



MODEL GUIDELINES FOR ISSUING CITATIONS AND IMPOSING DISCIPLINE

Physical Therapy Board of California

Department of Consumer Affairs

Physical Therapy Board of California
Model Guidelines for Issuing Citations
& Imposing Discipline

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STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
MODEL GUIDELINES FOR ISSUING CITATIONS
AND IMPOSING DISCIPLINE
3rd Edition Adopted June 2009

TABLE OF CONTENTS

Statement of Purpose, Intent & Expectations	4
Citations	7
Public Repeval	9
Guidelines Specific to Violation	11
Business and Professions Code	12
Health and Safety Code	31
California Code of Regulations	32
Standard Probation Conditions	36
Specific Conditions of Probation	41
Glossary of Terms	50
Index	
Alphabetical Violation Index	52
Violation Code Index	55

Statement of Purpose, Intent & Expectations

The purpose of licensure of physical therapists and physical therapist assistants in the State of California is to protect the public's health, safety and welfare from the incompetent and unprofessional practice of physical therapy. The challenges that these guidelines address are to provide public protection and to enable a licensee to practice his/her profession in a controlled environment, if possible. In addition to protecting the public and, where not inconsistent, rehabilitating a licensee, the Physical Therapy Board finds imposing the discipline set forth in the guidelines will promote uniformity, certainty, fairness, and deterrence, to further public protection.

The Physical Therapy Board of California produced this 3rd edition of the Manual of Disciplinary Guidelines for the public, individuals subject to issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, Members of the Board who review proposed decisions and stipulations and make final decisions, its Executive Officer and staff, and respondents and their counsel. When an Initial Probationary License has been issued, or a Statement of Issues, or an Accusation has been filed the nature of the alleged violation is severe enough to preclude the issuance of an administrative citation. An administrative citation is not discipline and is issued for less egregious violations. When documentation of significant mitigation has been received, discipline is not required to protect the public.

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

The Board has some basic expectations when an Administrative Law Judge determines that the allegations are true and that a cause for discipline exists. These include:

- 1) If at the time of hearing, the Administrative Law Judge finds that the respondent, for any reason, is not capable of safe practice, the Board expects the outright revocation of the license. This is particularly true in cases of patient sexual abuse. In less egregious cases, a stayed revocation with suspension and probation, pursuant to the guidelines contained in this manual, would be expected.
- 2) The Board expects that revocation is normally the appropriate order in cases where the respondent is in default.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.
- 4) The Board expects that when the revocation of a license is stayed, a suspension of the license shall be considered. A suspension, when imposed, should not be for less than indicated in the guidelines. Community service may be substituted in whole or in part for the suspension.
- 5) The Board expects that the decision will include an order for cost recovery.

The Board recognizes that a rare individual case may necessitate a departure from these guidelines for disciplinary order. Any proposed decision or settlement that departs from the disciplinary guidelines shall identify the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision. The Board expects a similar result and explanation for any Stipulation negotiated prior to hearing.

Probation conditions are divided in two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case.

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CITATION

A citation pursuant to section 1399.25 of the California Code of Regulations, Title 16, Division 13 is an alternative means by which the Physical Therapy Board of California can address relatively minor violations that would not necessarily warrant discipline in order to protect the public. Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to more effectively address less egregious violations.

Citations shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in section 1399.25 of Title 16 of the CCR.

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

After a citation is issued, the person may:

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

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

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PUBLIC REPROVAL OR REPRIMAND

The Board is authorized by Section 495 and 2660.3 of the Business and Professions Code to publicly reprove or reprimand a physical therapist or physical therapist assistant for a violation of the Physical Therapy Practice Act. The issuance of a public reproof as part of a disciplinary order may be considered when the following circumstances exist:

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

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GUIDELINES SPECIFIC TO VIOLATION

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

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

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

BUSINESS AND PROFESSIONS CODE

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

Citation:

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

Note: This issuance of an administrative citation is for unlicensed persons only.

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, K

Also may cite: B&P Code 4

CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P CODE 141

Citation:

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

Discipline:

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

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, O, P, T, U, W

Also may cite: B&P Code 2236, 2660(d), (h), 2661

**COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS
B&P CODE 490.5**

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

VIOLATION OF EXAM SECURITY B&P CODE 496

Also may cite: B&P Code 123

OBTAINING LICENSURE BY FRAUD B&P CODE 498

Discipline:

Revocation or Denial of License

Also may cite: B&P Code 499, 581, 582, 583, 2235, 2660(b)

FALSE STATEMENTS ON APPLICATION B&P CODE 499

Also may cite: B&P Code 498, 581, 582, 583, 2235, 2660(b)

SALE OF DEGREE B&P CODE 580

Discipline:

Revocation or Denial of License

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

Also may cite: B&P Code 498, 499, 582, 583, 2235, 2660(b)

