatment program and discharge plan.~~

Section 2655.91 of the Business and Professions Code is repealed.

~~2655.91. Every graduate of an approved physical therapist assistant education program who has filed a complete physical therapist assistant application with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist assistant applicant" from the board, assist in the provision of physical therapy under the direct and immediate supervision of a licensed physical therapist pending the results of the first examination administered for which he or she is eligible following graduation from an approved physical therapist assistant education program. If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the board. If the applicant fails the examination, or if he or she passes the examination but approval is denied, the applicant shall be prohibited from performing as a physical therapist assistant applicant at any time in the future.~~

~~During this period the applicant shall identify himself or herself only as a "physical therapist assistant applicant."~~

~~If a person assisting in the provision of physical therapy pursuant to this section fails to take the next succeeding examination without due cause or fails to pass the examination or receive approval, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist assistant applicant.~~

~~A student is not eligible to work as a physical therapist assistant applicant until successful completion of the clinical experience required for graduation from the program.~~

Section 2655.92 of the Business and Professions Code is repealed.

~~2655.92. The board may adopt regulations as reasonably necessary to carry out the purposes of this article. The board shall adopt a regulation formulating a definition of the term "adequate supervision" as used in this article.~~

Section 2655.93 of the Business and Professions Code is repealed.

~~2655.93. (a) If the committee uses computer administered testing for the administration of the examination, this section shall apply and Section 2655.91 shall not apply.~~

~~(b) Every graduate of an approved physical therapist assistant education program who has filed a complete application with the committee for the first time, may, following receipt of a letter of authorization to take the examination and perform as a "physical therapist assistant applicant," assist in the provision of physical therapy under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first examination administered. During this period, the applicant shall identify himself or herself only as a "physical therapist assistant applicant." If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the committee.~~

~~(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.~~

~~-(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive approval, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist assistant applicant.~~

The heading of Article 5 (commencing with Section 2660) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 5-6. ~~Suspension, Revocation and Reinstatement of License~~ Enforcement

Section 2660 of the Business and Professions Code is amended to read:

2660. Unprofessional conduct constitutes grounds for citation, discipline or for denial of a license or issuance of a probationary license. The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, in addition to other provisions of this chapter but is not limited to, ~~one or any combination of the following causes:~~

(a) Advertising in violation of Section 17500.

(b) Obtaining or attempting to obtain a license or certificate by fraud in the procurement of any license under this chapter or misrepresentation.

(c) Procuring or aiding or offering to procure or aid in criminal abortion. Practicing or offering to practice beyond the scope of practice of physical therapy.

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

(e) ~~Habitual intemperance~~ Obtained or possessed in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administered to himself or herself, or furnished or administered to another, any controlled substances as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9.

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

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

(f) ~~Addiction to the excessive use of any habit-forming drug~~ Failure of a physical therapist to maintain adequate and accurate records relating to the provision of services to his or her patients.

(g) ~~Gross negligence or repeated acts of negligence in his or her practice as a physical therapist or physical therapist assistant~~ or delivery of physical therapy care.

(h) Conviction of a violation of any of the provisions of this chapter ~~or of the Medical Practice Act, the Veterinary Medicine Practice Act, or the Pharmacy Law,~~ or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act, ~~the Veterinary Medicine Practice Act, or the Pharmacy Law.~~

(i) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

(j) The aiding or abetting of any person to engage in the unlawful practice of physical therapy.

(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

(l) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Dental

Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California, to encourage appropriate consistency in the implementation of this subdivision.

~~The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.~~

~~(m) The commission of verbal abuse or sexual harassment.~~

~~(n) Engaging in sexual misconduct or violating Section 726.~~

~~(o) Permitting a physical therapist assistant or physical therapy aide under one's supervision or control to perform, or permitting the physical therapist assistant or physical therapy aide to hold himself or herself out as competent to perform, professional services beyond the physical therapist assistant or physical therapy aides level of education, training, or experience.~~

~~(p) The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice physical therapy issued by that state, or the revocation, suspension, or restriction of the authority to practice physical therapy by any agency of the federal government.~~

~~(q) Viewing a completely or partially disrobed patient in the course of treatment if the viewing is not necessary to patient evaluation or treatment under current standards.~~

~~(r) Engaging in any action violating Section 650.~~

~~(s) Charging a fee for services not performed.~~

~~(t) Engaging in any act that violates Section 651.~~

~~(u) Misrepresenting documentation of patient care or deliberate falsifying of patient records.~~

~~(v) Except as otherwise allowed by law, the employment of runners, cappers, steerers, or other persons to procure patients.~~

~~(w) Engaging in any act that violates Section 654.2.~~

~~(x) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a patient in confidence during the course of treatment and all information about the patient which is obtained from tests or other means.~~

~~(y) Habitual intemperance.~~

Section 2660.2 of the Business and Professions Code is amended to read:

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. The board may, in its sole discretion, issue a public letter of reprimand in accordance with Section 2660.3 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. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of the type or circumstances of practice.

- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of physical therapy.

(b) The applicant shall have the right to appeal the denial, or public letter of reprimand, or the issuance with terms and conditions, of any license 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. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

Section 2660.4 of the Business and Professions Code is added to read:

2660.4 A licensee who fails or refuses to comply with a request from the Board for the medical records of a 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 to the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the 15th day, unless the licensee is unable to provide the documents within this time period for good cause.

Section 2660.5 of the Business and Professions Code is amended to read:

2660.5. The board shall deny a physical therapist license or physical therapist assistant approval license to an applicant who is required to register pursuant to Section 290 of the Penal Code. This section does not apply to an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

~~Section 2660.6 of the Business and Professions Code is added to read:~~

~~2660.6 Each licensee shall report to the board a name change or change in address of record within 30 days after the date of that change, giving both the old and new address, or old and new name, as the case may be. If an address reported to the board is a post office box, the licensee shall also provide the board with a street address. If another address is the licensee's address of record, he or she may request that the second address not be disclosed to the public.~~

Section 2660.8 of the Business and Professions Code is added to read:

2660.8 (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

- (1) Have his or her license revoked upon order of the board.
- (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
- (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board.

(5) Surrender of the license based on an order of the board.

(6) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

Section 2661 of the Business and Professions Code is amended to read:

2661. A plea or verdict of guilty or a conviction following a plea of nolo contendere ~~made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist~~ is deemed to be a conviction within the meaning of this article. The board may order ~~the license suspended or revoked, or may decline to issue a license,~~ discipline of the licensee in accordance with Section 2660 or the board may take action as authorized in Section 2660.2 on an application when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

2661.5. (a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

2661.6. (a) The board shall establish a probation monitoring program to monitor probationary licenses.

(b) The program may employ nonpeace officer staff to perform its probation monitoring.

(c) The program shall be funded with moneys in the Physical Therapy Fund.

Section 2661.7 of the Business and Professions Code is amended to read:

2661.7. (a) A person whose license ~~or approval~~ has been revoked or suspended, or who has been placed on probation, may petition the Physical Therapy Board of California for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:

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

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

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

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

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

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

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

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

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

The heading of Article 5.5 (commencing with Section 2662) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article ~~5-5~~ 7. Diversion Program

Section 2666 of the Business and Professions Code is amended to read:

2666. (a) Criteria for acceptance into the diversion program shall include all of the following:

(1) The applicant shall be licensed as a physical therapist or ~~approved as a~~ physical therapist assistant by the board and shall be a resident of California.

(2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner which may affect his or her ability to practice physical therapy safely or competently.

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

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

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

(6) The applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her.

Any applicant may be denied participation in the program if the board, the program manager, or a diversion evaluation committee determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.

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

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

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

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

(4) It is determined that the participant has not substantially benefited from participation in the program or that his or her continued participation in the program creates too great a risk to the public health, safety, or welfare. Whenever an applicant is denied participation in the program or a participant is terminated from the program for any reason other than the successful completion of the program, and it is determined that the continued practice of physical therapy by that individual creates too great a risk to the public health, safety, and welfare, that fact shall be reported 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 therapy assistant who requests participation in a diversion program shall agree to cooperate with the recovery program designed for him or her. Any failure to comply with that program may result in termination of participation in the program.

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

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

The heading of Article 6 (commencing with Section 2670) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

~~Article 6-8. Offenses and Enforcement Against this Chapter~~

Section 2672 of the Business and Professions Code is amended to read:

2672. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the superior court of any county, on application of ~~the Medical Board of California~~, the board, or ten (10) or more persons holding physical therapist licenses issued under this chapter, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The heading of Article 6.5 (commencing with Section 2676) of Chapter 5.7 of Division 2 of the Business and Professions Code is repealed.

~~Article 6.5 Continuing Competency~~

~~2676.~~

2649. (a) A person renewing his or her license or approval shall submit proof satisfactory to the board that, during the preceding two years, he or she has completed the required number of continuing education hours established by regulation by the board, or such other proof of continuing competency as the board may establish by

regulation. Required continuing education shall not exceed 30 hours every two years.

(b) The board shall adopt and administer regulations including, but not limited to, continuing education intended to ensure the continuing competency of persons licensed or approved pursuant to this chapter. The board may establish different requirements for physical therapists and physical therapist assistants. The board may not require the completion of an additional postsecondary degree or successful completion of an examination as a condition of renewal, but may recognize these as demonstrative of continuing competency. This program shall include provisions requiring random audits of licensees and holders of approval in order to ensure compliance.

(c) The administration of this section may be funded through professional license fees, continuing education provider and course approval fees, or both. The fees shall not exceed the amounts necessary to cover the actual costs of administering this section.

