

**NOVEMBER**  
**15 & 16, 2017**  
BOARD MEETING

Ohlone College  
Health Science and Environmental  
Science Division  
39399 Cherry Street, Room NC 1100  
Newark, CA 94560



Physical Therapy Board of California

# THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

November 15, 2017 9:00 a.m.

November 16, 2017 9:00 a.m.

Ohlone College  
Health Science and Environmental  
Science Division  
39399 Cherry Street, Room NC 1100  
Newark, CA 94560

Action may be taken on any agenda item.  
Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items  
will be held in **OPEN SESSION. THE PUBLIC  
IS ENCOURAGED TO ATTEND.** Please refer  
to the informational notes at the end of  
the agenda.

## BOARD MEMBERS

Katarina Eleby, M.A., *President*

Alicia K. Rabena-Amen, PT, T, DPT, *Vice President*

Debra Alviso, PT, DPT, *Member*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, DPT, *Member*

TJ Watkins, *Member*

Tonia McMillian, *Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*

Liz Constancio, *Manager*

Elsa Ybarra, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



## Agenda – Wednesday, November 15

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Review and Approval of August 23-24, 2017 Meeting Minutes – *Becky Marco***
4. **Acting President’s Report –*Alicia Rabena-Amen***
  - (A) 2017 Adopted Meeting Calendar
  - (B) 2018 Proposed Meeting Calendar
5. **Executive Officer’s Report – *Jason Kaiser***
  - (A) Administrative Services
  - (B) Applications
  - (C) Licensing/Continuing Competency
  - (D) Consumer Protection Services
  - (E) Animal Rehabilitation
  - (F) DCA Internal Audit
  - (G) Outreach
6. **Closed Session**
  - (A) Pursuant to Government Code section 11126(c)(3), to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
  - (B) Pursuant to Government Code section 11126(a)(1), To Consider the Evaluation of Performance of the Executive Officer
7. **Reconvene Open Session**
8. **Maximus – Healthcare Professionals Diversion Program Presentation – *Stephanie Trumm, Maximus***
9. **Discussion and Possible Board Action - Sunset Review Report – *Jason Kaiser***
  - (A) Discussion and Possible Board Action Regarding AB 1706 (Committee on Business and Professions) Healing Arts: Chiropractic Practice: Occupational Therapy: Physical Therapy

10. **Legislation Report – Jason Kaiser**
  - (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session Summary
    - i. Discussion and Possible Board Action Regarding AB 208 (Eggman, Ch. 778, Stats. 2017) Deferred Entry of Judgment: Pretrial Diversion
  
11. **Rulemaking Report – Becky Marco**
  - (A) Discussion and Possible Board Action Regarding the 2017 Rulemaking Update
    - i. Examination Passing Standard/Setting Examination Score
  - (B) Discussion of Issues and Possible Board Action Regarding Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
  - (C) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
  
12. **Discussion and Possible Board Action Regarding 2018 Rulemaking Calendar – Becky Marco**
  
13. **Public Comment on Items Not on the Agenda**

*Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)*
  
14. **Recess**

### **Agenda – Thursday, November 16**

15. **Call to Order - 9:00 a.m.**
  
16. **Roll Call and Establishment of Quorum**
  
17. **Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer – Alicia Rabena-Amen**

- 18. Closed Session**
  - (A) Pursuant to Government Code section 11126(c)(3), to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
  - (B) Pursuant to Government Code section 11126(a)(1), To Consider the Evaluation of Performance of the Executive Officer
  
- 19. Reconvene Open Session**
  
- 20. Consumer and Professional Associations and Intergovernmental Relations Reports**
  - (A) Federation of State Boards of Physical Therapy (FSBPT)
  - (B) Department of Consumer Affairs (DCA) – Executive Office
  - (C) California Physical Therapy Association (CPTA)
  
- 21. Board Member Training – Jason Kaiser**
  - (A) Council on Licensure, Enforcement and Regulation (CLEAR) Administrative Rulemaking - *Jason Kaiser*
  
- 22. Administrative Services Report**
  - (A) Budget - *Araceli Strawmier*
  - (B) Outreach – *Araceli Strawmier*
  
- 23. Application Services Report – Sarah Conley**
  
- 24. Licensing Services Report – Sarah Conley**
  - (A) Continuing Competency Report
  - (B) Discussion and Possible Board Action on Removal of Continuing Competency Approval Agency Recognition
    - i. Nursing and Rehab at Home
    - ii. TERRIO Physical Therapy and Fitness
    - iii. North Coast Rehab, Inc.
    - iv. Care Resources
  
- 25. Consumer Protection Services Report – Monny Martin**
  
- 26. Probation Monitoring Report – Monny Martin**
  
- 27. New “DCA Search” License Look Up Web Application – Sarah Conley**

**28. Board Member Elections**

- (A) President
- (B) Vice-President
- (C) FSBPT Delegate
- (D) FSBPT Alternate Delegate
- (E) FSBPT Back-up Alternate Delegate

**29. Public Comment on Items Not on the Agenda**

*Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)*

**30. Agenda Items for Future Meeting –**

March 22 & 23, 2017  
Department of Consumer Affairs  
HQ2 Hearing Room  
1747 North Market Blvd.  
Sacramento, CA 95834

**31. Adjournment**

***Informational Notes:***

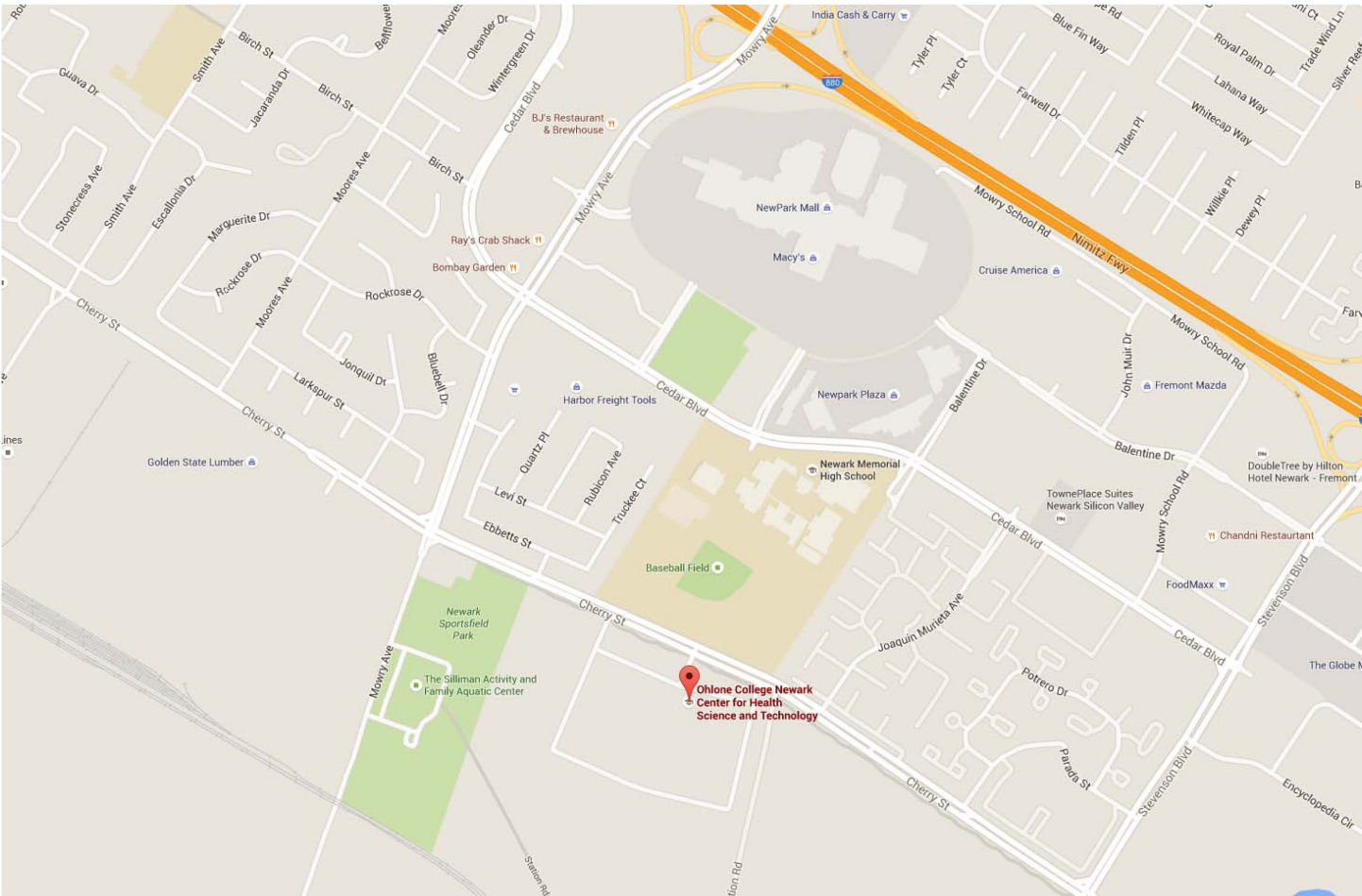
*Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion.*

*In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Total time allocated for public comment on particular issues may be limited. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).*

*The Board plans to webcast this meeting on its website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at*

*a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

*The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Araceli Strawmier at (916) 561-8266, e-mail: [araceli.strawmier@dca.ca.gov](mailto:araceli.strawmier@dca.ca.gov), or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.*



**Ohlone College Newark  
Center for Health Science  
and Technology**  
39399 Cherry St  
Newark, CA 94560

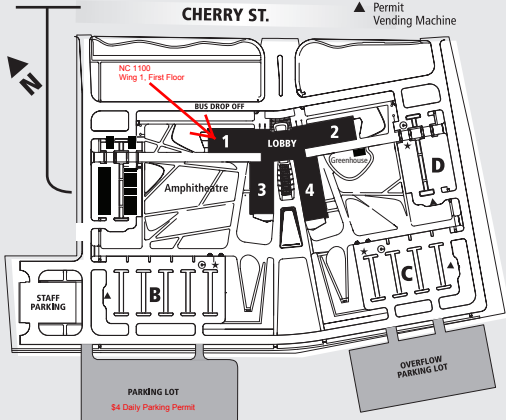


# NEWARK CAMPUS

NP-1  
thru  
NP-12

## LEGEND

- ⊙ Carpool
- ★ ADA Parking
- ▲ Permit Vending Machine



**Roll Call**

**Ohlone Newark Campus, Newark, CA**

**November 15, 2017**

	Present	Absent
Katarina Eleby, President		
Alicia Rabena Amen, PT, MPT, Vice-President		
Debra J. Alviso, PT, DPT		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		
TJ Watkins		

**November 16, 2017**

	Present	Absent
Katarina Eleby, President		
Alicia Rabena-Amen, PT, MPT, Vice-President		
Debra J. Alviso, PT, DPT		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		
TJ Watkins		



**Physical Therapy Board of California  
DRAFT Meeting Minutes**

**Board Members**

President

Katarina Eleby

Vice-President

Alicia Rabena-Amen, PT, MPT

Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

T J Watkins

**Board Staff**

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

August 23, 2017 9:00 a.m.

August 24, 2017 9:00 a.m.

Department of Consumer Affairs  
2005 Evergreen St., Hearing Room  
Sacramento, CA 95815

For the sake of clarity, agenda items discussed during the meeting follow their original order on the agenda in these minutes though some agenda items may have been taken out of order during the meeting.

**1. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by President Eleby at 9:00 a.m. on August 23, 2017. The Board recessed at 5:52 p.m. and reconvened at 9:04 a.m. on August 24, 2017.

**2. Roll Call and Establishment of Quorum**

All members were present except for Jesus Dominguez, PT, PhD, and a quorum was established. Also present at the meeting were: Tara Welch and Salwa Bojack, Legal Counsels; Jason Kaiser, Executive Officer; and Brooke Arneson and Elsa Ybarra, Board staff.

**3. Review and Approval of May 24 & 25, 2017 Meeting Minutes – Brooke Arneson**

The Board reviewed the minutes and made grammatical and editorial changes. The minutes will be edited accordingly for the President’s signature.

**MOTION:** To approve the minutes as amended.

**M/S:** Drummer/Alviso

**VOTE:** 6-0 Motion carried

**4. President’s Report – Katarina Eleby**

(A) 2017 Adopted Meeting Calendar

29 Mr. Kaiser advised the Board the November 2017 meeting will be at Ohlone College in  
30 Newark and he anticipates first and second year students will be in attendance.

31  
32 (B) 2018 Proposed Meeting Calendar

33  
34 Mr. Kaiser introduced a handout proposing a shift in the 2018 meeting calendar dates.  
35 He suggested the modification would eliminate conflicting meeting space and webcast  
36 coverage with other DCA Boards and Bureaus, allow for more accurate reporting of  
37 data and legislation, and align with academic calendars affording larger student  
38 attendance. Ms. Rabena-Amen indicated it would not work well with her personal  
39 calendar and Ms. Eleby commented she appreciated how it interacted with the  
40 calendars of stakeholders. Ms. Rabena-Amen requested the meetings be held on  
41 Thursday/Friday versus Wednesday/Thursday. Dr. Alviso responded Friday commute  
42 from the Bay Area and Southern California were difficult and proposed those meetings  
43 remain on a Wednesday/Thursday schedule and the Sacramento meetings move to a  
44 Thursday/Friday schedule. Dr. Drummer requested the vote and further discussion be  
45 postponed until Dr. Dominguez is in attendance.

46  
47 The Board discussed the meeting dates and agreed upon March 22 and 23, 2018, June  
48 20 and 21, 2018, September 13 and 14, 2018 and December 5 and 6, 2018. They also  
49 would appreciate at the November 2017 meeting, a presentation by SOLID, on SOLID's  
50 facilitation of strategic planning process, and setting the strategic planning session in  
51 February 2018, or if that's not possible, the presentation by SOLID in March 2018, and  
52 the strategic planning meeting in April 2018.

53  
54 **MOTION:** To adopt the 2018 proposed meeting calendar as amended.

55 **M/S:** Rabena-Amen/Watkins

56 **VOTE:** 6-0 Motion carried

57  
58 **5. Executive Officer's Report – Jason Kaiser**

59  
60 Mr. Kaiser discussed two additional items to the Administrative Services section of the  
61 Executive Officer Report. The first being that Karin Thompsen, an analyst in the  
62 enforcement program, has returned from retirement to volunteer her assistance with  
63 scanning enforcement files. He expressed appreciation for her commitment and return  
64 to the PTBC family. Secondly, he directed the Board's attention to the trifold handout  
65 titled "About Us." He stated he had received feedback and edits from members not  
66 reflected in the handout, but that they would be incorporated in the final publication.

68 Discussion ensued on developing multiple handouts tailoring each to a different  
69 demographic. Dr. Drummer expressed concern over licensees confusing APTA with  
70 PTBC and felt there was a need to address the differences. Ms. Rabena-Amen  
71 proposed the appointment of an Outreach Committee and Ms. Eleby selected  
72 Mr. Watkins and Dr. Drummer to serve as members of the Committee.  
73

74 Ms. Welch was asked to introduce Salwa Bojack as the Board's newest counsel. Ms.  
75 Bojack presented her background to the Board and expressed she looked forward to  
76 being counsel to the Board. Dr. Drummer questioned the degree of turnover of counsel,  
77 stating in three years the Board has had four different counsels assigned. Ms. Welch  
78 stated that, although she is unable to respond officially on behalf of the Legal Affairs  
79 Division, the turnover may be due to the efficiency of the Board making it an ideal first  
80 assignment for new Board counsel. Ms. Rabena-Amen noted that other boards are  
81 experiencing a similar turnover.  
82

83 Mr. Kaiser concluded his report advising the Board he just learned the Veterinary  
84 Medical Board staff have been directed to promulgate regulation on animal  
85 rehabilitation. He further noted he did not know what the proposed language will look  
86 like.  
87

88 Dr. Alviso questioned the outcome of the DCA internal audit and if the Board members  
89 would see the formal report. Mr. Kaiser responded he would be meeting with the DCA  
90 auditors next week for an exit interview and he would ask if a formal report would be  
91 issued.  
92

93 **6. Presentation of FSBPT Physical Therapy Licensure Compact – Leslie Adrian and**  
94 **Jim Heider – Discussion and Possible Board Action**  
95

96 Mr. Heider introduced himself as the Executive Director of Oregon's Physical Therapist  
97 Licensing Board, as a Director on the FSBPT's Board of Directors, and the liaison  
98 between seven states, including California and the FSBPT. Ms. Adrian is a physical  
99 therapist and is the FSBPT's Director of Professional Standards. Ms. Adrian presented  
100 on the FSBPT Physical Therapy Licensure Compact (Compact) after her presentation of  
101 the Supervised Clinical Practice Performance Evaluation Tool. She explained the  
102 purpose of the Compact is to facilitate interstate practice of physical therapy with the  
103 goal of improving public access to physical therapy service and that it is applicable to  
104 both physical therapists and physical therapist assistants. During discussion amongst  
105 the members, Ms. Adrian and Mr. Heider explained a licensee would lose Compact  
106 privilege for two years if administrative action was taken by one of the Compact states.

107 The Board discussed that a California licensee could be in a Compact state where a  
108 violation occurs, but no action is taken because it is not considered a substantially  
109 related violation in that Compact state. This scenario could prove to be problematic  
110 since such a violation could be an actionable offense in California, but California may  
111 never become aware of the offense. This would conflict with California's mandate of  
112 consumer protection. The Board also discussed that not all states complete a  
113 background check of applicants to the same extent as California.

114  
115 **7. Presentation of FSBPT Supervised Clinical Practice Performance Evaluation Tool**  
116 **– Leslie Adrian – Discussion and Possible Board Action**

117  
118 Ms. Adrian began her presentation explaining that the Supervised Clinical Practice  
119 Performance Evaluation Tool (PET) was necessary for public protection, to ensure  
120 clinical competence, to evaluate cultural competency, and to verify English proficiency.  
121 She further described the benefits of the tool and why the tool is defensible. Ms. Adrian  
122 answered questions for the Board and staff regarding the PET. She concluded that  
123 FSBPT had not yet developed a PET for physical therapist assistants.

124  
125 **8. Closed Session**

- 126 (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary  
127 Actions and Decisions to be Reached in Administrative Procedure Act  
128 Proceedings  
129 (B) Pursuant to Government Code section 11126(a)(1), Evaluation of Executive Officer

130  
131 **9. Reconvene Open Session**

132  
133 The Board reconvened at 1:35 p.m. into open session.

134  
135 **10. Discussion and Possible Board Action – Sunset Review Report – Jason Kaiser**

136  
137 Mr. Kaiser reported that the Board's Sunset Bill (Bill), AB 1706 is in suspense with the  
138 Senate Appropriations Committee and asked the Board to submit a letter of support.  
139 He further advised that the Bill includes repeal of Business and Professions Code (BPC)  
140 section 2648.7 authorizing retired license status exemption. The repeal allows the  
141 Board to rely on BPC section 464 for retired license status exemption. The Bill grants  
142 the Board discretion when granting exemptions from BPC section 2653(b) and  
143 specifically exempts licensees graduating from the English-speaking countries of  
144 Australia, Canada (except Quebec), Ireland, New Zealand, and the United Kingdom.  
145 Also, the Bill repeals BPC section 2688.5, which currently requires the Board to submit  
146 a report to the legislature when the Board increases its fees. However, the Bill does not  
147 include extending the fee caps, which are currently at their ceiling. Both sides of the

148 legislature understand these concerns and indicated that they may be considered in the  
149 future.

150  
151 **MOTION:** To submit a letter in support of AB 1706.

