

Physical Therapy Board of California

PROPOSED LANGUAGE

PHYSICAL THERAPY REGULATIONS

(1) Add Section 1398.14 of Division 13.2 of Title 16 of the California Code of Regulations, to read as follows:

Article 1. General Provisions

1398.14 Response to Board Inquiry.

If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Section 2615 Business and Professions Code. Reference: Section 144, 2607.5, 2615, 2634, 2635, 2655.3, 2655.92, 2660, 2660.2, 2660.5, Business and Professions Code and Section 11105 Penal Code.

(2) Add Section 1399.80 of Division 13.2 of Title 16 of the California Code of Regulations, to read as follows:

Article 13. ~~Continuing Competency and Inactive License Status~~ Requirements for Renewal

1399.80 Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after January 31, 2013, a licensee who was licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

- (b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has plead guilty, plead nolo contendere or has been convicted of any violation of the law, omitting infractions not involving alcohol, dangerous drugs, or controlled substances, as defined by the California Health and Safety Code section 11007, in this or any other state, the United States, or other country.
- (c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country, disclose any settlement, judgment or arbitration award of over \$3000, pursuant to Business and Professions Code Section 802. or whether they have complied with the reporting requirements of B&P Code section 802.
- (d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.
- (e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

NOTE: Authority cited: Section 144, 2615, 2630, 2634, 2684 Business and Professions Code. Reference: Section 144, 802, 2615, 2630, 2634, 2635, 2660, 2655.3, 2655.92, 2660.2, 2660.5, 2684 Business and Professions Code and Section 11105 Penal Code.

(3) Amend Section 1399.98 of Division 13.2 of Title 16 of the California Code of Regulations, to read as follows:

Article 13. Continuing Competency and Inactive License Status Requirements for Renewal

1399.98. Inactive Status.

- (a) Upon written request, the board may grant inactive status to a licensee if, at the time of application for inactive status, the license is current and not suspended, revoked, or otherwise punitively restricted by the board.
- (b) In order to restore an inactive license to active status, the licensee shall:
 - a. submit a completed Inactive/Active application form, accompanied by evidence that the licensee has completed the required number of hours of

approved continuing competency, in compliance with this article within the last two years preceding such application. The application shall be made on forms prescribed by the board and shall contain the following:

- i. The name of the licensee.
- ii. License type.
- iii. License number.
- iv. License expiration date.
- v. A request to restore an inactive license
- vi. Disclosure whether, since the licensee last applied for renewal, he or she has plead guilty, plead nolo contendere, convicted of a crime, been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country, disclose any settlement, judgment or arbitration award of over \$3000, pursuant to Business and Professions Code Section 802.
- vii. Certification under penalty of perjury of the laws of the State of California to the truth and correctness of information provided
- viii. Signature of licensee
- ix. Date

b. Pay the renewal and any continuing competency fees.

~~(b)~~ (c) The licensee shall not engage in any activity for which a license is required.

~~(c)~~ (d) An inactive license shall be renewed during the same time period in which an active license or certificate is renewed. Any continuing education requirements for renewing a license are waived.

~~(d)~~ (e) The renewal fee for an inactive license is the same as the fee to renew an active license.

~~(f)~~ To restore an inactive license to an active status, the holder shall do both of the following:

- ~~1. Pay the renewal and any continuing competency fees.~~
- ~~2. Complete continuing education equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.~~

(f) The inactive status of any licensee does not deprive the board of its authority to institute or continue any disciplinary or enforcement action against the licensee.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.
Reference: Sections 700, 701, 702, 703, 704, 802, 2676 and 2684, Business and Professions Code.