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

Discipline:
Revocation or Denial of License

Also may cite: B&P Code 498, 499, 581, 583, 2235, 2660(b)

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

Discipline:
Minimum: Revocation, stayed, 30 days suspension, 3 years probation
Maximum: Denial or revocation of licensee

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, U

Also may cite: B&P Code 498, 499, 581, 582, 2235, 2660(b)

IMPERSONATION AT EXAMINATIONS B&P CODE 584

Discipline:
Revocation or Denial of License

Also may cite: B&P Code 2288, 2660.7

CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650

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

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

Conditions of Probation in Addition to Standard Conditions: U

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: F, U

Also may cite: B&P Code 2660(a), H&S 17500, CCR 1398.10

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

Citation:

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

Also may cite: CCR 1398.11

EXCESSIVE PRESCRIBING OR TREATMENT B&P CODE 725

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, G, H, M, U, V

Also may cite: B&P Code 2234(b), 2660(g)

SEXUAL MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 726

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, D, E, F, H, I, O, P, U

Also may cite: B&P Code 2660.1

INSURANCE FRAUD - UNPROFESSIONAL CONDUCT B&P CODE 810

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, U

Also may cite: B&P Code 2261, 2262, 2660 (k)

EXAMINATION OF LICENTIATE FOR MENTAL OR PHYSICAL ILLNESS B&P CODE 820

Discipline:

Minimum: Revocation, stayed, Suspension until capable of practicing safely.
Probation shall continue at least one year following return to practice.
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions

Mental Illness: A, B, C, D, E, H, J, M, O, P, W, X, Y

Physical Illness: A, E, H, J, W, X

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

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

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V

Also may cite: B&P Code 725, 2660(g)

REPEATED NEGLIGENT ACTS B&P CODE 2234(C), 2660(h)¹

Citation:

Minimum Fine \$100

Maximum Fine \$5,000

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, P, U, V

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

Discipline:

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

Also may cite: B&P Code 498, 499, 581, 582, 583, 2660(g)

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

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

Also may cite: B&P Code 490, 2660(d), 2661

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, N, O, P, Q, R,
S, T, U, W

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

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, N, O, P, Q, R,
S, T, U, W

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

SELF ABUSE OF DRUGS B&P CODE 2239, 2660(h)¹

Discipline:

Minimum: Revocation, stayed, Suspension until the ability to practice safely is determined, Community Service, Participation in Diversion Program, 5 years probation or until satisfactory completion of the Diversion Program, whichever is longer.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, K, M, N, O, P,
Q, R, S, T, U, W

Also may cite: B&P Code 2660(e), 2660(f)

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

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, U

Also may cite: B&P Code 810, 2262

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, D, G, H, U

Also may cite: B&P Code 810, 2261

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: U

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

Citation:

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: B, E, F, H, K, L, M

Also may cite: B&P Code 2630, 2660(j), CCR 1399

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: G, U

MISUSE OF TITLES B&P CODE 2274, 2660(h)¹

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, U

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

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Also may cite: B&P Code 2691

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

Discipline:

Revocation or denial of license

Also may cite: B&P Code 584, 2660.7

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, H, I, K, M, O,
P, U, V

TOPICAL MEDICATIONS B&P CODE 2620.3

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in addition to Standard Conditions: None

Also may cite: CCR 1399.77, 1399.78, 1399.79

AUTHORIZATION TO INSPECT PATIENT RECORDS B&P CODE 2608.5

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in addition to Standard Conditions: None

Also may cite: B&P 2660 (h)

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

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: D

Also may cite: CCR 1399.61

PATIENT RECORD B&P CODE 2620.7

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, H, V

Also may cite: CCR 1399.85

DEFINITIONS “PHYSICAL THERAPIST”, “PHYSIOTHERAPIST”, “PHYSICAL THERAPY TECHNICIAN” INTERCHANGEABLE TITLES B&P CODE 2622

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Also may cite: B&P 2630, 2633

**UNLICENSED PRACTICE - PHYSICAL THERAPIST ASSISTANT
PRACTICING AS A PHYSICAL THERAPIST B&P CODE 2630**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: B, E, F, H

Also may cite: B&P Code 2264, 2660(j), CCR 1398.44

**UNLICENSED PRACTICE - IMPROPER SUPERVISION OF A PHYSICAL
THERAPY AIDE B&P CODE 2630**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, M

Also may cite: B&P Code 2264, 2660(j), CCR 1399

**AUTHORIZED USE OF TITLE "P.T." AND "PHYSICAL THERAPIST"
B&P CODE 2633**

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, E

**REQUIREMENTS FOR A PHYSICAL THERAPIST APPLICANT LICENSED
IN ANOTHER STATE
B&P CODE 2636.5**

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Also may cite: CCR 1399.10

**PHYSICAL THERAPIST LICENSE APPLICANT GRADUATE PRACTICE
B&P CODE 2639 (ALSO SEE 2640)**

Citation:

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

Also may cite: CCR 1399.10

**COMPUTER ADMINISTERED TESTING/PHYSICAL THERAPY LICENSE
APPLICANT B&P CODE 2640**

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Also may cite: CCR 1398.11, 1399.10

**AUTHORIZED USE OF TITLE - PHYSICAL THERAPY STUDENT
B&P CODE 2650.1**

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Also may cite: CCR 1398.37

APPLICANTS FROM FOREIGN SCHOOLS B&P CODE 2653

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Also may cite: CCR 1398.26, 1398.26.5

**NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED
B&P CODE 2655.2**

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, E, K, L

**PRACTICE AUTHORIZED (PHYSICAL THERAPIST ASSISTANT)
B&P CODE 2655.7**

Citation:

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

Discipline:
Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions:

Also may cite: CCR 1398.44, B&P 2630

**AUTHORIZED USE OF TITLE “P.T.A.”, “PHYSICAL THERAPIST ASSISTANT”, “PHYSICAL THERAPY ASSISTANT”
B&P CODE 2655.11**

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

**GRADUATE PRACTICE (PHYSICAL THERAPIST ASSISTANT)
B&P CODE 2655.91**

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

Discipline:
Minimum: Issue Initial Probationary License
Maximum: Deny Application

PHYSICAL THERAPIST ASSISTANT APPLICANT B&P CODE 2655.93

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

Discipline:
Minimum: Issue Initial Probationary License
Maximum: Deny Application

Also may cite: CCR 1399.12

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

Also may cite: B&P Code 651, 2271, 17500, CCR 1398.10

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

Also may cite: B&P Code 498, 499, 581, 582, 583, 2235

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

Also may cite: B&P Code 490, 2236, 2237, 2660, 2661

HABITUAL INTEMPERANCE B&P CODE 2660(e)

Also may cite: B&P Code Section 2239

ADDICTION TO HABIT- FORMING DRUGS B&P CODE 2660(f)

Also may cite: B&P Code 2239

GROSS NEGLIGENCE B&P CODE 2660(g)

Also may cite: B&P Code 725, 2234(b)

**VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS
B&P CODE 2660**

Citation:

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

Discipline:

See specific statute violated.

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

**AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY
PRACTICE ACT OR REGULATIONS B&P CODE 2660(j)**

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

AIDING OR ABETTING UNLAWFUL PRACTICE B&P CODE 2660

Also may cite: B&P Code 2264

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: G

INFECTION CONTROL GUIDELINES B&P CODE 2660(I)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, F, H, J, V

VERBAL ABUSE OR SEXUAL HARRASSMENT B&P CODE 2660(m)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, H, I, V

SUBVERSION OF EXAMINATION B&P 2660.7

Also may cite: B&P Code 123, 584, 2288

SEXUAL MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 2660.1

Also may cite: B&P Code 726

CONVICTION OF CRIME B&P CODE 2661

Also may cite: B&P Code 490, 2236, 2660(d)

EXPIRATION AND RENEWAL OF LICENSES & DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE B&P CODE 2684

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Also may cite: B&P Code Section 2630

PHYSICAL THERAPY CORPORATION B&P CODE 2691

Also may cite: B&P Code Section 2286 Note: If a licensee violates this section it would be a criminal offense; therefore, see also B&P Code 2236.

UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

VIOLATION OF PROBATION

Discipline:

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

Implementation of Original Stayed Order.

ADVERTISING IN VIOLATION OF SECTION 2660(a), B&P CODE 17500

Also may cite: B&P Code 651, 2271, 2660(a), CCR 1398.10

HEALTH AND SAFETY CODE

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

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: G

CALIFORNIA CODE OF REGULATIONS

FILING OF ADDRESSES CCR 1398.6

Citation:

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

Also may cite: B&P Code 136

ADVERTISING CCR 1398.10

Also may cite: B&P Code 651, 2271, 2660(a), H&S 17500

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

Also may cite: B&P Code 680

APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26

Citation:

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

Also may cite: B&P Code 2653

CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR 1398.26.5

Also may cite: B&P Code 2653

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

Also may cite: B&P Code 2650.1

CRITERIA FOR APPROVAL OF PHYSICAL THERAPY FACILITIES TO SUPERVISE THE CLINICAL SERVICE OF FOREIGN EDUCATED APPLICANTS CCR 1398.38

Also may cite: B&P Code 2653

SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, L

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

Citation:

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

REQUIREMENTS FOR USE OF AIDES CCR 1399

Also may cite: B&P Code 2264, 2630, 2660(j)

SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS CCR 1399.10

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, L

Also may cite: B&P Code 2636.5, 2639, 2640

SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS CCR 1399.12

Citation:

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

Discipline:

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

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, L

Also may cite: B&P Code 2665.93

CERTIFICATION REQUIRED - ELECTROMYOGRAPHY CCR 1399.61

Also may cite: B&P Code 2620.5

ADMINISTRATION OF MEDICATIONS CCR 1399.77

Also may cite: B&P Code 2620.3, CCR 1399.78, 1399.79

AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78

Also may cite: B&P Code 2620.3, CCR 1399.77, 1399.79

AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79

Also may cite: B&P Code 2620.3, CCR 1399.77, 1399.78

PATIENT RECORD DOCUMENTATION REQUIREMENT CCR 1399.85

Also may cite: B&P Code 2630.7

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Standard Probation Conditions

Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The standard conditions generally appearing in every probation case are as follows:

1. License Revocation, stayed

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

2. License Suspension

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

3. Cost Recovery

The respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$_____ (to be determined by actual investigative and prosecutorial costs). Said costs shall be reduced, however, and the remainder forgiven, if respondent pays _____% of said costs, or \$_____ (to be determined by actual investigative and prosecutorial costs), within thirty (30) days of the effective date of this Decision. In the event respondent fails to pay within thirty (30) days of the Decision, the full amount of costs shall be immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order. The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the Board. If respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations, license renewals, or both.

4. Obey All Laws

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

Further, respondent shall, within five days of any arrest, submit to the Board in writing a full and detailed account of such arrest.

5. Compliance with Orders of a Court

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

6. Compliance with Criminal Probation and Payment of Restitution

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

7. Quarterly Reports

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

8. Probation Monitoring Program Compliance

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

9. Interview with the Board or its Designee

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

10. Notification of Probationer Status to Employers

The respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and submit written employer confirmation of receipt to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

11. Notification of Change of Name or Address

The respondent shall notify the Board, in writing, of any and all of name and/or address changes within ten days.

12. Restriction of Practice - Temporary Services Agencies

The respondent shall not work for a temporary services agency or registry.

OR:

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

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

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

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

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

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

14. Prohibited Use of Aliases

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

15. Intermittent Work

If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent is required to immediately notify the probation monitor or his or her designee if he/she works less than 192 hours in a three-month period.

16. Tolling of Probation

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

17. Violation of Probation

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

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

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

Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation respondent may request to surrender his/her license to the Board. The Board reserves the right to evaluate the respondent's

request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable; the respondent makes application for the renewal of the tendered license or makes application for a new license.

19. Completion of Probation

Respondent shall comply with all financial obligations required by this Order (e.g., cost recovery, restitution, probation costs) not later than 180 calendar days prior to completion of probation unless otherwise specified in Order. Upon successful completion of probation, respondent's license shall be fully restored.

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

Within 90 Days of the effective date of this decision, respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If respondent fails to pass the examination, respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed. Respondent shall pay the costs of all examinations.

21. Practice or Performance of Physical Therapy While on Probation

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

22. Probation Monitoring Costs

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

PROBATION CONDITIONS SPECIFIC TO VIOLATION

The disciplinary order shall specify, as appropriate throughout the order, that the respondent is a physical therapist or physical therapist assistant. Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The specific conditions are as follows:

A. Restriction of Practice - Supervision Required

Respondent shall only practice physical therapy under the supervision of a physical therapist who holds a valid unrestricted license, and who is responsible for the care rendered.

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

(Optional)

After one year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.

B. Restriction of Practice - Home Care

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

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

The respondent shall not treat any _____.
(Name the specific patient population)

Failure to comply with any component of this condition as specified above is a violation of probation.

D. Restriction of Practice - Solo Practice

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

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

E. Restriction of Practice - Presence of Another Physical Therapist Required

Physical Therapists: The respondent shall be prohibited from working any shift in which there is no other physical therapist on duty.

Physical Therapist Assistants: The respondent shall be prohibited from working a shift for which there is not a physical therapist on duty.

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

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

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

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

H. Restriction of Practice - Monitoring

Within thirty (30) days of the effective date of this decision, the respondent shall select a licensed physical therapist to serve as the professional practice monitor during the period of probation and submit the name of the licensed physical therapist selected for approval by the Board or its designee. The professional practice monitor shall be selected from an established pool of physical therapists licensed to practice in the State of California who are currently serving as trained expert consultants to the Board. If there is no practice monitor available from the pool of physical therapists, the respondent may provide the probation monitor with the name and license number of a physical therapist for approval if deemed appropriate. The professional practice monitor shall not be someone with a conflict of interest in reviewing the licensee's practice. A conflict of interest is one that may interfere with the ability to fairly assess the licensee's practice and provide the probation monitor with a non-biased report. This includes, but is not limited to, a business partner or family member of the licensee.