152 **M/S:** Rabena-Amen/Watkins

153 **VOTE:** 6-0

154

155 **11. Legislation Report – Brooke Arneson**

156

157 (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session  
158 Summary

159 i. Discussion and Possible Board Action Regarding AB 208 (Eggman) Deferred  
160 Entry of Judgment Pretrial Diversion

161 ii. Discussion and Possible Board Action Regarding AB 387 (Thurmond) Minimum  
162 Wage: Health Professionals: Interns

163 iii. Discussion and Possible Board Action Regarding AB 508 (Santiago) Health Care  
164 Practitioners: Student Loans

165

166 Ms. Arneson reported on the bills which have had a status update since publication of  
167 the agenda materials. AB 208 was moved to the Senate Appropriations Committee  
168 suspense file on August 21, 2017; AB 508 was read a third time, passed and ordered to  
169 the Assembly on August 21, 2017. Mr. Kaiser gave an update on AB 1706 in the  
170 Executive Officer's report.

171

172 **12. Rulemaking Report – Brooke Arneson**

173

174 (A) Discussion and Possible Board Action Regarding the 2017 Rulemaking Update

175

176 i. Examination Passing Standard/Setting Examination Score

177

178 Ms. Arneson explained the Board approved the proposed language at the last meeting  
179 and stated it was moving through the new DCA rulemaking review process.

180

181 (B) Discussion of Issues and Possible Board action regarding Guidelines for Issuing  
182 Citations and Imposing Discipline, 6<sup>th</sup> Edition

183

184 Ms. Arneson deferred to Ms. Ybarra to present the proposed language on Guidelines  
185 for Issuing Citations and Imposing Discipline, 6<sup>th</sup> Edition (Guidelines). Ms. Ybarra led  
186 the Board through the proposed amendments to the Guidelines while they made  
187 grammatical and editorial changes. The Guidelines will be edited to reflect these  
188 changes for the Board's review at the November 2017 board meeting.

189 **13. Recess – 5:52 p.m.**

190

Thursday, August 24th

191  
192  
193 **14. Call to Order**  
194

195 The Physical Therapy Board of California (Board) meeting was called to order by  
196 President Eleby at 9:04 a.m. on August 24, 2017.  
197

198 **15. Roll Call and Establishment of Quorum**  
199

200 All members were present, and a quorum was established. Also present at the  
201 meeting were: Tara Welch and Salwa Bojack, Legal Counsels; Jason Kaiser,  
202 Executive Officer; and Brooke Arneson, Sarah Conley, Monny Martin, Carl Nelson,  
203 Eura Trent, Veronica Gutierrez, and Elsa Ybarra, Board staff.  
204

205 After roll call and a quorum was established, the Board revisited agenda item 4(B) and  
206 12(B) – refer to those agenda items for the discussion and motion.  
207

208 **16. Discussion and Possible Board Action for the Increase in Board Level and**  
209 **Exempt Status of the Executive Officer – Ricardo DeLaCruz**  
210

211 Mr. DeLaCruz advised the Board their request to increase the exempt level of the  
212 Executive Officer position was denied. The Board expressed at length their frustration  
213 about the time invested in presenting the proposal for an exempt level increase  
214 believed to have been justified by the size and structure of the Board. The frustration  
215 by the Board extends to the investment of time it has taken away from Board business  
216 only to be denied without explanation. The Board requested direction to ensure  
217 approval of the request.  
218

219 **MOTION:** To adopt the proposal, as amended, for the Executive Officer Exempt  
220 Level increase from Level O to L as presented in Agenda Item 16 and demand the  
221 proposal be presented by OHR as necessary to seek the Exempt Level increase from  
222 O to L. The Board has voted to increase the Exempt Level of the Executive Officer  
223 from Level O to L and for OHR to work with PTBC staff and appropriate agencies to  
224 increase the Executive Officer Exempt Level and authorize the Executive Officer to  
225 make any technical or non-substantive changes to the proposal. Should the Board's  
226 demand for an Executive Officer Exempt Level increase be denied by the  
227 administration, the Board demands that the administration that denied the request,  
228 return to the Board to explain the reasons for the denial, including any specific  
229 deficiencies in the proposal.

230 **M/S:** Drummer/Watkins  
231 **VOTE:** 6-0 Motion carried.  
232

233 **17. Closed Session**



- 234 (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary  
235 Actions and Decisions to be Reached in Administrative Procedure Act Proceeding  
236 (B) Pursuant to Government Code section 11126(a)(1),  
237 Evaluation of Executive Officer

238 **18. Consumer and Professional Associations and Intergovernmental Relation**  
239 **Reports**

- 240  
241 (A) Federation of State Boards of Physical Therapy (FSBPT)

242  
243 There was no representative from the FSBPT present.

- 244  
245 (B) Department of Consumer Affairs (DCA) – Executive Office

246  
247 There was no representative from DCA; however, Christine Lally, Deputy Director of  
248 Board Relations extended her apologies for not being present and requested  
249 Mr. Kaiser present on her behalf. Her report contained the following: the Governor  
250 appointed Debra Hoffman as Undersecretary of Business, Consumer Services, and  
251 Housing Agency; Doreathea Johnson, Deputy Director of the Legal Affairs Division  
252 retired and Governor Brown appointed Ryan Marcroft to succeed her; Grace Arupo  
253 Rodriguez was appointed Assistant Deputy Director of the Legal Affairs Division;  
254 Tonya Corcoran was appointed Chief Deputy Registrar of the Contractor’s State  
255 Licensing Board; DCA Director Dean Grafilo convened his first director’s meeting with  
256 the Executive Officers; and DCA released its 2017-2018 Strategic Plan, which was  
257 developed with the assistance of DCA’s SOLID Training and Planning Solutions.

- 258  
259 (C) California Physical Therapy Association (CPTA)

260  
261 There was no representative from CPTA present.

262  
263 **19. Board Member Training – Jason Kaiser**

- 264  
265 (A) Council on Licensure, Enforcement and Regulation (CLEAR) – Introduction to  
266 Regulatory Governance

267  
268 The Board found the training to be valuable and applicable to their roles and  
269 responsibilities. They encouraged further training at future meetings.

270  
271 **20. Administrative Services Report**

- 272  
273 (A) Budget – *Carl Nelson*

274  
275 Mr. Nelson informed the Board the Architectural Revolving Fund request had been  
276 approved by the Department of Finance and \$200,000 had been encumbered out of the  
277 Board’s 2016-17 budget. He also described how a small change in business practice

278 can make a big difference. Mr. Nelson also observed a significant decline in postage  
279 expenditures and discovered, after speaking with the Board's managers, that staff had  
280 been communicating with applicants, licensees, and consumers through email as  
281 opposed to regular mail. This resulted in an expenditure of only \$10,000 as opposed to  
282 the \$28,000 expenditure for postage in fiscal year 2015/16.

283

284 (B) Outreach – *Liz Constancio*

285

286 Mr. Kaiser reported on behalf of Ms. Constancio and referred to the report distributed to  
287 the Board at the meeting. Mr. Kaiser added Board staff will be attending the CPTA  
288 Annual Conference in September. Ms. Eleby questioned the decline in hits to the  
289 Board's homepage on its website. Mr. Kaiser credited the decline to users leaving the  
290 homepage to access BreEZe.

291

292 **21. Application Report – Sarah Conley**

293

294 Ms. Eura Trent presented the application services report on behalf of Ms. Conley. She  
295 referred the members to the report included in the agenda materials and highlighted  
296 some of the data. Ms. Trent also answered questions from Board members. Ms. Trent  
297 described the application process for applicants who have already taken the national  
298 exam and hold a license in another jurisdiction. She also described how that process  
299 differs from the application process for applicants who have recently graduated, have  
300 not taken the national exam, and do not hold a license in another jurisdiction.

301

302 **22. Licensing Services Report – Sarah Conley**

303

304 Ms. Trent also provided the report on licensing data. Mr. Kaiser credited BreEZe for the  
305 decline in miscellaneous transactions, such as an address changes, as a point of  
306 efficiency.

307

308 (A) Continuing Competency Report

309

310 Ms. Veronica Gutierrez explained that the Board is auditing 10% of the eligible renewing  
311 population, which are selected manually and at random. She further reported there are  
312 13,816 approved courses and 137 approval agencies. She also indicated there is a 93%  
313 compliance rate for physical therapists and 95% compliance rate for physical therapist  
314 assistants.

315

316 **23. Consumer Protection Services Report – Elsa Ybarra**

317

318 Ms. Ybarra presented detailed data regarding the efficiency of the enforcement  
319 program, including year-end statistics in comparison to the last fiscal year. The year-to-  
320 year comparison reflected a slight increase of 9% in the number of cases initiated. The  
321 comparison also reflected an increase of 7% in the number of conviction/arrest cases  
322 initiated. The comparison also reflected a 27% decrease in the average number of days

323 to complete investigations and a 30% decrease in the average number of days to  
324 complete cases transmitted to the Attorney General's (AG) Office. Ms. Ybarra added  
325 that, since the AG's Office implemented new processes to improve processing times, it  
326 would be advantageous for Gloria Castro, Senior Assistant Attorney General, to present  
327 the changes to the Board.

328

329 **24. Probation Monitoring Report – Monny Martin**

330

331 Mr. Martin reported there are 88 licensees on probation, 80 are within the state, and 8  
332 are tolling. There were also 4 licensees that completed probation in the quarter, and 3  
333 licensees were either had their license revoked or surrendered their license in the  
334 quarter. Of the 80 licensees that are not currently tolling, 20 are currently enrolled and  
335 participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling  
336 25% of all licensees on probation

337 **25. Public Comment on Items Not on the Agenda**

338 *Please note that the Board may not discuss or take action on any matter raised during*  
339 *this public comment section that is not included on this agenda, except to decide*  
340 *whether to place the matter on the agenda of a future meeting. [Government Code*  
341 *sections 11125, 11125.7(a).]*

342 There was no public comment.

343

344

345 **26. Agenda Items for Future Meeting –**

346 November 15 & 16, 2017

347 Ohlone College, Newark

348

349 Dr. Drummer noted that the Board spent an inordinate amount of time during the  
350 meeting, and during past meetings, making typographical and grammatical changes to  
351 documents presented to the Board, such as the Disciplinary Guidelines and rulemaking  
352 packages, that should have been reviewed for such errors ahead of time. He  
353 respectfully requested that a more final product be presented to the Board and added  
354 that the Board's time should be focused on content. Dr. Drummer further requested, if  
355 possible, to have legal counsel review materials before they are published in the  
356 agenda materials. He further requested that when legal review is not possible, that the  
357 administrative support team find some other way to get documents in better shape  
358 before they are presented to the Board. Mr. Kaiser agreed. Ms. Welch noted that legal  
359 counsel reviewed the Disciplinary Guidelines several times prior to the cutoff date for  
360 publication and further recognized and commended the administrative support team for  
361 trying to get agenda materials reviewed as much as possible prior to the publication  
362 deadline.

363

364 Ms. Welch agreed that reserving minor and technical comments for offline would be  
365 helpful. Dr. Drummer added that avoiding technical editing during Board meetings  
366 would help expedite things, especially when reviewing many pages. Ms. Eleby agreed  
367 that the role of the Board is higher level, but complimented the Board for being  
368 thorough. Ms. Alviso noted that, no matter how well documents are reviewed  
369 beforehand, some technical editing may be necessary during Board meetings when the  
370 Board is required to read and approve the documents. Mr. Kaiser clarified that the  
371 conversion of the agenda materials from Word to PDF format accounted for many of the  
372 errors identified during the meeting, and added that the administrative support team has  
373 identified that there can be an additional layer of review after that conversion process.  
374

375 Ms. Alviso also noted that review of the disciplinary guidelines involved both looking at  
376 the document and talking about policy issues, such as the addition of new probationary  
377 terms or changes to the format of probationary terms. She respectfully requested that  
378 policy issues be dealt with as concepts presented to the Board beforehand, though it  
379 might take more time. Mr. Kaiser agreed to incorporate this suggestion as a part of the  
380 process going forward. He stated that the administrative support team will continue to  
381 try to improve methodologies, such as identifying policy issues to be presented to the  
382 Board before their incorporation in the Disciplinary Guidelines, so that the Board is more  
383 familiar with such revisions when reviewing the Disciplinary Guidelines.  
384

## 385 **27. Adjournment**

386  
387 The meeting adjourned at 4:53 p.m.  
388

# Physical Therapy Board of California Adopted 2017 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4				1	2	3	4							1
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31	26	27	28	29	30	31	23	24	25	26	27	28	29		
																			30								

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
	1	2	3	4	5	6					1	2	3							1			1	2	3	4	5
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26
28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30	31			
													30	31													

September							October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4						1	2
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
																			31								

January		February		March		April	
1	New Year's Day	8	PTBC Meeting	31	César Chávez Day	5	PTA NPTE
12	PTA NPTE		USC, Los Angeles, CA			16	Easter
16	Martin Luther King Jr	15-18	APTA Combined			26	PT NPTE
26	PT NPTE		Sections Meeting				
		20	San Antonio, TX				
			President's Day				

May		June		July		August	
14	Mother's Day	9-11	FSBPT Regulatory	4	Independence Day	23-24	PTBC Meeting
24-25	PTBC Meeting		Training	6	PTA NPTE		Sacramento, CA
	Sacramento, CA		Alexandria, VA	18-19	PT NPTE		
29	Memorial Day	18	Father's Day	29-30	FSBPT Leadership		
		21-24	APTAs Conference		Issues Forum		
			Boston, MA		Alexandria, VA		

September		October		November		December	
4	Labor Day	3	PTA NPTE	3-5	FSBPT Annual	25	Christmas
16-17	CPTA Annual	25	PT NPTE		& Delegate Assembly		
	Conference	31	Halloween		Santa Ana Pueblo,		
	San Diego, CA			11	Veteran's Day		
				15-16	PTBC Meeting		
					Ohlone College		
					Newark, CA		
				23	Thanksgiving		

# Physical Therapy Board of California PLAN B - Proposed 2018 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30					

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

September							October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
						1	1	2	3	4	5	6					1	2	3							1	
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	
30														30	31						30	31					

January		February		March		April	
1	New Year's Day	19	President's Day	17	Student Conclave	1	Easter
10	PTA NPTE	21-24	APTA Sections Meeting	22-23	PTBC Meeting Sacramento, CA	4	PTA NPTE
15	Martin Luther King Jr		New Orleans, LA	31	César Chávez Day	25	PT NPTE
24	PT NPTE						

May		June		July		August	
13	Mother's Day	9-10	FSBPT REG Training	4	Independence Day		
		17	Father's Day	10	PTA NPTE		
		20-21	PTBC Meeting Southern CA	24-25	PT NPTE		
28	Memorial Day			28-29	FSBPT LIF		

September		October		November		December	
3	Labor Day	3	PTA NPTE	1-3	FSBPT Delegate	5-6	PTBC Meeting
13-14	PTBC Meeting Sacramento, CA	24	PT NPTE	11	Veteran's Day		TBD, Bay Area, CA
22-23	CPTA Annual Meeting	31	Halloween	22	Thanksgiving	25	Christmas



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



**DATE:** October 16, 2017  
**TO:** Physical Therapy Board of California (Board)  
**SUBJECT:** Executive Officer's Report

This report is to update you on the current status of the Board's operations.

**ADMINISTRATIVE SERVICES** – The Administrative Services Program has completed the recruitment process for the Staff Services Analyst (SSA) position within the Application Services Unit. The PTBC welcomes Mr. Paul Harrison to the Application Services Program. Mr. Harrison is responsible for administering the application process for examination and licensure. Prior to his appointment with the PTBC, Mr. Harrison worked at the Department of Public Health (DPH) and was responsible for processing and approving new and renewal applications for medical facilities and various x-ray or other radiation machines. Before moving to DPH, Mr. Harrison held various customer service positions and worked in the physical therapy field as an Aide.

In addition, the DCA's SOLID Training Solutions will be initiating the facilitation of the Strategic Plan Process for the PTBC. Please see the [Attachment A](#); providing the outline and calendar moving forward. The process is scheduled to start in January of 2018, with a Strategic Planning Session to coincide with the PTBC's first 2018 (March) meeting in Sacramento.

Please refer to Agenda Item 22(A) for a detailed Budget report.

**APPLICATIONS & LICENSING** – Please refer to Agenda Item 23 and 24 for a detailed report.

**CONSUMER PROTECTION SERVICES** – Please refer to Agenda Item 25 for a more detailed report.

**ANIMAL REHABILITATION** – At its October 2017 meeting, the Veterinary Medical Board (VMB) introduced proposed regulatory language regarding Animal Rehabilitation. Please see [Attachment E](#). The VMB ultimately adopted the following language:

2038.5. Animal Physical Rehabilitation.

(a) (1) Animal Physical Rehabilitation (APR) is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.

(2) APR does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise.

(b) Prior to performing or authorizing APR, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in Sections 2032.1 or 2032.15.

(c) R.V.T.s may perform APR under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.

(d) Veterinary assistants may perform APR under the direct supervision of a veterinarian. If at the time the veterinary assistant is performing APR on an animal patient in a range setting, the supervising veterinarian shall be in the general vicinity of the treatment area.

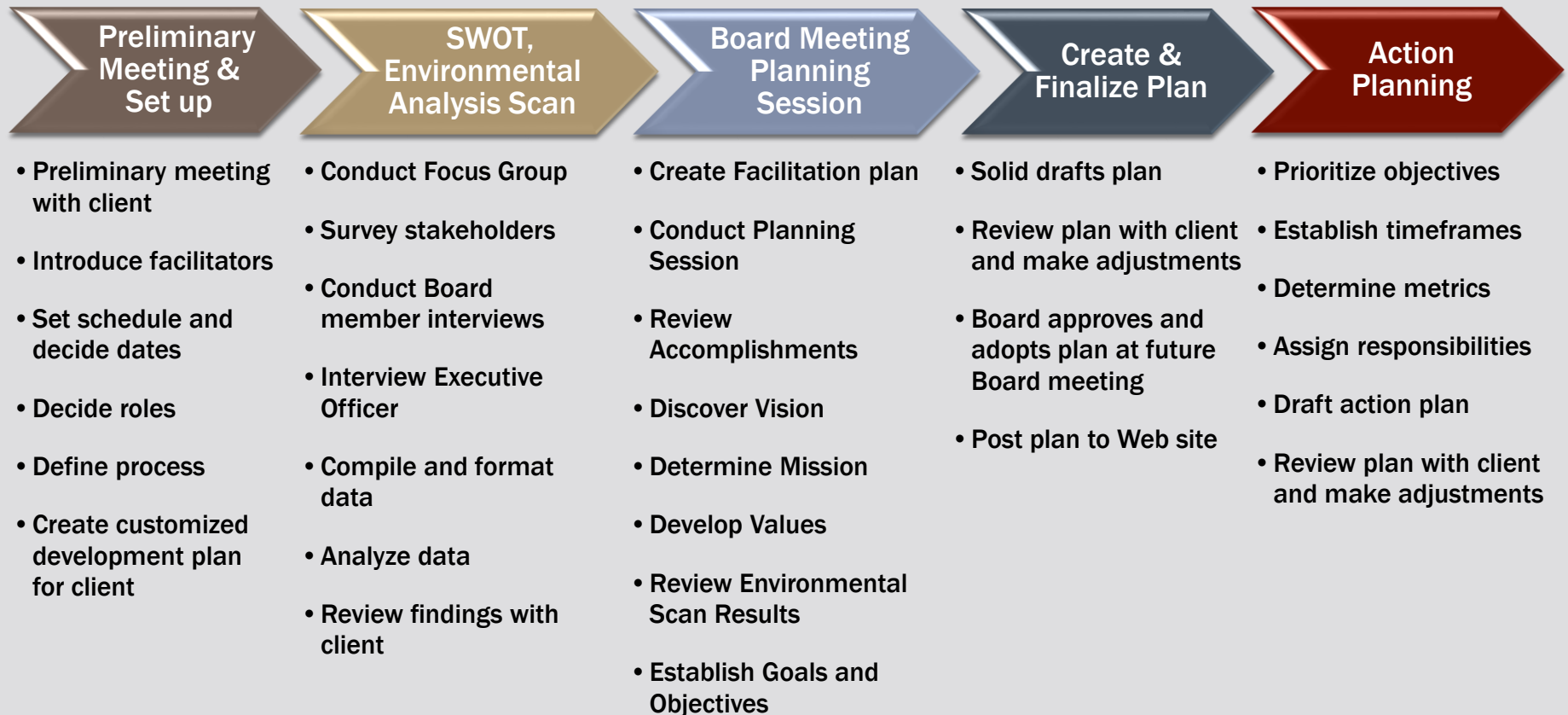
(e) Nothing in this section shall be construed to restrict or amend Section 2038 regarding the performance of MSM.

