

PHYSICAL THERAPY BOARD OF CALIFORNIA  
Title 16. California Code of Regulations  
Division 13.2

Order of Adoption

Article 8. Discipline and Reinstatement of License

**1399.15. ~~Model~~ Guidelines for Issuing Citations and Imposing Discipline.**

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the ~~guidelines entitled Model Guidelines for Issuing Citations and Imposing Discipline~~, (Revised ~~on June 16, 2009~~ August 2012, 4<sup>th</sup> Edition) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts ~~of the particular case warrants~~ such a deviation – for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

As used in this section, the term "sex offense" shall mean any of the following:

(1) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an offense.

(2) Any offense defined in Section 261.5, 313.1, 647b, or 647 subdivisions (a) or (d) of the Penal Code or a finding that a person committed such an offense.

(3) Any attempt to commit any of the offenses specified in this section.

(4) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would be punishable as one or more of the offenses specified in this section.

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2660, 2660.1, 2661 and 2661.5, Business and Professions Code: and Section 11425.50(e), Government Code.