After the professional practice monitor has been approved by the Board, the professional practice monitor in conference with the Board's probation monitor will establish the schedule upon which clinical visits will be made to respondent's place of employment to review respondent's current practice and respondent's adherence to the terms of probation. The professional practice monitor shall report to the Board's probation monitor on compliance with the terms and conditions of the respondent's probation after each clinical visit. The report shall indicate whether respondent's practices are within the standards of practice of physical therapy and/or billing, and whether respondent is practicing physical therapy safely, and/or billing appropriately.

Should the professional practice monitor resign or no longer be available, the Respondent shall within 15 days submit for approval by the Board another

physical therapist from the pool of expert consultants or provide the name and license number of a physical therapist for approval.

Respondent shall pay all monitoring costs, including the cost of the professional practice monitor within a time frame agreed upon by the professional practice monitor, but shall not exceed more than 15 days of being billed.

Respondent shall make all patient records available for immediate inspection by the professional practice monitor at all times, or for copying on premises, and shall retain all records for the entire term of probation.

Respondent shall make all appropriate records available for immediate inspection by the Board's probation monitor at all times, or for copying on premises, and shall retain all records for the entire term of probation.

I. Restriction of Practice - Third Party Presence

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

J. Restriction of Practice - Incompetence

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

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

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

K. Restriction of Practice - No Supervision of Physical Therapist License Applicants, Physical Therapist Assistant License Applicants

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

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

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

OR

Respondent shall not supervise any physical therapist assistants until so approved by the Board or its designee. Such approval shall be in writing to the respondent. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision unless otherwise indicated by the Board or its designee.

(Optional)

After one year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.

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

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

(Optional)

If after one year of full compliance of probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement.

N. Restriction of Practice - Administration or Possession of Controlled Substances

Respondent shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

O. Notification to Patients

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

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

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

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

As a condition of probation, the above-named physical therapist must notify patients that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. professional practice monitor will be reviewing patient records or other specific requirement]. In addition, the

physical therapist is required to notify and obtain written acknowledgement from each patient of this condition. A copy of the acknowledgement shall be offered to the patient and placed in the patient's record.

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

P. Notification of Probationer Status to Employees

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

Q. Prohibition of Possession or Use of Controlled Substances

Respondent shall abstain completely from the personal use or possession of controlled substances as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

R. Prohibition of the Use of Alcohol

Respondent shall abstain completely from the use of alcoholic beverages.

S. Biological Fluid Testing

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

T. Diversion Program

Within 15 days from the effective date of this decision, respondent shall enroll and participate in the Board's Diversion Program at respondent's cost until the diversion program determines that participation in the Diversion Program is no longer necessary. Failure to comply with requirements of the Diversion Program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by respondent and shall be immediately suspended from the practice of physical therapy.

Respondent shall comply with all components of the diversion program. This includes the fact that the Board may receive reports on all aspects of respondent's participation in the diversion program. Respondent shall sign a release authorizing the diversion program to report all aspects of the diversion program as requested by the Board or its designee.

In the event the Board's diversion program is unavailable, respondent shall participate in a diversion program approved by the Board or its designee.

U. Community Services

The respondent shall be required to provide community service without compensation within the State of California as part of the probation. The respondent shall submit for prior approval a community service program to the Board or its designee.

Notes:

When community service is substituted for suspension from practice, 160 hours of community service shall be considered equivalent to 30 days of actual suspension.

Always add this specific condition whenever community service is substituted for suspension.

V. Education Course

Within 30 days of the effective date of this Decision, respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program in _____ (e.g. specify course) which shall not be less than 20 hours. Respondent shall supply documentation verifying satisfactory completion of coursework. This will be signed by the instructor(s) of the courses and evidence, if applicable, of passing grades on exams/tests given by the instructor. Respondent shall be responsible for costs incurred of the course(s).

W. Psychiatric Evaluation

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed Board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay all cost of all psychiatric evaluations and psychological testing and any required additional follow up visits.

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

(Option: Condition Precedent)

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

X. Psychotherapy

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

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

If, prior to the completion of probation, respondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall have continued jurisdiction over respondent's license and the period of probation shall be extended until the Board determines that respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

Note:

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

Y. Medical Evaluation

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

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

Optional Condition

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

Z. Medical Treatment

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

GLOSSARY OF TERMS

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

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

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

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

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

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

Health and Safety Code (H&S) - Statutes of law contained in the Health and Safety Code that affect the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at www.ptb.ca.gov.

Initial Probationary License - The Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure

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

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

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

Public Letter of Reprimand or Public Reproval - A formal public reproval issued by the Board, which could be in lieu of filing a formal accusation is considered disciplinary action.

Revoked - The right to practice is ended.

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

Statement of Issues - Charges filed against an applicant to deny licensure due to alleged violation(s) of the Physical Therapy Practice Act.