**DCA INTERNAL AUDIT** – The Department of Consumer Affairs Internal Audit Office has completed its audit of the PTBC. The audit began on July 1<sup>st</sup>, 2016 and concluded Staff continues to work diligently with the Internal Audit Office, addressing its findings and making suggested improvements to control systems, operations, policies, and procedures. PTBS Staff will continue to use these findings as a guide to improvement and will be providing reports to the Internal Audit Office as compliance is achieved.

**OUTREACH** – Please refer to Agenda Item 22(B) for a detailed Outreach report.



# PHYSICAL THERAPY BOARD OF CALIFORNIA 2018 STRATEGIC PLAN DEVELOPMENT ROADMAP



## Facilitator Biographies

**Dennis Zanchi** joined the SOLID team in 2013. Dennis has conducted focus groups for the Department of Justice as well as DCA boards and bureaus. Dennis has worked on strategic plans for the Bureau of Real Estate, Psychology, Optometry and 20+ DCA boards and bureaus. Prior to DCA, Dennis worked with colleges nationwide facilitating interactive sessions on a variety of education-related topics, including sessions designed to draw out opinions, build consensus, and guide groups to discover new solutions. He helped college administrators build a better framework for understanding student loan default prevention, financial literacy, and student retention. He also develops evaluation measurement methods to quantify the success of various initiatives. Prior to working with colleges, Dennis worked with credit unions nationwide to develop consumer research and marketing plans. He is a graduate of CSU, Sacramento.

**Elizabeth Coronel** joined Consumer Affairs in 2014 as an Enforcement Analyst at the Veterinary Medical Board (VMB) and moved to SOLID in 2016. Elizabeth improved VMB's Expert Witness Program by developing and executing Expert Witness Training, creating the Expert Witness Manual, and developing the Expert Witness Program's mission, vision, and values. Elizabeth graduated from CSU, Sacramento (CSUS) with a B.S. in Business Administration with concentrations in Entrepreneurship, General Management, and Marketing. Elizabeth assisted organizations with the development of strategic, marketing and public relations plans. She conducted Strength, Weaknesses, Opportunities, and Threats analysis for multiple organizations through research, analysis, and evaluation of organizations, stakeholders, markets, and environments. Elizabeth was the Student Commencement Speaker for the CSUS College of Business Administration. Her speech "Make a Difference" was inspired by her aspiration to make a difference in business and the community through her values, skills, experience, and education.

**Julie Kolaszewski** joined the SOLID team in 2016. She has a Bachelor's degree from the University of Wisconsin-Madison and an MBA with a focus on International Business from Regis University in Denver, Colorado. Throughout Julie's MBA coursework, her career as a retail manager, and as the general business manager of a fitness company, she analyzed businesses, conducted SWOT analyses, and provided suggestions for improvement. She presented information and conducted trainings to teach managers and staff how to implement strategic objectives. Julie brings ten years of business experience, over five years on a management team and nearly five years in the banking industry. Julie has a breadth of knowledge and experience crafting effective business plans and implementing organizational change.

**Lusine Sarkisyan** joined the SOLID team in 2017 as a Strategic Planner. Lusine began her career with the State of California at the Department of Consumer Affairs in 2015 as the Legislative and Regulatory Analyst for the Dental Board of California. Since 2006, she has worked in the private sector in the following industries and professions: banking, education, telecommunications infrastructure, legal, and healthcare. As a result of her diverse professional background, she brings forth over 11 years of experience in working with executives, administrators, board members, legislators, stakeholders, professionals, and general public. Lusine graduated from the University of California, Davis with bachelors' degrees in Economics and Spanish, and she graduated from Lincoln Law School of Sacramento and earned her Juris Doctor degree.

# Draft PTBC Strategic Plan Schedule



Task		Due Date
<b>Preliminary Meeting/Overview</b>	SOLID works with PTBC to gather information about the organization and discuss the strategic planning process.	<b>1<sup>st</sup> week of January 2018</b>
<b>Board Member Invitation for Interviews</b>	SOLID will send PTBC a draft of the email invitation to be sent to Board members in preparation for the individual phone interviews.	<b>January 2018</b>
<b>Determine stakeholders</b>	PTBC to determine stakeholders and obtain stakeholder email addresses for email distribution of survey. <i>Recipient count provided to SOLID for reference.</i>	<b>1/8/18</b>
<b>Contact List</b>	PTBC to provide SOLID with a contact list of Board member names, numbers and email addresses	<b>1/8/18</b>
<b>Approve and Open Stakeholder Survey</b>	SOLID will develop an online stakeholder survey. We will provide the survey draft as well as the survey announcement for your review by <b>early January</b> PTBC to email stakeholder survey to stakeholders.	<b>1/15/18</b>
<b>Board Member Phone Interviews</b>	SOLID will schedule individual phone interviews with Board members. These interviews are 45 minutes to 1 hour in length and will cover the climate of the industry as well as their views on the Board's strategic focus for the upcoming plan.	<b>January 2018</b>
<b>EO Interview</b>	SOLID interviews EO.	<b>January 2018</b>
<b>Staff Online Survey</b>	SOLID conducts on one 4-hour staff focus group in HQ2 training room.	<b>Mid-January 2018</b>
<b>Management Focus Group</b>	SOLID conducts on one 4-hour management focus group in HQ2 training room for managers.	<b>Early February 2018</b>
<b>Compile Results for Review by EO and AEO</b>	Upon completion of interviews and survey, SOLID will compile and analyze the data and produce a trends document to use with our presentation materials. This material will be sent to you for review and approval. The final Environmental Scan will be discussed during the strategic planning session.	<b>2/23/18</b>
<b>Environmental Scan</b>	SOLID will email the EO electronic copies of the environmental scan and other handouts for the planning session.	<b>3/9/18</b>
<b>Pre-Session Meeting with EO and AEO</b>	This meeting, usually held at least 1 week before the planning session, is designed for the facilitator and Executive Officer to discuss the game plan and materials for the planning session.	<b>3/5/18</b>
<b>Strategic Planning Session</b>	SOLID will facilitate the strategic plan development session with Committee members and staff. Through discussion our purpose is to highlight recent accomplishments of the Committee, review the trends identified from the surveys, interviews and focus groups, and establish goals and objectives for the new plan.	<b>3/22/18</b>
<b>Update Strategic Plan</b>	SOLID will use the information gathered at the planning session to update the Board's strategic plan. A comprehensive draft will be sent to you for review by the target due date.	<b>3/30/18</b>
<b>Adopt Strategic Plan</b>	Strategic plan is adopted.	<b>TBD</b>
<b>Action Planning Session</b>	SOLID will facilitate a meeting with Board management to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.	<b>TBD</b>

**California Code of Regulations  
Title 16. Professional and Vocational Regulations  
Division 20. Veterinary Medical Board**

**PROPOSED LANGUAGE**

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Add Section 2038.5 to Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

2038.5. Animal Physical Rehabilitation.

(a) (1) Animal Physical Rehabilitation (APR) is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.

(2) APR does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise.

(b) Prior to performing or authorizing APR, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in Sections 2032.1 or 2032.15.

(c) R.V.T.s may ~~provide~~perform APR under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.

(d) Veterinary assistants may ~~provide~~perform APR under the direct supervision of a veterinarian.

(e) Nothing in this section shall be construed to restrict or amend Section 2038 regarding the performance of MSM. ~~[Any proposed changes made pursuant to this to existing law and regulations are not an attempt to restrict or amend Section 2038 regarding the provision of Musculoskeletal Manipulation modalities.]~~

Note: Authority cited: Sections 4808 and 4836, Business and Professions Code.  
Reference: Sections 4825, 4826, 4836, and 4883, Business and Professions Code.

**Commented [WT1]:** Revised Task Force language to conform to regulatory usage of performing tasks.

**Commented [WT2]:** "MSM" is defined in Sec 2038.

**Commented [WT3]:** This is the language approved by the Task Force, which needs to be reworded for consistency.

## **Veterinary Medical Board (VMB) Actions Regarding Animal Physical Rehabilitation**

At the April 2017 VMB Meeting, items 1-6 of the Animal Physical Rehabilitation (APR) Task Force recommendations were approved by the VMB. Items 7 & 8 were rejected by the VMB and new motions Items 9 & 10 were adopted by the VMB at the April and July 2017 VMB Meetings, respectively.

### June 20, 2016 APR Meeting

1. Animal Physical Rehabilitation is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.
2. Animal Physical Rehabilitation does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training or exercise.
3. Any proposed changes to existing law and regulations are not an attempt to restrict or amend section 2038 of the California Code of Regulations regarding the provision of Musculoskeletal Manipulation modalities.
4. Prior to performing or authorizing Animal Physical Rehabilitation, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in sections 2032.1 or 2032.15 of the California Code of Regulations.

### October 4, 2016 APR Meeting

5. Veterinarians have sufficient education and training to provide Animal Physical Rehabilitation.
6. Registered Veterinary Technicians (RVTs) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.
7. Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian or an RVT.

**The motion did not carry, with a vote of 3-5.**

### February 2, 2017 APR Meeting

8. California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established a veterinarian-client-patient relationship on a veterinary premises or an Animal Physical Rehabilitation Premises (as defined in regulation by the Veterinary

Medical Board and the Physical Therapy Board working cooperatively), or a range setting.

**The motion did not carry, with a vote of 3-5.**

New Motion of the VMB April 19, 2017

9. California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under direct supervision by the veterinarian who has established a veterinarian-client-patient relationship on a licensed veterinary premises or for large animal practice, the appropriate degree of supervision shall be determined by the veterinarian who established the veterinarian-client-patient relationship in a range setting.

New Motion of the VMB July 26, 2017

10. Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian.



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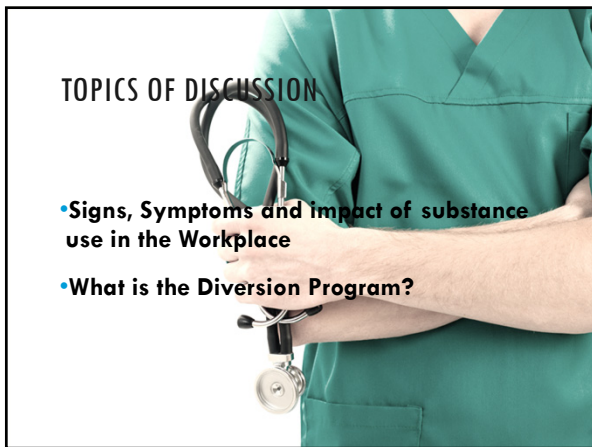
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## LEARNING OBJECTIVES

Understand the history, mission, structure and components of the California Diversion Program

Describe the role of the worksite monitor when a Physical Therapist returns to work

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### MAXIMUS DIVERSION PROGRAM SERVES 8 HEALTHCARE PROFESSIONAL LICENSING BOARDS.

	BOARD OF REGISTERED NURSING
	DENTAL BOARD
	DENTAL HYGIENE COMMITTEE
	BOARD OF PHARMACY
	PHYSICAL THERAPY BOARD
	OSTEOPATHIC MEDICAL BOARD
	VETERINARY MEDICAL BOARD
	PHYSICIAN ASSISTANT BOARD

5 | MAXIMUS PRESENTATION TITLE

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## SUBSTANCE USE DISORDER DEFINED

A **disease** on a spectrum with:

- Known etiology
- Known progression of symptoms
- Known outcome

\* American Medical Association and American Psychological Association

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## SUBSTANCE USE DISORDER DEFINED

### Addiction:

The most severe, chronic stage on the spectrum of substance use disorder, in which there is a **substantial loss of self-control**, as indicated by **compulsive drug taking** despite the desire to stop taking the drug.

**Not** a moral or character issue

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## R-E-S-P-E-C-T

•Labels Belong on **Cans** and Not on **People**



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## PREVALENCE OF SUBSTANCE USE DISORDER

- Strong genetic influence
- Brain disease
- Long-term, sometimes permanent changes in brain chemistry



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### RISK FOR HEALTHCARE PROFESSIONALS

10-14% of general population diagnosed with SUDs

14-20% of healthcare professionals diagnosed with SUDs

60-70% relapse during first 4 years

13% relapse rate during first 4 years in Diversion Program\*

*\* The value of ongoing accountability to the program. 75% of relapses in the program occur during the first year in the program*

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### RELAPSE RATES IN HEALTHCARE PROFESSIONALS IN MONITORING PROGRAMS

- Only 22% of a cohort tested positive during a 5 year monitoring program
- CA Diversion 5-year relapse rate of 13%
- 71% returned successfully to work

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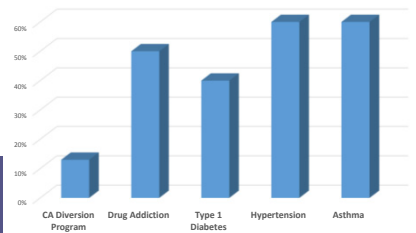
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Relapse Rates Compared  
NIDA 2014 and CA Diversion 2016



12 | MANAGE: PRESENTATION TITLE

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HEALTHCARE PROFESSIONALS ARE **HEART** PEOPLE

A photograph showing two hands, palms up, holding a bright red, three-dimensional heart. The background is plain white.

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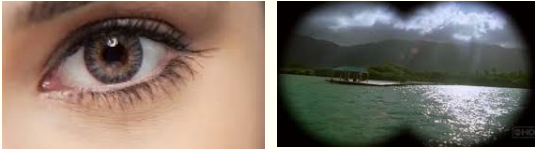
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HEALTHCARE PROFESSIONALS ARE OUTWARD FOCUSED

Two side-by-side images. On the left is a close-up of a human eye with a brown iris. On the right is a landscape photograph of a body of water reflecting a cloudy sky.

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HEALTHCARE PROFESSIONALS ARE OVERACHIEVERS

A photograph of a person in a white lab coat pulling it open to reveal a blue superhero-style chest with a yellow and red emblem featuring a caduceus.

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HEALTHCARE PROFESSIONALS CAN HIDE  
BEHIND THEIR INTELLECTUAL MASKS



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HEALTHCARE PROFESSIONALS SEE  
VALUE IN WHAT THEY DO

**HELLO**  
I AM...  
SOMEONE WHO  
CAN HELP!



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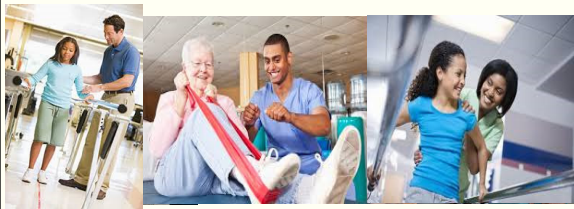
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HEALTHCARE PROFESSIONALS ARE  
TRAINED TO BE LEADERS



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**HEALTHCARE PROFESSIONALS DON'T EXPLODE...  
...THEY IMplode**



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**HEALTHCARE PROFESSIONALS ARE ESPECIALLY SUSCEPTIBLE TO SUBSTANCE USE DISORDER.**

- 1 ATTITUDE**  
DRUGS ARE NOT SEEN AS POTENT CHEMICALS
- 2 ACCESSIBILITY**  
SUBSTANCES READILY AVAILABLE IN THE WORKPLACE
- 3 HIGH STRESS WORK**  
SUBSTANCES ARE OK TO HELP COPE

20 | MAXIMUS PRESENTATION TITLE

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**HEALTHCARE PROFESSIONALS ARE ESPECIALLY SUSCEPTIBLE TO SUD**

- Feel immune
- See powerful substances in use daily, see the effects, and become insensitive to the power of the medications



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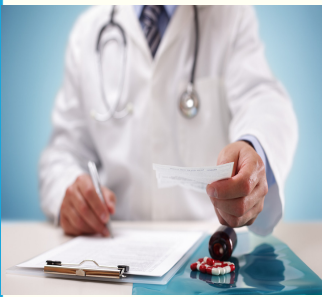
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HEALTHCARE PROFESSIONALS ARE ESPECIALLY SUSCEPTIBLE TO SUD

- Outward focused- little self-care
- Reluctantly identified
- Shame
- Denial



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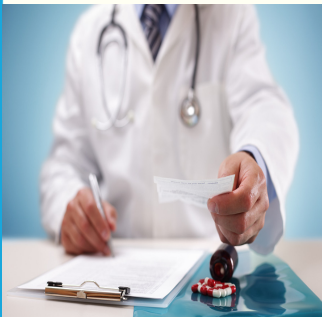
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HEALTHCARE PROFESSIONALS ARE ESPECIALLY SUSCEPTIBLE TO SUD

- High stress work (physical and emotional)
- Belief drugs & alcohol are ok to cope



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### COMPONENTS OF ADDICTION

**Physical Component:**

- Withdrawal symptoms
- Experiences withdrawal symptoms when substance is discontinued
- Ends within days or weeks after drug use stops, although Post-Acute Withdrawal Syndrome (PAWS) may occur up to 18 months after last use

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## COMPONENTS OF ADDICTION

### Psychological Component:

- Cannot enjoy activities without use
- Believes functioning is better under the influence of the substance
- Can continue for a lifetime

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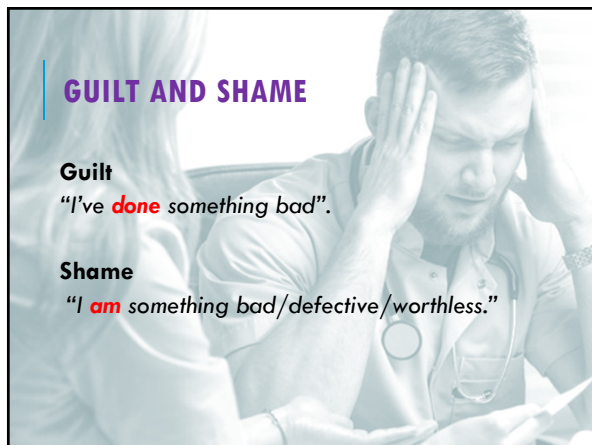
## GUILT AND SHAME

### Guilt

"I've **done** something bad".

### Shame

"I **am** something bad/defective/worthless."




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## GUILT AND SHAME

### Coping Mechanisms

- Anger/Hostility
- Control/manipulation
- Perfectionism
- Grandiosity
- Low Self-esteem
- Denial/Minimize
- Overreacting
- "Over-" anything
- Frozen feelings
- Blaming




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## MORE THAN JUST A PHYSICAL DEPENDENCE

The progression of the *relationship* between the person and the substance or behavior is the real issue.