The heading of Article 7 (commencing with Section 2680) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 7-9. Fiscal Administration

Section 2680 of the Business and Professions Code is repealed:

~~2680. The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his or her last known place of residence, and the date and number of his or her license as a physical therapist. The board shall compile a list of physical therapists authorized to practice physical therapy in the state. Any interested person is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board which amount shall not exceed the cost of the list so furnished.~~

Section 2682 of the Business and Professions Code is amended to read:

2682. There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed ~~or approved~~ or seeking to be licensed ~~or approved~~ shall be paid by the board into the fund after reporting to the Controller at the beginning of each month the amount and source of the collections. All money in the Physical Therapy Fund is appropriated for the exclusive use of executing ~~to carry out the purposes of this chapter.~~

Section 2683 of the Business and Professions Code is repealed.

~~2683. Except as provided in Section 2684, the provisions of Article 19 (commencing with Section 2420) of Chapter 5 apply to the issuance and govern the expiration and renewal of licenses issued under this chapter.~~

Section 2684 of the Business and Professions Code is repealed.

~~2684. (a) Notwithstanding Section 2422, any license or approval for the practice of physical therapy shall expire at midnight on the last day of the birth month of the~~

~~licensee or holder of the approval during the second year of a two-year term, if not renewed.~~

~~(b) To renew an unexpired license or approval, the licensee or the holder of the approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of continuing education or competency required by the board pursuant to Article 6.5 (commencing with Section 2676). The licensee or holder of the approval shall disclose on his or her license renewal application any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.~~

~~(c) A license or approval that has expired may be renewed within five years upon payment of all accrued and unpaid renewal fees and satisfaction of the requirements described in subdivision (b).~~

Section 2685 of the Business and Professions Code is repealed.

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

The heading of Article 8 (commencing with Section 2690) if Chapter 5.7 if Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 8- 10. Physical Therapy Corporations

Government Code

Section 12529 of the Government Code is amended to read:

12529. (a) There is in the Department of Justice the Health Quality Enforcement Section. The primary responsibility of the section is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions, as provided in subdivision (b) of Section 12529.5.

(b) The Attorney General shall appoint a Senior Assistant Attorney General of the Health Quality Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement Section shall be an attorney in good standing licensed to practice in the State of California, experienced in prosecutorial or administrative disciplinary proceedings and competent in the management and supervision of attorneys performing those functions.

(c) The Attorney General shall ensure that the Health Quality Enforcement Section is staffed with a sufficient number of experienced and able employees that are capable of handling the most complex and varied types of disciplinary actions against the licensees of the board.

(d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with the Attorney General from the special funds financing the operations of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

(e) This section shall become operative January 1, 2013.

Section 12529.5 of the Government Code is amended to read:

12529.5. (a) All complaints or relevant information concerning licensees that are within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, or the Board of Psychology, or the Physical Therapy Board of California shall be made available to the Health Quality Enforcement Section.

(b) The Senior Assistant Attorney General of the Health Quality Enforcement Section shall assign attorneys to work on location at the intake unit of the boards described in subdivision (d) of Section 12529 to assist in evaluating and screening complaints and to assist in developing uniform standards and procedures for processing complaints.

(c) The Senior Assistant Attorney General or his or her deputy attorneys general shall assist the boards or committees in designing and providing initial and in-service training programs for staff of the boards or committees, including, but not limited to, information collection and investigation.

(d) The determination to bring a disciplinary proceeding against a licensee of the boards shall be made by the executive officer of the boards or committees as appropriate in consultation with the senior assistant.

(e) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

Section 12529.5 of the Government Code is amended to read:

12529.5. (a) All complaints or relevant information concerning licensees that are within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, or the Board of Psychology, or the Physical Therapy Board of California shall be made available to the Health Quality Enforcement Section.

(b) The Senior Assistant Attorney General of the Health Quality Enforcement Section shall assign attorneys to assist the boards in intake and investigations and to direct discipline-related prosecutions. Attorneys shall be assigned to work closely with each major intake and investigatory unit of the boards, to assist in the evaluation and screening of complaints from receipt through disposition and to assist in developing uniform standards and procedures for the handling of complaints and investigations.

A deputy attorney general of the Health Quality Enforcement Section shall frequently be available on location at each of the working offices at the major investigation centers of the boards, to provide consultation and related services and engage in case review with the boards' investigative, medical advisory, and intake staff. The Senior Assistant Attorney General and deputy attorneys general working at his or her direction shall consult as appropriate with the investigators of the boards, medical advisors, and executive staff in the investigation and prosecution of disciplinary cases.

(c) The Senior Assistant Attorney General or his or her deputy attorneys general shall assist the boards or committees in designing and providing initial and in-service training programs for staff of the boards or committees, including, but not limited to, information collection and investigation.

(d) The determination to bring a disciplinary proceeding against a licensee of the boards shall be made by the executive officer of the boards or committees as appropriate in consultation with the senior assistant.

(e) This section shall become operative January 1, 2013.