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

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

ALPHABETICAL VIOLATION INDEX

	Page
ADDICTION TO HABIT-FORMING DRUGS B&P 2660(g)	27
ADMINISTRATION OF MEDICATIONS, CCR 1399.77	34
ADVERTISING IN VIOLATION OF SECTION B&P 17500	27
ADVERTISING VIOLATIONS- DISSEMINATION OF FALSE OR MISLEADING INFORMATION CONCERNING PROFESSIONAL SERVICES OR PRODUCST B&P 651	15
AIDING AND ABETTING UNLICENSED PRACTICE B&P 2264	19
AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY PRACTICE ACT OR REGULATIONS B&P 2660(j)	28
AIDING OR ABETTING UNLAWFUL PRACTICE B&P 2660(k)	28
APPLICANTS FROM FOREIGN SCHOOLS B&P 2653	25
APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26	32
AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78	34
AUTHORIZATION TO INSPECT PATIENT RECORDS B&P 2608.5	22
AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79	34
AUTHORIZED USE OF TITLE – “P.T.” AND “PHYSICAL THERAPIST” B&P 2633	24
AUTHORIZED USE OF TITLE – “P.T.A.”, “PHYSICAL THERAPIST ASSISTANT”, “PHYSICAL THERAPY ASSISTANT” B&P 2655.11	26
AUTHORIZED USE OF TITLE – “PHYSICAL THERAPY STUDENT” B&P 2650.1	25
CERTIFICATION REQUIRED - ELECTROMYOGRAPHY CCR 1399.61	34
CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION 2620.5	22
CHANGE OF ADDRESS REPORTING REQUIREMENT B&P 136	12
CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS B&P 1398.26.5	32
COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS 490.5	13
COMPUTER ADMINISTRATED TESTING/PHYSICAL THERAPY LICENSE APPLICANT B&P 2640	24
CONSIDERATION FOR REFERRALS PROHIBITED B&P 650	14
CONVICTION OF CRIME, SUBSTANTIAL RELATIONSHIP REQUIRED B&P 490	12
CONVICTION OF A CRIME B&P 2660(d)	27
CONVICTION OF CRIME B&P 2661	29
CONVICTION RELATED TO DRUGS B&P 2237	18
CRIMINAL CONVICTION B&P 2236	18
CRITERIA FOR APPROVAL OF PHYSICAL THERAPY FACILITIES TO SUPERVISE THE CLINICAL SERVICE OF FOREIGN EDUCATED APPLICANTS CCR 1398.38	32
DEFINITIONS “PHYSICAL THERAPIST”, PHYSIOTHERAPIST”, “PHYSICAL THERAPY TECHNICIAN” INTERCHANGEABLE TITLES B&P 2622	23
DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P 141	12
DISCLOSURE OF NAME AND LICENSE STATUS B&P 680 & CCR 1398.11	15
EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P 2273	20
EXCESSIVE PRESCRIBING OR TREATMENT B&P 725	15
EXAM SECURITY B&P 496	13
EXAMINATION OF LICENTIATE FOR MENTAL OR PHYSICAL ILLNESS B&P 820	16
EXPIRATION AND RENEWAL OF LICENSES & DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE B&P 2684	29
FALSE OR MISLEADING ADVERTISING B&P 2271	20
FALSE STATEMENTS IN DOCUMENTS OR WRITINGS B&P 583	14
FALSE STATEMENTS ON APPLICATION B&P 499	13
FILING OF ADDRESSES CCR 1398.6	32
FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED B&P 2660(k) GRADUATE PRACTICE (PHYSICAL THERAPIST ASSISTANT) B&P 2655.91	28
	26
GROSS NEGLIGENCE B&P 2234(b)	17
GROSS NEGLIGENCE B&P 2660(g)	27
HABITUAL INTEMPERANCE B&P 2660(e)	27

IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS AND INTERNS DEFINED, CCR 1398.52	33
IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED, CCR 1398.37	32
IDENTIFICATION OF PHYSICAL THERAPY AIDES, APPLICANTS, STUDENTS, & INTERN CCR 1398.10	32
IMPERSONATION AT EXAMINATIONS B&P 584	14
IMPERSONATION OF APPLICANT IN EXAM B&P 2288, 2660.7	21
IMPERSONATION PRACTICE OF MEDICINE B&P 2289	21
INCOMPETENCE B&P 2234(d)	17
INFECTION CONTROL GUIDELINES B&P 2660(l)	28
INSURANCE FRAUD-UNPROFESSIONAL CONDUCT B&P 810	16
OBTAINING LICENSURE BY FRAUD B&P498	13
MAKING FALSE DOCUMENTS B&P 2261	19
MISUSE OF TITLES B&P 2274	20
NEUROMUSCULAR EVALUATION B&P 2620.5, CCR 1399.61	22
NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED B&P 2655.2	25
NUTRITIONAL ADVICE B&P 2068	16
PATIENT RECORD DOCUMENTATION REQUIREMENT B&P 2620.7	22
PATIENT RECORD DOCUMENTATION REQUIREMENT CCR 1399.85	34
PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110	31
PRACTICE AUTHORIZED (PHYSICAL THERAPIST ASSISTANT) B&P 2655.7	26
PHYSICAL THERAPIST ASSISTANT APPLICANT B&P 2655.93	26
PHYSICAL THERAPIST LICENSED APPLICANT GRADUATE PRACTICE B&P 2639	24
PHYSICAL THERAPY CORPORATION B&P 2691	29
PRACTICE DURING SUSPENSION B&P 2306	22
PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION B&P 2660(b)	27
PROCURING LICENSE BY FRAUD 2235, 2660(b)	17
PURCHASE OR FRAUDULENT ALTERATION OF DIPLOMA OR OTHER WRITINGS B&P 581	14
REPEATED NEGLIGENT ACTS B&P 2234(c)	17
REQUIREMENTS FOR A PHYSICAL THERAPIST APPLICANT LICENSED IN ANOTHER STATE B&P 2636.5	24
SALE OF DEGREE B&P 580	13
SELF ABUSE OF DRUGS B&P 2239	18
SEXUAL MISCONDUCT WITH PATIENT OR CLIENT B&P 2660.1	29
SEXUAL MISCONDUCT B&P 726	16
SUBVERTING EXAMINATION B&P 2660.7	29
SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM B&P 123	12
SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS, CCR 1399.12	33
SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS. CCR 1398.44	33
SUPERVISION OF PHYSICAL THERAPIST LICENSE APPLICANTS, CCR 1399.10	33
SUPERVISION OF PHYSICAL THERAPY AIDES, B&P 2630	22
SUPERVISION OF PHYSICAL THERAPY AIDES. CCR 1399	33
TOPICAL MEDICATIONS B&P 2620.3,	21
UNLAWFUL PROCUREMENT OR ALTERATION (OF A LICENSE), B&P 581	14
UNLICENSED PRACTICE - IMPROPER SUPERVISION OF A PHYSICAL OF A PHYSICAL THERAPY AIDE, CCR 1399	23
UNLICENSED PRACTICE - PHYSICAL THERAPIST ASSISTANT PRACTICING AS A PHYSICAL THERAPIST B&P 2630	23
UNPROFESSIONAL CONDUCT- CORPORATION B&P 2692	29
USE OF ILLEGALLY OBTAINED ALTERED OR COUNTERFIET DIPLOMA, CERTIFICATE, OR TRANSCRIPT B&P 582	14
USE OF PREFIX, AFFIX, AND SUFFIX TO INDICATE ACADEMIC DEGREE, CCR 1398.12	31
VERBAL ABUSE OR SEXUAL HARRASSMENT B&P 2660(m)	28
VIOLATION OF DRUG STATUTES B&P 2238	18
VIOLATION OF PROBATION	30
VIOLATION OF PROFESSIONAL CONFIDENCE B&P 2263	19

VIOLETION OF PROFESSIONAL CORPORATION ACT B&P 2286. 2691	21
VIOLETION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS B&P 2660(h)	27

VIOLATION CODE INDEX

Business and Professions Code	Page	
123	SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM	12
136	CHANGE OF ADDRESS REPORTING REQUIREMENT	12
141	DISCIPLINARY ACTION BY A FOREIGN JURISDICTION	12
490	CONVICTION OF A CRIME - SUBSTANTIAL RELATIONSHIP REQUIRED	12
490.5	COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS	13
496	VIOLATION OF EXAM SECURITY	13
498	LICENSURE BY FRAUD	13
499	FALSE STATEMENTS ON APPLICATION	13
580	SALE OF DEGREE	13
581	UNLAWFUL PROCUREMENT OR ALTERATION	14
582	USE OF FRAUDULENT RECORDS	14
583	FALSE STATEMENTS IN AFFIDAVITS	14
584	IMPERSONATION AT EXAMINATIONS	14
650	CONSIDERATION FOR REFERRALS PROHIBITED	14
651	ADVERTISING VIOLATIONS B&P	15
680	DISCLOSURE OF NAME AND LICENSE STATUS	15
725	EXCESSIVE TREATMENTS	15
726	SEXUAL MISCONDUCT	16
810	INSURANCE FRAUD	16
820	MENTAL OR PHYSICAL ILLNESSES	16
2068	NUTRITIONAL ADVICE	16
2234(b)	GROSS NEGLIGENCE	17
2234(c)	REPEATED NEGLIGENT ACTS B&P	17
2234(d)	INCOMPETENCE B&P	17
2235	PROCURING LICENSE BY FRAUD	18
2236	CRIMINAL CONVICTION	18
2237	CONVICTION RELATED TO DRUGS	18
2238	VIOLATION OF DRUG STATUTES B&P 2238	18
2239	SELF ABUSE OF DRUGS	18
2261	MAKING FALSE DOCUMENTS	19
2262	ALTERATION OF MEDICAL RECORDS	19
2263	VIOLATION OF PROFESSIONAL CONFIDENCE	19
2264	AIDING AND ABETTING UNLICENSED PRACTICE	20
2271	FALSE OR MISLEADING ADVERTISING	20
2273	EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS	20
2286	VIOLATION OF PROFESSIONAL CORPORATION ACT	21
2288	IMPERSONATION OF APPLICANT IN EXAM	21
2289	IMPERSONATION PRACTICE OF MEDICINE	21
2608.5	AUTHORIZATION TO INSPECT PATIENT RECORDS	22
2620.3	TOPICAL MEDICATIONS	21
2620.5	CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION	22
2620.7	PATIENT RECORD DOCUMENTATION REQUIREMENT	22