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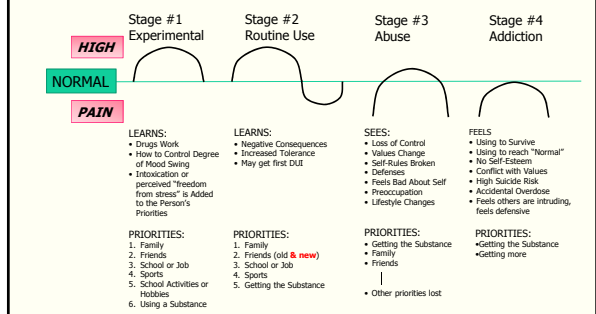
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## THE PROGRESSION OF SUD




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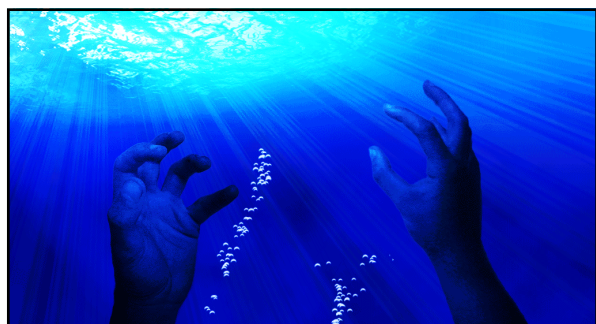
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## REACHING FOR NORMAL

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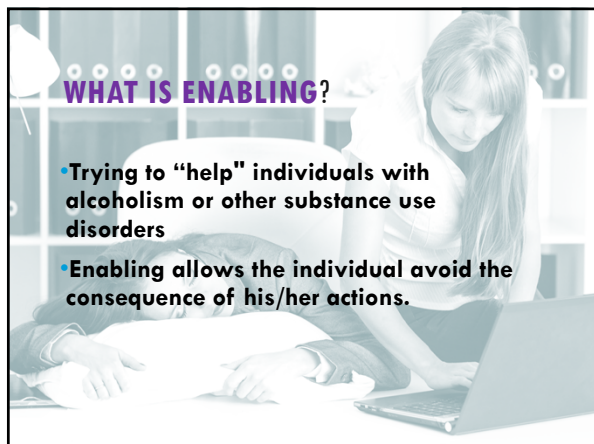
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**WHAT IS ENABLING?**

- Trying to “help” individuals with alcoholism or other substance use disorders
- Enabling allows the individual avoid the consequence of his/her actions.




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**ENABLING BEHAVIORS**

*(continued)*

- Drinking or using in hopes of strengthening the relationship-Happy Hour after work de-stress sessions
- Threaten to report, but never follow through

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**GENERAL SYMPTO  
SUBSTANCE USE D**

**Behavioral**

- Defensive
- Avoids Eye Contact
- Late to work
- Excessive absenteeism or tardiness
- Impaired judgment
- Impulsive
- Verbally, or even physically aggressive
- Increased isolation




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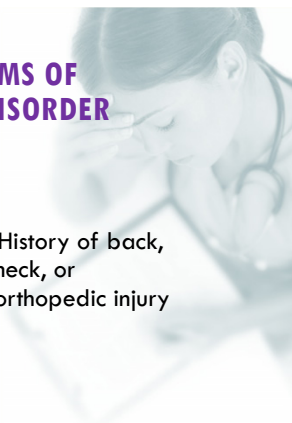
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## GENERAL SYMPTOMS OF SUBSTANCE USE DISORDER

### Physical *(continued)*

- Unmanageability
- Sweats
- Slurred, rapid, or pressured speech
- History of back, neck, or orthopedic injury



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## INJURIES



Health Care work is physically demanding, (12-hour shifts, lifting) and prone to injuries

**Use of pain medications has the potential to escalate**

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## INJURIES

Injuries due to impairment

**tripping,  
falling,  
car accidents,  
fights**



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## INJURIES

Drug-seeking behaviors

**Injuries/symptoms and trips to ED**



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## MOST HEALTHCARE PROFESSIONALS DO NOT SELF-REFER

They may rationalize the consequences of the drug use. The professional's role as caregiver is enmeshed with the professional's ego and drug use and its effects are minimized.



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## RECOVERY- ONE STEP AT A TIME



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**LONG AND WINDING ROAD**

- Cravings
- Triggers ----People, Places, Things
- Relapse risks
- Not judged, but supported

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**LEGISLATIVE INTENT**

- Identify professionals affected by SUD with or without mental illness
- Rehabilitate so they can return to safe practice
- Achieve through an alternative-to-discipline or adjunct-to-discipline approach

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### WHAT IS THE DIVERSION PROGRAM

- A program for PTs who are suffering from substance use disorders with or without mental illness
- A voluntary and confidential monitoring program, which provides ongoing support and case management

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### 6 KEY FEATURES OF DIVERSION PROGRAMS

- Zero tolerance for substance use ("Abstinence-Based")
- Thorough Eval and Patient-Focused Care
- Knowledgeable, professional support and coaching through challenges
- Prolonged, Frequent Testing
- Effective use of meaningful consequences for non compliance
- 12 step emphasis, life long recovery philosophy (Dupont and Skipper, 2012)

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### GOAL OF DIVERSION PROGRAM

- ✓ To protect the public
- ✓ To return Healthcare Professional to safe practice, through intervention and rehabilitation
- ✓ To assist the professional to establish long-term recovery practices



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### WHO IS THE DIVERSION PROGRAM?



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### PROGRAM ELIGIBILITY

**A participant meets admission criteria if:**

- Licensed and residence in California
- Has Substance Use Disorder with or without a Mental Illness
- Voluntarily requests admission into the Program

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### PROGRAM ELIGIBILITY

**A participant does not meet admission criteria if:**

- Previously terminated by the Diversion Program (or similar program) for non-compliance

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### PROGRAM ELIGIBILITY

**A Participant may be denied admission if:**

- Diverted drugs for sale/sold prescriptions
- Presents too great a risk to the public (e.g. caused patient harm or death)

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### PROGRAM REFERRAL

▪ **Self** Participant contacts MAXIMUS to request admission.

▪ **Board** A complaint is filed or they have entered into a Stipulation Order with the Board, who then informs participant by mail and offers the program. Participant contacts MAXIMUS to request admission.

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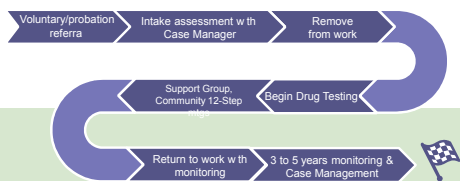
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### California Health Professionals Diversion Process



91 | MAXIMUS PRESENTATION TITLE

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### INITIAL PROGRAM STEPS

- Intake assessment (phone)  
*NOTE: At this time, the participant agrees to discontinue practice until they are treated and deemed safe to return to practice. Removal from work must last for at least 30 days of negative tests (approximately 45 days).*
- Clinical assessment (in-person), no charge to applicant
- Entry into treatment, as recommended
- Weekly communication with MAXIMUS team (CCM/CM) until reviewed

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### INITIAL PROGRAM STEPS

- Community-based Support Groups,  
12-Step Meetings (AA/NA, etc)  
Daily meetings
- Health support group, once or twice weekly
- Random Drug Testing, required daily check in with lab provider

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### RETURN TO WORK

- Participant must apply to return to work
- DPM evaluates readiness by considering:
  - Compliance with program requirements
  - Drug test results
  - Recommendation of support group facilitator

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### RETURN TO WORK

- MAXIMUS Case Manager must provide training to WSM
- Submit Org Chart to demonstrate that the Worksite Monitor is at least one step above the participant on the Org Chart
- Submit Job Description
- Submit Affidavit that WSM meets criteria, has been trained, and agrees to expectations of position

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### TRANSITION PERIOD ONE YEAR BEFORE COMPLETION

- Participant is placed on reduced monitoring for a period of time before granting successful completion
- The objective of Transition is to allow the participant to take full responsibility for their own recovery process while still in the Program.
- Participant must "petition for Transition" wherein they write an essay examining their life's journey into recovery, develop a relapse prevention plan, and obtain letters of reference from sponsor, family members and support group facilitator.

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### SUCCESSFUL COMPLETION CRITERIA

- Demonstrate a manner of living that supports ongoing recovery
- Have proof of clean random drug tests for a minimum time period
- Demonstrate safe practice

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**SUCCESSFUL COMPLETION  
CRITERIA**

- Have no other evidence of relapse within 24 months of completion date
- Have completed at least 24 months of satisfactory participation

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**DIVERSION PROGRAM COSTS**

- Intake Assessment (free)
- Clinical Assessment (free\*)
- Treatment program costs (varies, may be covered by insurance)

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**COST OF TREATMENT  
VARIES BY FACILITY, INSURANCE  
COVERAGE, LENGTH OF TREATMENT**

Approximate Cost of Treatment at  
Hazelden Betty Ford:

- Betty Ford Center Residential Treatment: \$912 per day
- Day Treatment: \$431 per day (plus \$143 per day if they require room and board)
  - IOP: \$244 per day

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### DIVERSION PROGRAM COSTS

- Health support group (Varies, approx. \$200-400 per month)
- Health care costs (e.g., psychiatric exam, medications, etc) (varies)
- Counseling, Therapy, etc (varies)
- Random Drug Testing (per test, \$62.50)
- Collection fee-varies by location, day of week (\$10 to \$125)
- Program administrative fee (RNs: \$25 monthly copay; Pharmacists: \$100/mo; **Physical Therapists and PTAs: \$358/mo-full administrative fee-adjusts 3% annually**)



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### PROGRAM ENTRY

To enroll into the Diversion Program, Applicants may contact Maximus staff

**1-800-522-9198**



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QUESTIONS?

MAXIMUS Diversion Program

(800) 522-9198



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Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



### **Briefing Paper**

Date: November 1, 2017  
Prepared for: PTBC Members  
Prepared by: Administrative Services  
Subject: Legislation Report

### **Agenda Item 10**

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#### **Purpose:**

To provide an update on the 2017/18 Legislative session.

**Attachments:**

1. [2017 Legislative Calendar](#)
2. [2018 Legislative Calendar](#)
3. [Definition of the Board's Legislative Positions](#)
4. [2017/18 Legislative Summary](#)
5. [AB 208 Final Language](#)

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#### **Background and Update:**

The 2017 and 2018 Legislative calendars are included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board Member Administrative Manual.

As noted on the calendar, October 15<sup>th</sup> was the last day for the Governor to sign or veto bills passed by the Legislature on or before September 15<sup>th</sup> and in the Governor's possession after September 15<sup>th</sup>. All statutes will take effect January 1, 2018.

In addition, a 2017/18 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

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#### **Action Requested:**

No action is needed. This Legislative report is for informational purposes only.

**DEADLINES**

JANUARY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30	31				

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28				

MARCH							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28	29	30	31	

APRIL							
	S	M	T	W	TH	F	S
Wk. 1							1
Wk. 2	2	3	4	5	6	7	8
Spring Recess	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30						

MAY							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget Bill must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day.
- Jan. 20** Last day to submit **bill requests** to Office of Legislative Counsel.

- Feb. 17** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20** Presidents' Day.

- Mar. 31** Cesar Chavez Day.

- Apr. 6** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Apr. 17** Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report **fiscal bills** for referral to fiscal committees (J.R. 61(a)(2)).

- May 12** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills (J.R. 61(a)(3)).
- May 19** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 26** Last day for **fiscal committees** to hear and report bills to the floor (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 5 (J.R. 61 (a)(6)).
- May 29** Memorial Day observed.
- May 30-June 2** **Floor session only.** No committee may meet for any purpose except for Rules Committee and Conference Committees (J.R. 61(a)(7)).

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.					1	2	3
Wk. 1	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Wk. 3	18	19	20	21	22	23	24
Wk. 4	25	26	27	28	29	30	

**June 2** Last day to pass bills out of house of origin (J.R. 61(a)(8)). Committee meetings may resume (J.R. 61(a)(9)).

**June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Summer Recess	23	24	25	26	27	28	29
Summer Recess	30	31					

**July 4** Independence Day.

**July 14** Last day for **policy committees** to hear and report **fiscal bills** for referral to fiscal committees (J.R. 61(a)(10)).

**July 21** Last day for **policy committees** to hear and report bills (J.R. 61(a)(11)). **Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51 (a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess			1	2	3	4	5
Summer Recess	6	7	8	9	10	11	12
Summer Recess	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28	29	30	31		

**Aug. 21** Legislature reconvenes from Summer Recess (J.R. 51 (a)(3)).

SEPTEMBER							
	S	M	T	W	TH	F	S
Wk. 1						1	2
No Hrgs.	3	4	5	6	7	8	9
No Hrgs.	10	11	12	13	14	15	16
Interim Recess	17	18	19	20	21	22	23
Interim Recess	24	25	26	27	28	29	30

**Sept. 1** Last day for **fiscal committees** to meet and report bills to the **Floor** (J.R. 61(a)(12)).

**Sept. 4** Labor Day.

**Sept. 5– 15 Floor session only.** No committee may meet for any purpose (J.R. 61(a)(13)).

**Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(14)).

**Sept. 15** Last day for any bill to be passed (J.R. 61(a)(15)). Interim Recess begins on adjournment (J.R. 51(a)(4)).

## IMPORTANT DATES OCCURRING DURING INTERIM RECESS

### 2017

Oct. 15 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 15 and in the Governor's possession after Sept. 15 (Art. IV, Sec.10(b)(1)).

### 2018

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

**DEADLINES**

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

<b>JANUARY</b>							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
Wk. 1	28	29	30	31			

<b>FEBRUARY</b>							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Wk. 1	25	26	27	28			

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19** Presidents' Day.

<b>MARCH</b>							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Spring Recess	25	26	27	28	29	30	31

- Mar. 22** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

<b>APRIL</b>							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30					

- Apr. 2** Legislature reconvenes from Spring Recess (J.R. 51 (b)(1)).
- Apr. 27** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

<b>MAY</b>							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
No Hrgs.	27	28	29	30	31		

- May 11** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18** Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25** Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61 (b)(9)).
- May 28** Memorial Day.
- May 29 – June 1** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

\*Holiday schedule subject to final approval by Rules Committee.



JUNE							
	S	M	T	W	TH	F	S
No Hrgs.						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

- June 1** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 4** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).
- June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot. (Elec. Code Sec. 9040)
- June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Summer Recess	8	9	10	11	12	13	14
Summer Recess	15	16	17	18	19	20	21
Summer Recess	22	23	24	25	26	27	28
Summer Recess	29	30	31				

- July 4** Independence Day.
- July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins on adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
No Hrgs.	19	20	21	22	23	24	25
No Hrgs.	26	27	28	29	30	31	

- Aug. 6** Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).
- Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 20 – 31 Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).
- Aug. 24** Last day to **amend** on Floor (J.R. 61(b)(17)).
- Aug. 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). **Final Recess** begins on adjournment (J.R. 51(b)(3)).

**IMPORTANT DATES OCCURRING DURING FINAL RECESS**

**2018**

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).
- Oct. 1 Bills enacted on or before this date take effect January 1, 2019 (Art. IV, Sec. 8(c)).
- Nov. 6 General Election.
- Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 3 2019-20 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).

**2019**

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

\*Holiday schedule subject to final approval by Rules Committee.

### **Legislation - Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation**

*(Board Policy)*

The Board will adopt the following positions regarding pending or proposed legislation.

**Oppose:** The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

**Oppose, unless amended:** The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

**Neutral:** The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

**Watch:** The watch position adopted by the Board will indicate interest regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

**Support, if amended:** The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

**Support:** The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

Bill	Author	Summary	Board's Position	Status	
<b>AB 12</b> (Introduced 12/5/16)	Cooley, (Coauthors: Calderon, Cunningham)	<b>State Government:            Administrative Regulations:            Review</b> This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.	No Position	5/26/17	Assembly 2 Year. Assembly Appropriations Committee. Held Under Submission.
<b>AB 77</b> (Amended 2/7/17)	Fong, (Coauthor: Gallagher)	<b>Regulations: Effective            Dates and Legislative            Review</b> This bill requires the Office of Administrative Law (OAL) to submit to each house of the Legislature for review, a copy of each major regulation submitted to the Secretary of State. This bill also states that the effective date of a regulation does not apply if the Legislature enacts a statute to override the regulation.	No Position	5/26/17	Assembly 2 Year. Assembly Appropriations Committee. Held Under Submission.
<b>AB 208</b> (Amended 9/8/17)	Eggman	<b>Deferred Entry of            Judgment: Pretrial            Diversion</b> This bill would make the deferred entry of judgment program a pretrial diversion program. The bill would make a defendant qualified for the pretrial diversion program if there is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence within the past 5 years of a violation relating to narcotics or restricted dangerous drugs other than a violation that	Oppose	10/14/17	Chaptered by Secretary of State – Chapter 778, Statutes of 2017.

Bill	Author	Summary	Board's Position	Status	
		<p>qualifies for the program, and the defendant has no prior conviction for a serious or violent felony within 5 years prior to the alleged commission of the charged offense. Under the pretrial diversion program created by this bill, a qualifying defendant would enter a plea of not guilty, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 6 months to one year, or longer if requested by the defendant with good cause. The bill would require the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill would require the criminal charges to be dismissed if the defendant completes the program.</p>			
<p><b>AB 349</b> (Amended 6/14/17)</p>	<p>McCarty, Gonzalez Fletcher, and Nazarian</p>	<p><b>Civil Service: Preference: Special Immigrant Visa Holder</b> Existing provisions of the State Civil Service Act require that, whenever any veteran, widow or widower of a veteran, or spouse of a 100% disabled veteran, achieves a passing score on an examination, he or she be ranked in the top rank of the resulting civil service eligibility list. This bill would require a person who assisted the United States military and was issued a specified special immigrant visa and who achieves a passing score on an entrance examination to be ranked in the top of the resulting eligibility list unless a veteran, widow, or widower of a veteran, or the spouse of a 100% disabled veteran is in the</p>	<p>No Position</p>	<p>6/14/17</p>	<p>Senate 2 Year. Senate Judiciary Committee.</p>

Bill	Author	Summary	Board's Position	Status	
		top rank pursuant to the provisions described above, in which case, the special immigrant visa holder shall be ranked in the next highest rank.			
<u><b>AB 387</b></u> (Amended 5/30/17)	Thurmond	<p><b>Minimum Wage: Health Professionals: Interns</b></p> <p>This bill would expand the definition of "employer" for purposes of these provisions to include a person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a person engaged in a period of supervised work experience longer than 100 hours to satisfy requirements for licensure, registration, or certification as an allied health professional, as defined. Because this bill would expand the definition of a crime, it would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason</p>	No Position	6/1/17	Assembly. Ordered to Inactive File at the Request of Assembly Member Thurmond.
<u><b>AB 505</b></u> (Amended 3/27/17)	Caballero	<p><b>Physicians and Surgeons: Probation</b></p> <p>This bill specifies that the Medical Board of California may not enter into any stipulation for disciplinary action, if the stipulation places a licensee on probation, and the operative accusation includes any of the following: felony conviction involving harm to patient safety or health; drug or alcohol abuse directly resulting in harm to</p>	No Position	7/14/17	Senate 2 Year. Senate Business, Professions and Economic Development Committee.

Bill	Author	Summary	Board's Position	Status	
		patient safety or health; or; sexual act or sexual exploitation.			
<b>AB 508</b> (Introduced 2/13/17)	Santiago	<b>Health Care Practitioners: Student Loans</b> This bill repeals the authority for a licensing board under the DCA, as defined, to cite and fine a licensed healthcare practitioner or deny an initial license application or renewal for a healing arts license if the applicant or licensee is in default on a federal health education loan.	No Position	9/1/17	Chaptered by Secretary of State – Chapter 195, Statutes of 2017.
<b>AB 706</b> (Introduced 2/15/17)	Patterson	<b>Medical Board of California: Licenses</b> Requires that all physician and surgeon's certificates, certificates to practice podiatric medicine, registrations of spectacle lens dispensers and contact lens dispensers, and certificates to practice midwifery would expire on the last day at the end of the two-year period for which the license was issued rather than at the end of the licensee's birth month.	No Position	4/28/17	Assembly 2 Year. Failed deadline pursuant to rule 61(a)(2). Last Location was Assembly Business and Professions Committee.
<b>AB 767</b> (Amended 5/3/17)	Quirk-Silva	<b>Master Business License Act</b> This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer a computerized master business license system to simplify the process of engaging in business in this state. The bill would set forth the duties and responsibilities of the business license center. The bill would require each state agency to cooperate and provide reasonable assistance to the office to implement these provisions. This bill includes additional provisions.	No Position	5/26/17	Assembly 2 Year. Failed deadline. Last Location was Assembly Appropriations Committee. May be acted upon Jan 2018.