Business and Professions Code	Page	
2622	DEFINITIONS "PHYSICAL THERAPIST", "PHYSIOTHERAPIST", "PHYSICAL THERAPY TECHNICIAN"	23
2630	UNLICENSED PRACTICE - PHYSICAL THERAPIST ASSISTANT PRACTICING AS A PHYSICAL THERAPIST	23
2630	UNLICENSED PRACTICE - IMPROPER SUPERVISION OF A PHYSICAL THERAPY AIDE	23
2633	AUTHORIZED USE OF TITLE "PHYSICAL THERAPIST"	24
2636.5	REQUIREMENTS FOR A PHYSICAL THERAPIST APPLICANT LICENSED IN ANOTHER STATE	24
2639	PHYSICAL THERAPIST LICENSE APPLICANT_GRADUATE PRACTICE	24
2640	COMPUTER ADMINISTERED TESTING/PHYSICAL THERAPY LICENSE APPLICANT	25
2650.1	PHYSICAL THERAPY STUDENT	25
2653	APPLICANTS FROM FOREIGN SCHOOLS	25
2655.2	NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED	26
2655.7	PRACTICE AUTHORIZED (PHYSICAL THERAPIST ASSISTANT)	26
2655.11	AUTHORIZED USE OF TITLE "P.T.A.", "PHYSICAL THERAPIST ASSISTANT", "PHYSICAL THERAPY ASSISTANT"	26
2655.91	GRADUATE PRACTICE (PHYSICAL THERAPIST ASSISTANT)	26
2655.93	PHYSICAL THERAPIST ASSISTANT APPLICANT	27
2660(a)	ADVERTISING IN VIOLATION OF SECTION	27
2660(b)	PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION	27
2660(d)	CONVICTION OF A CRIME	27
2660(e)	HABITUAL INTEMPERANCE	27
2660(f)	ADDICTION TO HABIT-FORMING DRUGS	27
2660(g)	GROSS NEGLIGENCE	27
2660(h)	VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS	28
2660(i)	AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY PRACTICE ACT OR REGULATIONS	28
2660(j)	AIDING OR ABETTING UNLAWFUL PRACTICE	28
2660(k)	FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED	28
2660(l)	INFECTION CONTROL GUIDELINES	28
2660(m)	VERBAL ABUSE OR SEXUAL HARRASSMENT	29
2660.1	SEXUAL MISCONDUCT WITH PATIENT OR CLIENT	29
2660.7	SUBVERSION OF EXAMINATION	29
2661	CONVICTION OF CRIME	29
2684	EXPIRATION AND RENEWAL OF LICENSES & DISCLOSURE OF MISDEMEANOR OR CRIMIAL OFFENSE	29
2691	PHYSICAL THERAPY CORPORATION	30
2692	UNPROFESSIONAL CONDUCT- CORPORATION	30
17500	ADVERTISING IN VIOLATION OF SECTION 2660(a) VIOLATION OF PROBATION	30

Health and Safety Code

Page

123110 PATIENT'S ACCESS TO HEALTH CARE RECORDS

31

California Code of Regulations

1398.6	FILING OF ADDRESSES	32
1398.10	ADVERTISING	32
1398.11	PHYSICAL THERAPY AIDE, APPLICANT, STUDENT, AND INTERN	32
1398.26	APPLICATION OF FOREIGN GRADUATES	32
1398.26.5	CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPS	32
1398.37	IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED	32
1398.38	CRITERIA FOR APPROVAL OF PT FACILITIES TO SUPERVISE THE CLINICAL SERVICE OF FOREIGN EDUCATED APPLICANTS	32
1398.44	SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS	33
1398.52	IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS AND INTERNS DEFINED	33
1399	SUPERVISION OF PHYSICAL THERAPY AIDES	33
1399.10	SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS	33
1399.12	SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS	33
1399.61	CERTIFICATION REQUIRED - ELECTROMYOGRAPHY	34
1399.77	ADMINISTRATION OF MEDICATIONS	34
1399.78	AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS	34
1399.79	AUTHORIZED TOPICAL MEDICATIONS	34
1399.85	PATIENT RECORD DOCUMENTATION REQUIREMENT	34