Bill	Author	Summary	Board's Position	Status	
<b>AB 1005</b> (Amended 5/2/17)	Calderon	<b>Professions and Vocations: Fines: Relief</b> This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective.	No Position	5/26/17	Assembly 2 Year. Failed Deadline. Last Location was Assembly Appropriations Committee.
<b>AB 1510</b> (Introduced 2/17/17)	Dababneh	<b>Athletic Trainers</b> This bill establishes the Athletic Training Practice Act and establishes the Athletic Trainer Licensing Committee under the California Board of Occupational Therapy for the licensure and regulation of athletic trainers.	No Position	4/28/17	Assembly 2 Year. Failed Deadline. Last location was Assembly Committee on Business and Professions.
<b>AB 1706</b> (Amended 9/6/17)	Committee on Business and Professions	<b>Healing Arts: Occupational Therapy: Physical Therapy</b> This bill extends the operation of the California Board of Occupational Therapy (CBOT), the operation of the Physical Therapy Board of California (PTBC) and the PTBC's authority to appoint an executive officer and other personnel until January 1, 2022. This bill would also repeal BPC Section 2648.7 relating to retired license status as of January 1, 2019. This bill would allow an applicant to demonstrate proficiency in English by achieving a score specified on the TOEFL as prescribed by regulation and also exempt an applicant from this requirement who has been awarded a bachelor's degree or higher in a physical therapist educational program from a college, university, or professional training school in Australia, any part of Canada other than Quebec, Ireland,	Support	10/3/17	Chaptered by Secretary of State – Chapter 454, Statutes of 2017.

Bill	Author	Summary	Board's Position	Status	
		<p>New Zealand, the United Kingdom, the United States or an English-speaking country specified by the Board. In addition, this bill would delete the statutory limitation that the various fees for licensure be in an amount that does not exceed the cost of the associated activity. This bill would also repeal the requirement that the board report to the specified committees of the Legislature whenever it increases a fee. In addition, this bill would make a technical change by correcting an erroneous cross reference.</p>			
<p><b>SB 27</b> (Amended 4/17/17)</p>	<p>Morrell (Coauthors: Senators Bates, Berryhill, Nguyen, Wilk and Assembly Members Acosta, Bakers, Chavez, Cunningham, Lackey, Mathis, and Patterson)</p>	<p><b>Professions and Vocations: Licenses: Military Service</b> This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.</p>	<p>No Position</p>	<p>5/26/17</p>	<p>Senate 2 Year. Failed Deadline. Last Location was Senate Appropriations Committee.</p>
<p><b>SB 572</b> (Amended 3/27/17)</p>	<p>Stone</p>	<p><b>Healing Arts Licensees: Violations: Grace Period</b> This bill would prohibit various boards, as defined, within the DCA from taking disciplinary action against, or otherwise penalizing, healing arts licensees who violate those provisions but correct the violations within 15 days and who are not currently on probation at the time of the violations, if the violations did not cause irreparable harm and will not result in irreparable</p>	<p>No Position</p>	<p>4/28/17</p>	<p>Senate 2 Year. Failed Deadline. Last location was Senate Business, Professions and Economic Development Committee.</p>



Bill	Author	Summary	Board's Position	Status	
		harm if left uncorrected for 15 days.			

# AB-208 Deferred entry of judgment: pretrial diversion. (2017-2018)

## SECTION 1.

Section 1000 of the Penal Code is amended to read:

### 1000.

(a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, or 11365, paragraph (2) of subdivision (b) of Section 11375, Section 11377, or Section 11550 of the Health and Safety Code, or subdivision (b) of Section 23222 of the Vehicle Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) ~~The defendant has no~~ *Within five years prior to the alleged commission of the charged offense, the defendant has not suffered a* conviction for any offense involving controlled substances ~~prior to the alleged commission of the charged offense. other than the offenses listed in this subdivision.~~

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a *contemporaneous* violation relating to narcotics or restricted dangerous drugs other than a violation of the ~~sections~~ *offenses* listed in this subdivision.

~~(4) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.~~

~~(5) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.~~

~~(6)~~ (4) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to ~~(6)~~, (4), inclusive, of subdivision (a) apply to the defendant. ~~Upon the agreement of the prosecuting attorney, law enforcement, the public defender, and the presiding judge of the criminal division of the superior court, or a judge designated by the presiding judge, this procedure shall be completed as soon as possible after the initial filing of the charges.~~ If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for ~~deferred entry of judgment~~ *pretrial diversion* at the arraignment. If the defendant is found ineligible for ~~deferred entry of judgment~~, *pretrial diversion*, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for ~~deferred entry of judgment~~ *pretrial diversion* is a postconviction appeal.

(c) All referrals for ~~deferred entry of judgment~~ *pretrial diversion* granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) ~~Deferred entry of judgment for a~~ *Pretrial diversion for an alleged* violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. ~~Nothing in this subdivision shall be construed to~~ *This subdivision does not* expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program ~~referred to~~ *authorized* in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as part of the program. However, ~~urine analysis~~ *urinalysis* results shall not be admissible as a basis for any new criminal prosecution or proceeding.

## SEC. 2.

Section 1000.1 of the Penal Code is amended to read:

### 1000.1.

(a) If the prosecuting attorney determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney in writing of that determination. This notification shall include all of the following:

(1) A full description of the procedures for ~~deferred entry of judgment.~~ *pretrial diversion.*

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process.

(3) A clear statement that ~~in lieu of trial,~~ the court may grant ~~deferred entry of judgment.~~ *pretrial diversion* with respect to any *crime offense* specified in subdivision (a) of Section 1000 that is charged, provided that the defendant pleads ~~guilty to each of these charges and waives time for the pronouncement of judgment,~~ *not guilty to the charge or charges, waives the right to a speedy trial, to a speedy preliminary hearing, and to a trial by jury, if applicable,* and that upon the defendant's successful completion of a program, as specified in subdivision (c) of Section 1000, the positive recommendation of the program authority and the motion of the *defendant,* prosecuting attorney, the court, or the probation department, but no sooner than ~~18 12~~ months and no later than ~~three years~~ *18 months* from the date of the defendant's referral to the program, the court shall dismiss the charge or charges against the defendant.

(4) A clear statement that upon any failure of treatment or condition under the program, or any circumstance specified in Section 1000.3, the prosecuting attorney or the probation department or the court on its own may make a motion to the court ~~for entry of judgment and the court shall render a finding of guilt to the charge or charges pled, enter judgment, and schedule a sentencing hearing.~~ *to terminate pretrial diversion and schedule further proceedings* as otherwise provided in this code.

(5) An explanation of criminal record retention and disposition resulting from participation in the ~~deferred entry of judgment.~~ *pretrial diversion* program and the defendant's rights relative to answering questions about his or her arrest and ~~deferred entry of judgment.~~ *pretrial diversion* following successful completion of the program.

(b) If the defendant consents and waives his or her right to a speedy ~~trial or trial,~~ a speedy preliminary hearing, *and to a trial by jury, if applicable,* the court may refer the case to the probation department or the court may summarily grant ~~deferred entry of judgment if the defendant pleads guilty to the charge or charges and waives time for the pronouncement of judgment.~~ *pretrial diversion.* When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs the defendant would benefit from and which programs would accept the defendant. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant. If the court determines that it is appropriate, the court shall grant ~~deferred entry of judgment.~~ *pretrial diversion* if the defendant pleads *not* guilty to the charge or charges and waives ~~time for the pronouncement of judgment.~~ *the right to a speedy trial, to a speedy preliminary hearing, and to a trial by jury, if applicable.*

(c) (1) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, that is made during the course of any investigation conducted by the probation department or treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

(2) No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, that is made to any probation officer or drug program worker subsequent to the granting of ~~deferred entry of judgment.~~ *pretrial diversion* shall be admissible in any action or ~~proceeding, including a sentencing hearing.~~ *proceeding.*

(d) A defendant's ~~plea of guilty.~~ *participation in pretrial diversion* pursuant to this chapter shall not constitute a conviction ~~for any purpose unless a judgment of guilty is entered pursuant to Section 1000.3. or an admission of guilt for any purpose.~~

## SEC. 3.

Section 1000.2 of the Penal Code is amended to read:

### 1000.2.

(a) The court shall hold a hearing and, after consideration of any information relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and if the defendant should be granted ~~deferred entry~~

of judgment. ~~If the court does not deem the defendant a person who would be benefited by deferred entry of judgment, or if the defendant~~ *pretrial diversion*. ~~If the defendant~~ does not consent to ~~participate,~~ *participate in pretrial diversion*, the proceedings shall continue as in any other case.

(b) At the time that ~~deferred entry of judgment~~ *pretrial diversion* is granted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

(c) The period during which ~~deferred entry of judgment~~ *pretrial diversion* is granted shall be for no less than ~~18~~ *12* months nor longer than ~~three years~~ *18 months*. ~~However, the defendant may request, and the court shall grant, for good cause shown, an extension of time to complete a program specified in subdivision (c) of Section 1000.~~ Progress reports shall be filed by the probation department with the court as directed by the court.

## SEC. 4.

Section 1000.3 of the Penal Code is amended to read:

### 1000.3.

(a) If it appears to the prosecuting attorney, the court, or the probation department that the defendant is performing unsatisfactorily in the assigned program, ~~or that the defendant is not benefiting from education, treatment, or rehabilitation, or that the defendant is convicted of a misdemeanor~~ *convicted of an offense* that reflects the defendant's propensity for violence, or ~~that~~ the defendant is convicted of a felony, ~~or the defendant has engaged in criminal conduct rendering him or her unsuitable for deferred entry of judgment,~~ ~~the~~ the prosecuting attorney, the court on its own, or the probation department may make a motion for ~~entry of judgment,~~ *termination from pretrial diversion*.

(b) After notice to the defendant, the court shall hold a hearing to determine whether ~~judgment should be entered,~~ *pretrial diversion shall be terminated*.

(c) If the court finds that the defendant is not performing satisfactorily in the assigned program, or ~~that the defendant is not benefiting from education, treatment, or rehabilitation, or the~~ *the* court finds that the defendant has been convicted of a crime as indicated ~~above, or that the defendant has engaged in criminal conduct rendering him or her unsuitable for deferred entry of judgment,~~ *in subdivision (a)*, the court shall ~~render a finding of guilt to the charge or charges pled, enter judgment, and schedule a sentencing hearing~~ *schedule the matter for further proceedings* as otherwise provided in this code.

(d) If the defendant has ~~performed satisfactorily during the period in which deferred entry of judgment was granted,~~ *completed pretrial diversion*, at the end of that period, the criminal charge or charges shall be dismissed.

(e) Prior to dismissing the charge or charges or ~~rendering a finding of guilt and entering judgment,~~ *terminating pretrial diversion*, the court shall consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee pursuant to Section 1001.90, if ordered, and has met his or her financial obligation to the program, if any. As provided in Section 1203.1b, the defendant shall reimburse the probation department for the reasonable cost of any program investigation or progress report filed with the court as directed pursuant to Sections 1000.1 and 1000.2.

## SEC. 5.

Section 1000.4 of the Penal Code is amended to read:

### 1000.4.

(a) Any record filed with the Department of Justice shall indicate the disposition in those cases ~~deferred~~ *referred to pretrial diversion* pursuant to this chapter. Upon successful completion of a ~~deferred entry of judgment~~ *pretrial diversion* program, the arrest upon which the ~~judgment defendant~~ was ~~deferred~~ *diverted* shall be deemed to have never occurred. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted ~~deferred entry of judgment~~ *pretrial diversion* for the offense, except as specified in subdivision ~~(b).~~ *(c)*. A record pertaining to an arrest resulting in successful completion of a ~~deferred entry of judgment~~ *pretrial diversion* program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or ~~certificate.~~ *certificate, except that, as specified in Section 492 of the Business and Professions Code, successful completion of a pretrial diversion program does not prohibit any agency established under Division 2 (commencing with Section 500) of the Business and Professions Code, or under any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be contained in a record pertaining to an arrest leading to successful completion of a pretrial diversion program.*

(b) *Notwithstanding any other law, any licensing agency listed in Section 144 of the Business and Professions Code may request, and is authorized to receive, from a local or state agency certified records regarding referral to, participation in, successful completion of, and termination from, diversion programs described in this section.*

~~(b)~~ (c) The defendant shall be advised that, regardless of his or her successful completion of the ~~deferred entry of judgment~~ *pretrial diversion* program, the arrest upon which ~~the judgment~~ *pretrial diversion* was ~~deferred based~~ may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

## SEC. 5.5.

Section 1000.4 of the Penal Code is amended to read:

### 1000.4.

(a) Any record filed with the Department of Justice shall indicate the disposition in those cases ~~deferred~~ *referred to pretrial diversion* pursuant to this chapter. Upon successful completion of a ~~deferred entry of judgment~~ *pretrial diversion* program, the arrest upon which the ~~judgment~~ *defendant* was ~~deferred~~ *diverted* shall be deemed to have never ~~occurred~~ *occurred and the court may issue an order to seal the records pertaining to the arrest as described in Section 851.92*. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted ~~deferred entry of judgment~~ *pretrial diversion* for the offense, except as specified in subdivision ~~(b)~~ (c). A record pertaining to an arrest resulting in successful completion of a ~~deferred entry of judgment~~ *pretrial diversion* program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or ~~certificate~~ *certificate, except that, as specified in Section 492 of the Business and Professions Code, successful completion of a pretrial diversion program shall not prohibit any agency established under Division 2 (commencing with Section 500) of the Business and Professions Code, or under any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest leading to successful completion of a pretrial diversion program.*

*(b) Notwithstanding any other law, any licensing agency listed in Section 144 of the Business and Professions Code may request, and is authorized to receive, from a local or state agency certified records regarding referral to, participation in, successful completion of, and termination from, diversion programs described in this section.*

~~(b)~~ (c) The defendant shall be advised that, regardless of his or her successful completion of the ~~deferred entry of judgment~~ *pretrial diversion* program, the arrest upon which the ~~judgment~~ *pretrial diversion* was ~~deferred based~~ may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

*(d) The defendant shall be advised that, regardless of the defendant's successful completion of a pretrial diversion program, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.*

## SEC. 6.

Section 1000.5 of the Penal Code is amended to read:

### 1000.5.

(a) (1) The presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, may agree in writing to establish and conduct a preguilty plea drug court program pursuant to the provisions of this chapter, wherein criminal proceedings are suspended without a plea of guilty for designated defendants. The drug court program shall include a regimen of graduated sanctions and rewards, individual and group therapy, ~~urine analysis~~ *urinalysis* testing commensurate with treatment needs, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as agreed to by the presiding judge or his or her designee, the district attorney, and the public defender. If there is no agreement in writing for a preguilty plea program by the presiding judge or his or her designee, the district attorney, and the public defender, the program shall be operated as a ~~deferred entry of judgment~~ *pretrial diversion* program as provided in this chapter.

(2) A person charged with a misdemeanor under paragraph (3) of subdivision (b) of Section 11357.5 or paragraph (3) of subdivision (b) of *Section* 11375.5 of the Health and Safety Code shall be eligible to participate in a preguilty plea drug court program established pursuant to this chapter, as set forth in Section 11375.7 of the Health and Safety Code.

(b) The provisions of Section 1000.3 and Section 1000.4 regarding satisfactory and unsatisfactory performance in a program shall apply to preguilty plea programs, except as provided in Section 11375.7 of the Health and Safety Code. If the court finds that (1) the defendant is not performing satisfactorily in the assigned program, (2) the defendant is not benefiting from education, treatment, or rehabilitation, (3) the defendant has been convicted of a crime specified in Section 1000.3, or (4) the defendant has engaged in criminal conduct rendering him or her unsuitable for the preguilty plea program, the court shall reinstate the criminal charge or charges. If the defendant has performed satisfactorily

during the period of the preguilty plea program, at the end of that period, the criminal charge or charges shall be dismissed and the provisions of Section 1000.4 shall apply.

## SEC. 7.

Section 1000.6 of the Penal Code is amended to read:

### 1000.6.

~~(a) Where a person is participating in a deferred entry of judgment program or a preguilty plea program pursuant to this chapter, the person may also participate in a licensed methadone or levoalphacetylmethadol (LAAM) program if the following conditions are met:~~

~~(1) The sheriff allows a methadone program to operate in the county jail.~~

~~(2) (a) The~~ A person who is participating in a pretrial diversion program or a preguilty plea program pursuant to this chapter is authorized under the direction of a licensed health care practitioner, to use medications including, but not limited to, methadone, buprenorphine, or levoalphacetylmethadol (LAAM) to treat substance use disorders if the participant allows release of his or her medical records to the court presiding over the participant's preguilty ~~plea~~ or ~~deferred entry pretrial diversion~~ program for the limited purpose of determining whether or not the participant is ~~duly enrolled in the licensed methadone or LAAM program~~ using such medications under the direction of a licensed health care practitioner and is in compliance with ~~deferred entry~~ the pretrial diversion or preguilty plea program rules.

(b) If the conditions specified in ~~paragraphs (1) and (2) of~~ subdivision (a) are met, ~~participation in a methadone or LAAM treatment program~~ the use by a participant of medications to treat substance use disorders shall not be the sole reason for exclusion from a ~~deferred entry pretrial diversion~~ or preguilty plea program. A ~~methadone or LAAM patient who~~ patient who uses medications to treat substance use disorders and participates in a preguilty ~~plea~~ or ~~deferred entry pretrial diversion~~ program shall comply with all court program rules.

(c) A person who is participating in a ~~deferred entry of judgment~~ pretrial diversion program or preguilty plea program pursuant to this chapter who ~~participates in a licensed methadone or LAAM program~~ uses medications to treat substance use disorders shall present to the court a declaration from ~~the director of the methadone or LAAM program, or the director's~~ his or her health care practitioner, or his or her health care practitioner's authorized representative, that the person is currently ~~enrolled and in good standing in the program~~ under their care.

(d) Urinalysis results that only establish that a person described in this section has ingested ~~or taken the methadone administered or prescribed by a licensed methadone or LAAM program~~ medication duly prescribed to that person by his or her physician or psychiatrist, or medications used to treat substance use disorders, shall not be considered a violation of the terms of the ~~deferred entry of judgment~~ pretrial diversion or preguilty plea program under this chapter.

(e) Except as provided in subdivisions (a) to (d), inclusive, this section ~~shall not be interpreted to amend any provisions governing deferred entry and~~ does not affect any other law governing diversion programs.

## SEC. 8.

Section 1000.65 is added to the Penal Code, immediately following Section 1000.6, to read:

### 1000.65.

This chapter does not affect a pretrial diversion program provided pursuant to Chapter 2.7 (commencing with Section 1001).

## SEC. 9.

Section 5.5 of this bill incorporates amendments to Section 1000.4 of the Penal Code proposed by both this bill and Senate Bill 393. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 1000.4 of the Penal Code, and (3) this bill is enacted after Senate Bill 393, in which case Section 5 of this bill shall not become operative.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### **Briefing Paper**

**Date:** November 1, 2017  
**Prepared for:** PTBC Members  
**Prepared by:** Administrative Services  
**Subject:** Rulemaking Report

### **Agenda Item 11(A)**

---

**Purpose:** To update the Board on the status of proposed rulemaking in progress and to provide an update on the rulemaking process.

**Attachments:**

1. [2016/17 Rulemaking Tracking Form](#)
2. [Updated DCA Rulemaking Process](#)

---

### **Background:**

At the November 2016 meeting, the Board adopted the 2017 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

From the 2017 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

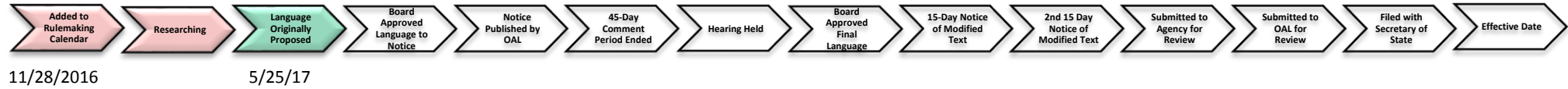
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### **Action Requested:**

No action is requested on presentation of the rulemaking report; however, staff is requesting action which will be addressed during the presentation of [Agenda Item 11\(B\)](#).

## 2017 Rulemaking Tracking Form

### (2017) Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

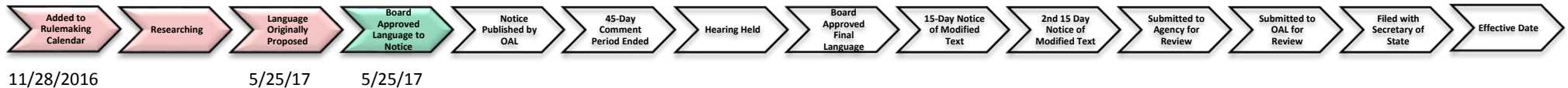


OAL No.:

Notes:

Placed on the 2017 Rulemaking Calendar that was adopted at the Board meeting on November 28, 2016. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board provided feedback and edits to PTBC staff and advised staff to bring the language for Board consideration implementing the Board’s recommendations at a future date. Proposed regulatory language will be presented for Board consideration at the March 2018 meeting.

### (2017) Examination Passing Standard/Setting Examination Score



OAL No.:

Notes:

Placed on the 2017 Rulemaking Calendar that was adopted at the Board meeting on November 28, 2016. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. PTBC staff submitted the proposed regulatory package to DCA for review on November 10, 2017.

*Teal: Current Status Burgundy: Completed*



## 2017 Rulemaking Tracking Form

### (2017) License Renewal Exemptions: Disability and Retired License Status



11/28/2016

**OAL No.:**

**Notes:**

Placed on the 2017 Rulemaking Calendar that was adopted at the Board meeting on November 28, 2016.

### (2017) Application and Licensing Regulations, Continuing Competency



11/28/2016

**OAL No.:**

**Notes:**

Placed on the 2017 Rulemaking Calendar that was adopted at the Board meeting on November 28, 2016.

*Teal: Current Status Burgundy: Completed*

## 2017 Rulemaking Tracking Form

### **(2017) Unprofessional Conduct**



11/28/2016

**OAL No.:**

**Notes:**

Placed on the 2017 Rulemaking Calendar that was adopted at the Board meeting on November 28, 2016.

*Teal: Current Status Burgundy: Completed*

## Processing Times

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

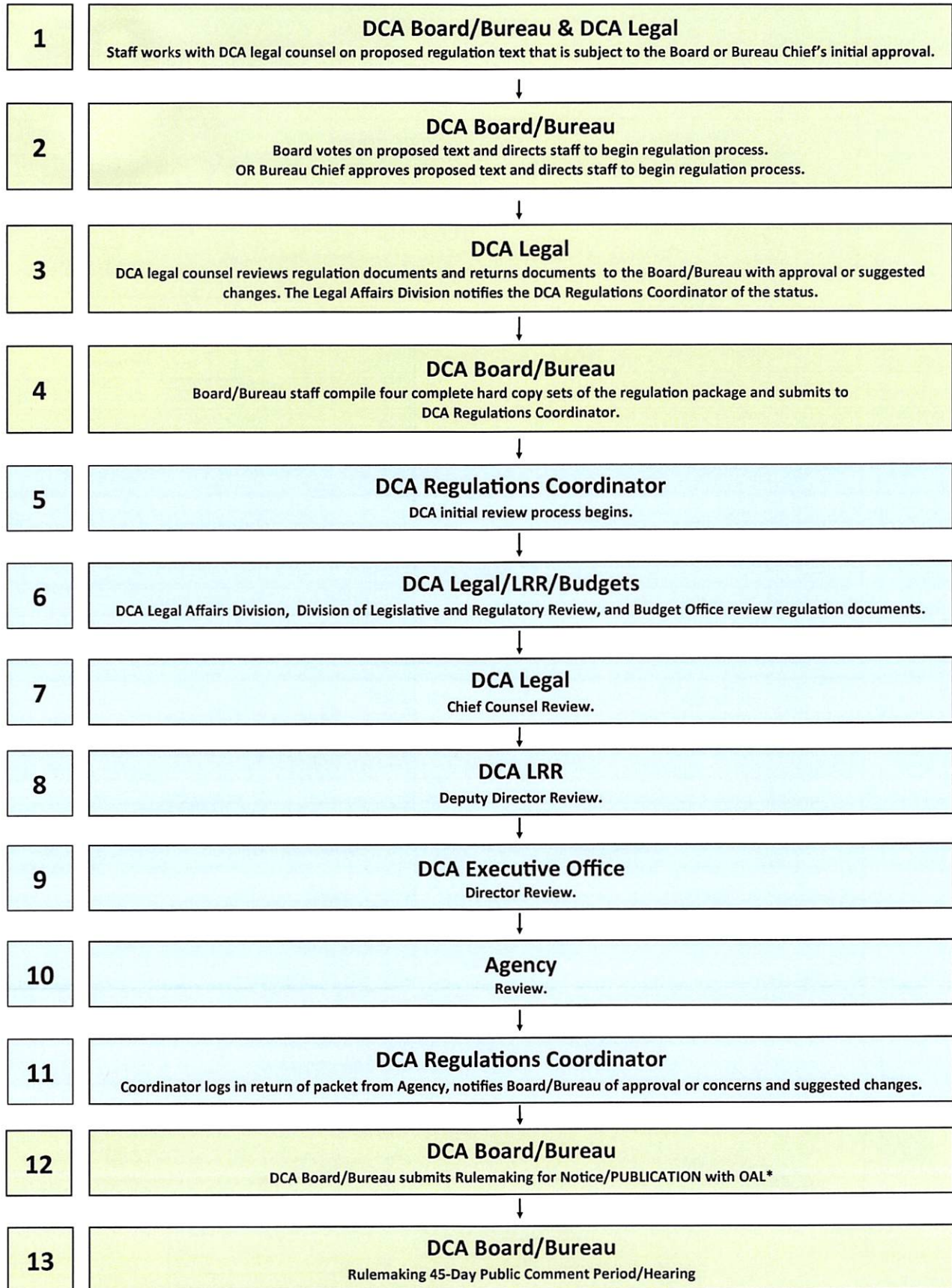
### Date Filed with the Secretary of State

### Effective Date

September 1 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1 <sup>st</sup>

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## INITIAL PHASE



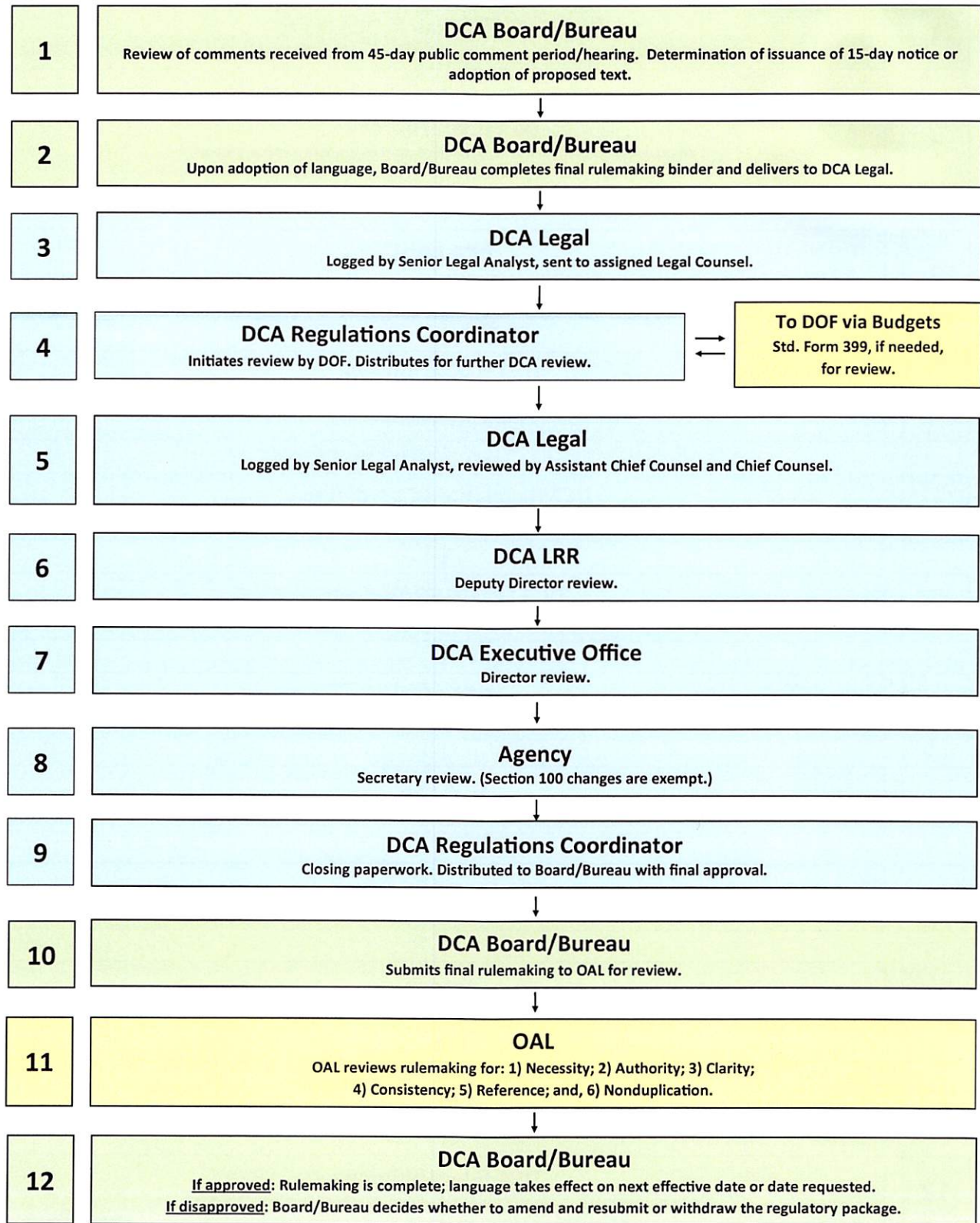
### Legend

DCA – Department of Consumer Affairs  
LRR – Division of Legislative Regulatory Review  
OAL – Office of Administrative Law

\* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary. Book Pg. 73

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## FINAL PHASE



### Legend

DCA – Department of Consumer Affairs  
 LRR – Division of Legislative Regulatory Review  
 OAL – Office of Administrative Law  
 DOF – Department of Finance  
 Std. Form 399 – Economic and Fiscal Impact Statement



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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## Briefing Paper

**Date:** October 30, 2017

**Agenda Item 11(B)**

**Prepared for:** PTBC Members

**Prepared by:** Elsa Ybarra

**Subject:** 1399.15, Guidelines for Issuing Citations and Imposing Discipline (Guidelines)

**Purpose:** To propose revisions to the language of the Guidelines for Issuing Citations and Imposing Discipline included by reference in section 1399.15 of Article 8, Division 13.2, Title 16 of the California Code of Regulations

**Attachments:**

1. [Proposed Language – Section 1399.15 of the California Code of Regulations](#)
2. [Proposed Language – Guidelines for Issuing Citations and Imposing Discipline](#)

## **Background:**

Business and Professions Code (BPC) Section 2615 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Physical Therapy Practice Act.

Government Code Section 11400.20 authorizes an agency to adopt regulations to govern an adjudicative proceeding.

Government Code Section 11425.50(e) specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule unless it has been adopted as a regulation.

BPC Section 315, established the Substance Abuse Coordination Committee (SACC) within the Department of Consumer Affairs (Department) and required the SACC to formulate uniform and specific standards in sixteen specified areas for each healing arts board to use in dealing with substance-abusing licensees.

BPC Section 315.2, specifies that a healing arts board within the Department is required to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation or diversion (rehabilitation) program.

BPC Section 315.4, authorizes healing arts boards within the Department to order a licensee on probation or in a diversion (rehabilitation) program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under section Uniform Standards for Substance-Abusing Licensees.

California Code of Regulations, section 1399.15 of Article 8, Division 13.2 of Title 16, specifies the Board shall consider the disciplinary guidelines entitled “Guidelines for Issuing Citations and Imposing Discipline” Revised December 2013, 5<sup>th</sup> Edition, when reaching a decision on a disciplinary action under the Administrative Procedures Act.

The Board initially adopted into regulation the “Model Guidelines for Imposing Discipline” in July 1997. Since then, the Board has revised the title and the content of the Guidelines on four separate occasions to address:

- areas needing enhancement as suggested by a Deputy Attorney General or an Administrative Law Judge, or simply through experience when enforcing a Stipulated or Administrative Decision
- statutory and regulatory changes such as the addition of the Uniform Standards of Substance Abusing Licensees
- to make changes without regulatory effect, i.e. typographical or grammatical errors.

**Update:**

Staff presented proposed revisions to the Board at its meeting in August 2017. The Board and legal counsel made numerous edits, which have been incorporated into this draft. These edits were mostly non-substantive and were largely punctuation and grammatical edits (yellow highlight). These types of editorial revisions will continue being made throughout the course of review as it progresses through the process; therefore, unless there is something else of concern, it would probably be most productive to focus on the substantive changes since the August 2017 review. The edits which require your utmost attention are:

- Page 12 and 13 reflect the addition of language titled “Initial Practice Restrictions.” Including this information in the forefront of the Guidelines provides greater transparency to the participant that they will not be authorized to return to practice until they have at least 30 days of negative tests. Many participants have been disgruntled over this requirement because they claim they didn’t realize they were prohibited from working during this time.
- Page 57 reflects the Board’s proposed Cost Recovery language. After consideration staff suggested combining both options of the language
- Page 61 reflects revised language for term #17 – Maintenance of Valid License
- Page 70, term X – Notice to Consumer CCR 1398.15. In discussion with the EO, it is recommended this term is not added since this is a requirement of all licensees at all time. However, should the Board request to include as a condition, the condition will be included appropriately throughout Guidelines and letters will be re-organized to reflect change.

**Action Requested:**

Consideration of the following motion:

“I move that we approve the proposed text for noticing a 45-day comment period, and direct staff to take all steps necessary to initiate the formal rulemaking process. If no adverse comments are received during the 45-day comment period and no hearing is requested, delegate to the Executive Officer the authority to adopt the proposed regulatory changes as modified and make any technical or non-substantive changes that may be required in completing the rulemaking file.”

**California Code of Regulations**  
**Title 16. Professional and Vocational Regulations**  
**Division 13.2. Physical Therapy Board of California**

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 1399.15 of Article 8 of Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.15. 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 for Issuing Citations and Imposing Discipline”, (Revised **INSERT DATE** ~~December 2013~~, 56th Edition; hereafter, “Guidelines”) which are hereby incorporated by reference. Subject to paragraph (c), deviation from these ~~g~~Guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation - for example: The presence of mitigating or aggravating factors; the age of the case; or ~~evidentiary~~ problems.

(b) Notwithstanding the 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), or 647b 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.



(c) If the conduct found to be a violation involves drugs, alcohol, or both, and the individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.

(1) Each of the "Conditions Applying the Uniform Standards," as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.

(2) The Substance Abuse Coordination Committee's "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" (Revised April 2011; hereafter, "Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Note: Authority cited: Section 2615, Business and Professions Code; and 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2660.2, 2661 and 2661.5, Business and Professions Code; and Section 11425.50(e), Government Code.

Proposed Language – November 15-16, 2017  
(Includes edits made from August 24, 2017 Board Meeting)



## **GUIDELINES FOR ISSUING CITATIONS AND IMPOSING DISCIPLINE**

*Physical Therapy Board of California*

*Department of Consumer Affairs*

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

Edmund G. Brown Jr., Governor

~~Dean R. Grafilo~~ ~~Denise Brown~~, Director  
Department of Consumer Affairs

Physical Therapy Board of California Members:

~~Katarina Eleby, M.A., President~~  
~~Alicia Rabena-Amen, P.T., M.P.T., Vice President~~  
~~Debra Alviso, P.T., D.P.T., O.C.S. President~~  
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~~Daniel Drummer, P.T., D.P.T.~~  
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Executive Officer: Jason Kaiser

Published by the Physical Therapy Board of California, Department of Consumer Affairs, 2005 Evergreen Street, Suite 1350, Sacramento, California 95815.

~~December 2013~~ [Month Year]  
56<sup>th</sup> Edition

**Commented [YE1]:** Will replace with Month and Year of approval.

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Commented [YE2]: Table of Contents has not been completely revised. Revisions will be completed once Guidelines have been approved with final text, codes, etc...

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### Statement of Purpose, Intent ~~and~~ Expectations

The purpose of physical therapists and physical therapist assistant licensure in the State of California is to protect the public's health, safety and welfare from the incompetent and unprofessional practice of physical therapy. These ~~g~~Guidelines address the challenge of providing public protection and of enabling a licensee to practice ~~his or her~~their profession. In addition to protecting the public and rehabilitating a licensee, the Physical Therapy Board of California (Board) finds imposing the discipline set forth in the ~~g~~Guidelines will further public protection by promoting uniformity, certainty, fairness, and deterrence.

The ~~Physical Therapy Board of California (Board)~~ is producing ~~these~~ this 5th edition of the "Guidelines for Issuing Citations and Imposing Discipline," (Revised [date], 6<sup>th</sup> Edition; hereafter, "~~{~~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, the Board's Executive Officer and staff, and Respondents and their Counsel. When an Initial Probationary License has been issued, a Statement of Issues, or an Accusation has been filed, these actions indicate the nature of the alleged violation is severe enough to warrant disciplinary action if the allegations are proven true. An administrative citation is not discipline and is issued for less egregious violations. However, when documentation of significant mitigation has been received, discipline may not be required to protect the public.

When criminal charges are alleged and there is an immediate need to protect the public, application of Penal Code section 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 the allegations are true and a cause for discipline exists. The Board recognizes a rare individual case may necessitate a departure from these ~~g~~Guidelines. Any "Proposed Decision" that departs from the ~~disciplinary~~ ~~g~~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.

#### **These basic expectations include:**

- 1) If at the time of hearing, the Administrative Law Judge finds Respondent, for any reason, 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 ~~g~~Guidelines contained in this manual, would be expected.
- 2) The Board expects revocation to normally be the appropriate order in cases where Respondent does not file a Notice of Defense or appear at a hearing.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.

4) When the revocation of a license is stayed, a suspension of the license shall be considered when further education, medical or psychological evaluation or treatment is deemed necessary to ensure safe practice. A suspension, when imposed, should not be for less than indicated in the Guidelines.

5) The Board expects the decision to include an order for cost recovery.

The Board expects a similar result and explanation for any Stipulated Settlement negotiated prior to hearing. Any ~~“Proposed Stipulated Settlement”~~ that departs from the disciplinary Guidelines shall be accompanied by a memorandum identifying the departures and the facts supporting the departure, as well as any mitigating or aggravating circumstances. ~~However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact.~~

Probation conditions are divided into three categories: (1) Standard Conditions which the Board expects in all probation cases; (2) Specific Conditions that depend on the nature and circumstances of the particular case; and (3) Conditions Applying the Uniform Standards Specific to Alcohol and/or Controlled Substances.

## LEGAL AUTHORITY

The legal authority for these guidelines is contained in Section 315, 315.2, 315.4, 2615, 2660, 2660.1, 2661 and 2661.5 of the Business and Professions Code; and Title 16, CCR §1399.15.

The legal authority for these Guidelines is contained in Business and Professions Code sections 315, 315.2, 315.4, 2615, 2660, 2660.1, **2660.2**, 2661 and 2661.5; **Government Code sections 11400.20, 11425.50(e)**; and California Code of Regulations, Title 16, section 1399.15

**California Code of Regulations**  
**Title 16, Professional and Vocational Regulations**  
**Division 13.2, Physical Therapy Board of California**  
**Article 8, Enforcement Actions, Discipline and Reinstatement of License**  
**Disciplinary Guidelines**

**§ 1399.15. 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 for Issuing Citations and Imposing Discipline", (Revised ~~December 2013~~, 5<sup>th</sup> 6<sup>th</sup> Edition; hereafter, "Guidelines") which are hereby incorporated by reference. Subject to paragraph (c), deviation from these gGuidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation – for example: The presence of mitigating or aggravating factors; the age of the case; or evidentiary problems.

Commented [YE3]: Will replace with new date.

(b) Notwithstanding the 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), or 647b 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.

(c) If the conduct found to be a violation involves drugs, alcohol, or both, and the

individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.

(1) Each of the "Conditions Applying the Uniform Standards," as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.

(2) The Substance Abuse Coordination Committee's "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" (Revised April 2011; hereafter, "Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.



## **AUTHORITY TO EXAMINE DUE TO MENTAL ILLNESS AND/OR PHYSICAL IMPAIRMENT**

### **Business and Professions Code, § Section 820. Examination of licentiate for mental illness or physical illness affecting competency**

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness, affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

### **Business and Professions Code, § Section 821. Effect of licentiate's failure to comply with order for examination**

The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

### **Business and Professions Code, § Section 822. Action by licensing agency**

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill, affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

### **Business and Professions Code, § Section 823. Reinstatement of licentiate**

Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to Section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under Section 822, the licensing agency may impose terms and conditions to be complied with by the licentiate after the certificate or license has been reinstated. The authority of the licensing agency to impose terms and conditions includes, but is not limited to, the following:

- (a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.

(b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.

(c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.

(d) Requiring the licentiate to undergo continuing treatment.

(e) Restricting or limiting the extent, scope or type of practice of the licentiate.

**Business and Professions Code, ~~Section 820~~, Section 824. Options open to licensing agency when proceeding against licentiate**

The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

## DEFINITION OF SUBSTANCE ABUSE REHABILITATION PROGRAMS

The Board does not consider licensees who have been ordered to participate in the Board's diversion program to be "in diversion." Rather, the Board considers these individuals to be in a substance abuse rehabilitation program; (hereafter, referred to as the "rehabilitation program"). As a result, the Board will not use the term "diversion" in these disciplinary Guidelines to describe licensees on probation or terms and conditions of probation related to the rehabilitation program. Instead the phrase "rehabilitation program" will be used.

There are two pathways into the Board's rehabilitation program:

(1) Participants with drug and/or alcohol addiction issues who have self-referred to the rehabilitation program and are not under a disciplinary order; and; (2) Participants who have been ordered into the Board's rehabilitation program ~~as a result of~~ resulting from violations of the Physical Therapy Practice Act related to drugs and/or alcohol addiction.

### *Self-Referrals*

When a licensee enrolls in the Board's rehabilitation program as a self-referral, the participation is confidential. However, if the rehabilitation program determines a self-referred participant ~~is determined to be~~ too great a risk to the public health, safety, and welfare to continue the practice of physical therapy, the rehabilitation program shall report the facts shall be reported by the rehabilitation program to the Executive Officer of the Board and shall provide all documents and information pertaining to and supporting that conclusion ~~shall be provided to the Executive Officer of the Board.~~ The Board may refer the matter may be referred for investigation and disciplinary action ~~by the Board.~~ Each physical therapist or physical therapist assistant who requests participation in a rehabilitation program shall agree to cooperate with the rehabilitation program designed for him or her. Any failure to comply with the rehabilitation program may result in termination of participation in the rehabilitation program.

### *Probationary Participants*

Probationary participants ~~are required to~~ shall comply with terms of probation or risk losing their license. Pursuant to ~~section 315 of the~~ Business and Professions Code section 315, the Board uses the Substance Abuse Coordination Committee's *Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 4, 2011)* (hereafter, "Uniform Standards"). A clinical diagnostic evaluation will be ordered as a term of probation and other Conditions Applying the Uniform Standards will also be included.

While self-referred licensees are not subject to terms and conditions in these Guidelines, they are subject to nearly identical contractual terms of participation and the violation of those terms could lead to termination of participation in the rehabilitation program.

## SUBSTANCE ABUSE REHABILITATION PROGRAM

### OVERVIEW OF PARTICIPANT REQUIREMENTS & AND COSTS (For either self-referrals or probation participants)

Licensees enrolled in the rehabilitation program are required to pay the entire cost of the rehabilitation program pursuant to Business and Professions Code ~~§~~section 2668. The rehabilitation program costs include the monthly administrative fee, monthly health support fees, and random drug and alcohol testing fees. ***All rehabilitation program fees are subject to change.***

**Substance Abuse Rehabilitation Program Timeframe:** Participation in the rehabilitation program shall run until completion of the substance abuse rehabilitation program. ~~is for a period of approximately 3-5 years.~~

**Monthly Administrative Fee:** The participant pays the monthly administrative fee directly to the rehabilitation program. ~~The monthly administrative fee \$288.~~ As of the publication date of the Guidelines, 6<sup>th</sup> Edition, the monthly administrative fee is \$358.00; however, the monthly fee may increase 3- to 5 % annually each July. Costs are dependent on the contracted costs.

**Random Biological Testing (RBT) &and Fee:** Currently As of the publication date of the Guidelines, 6<sup>th</sup> Edition, the average cost of each RBT is approximately \$60.00, plus the collection fee at the testing site, which can cost up to \$125.00 and possibly more if the applicant is required to test on a weekend. Additionally, In addition, there are charges for the medical review officer (hereafter "MRO") who reviews any positive drug test results, at the Board's request. Medical reviews are usually a direct result of problematic (i.e. positive) RBT results.

**Professional Support Group Meetings:** Support group meetings are a treatment modality of the rehabilitation program. These groups are attended exclusively by licensed professionals who are in their own recovery and involved in a rehabilitation program. The support group facilitators are licensed professionals who have extensive clinical experience in working with licensed professionals in recovery and in rehabilitation programs. Each participant is required to attend support group meetings two times per week during their first 18 months in the rehabilitation program. The frequency of support group meeting attendance can be reduced to one time per week after 18 months of successful participation in the rehabilitation program. This reduction is also based upon the on-going clinical evaluation of each participant.

**Professional Support Group Meeting Fees:** The participant pays the monthly support group meeting fees directly to the support group facilitator. Support groups all charge different fees and negotiate directly with the participant. Average As of the publication date of the Guidelines, 6<sup>th</sup> Edition, average costs range from \$200.00 to -\$500.00 monthly. Participants may be required to attend support groups once time or twiceo times weekly.

**12-Step Meetings:** All participants are required to attend community-based 12-step meetings. The frequency requirement for attending 12-step meetings range from daily

attendance to three times per week. The frequency requirement is established and modified by the Clinical Case Manager based upon the on-going clinical evaluation of each participant. Generally, there is not a cost associated with attending 12-step meetings. Contributions at the 12-step meetings are voluntary.

**Clinical Assessment:** All participants are required to undergo an initial clinical assessment and subsequent re-assessments by contracted Assessors. There is currently no cost to the ~~Physical Therapy~~ Board participants for the initial clinical assessment and the annual re-assessments. However, if the participant is required to have more than one clinical assessment per year, the participant is required to pay the cost for the additional clinical assessment. These additional assessments are usually a direct result of reoccurring problems in the rehabilitation program.

**Additional Costs to Third Parties:** Participants may be required to enter formal chemical dependency treatment (i.e. inpatient or outpatient facilities) at treatment programs approved by the rehabilitation program. Referrals to specific treatment programs are based upon the assessment of a participant's clinical need. The cost of any formal chemical dependency treatment program is the sole responsibility of each participant. The participants may also be required to undergo formal treatment for a mental health diagnosis. The cost of any formal treatment for mental health treatment program is the sole responsibility of each participant.

**Worksite Monitor:** Each participant is required to have a worksite monitor at ~~his or her~~ their place of employment. The rehabilitation program will provide the applicant with the required consent forms at the time of enrollment. The worksite monitor is required to report to the rehabilitation program on the status of the participant.

**Other Requirements:** The participant must submit monthly self-evaluation reports and call into the rehabilitation program on a routine, often daily, basis. The assigned Clinical Case Manager will determine the frequency of how often the participant needs to call in. Participants are required to receive prior approval from the Clinical Case Manager before scheduling and taking any vacations. The participant's Clinical Case Manager may determine other requirements.

### **INITIAL PRACTICE RESTRICTIONS**

Business and Professions Code section 315 requires the Board to use the Uniform Standards formulated by the Department of Consumer Affairs, Substance Abuse Coordination Committee entitled, "Uniform Standards Regarding Substance-Abusing Health Arts Licensee." Uniform Standard 2 requires that the Board order a licensee to cease practice pending the results of the clinical diagnostic evaluation and review by Board staff.

While awaiting the results of the evaluation participants are randomly drug tested at least two times per week. After reviewing the results of the clinical diagnostic evaluation, program and Board staff will determine if the participant is safe to return to practice. If the participant is determined safe to return to practice, program and Board staff will then authorize the number of hours permitted to practice. However,

no participant shall be authorized to return to practice until they have had at least 30 days of negative tests.

A complete copy of the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” may be found at: [http://www.ptbc.ca.gov/forms/sb\\_1441.pdf](http://www.ptbc.ca.gov/forms/sb_1441.pdf)

**Commented [YE4]:** This section was added since the August 24<sup>th</sup> review. Added to explain the requirement for the use of the Uniform Standards and that they will not be authorized to return to practice until they have had at least 30 days of negative tests.

## DENIAL OF LICENSURE ~~& AND~~ ISSUANCE OF AN INITIAL PROBATIONARY LICENSE

### Mandatory Denial of a License

In accordance with Business and Professions Code Section 2660.5 ~~of the B&P Code~~, the Board must deny licensure to any applicant who is required to be registered pursuant to Penal Code ~~Section~~ 290, unless the only basis for ~~the~~ registration is a misdemeanor conviction under Penal Code ~~Section~~ 314. There is no discretion allowed. If an applicant is a Penal Code section 290 registrant, ~~his or her~~ the application for licensure will be denied.

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### Permissive Denials of a License

The Board has the ~~right~~ authority to deny a license to any applicant for any of the following reasons:

Business and Professions Code section 480: ~~†The Physical Therapy Board~~ has the authority to deny licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. Reasons for denial of a license include, but are not limited to, the following:

- Conviction of a crime substantially related to the practice of physical therapy;
- Any act involving dishonesty, fraud, or deceit with the intent to substantially benefit ~~self~~ themselves or another, or to substantially injure another;
- Any act which is grounds for suspension or revocation of a license; and
- Making a false statement on the application.

~~In addition to Section 480, the Board has the authority to deny a license for any of the following reasons:~~

Business and Professions Code section 2635: ~~e~~Every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, not addicted to alcohol or any controlled substance, 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.

Business and Professions Code section 2660, subdivision (f)(1): Obtaining or possessing in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administering to himself or herself, or furnishing or administering to another, any controlled substances or any dangerous drug.

Business and Professions Code section 2660, subdivision (f)(2): Using any controlled substance or any dangerous drug.

Business and Professions Code section 2660, subdivision (w): Habitual intemperance.

Business and Professions Code section 2660.2, subdivision (a): The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual activity referred to in Section 2660.1.

Business and Professions Code section 2660.2: The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual misconduct as defined in ~~B&P Business and Professions Code, Section 2660.1 and California Code of Regulations, Title 16, California Code of Regulations, Section 1399.23.~~ The Board may, in its sole discretion, issue a public letter of reprimand 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.

### **Appeal Rights**

The applicant has the right to appeal the denial or the issuance of a license with terms and conditions. In either case, a Statement of Issues would be filed 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.

Any person whose application for a license has been denied by the Board may reapply to the Board for a license only after a period of one (1) year from the date of the denial.



## CITATION

The ~~Physical Therapy Board~~ may issue a citation pursuant to Business and Professions Code Section 125.9 of the Business and Professions Code, as an alternate means to address relatively minor violations not necessarily warranting discipline.

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 effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in California Code of Regulations, Title 16, 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 represents 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 which,~~ At the conclusion of the informal conference, the citation may be affirmed, modified or dismissed, 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.

## **PUBLIC REPROVALS &AND REPRIMANDS**

Business &and Professions Code Section 495 authorizes the Board to publicly reprove a physical therapist or physical therapist assistant for an act constituting grounds for suspension or revocation of a license. The Board may consider issuing a Public Reproval as part of a disciplinary order, if any of the following circumstances may be considered when the following circumstances exist:

1. The offense is an isolated incident;
2. Sufficient time elapsed since the offense without further violations indicating a recurrence is unlikely;
3. Respondent admitted to the offense;
4. Respondent indicated remorse;
5. No prior discipline for a similar violation exists; and
6. In the case of an offense related to substance abuse, active participation in a recovery program has been documented for at least one (1) year without a relapse.

In lieu of filing or prosecuting a formal accusation against a licensee, Business &and Professions Code Section 2660.3 authorizes the Board, upon stipulation or agreement by the licensee, to issue a public letter of reprimand after it has conducted an investigation or inspection. The public letter of reprimand may include a requirement for specified training or education, and cost recovery for investigative costs. The Board may use a public letter of reprimand only for minor violations (as defined by the Board) committed by the licensee. Examples of Mminor violations, include, ~~but are not limited to, the following:~~

1. First DUI with no underlying circumstances that would be considered egregious; (e.g. no bodily injury to any third party);
2. One (1) minor adverse action in another State;
3. Failure to maintain patient records, such as an isolated incident of a Minor documentation violations.

## 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 section 2660, subdivision (a) authorizes the ~~Physical Therapy Board of California~~ to cite violations of the Medical Practice Act. When the Board cites violations of the Medical Practice Act ~~are cited, the Board must also cite B&P Code section 2660, subdivision (a) must also be cited.~~

Violations of the B&P Code or the CCR may result in the issuance of a Citation, Public Reprimand, 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

### **B&P CODE § 123. SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM B&P CODE 123**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, **D, E, F, K, L, M, N, P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statutes: B&P Code §§ 584, 2660(i)(j), 2660.7*

### **B&P CODE § 136. CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136**

**Citation:**

Minimum Fine: \$100  
Maximum Fine: \$1,000

**Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

*Refer to related regulation: **16** CCR § 1398.6*

### **B&P CODE § 141. 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 the state, federal government, or country of discipline when determining disciplinary action.

Refer to related statute and/or regulation: B&P Code § 2660(o), 16 CCR § 1399.24(d)(4)

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**B&P CODE § 490. 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, M, J, N, PO, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

(Condition "PR" should be considered if the violation(s) relate(s) to psychiatric conditions. Conditions "T" thru "AA" through FF" should only be used if the violation relates to alcohol/substance abuse)

Refer to related statutes and/or regulations: B&P Code §§ 2236, 2660(e), (f)(1),(2),(3),(w) (a)<sup>1</sup>, 2661; 16 CCR § 1399.24(d)

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

In addition to the mandatory suspension pursuant to Family Code section 17520, requirements of B&P Code § 490.5.

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

<sup>1</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**B&P CODE § 498. OBTAINING LICENSURE BY FRAUD ~~B&P CODE 498~~**

**Discipline:**

Revocation or Denial of License

Refer to related statutes: B&P Code §§ 499, 581, 582, 583, ~~2235, 2660(c)~~(a)<sup>†</sup>

**B&P CODE § 499. FALSE STATEMENT OF MATERIAL FACT FOR APPLICATION  
~~B&P CODE 499~~**

**Discipline:**

Revocation or Denial of License

Refer to related statutes: B&P Code §§ 498, 581, 582, 583, ~~2235, 2660(c)~~(a)<sup>†</sup>

**B&P CODE § 580. SALE OR BARTER OF DEGREE, CERTIFICATE OR TRANSCRIPT  
~~B&P CODE 580~~**

**Discipline:**

Revocation or Denial of License

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

**Discipline:**

Revocation or Denial of License

Refer to related statutes: B&P Code §§ 498, 499, 582, 583, ~~2235, 2660(c)~~(a)<sup>†</sup>

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

**Discipline:**

Revocation or Denial of License

Refer to related statutes: B&P Code §§ 498, 499, 581, 583, ~~2235, 2660(c)~~(a)<sup>†</sup>

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**B&P CODE § 583. FALSE STATEMENTS IN APPLICATION DOCUMENTS OR WRITINGS ~~B&P CODE 583~~**

**Discipline:**

Revocation or Denial of License

Refer to related statutes: *B&P Code §§ 498, 499, 581, 582, ~~2235, 2660(c)~~(a)<sup>†</sup>*

**B&P CODE § 584. VIOLATION OF EXAMINATION SECURITY; IMPERSONATION ~~B&P CODE 584~~**

**Discipline:**

Revocation or Denial of License

Refer to related statutes: *B&P Code § ~~2288, 2660(a)~~, 2660.7*

**B&P CODE § 650. 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: NONE

Refer to related statutes: *B&P Code § 2660(t)*

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

**Citation:**

Minimum Fine: \$1,000  
Maximum Fine: \$5,000

**Discipline:**

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

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<sup>†</sup> *B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.*

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: E

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statutes and/or regulation: B&P Code §§ 2660(b),(q), H&S 17500, 16 CCR §1398.10

**B&P CODE § 654.2. BENEFICIAL INTEREST REFERRALS – REQUIRED DISCLOSURE STATEMENT B&P 654.2**

**Citation:**

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

**Discipline:**

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

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statutes: B&P Code § 2660(q)

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

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

Refer to related regulation: 16 CCR §1398.11

**B&P CODE § 725. 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, H, J, K, L, M, N, O, P.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statutes: B&P Code § ~~2234(b)~~, 2660(a)(h)*

**B&P CODE § 726. SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT**  
**~~B&P CODE 726~~**

Note: Pursuant to CCR §1399.15, any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

*Refer to related statutes and/or regulation: B&P Code §§ 2660(m)~~-(p)~~, 2660.1~~;~~ 16 CCR § 1399.15(b)*

**B&P CODE § 802. REPORTS OF MALPRACTICE SETTLEMENTS OR ARBITRATION AWARDS INVOLVING UNINSURED LICENSEES; PENALTIES FOR NON-COMPLIANCE**  
**~~B&P CODE 802~~**

**Citation:**

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

**Discipline:** Refer to related statutes and/or regulation violation triggering malpractice settlement.

**B&P CODE § 810. INSURANCE FRAUD - UNPROFESSIONAL CONDUCT**  
**~~B&P CODE 810~~**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, **J, K, L, M, N**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statutes: B&P Code § 2261, 2262, 2660(a)<sup>1</sup>, (g)(j)(r)(s)*

**B&P CODE § 901. REQUIREMENTS FOR LICENSE EXEMPTION B&P CODE 901**

**Citation:**

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

*Refer to related statutes and regulations: B&P Code, § 2630.5 (c)(d)(e)(f)(g); **16** CCR §§ 1399.99.2, 1399.99.3, 1399.99.4*

**B&P CODE §§ 2068, 2660(a)<sup>1</sup>. NUTRITIONAL ADVICE B&P CODE 2068, 2660(a)<sup>1</sup>**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

**GROSS NEGLIGENCE B&P CODE 2234(b), 2660(a)<sup>1</sup>**

*Refer to related statutes: ~~B&P Code 725, 2660(h)~~*

**REPEATED NEGLIGENT ACTS B&P CODE 2234(c), 2660(a)<sup>1</sup>**

*Refer to related statute: B&P Code 2660(h)*

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<sup>1</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**B&P CODE §§ 2234 (d), 2660(a). INCOMPETENCE ~~B&P CODE 2234(d), 2660(a)~~<sup>1</sup>**

*Refer to related statute: B&P Code § 2660(d)(h)*

**PROCURING LICENSE BY FRAUD ~~B&P CODE 2235, 2660(a)~~<sup>1</sup>**

**Discipline:**

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

*Refer to statute(s) for appropriate penalties: B&P Code 498, 499, 581, 582, 583, 2660(e)*

**CRIMINAL CONVICTION ~~B&P CODE 2236, 2660(a)~~<sup>1</sup>**

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

*Refer to related statutes and/or regulation: B&P Code 490, 2660(e)(f), 2661, CCR 1399.24(d)*

**B&P CODE §§ 2237, 2660(a). CONVICTION RELATED TO DRUGS ~~B&P CODE 2237, 2660(a)~~<sup>1</sup>**

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, **JM, N, O, PQ, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

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

**B&P CODE §§ 2238, 2660(a). VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(a)<sup>†</sup>**

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, **JM, N, OP, Q, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

The conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

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

**B&P CODE §§ 2239, 2660(a). SELF ABUSE OF DRUGS OR ALCOHOL B&P CODE 2239, 2660(a)<sup>†</sup>**

**Discipline:**

Minimum: Revocation, stayed, suspension until the ability to practice safely is determined, participation in the rehabilitation program, 5 years' probation or until satisfactory completion of the rehabilitation program, whichever is longer.  
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, J, **L, M, N, O, Q, P, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

The conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

*Refer to related statutes: B&P Code § 2660(f)(1)(2)(3), 2660(w)*

**MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(a)<sup>1</sup>**

*Refer to related statutes: ~~B&P Code 810, 2262, 2660(a)<sup>1</sup>, (e)~~*

**ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(a)<sup>1</sup>**

*Refer to related statutes: ~~B&P Code 810, 2261, 2660(a)<sup>1</sup>, 2660(e)~~*

**VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(a)<sup>1</sup>**

*Refer to related statute: ~~B&P Code 2660(u)~~*

**AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(a)<sup>1</sup>**

*Refer to related statutes and/or regulation: ~~B&P Code 2630, 2660(i), CCR 1399~~*

**FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(a)<sup>1</sup>**

*Refer to related statutes and/or regulation: ~~B&P Code 651, 2660(b), 17500, CCR 1398.10~~*

**EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(a)<sup>1</sup>**

*Refer to related statute: ~~B&P Code 2660(t)~~*

**B&P CODE §§ 2274, 2660(a). UNAUTHORIZED USE OF MEDICAL DESIGNATION  
B&P CODE 2274, 2660(a)<sup>1</sup>**

**Citation:**

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

<sup>1</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**Discipline:**

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

Conditions of Probation in Addition to Standard Conditions: NONE

**~~VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286, 2660(a)<sup>1</sup>~~**

**Citation:** \_\_\_\_\_

Minimum Fine: \_\_\_\_\_ \$100

Maximum Fine \_\_\_\_\_ \$5,000

**Discipline:**

Minimum: \_\_\_\_\_ Public Repeval  
Maximum: \_\_\_\_\_ Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

*Refer to related statute: ~~B&P Code 2601~~*

**~~IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2660(a)<sup>1</sup>~~**

**Discipline:** \_\_\_\_\_

Revocation or denial of license

*Refer to related statutes: ~~B&P Code 584, 2660.7~~*

**B&P CODE §§ 2289, 2660(a). IMPERSONATION- PRACTICE OF MEDICINE B&P CODE 2289, 2660(a)<sup>1</sup>**

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, G, J, K, L, M, N, O, P

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

(Term "F" to be used only when self-employed or owner)

*Refer to related statute: B&P Code § 2660(i)(j)*

**B&P CODE § 2608.5. 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

Refer to related statute and/or regulation: ~~B&P Code 2660 (u)~~, 16 CCR § 1399.24(c)

**B&P CODE § 2620.3. 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

Refer to related regulations: 16 CCR §§ 1399.77, 1399.78, 1399.79

**B&P CODE § 2620.5. 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: D

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute and/or regulation: B&P Code § 2660(d), 16 CCR § 1399.61

**B&P CODE § 2620.7. MAINTENANCE OF PATIENT RECORDS ~~B&P CODE 2620.7~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
 Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, **N, OP**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute and/or regulation: B&P Code § 2660(g); 16 CCR § 1398.13

**B&P CODE § 2622. PHYSICAL THERAPIST PATIENT CARE RESPONSIBILITY & AND USE OF ASSISTIVE PERSONNEL ~~B&P CODE 2622~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
 Maximum: Revocation

Refer to related statutes and/or regulations: B&P Code §§ 2630.3, 2630.4, 2633, 16 CCR §§ 1398.44, 1399

**B&P CODE § 2630. UNLICENSED PRACTICE 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, J, K, L, M, N, P

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statutes and/or regulation: B&P Code §§ ~~2264, 2633, 2660(a)~~<sup>†</sup> (i)(j)

**B&P CODE § 2630.3. PHYSICAL THERAPIST ASSISTANT LICENSE & SUPERVISION REQUIREMENTS B&P 2630.3**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, L, O, P

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statutes and/or regulation: B&P Code §§ ~~2264, 2660(a)~~<sup>†</sup> (j), 2622(a)(b), 2633.5, 16 CCR § 1398.44

**B&P CODE § 2630.4. PHYSICAL THERAPY AIDE SUPERVISION REQUIREMENTS B&P 2630.4**

**Citation:**

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

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, **B, K, L, M, N, OQ**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statutes and regulation: B&P Code §§ 2622(a)(c), 2660(j); **16 CCR § 1399.1398.44***

**B&P CODE § 2630.5. Persons Exempt from Licensure Requirements**

**Citation:**

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

*Refer to related statutes and regulations: B&P Code § 901; **16 CCR §§ 1399.99.2, 1399.99.3, 1399.99.4***

**B&P CODE § 2633. AUTHORIZED USE OF TITLE "P.T." AND "PHYSICAL THERAPIST" PERMITTED TITLES & AND OTHER DESIGNATIONS; DOCTORAL DEGREE 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, **B, N**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute: B&P Code § 2630

**B&P CODE § 2633.5. AUTHORIZED USE OF TITLE “PHYSICAL THERAPIST ASSISTANT” & PROHIBITIONS OF USING AFFIXES B&P-2633.5**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: **A, B, N**

“Probation Conditions Specific to Violation” should be considered individually since some, or all, may **not** apply.

Refer to related statute: B&P Code § 2630.3(b)

**B&P CODE § 2633.7. AUTHORIZED USE OF TITLE BY “PHYSICAL THERAPIST STUDENT” OR “PHYSICAL THERAPIST ASSISTANT STUDENT” B&P-2633.7**

**Citation:**

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

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related regulations: **16** CCR §§ 1398.37, 1398.52

**B&P CODE § 2636.5. REQUIREMENTS FOR OBTAINING LICENSURE WITHOUT A WRITTEN EXAMINATION AND APPLICANT STATUS FOR A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT B&P-CODE 2636.5**

**Citation:**

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

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related regulations: 16 CCR §§ 1399.10, 1399.12

**B&P CODE § 2639. PHYSICAL THERAPIST & AND PHYSICAL THERAPIST ASSISTANT GRADUATE-LICENSE APPLICANT STATUS REQUIREMENTS B&P CODE 2639**

**Citation:**

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

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related regulations: 16 CCR §§ 1399.10, 1399.12

**B&P CODE § 2639.1. EQUIVALENT TRAINING REQUIREMENTS – PHYSICAL THERAPIST ASSISTANT B&P 2639.1**

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

**B&P CODE § 2644. EXPIRATION AND RENEWAL OF LICENSE, DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE & AND CONTINUING COMPETENCY REQUIREMENTS – B&P CODE 2644**

**Citation:**

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

**Discipline:**

Minimum: Public Reprimand  
Maximum: Revocation

Refer to related statute and regulation: B&P Code § 2649; 16 CCR § 1399.24(d)

**B&P CODE § 2648.7. RETIRED STATUS B&P CODE 2648.7**

**Citation:**

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

**Discipline:**

Minimum: Public Reapproval  
Maximum: Revocation

*Note: Effective January 1, 2019, B&P Code § 2648.7 will become inoperative. After January 1, 2019, B&P Code § 464 will be used.*

**B&P CODE § 2649. DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT B&P CODE 2649**

**Citation:**

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

**Discipline:**

Minimum: Public Reapproval  
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

*Refer to related statute and regulations: B&P Code § 2644; 16 CCR §§ 1399.91, 1399.92, 1399.93, 1399.94, 1399.97, 1399.98, 1399.99*

**B&P CODE § 2653. REQUIREMENTS OF GRADUATES FROM FOREIGN SCHOOLS B&P CODE 2653**

**Citation:**

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

**Discipline:**

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

*Refer to related regulations: 16 CCR §§ 1398.26, 1398.26.5*

**B&P CODE § 2660(a). VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS ~~B&P-2660(a)~~**

**Citation:**

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

**Discipline:**

**A through EE.** See specific to statute violated.

Note: B&P Code § 2660(a) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act. **Therefore,** whenever the Board cites violations of the Medical Practice Act, the Board must also cite ~~are cited~~ B&P Code § 2660(a) must also be cited.

**B&P CODE § 2660(b). ADVERTISING IN VIOLATION OF B&P Code § 17500 ~~B&P CODE 2660(b)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

Refer to related statutes and/or regulation: B&P Code §§ 651, 2271, 17500, **16** CCR § 1398.10

**B&P CODE § 2660(c). PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION ~~B&P CODE 2660(c)~~**

**Discipline:** (Prior to Licensure)

Minimum: Issue Initial Probationary License  
Maximum: Deny Application

**Discipline:** (After Licensure)

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

Refer to related statutes: B&P Code §§ 498, 499, 581, 582, 583, ~~2235, 2660(a)~~

**B&P CODE § 2660(d). PRACTICING OR OFFERING TO PRACTICE BEYOND SCOPE OF PRACTICE OF PHYSICAL THERAPY ~~B&P CODE 2660(d)~~**

**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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, I, J, **K**, L, M, N, O, **P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statutes: B&P Code §§ 2234(d), 2660(h)*

**B&P CODE § 2660(e). CONVICTION OF A CRIME ~~B&P CODE 2660(e)~~**

Note: If the conviction relates to the use or abuse (i.e. possession, possession for sale, trafficking, etc.) of a controlled substance for DUI or related offenses, or if the conviction was attributed to the use of a controlled substance or alcohol (i.e. disorderly conduct) the conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

*Refer to related statutes and/or regulation: B&P Code §§ 490, ~~2236, 2237, 2238, 2239, 2660(a)<sup>+</sup>, (f), 2661~~; **16** CCR § 1399.24(c)(d)*

**B&P CODE § 2660(f). UNLAWFUL POSSESSION OR USE OF, OR CONVICTION OF A CRIMINAL OFFENSE INVOLVING A CONTROLLED SUBSTANCE ~~B&P CODE 2660(f)~~**

**Discipline:**

Minimum: Revocation, stayed, suspension until the ability to practice safely is determined, participation in the rehabilitation program, 5 years' probation or until satisfactory completion of the rehabilitation program, whichever is longer.  
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, J, K, L, M, N, O, V, W, X, Y, Z, AA, **BB, CC, DD, EE**

<sup>+</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

The conditions applying the "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" shall be imposed.

Refer to related statutes: B&P Code §§ 490, 2237, 2238, 2239, 2660(a)<sup>†</sup>

**B&P CODE § 2660(g). FAILURE TO MAINTAIN ADEQUATE & ACCURATE PATIENT RECORDS ~~B&P CODE 2660(g)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, N, P

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute and/or regulations: B&P Code § 2620.7, **16** CCR §§ 1398.13, 1398.44, 1399, 1399.10, 1399.12

**B&P CODE § 2660(h). GROSS NEGLIGENCE OR REPEATED ACTS OF NEGLIGENCE ~~B&P CODE 2660(h)~~**

**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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, **F**, I, J, K, L, M, N, **PE**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statutes: B&P Code § 725, 2234(b), 2660(a)<sup>†</sup>

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.



**B&P CODE § 2660(i). AIDING OR ABETTING UNLAWFUL PRACTICE ~~B&P CODE 2660 (j)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

**Conditions of Probation:**

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, F, J, K, L, M, N, O, P

*Refer to related statutes: B&P Code 2264, 2660(a)<sup>1</sup>*

**B&P CODE § 2660(j). FRAUDULENT, DISHONEST OR CORRUPT ACT ~~B&P CODE 2660(j)~~**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

1) All "Standard Probation Conditions"

2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, J, K, L, M, N, O, P

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statute: B&P Code § 810*

**B&P CODE § 2660(k). INFECTION CONTROL GUIDELINES ~~B&P CODE 2660(k)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, ~~E~~, I, **J, N**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

**B&P CODE § 2660(l). VERBAL ABUSE OR SEXUAL HARASSMENT--B&P CODE 2660(l)**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, **J, N, O, P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

**B&P CODE § 2660(m). SEXUAL MISCONDUCT OR VIOLATING B&P CODE § 726 B&P CODE 2660 (m)**

Note: Pursuant to CCR §1399.15, any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

*Refer to related statutes and/or regulation: B&P Code §§ 726, 2660.1; 16 CCR § 1399.15(b)*

**B&P CODE § 2660(n). PERMITTING PHYSICAL THERAPIST ASSISTANT AND/OR AIDE TO PERFORM, HOLD HIMSELF/HERSELF OUT AS COMPETENT TO PERFORM BEYOND LEVEL OF EDUCATION, TRAINING AND EXPERIENCE OF P.T.A. AND/OR AIDE ~~B&P CODE 2660 (n)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Refer to related statutes: B&P Code § 2264, 2660(a)-(j)

**B&P CODE § 2660(o). ADVERSE ACTION TAKEN BY ANOTHER STATE OR AGENCY OF THE FEDERAL GOVERNMENT ~~B&P CODE 2660 (o)~~**

**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 the state, federal government, or country of discipline when determining disciplinary action.

Refer to related statute and regulation: B&P Code § 141; 16 CCR § 1399.24(c)(d)

**B&P CODE § 2660(p). INAPPROPRIATE VIEWING OF DISROBED PATIENT IF UNNECESSARY TO PATIENT EVALUATION OR TREATMENT ~~B&P CODE 2660 (p)~~**

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

“Probation Conditions Specific to Violation” for consideration are: A, B, C, D, G, J, N, O, P

Note: This is a variation of inappropriate treatments. Consider conditions of 726.

Refer to related statutes: B&P Code §§ 726, 2660(m), 2660.1

Commented [YE11]: Not underlined. Existing comma from 5<sup>th</sup> Edition.

**B&P CODE § 2660(g). ENGAGING IN ACTS IN VIOLATION OF SECTION B&P Code §§ 650, 651, OR 654.2 B&P CODE 2660-(g)**

Refer to related statute and/or regulation: B&P Code §§ 650, 651, & 654.2

**B&P CODE § 2660(r). CHARGING FEES FOR SERVICES NOT PROVIDED B&P CODE 2660-(r)**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Refer to related statutes: B&P Code § ~~2261, 2262,~~ 2660(s)

**B&P CODE § 2660(s). MISREPRESENTING DOCUMENTATION AND/OR FALSIFYING OF PATIENT RECORDS B&P CODE 2660-(s)**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, **J, N, P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statutes: B&P Code § ~~2261, 2262,~~ 2660(a),(r)

**B&P CODE § 2660(t). EMPLOYMENT OF RUNNERS, CAPPERS, STEERERS, OR OTHER PERSONS B&P CODE 2660-(t)**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: **F, P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statute: B&P Code **§ 650, 2273, 2660(a)**<sup>†</sup>*

**B&P CODE § 2660(u). THE WILLFUL, UNAUTHORIZED VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2660 (u)**

**Citation:**

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

**Discipline:**

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: **OP** (course should include HIPPA requirements)

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statute: ~~B&P Code 2263, 2660(a)~~<sup>†</sup>*

**B&P CODE § 2660(v). FAILING TO MAINTAIN PATIENT CONFIDENTIALITY B&P CODE 2660 (v)**

**Citation:**

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

**Discipline:**

Minimum: Public Reprimand  
Maximum: Revocation

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

“Probation Conditions Specific to Violation” for consideration are: **ON, P** (course should include HIPPA requirements)

**B&P CODE § 2660(w). HABITUAL INTEMPERANCE ~~B&P CODE 2660 (w)~~**

The conditions applying the “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” shall be imposed.

*Refer to related statute: ~~B&P Code 2239, 2660(a)~~<sup>†</sup>*

**B&P CODE § 2660(x). FAILURE TO COMPLY WITH THE PROVISIONS OF SECTION  
B&P CODE § 2620.1 ~~B&P CODE 2660(x)~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

**B&P CODE § 2660.1. PRESUMPTION REGARDING INCAPABILITY TO CONSENT TO  
SEXUAL ACTIVITY ~~B&P CODE 2660.1~~**

Note: Pursuant to CCR §1399.15(b), any findings the licensee committed a sex offense or been convicted of a sex offense, the order shall revoke the license. The proposed decision shall not contain an order staying the revocation of the license.

*Refer to related statutes and/or regulation: B&P Code §§ 726, 2660(m), ~~2660(p)~~; **16**  
CCR § 1399.15(b)*

**B&P CODE § 2660.2. ISSUANCE OF PROBATIONARY ~~LICENSE APPLICANTS~~**

Commented [YE12]: Spelling

*Refer to related statutes and/or regulation: B&P Code § 2661*

**B&P CODE § 2660.4. FAILURE OR REFUSAL TO PROVIDE MEDICAL RECORDS  
B&P CODE 2660.4**

**Citation:**

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

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**Discipline:**

Maximum: Public Reproval

A licensee who fails or refuses to comply with a request from the Board for the medical records of 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 the Board a civil penalty of one thousand dollars (\$1,000.00) per day for each day that the records have not been produced after the 15<sup>th</sup> day, unless the licensee is unable to provide records within this time period for good cause.

*Refer to related regulations: 16 CCR §1399.24(b)(c)(e)*

**B&P CODE § 2660.5. DENIAL OF LICENSE IN SPECIFIED CIRCUMSTANCES - REGISTERED SEX OFFENDER (APPLICANT)**  
**B&P 2660.5**

**Discipline:** Denial of License

**B&P CODE § 2660.7. SUBVERSION OF EXAMINATION** ~~**B&P 2660.7**~~

*Refer to related statutes for appropriate penalties: B&P Code §§ 123, 584, ~~2288~~, 2660 (a)<sup>†</sup>, (i)(kj)*

**B&P CODE § 2661. CONVICTION OF CRIME** ~~**B&P CODE 2661**~~

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. A conviction demonstrates a lack of judgment and unwillingness to obey a legal prohibition, and also exhibits characteristics and actions that do not demonstrate that he or she exercises prudence and good judgment. Therefore, the conviction is substantially related to the qualifications, functions and duties as a licensee.

Note: B&P Code § 2661 should be cited in conjunction with a conviction violation since it defines the conviction being of substantial relationship to the qualifications, functions and duties, and should not stand alone as its own cause.

*Refer to related statutes and/or regulations: B&P Code §§ 490, ~~2236~~, 2660, 2660(e), 2660.2; 16 CCR §§ 1399.23, 1399.24(c)(d)*

**B&P CODE § 2691. PHYSICAL THERAPY CORPORATION** ~~**B&P CODE 2691**~~

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related ~~statute~~ regulations: 16 CCR §§ 1399.35, 1399.37, 1399.39. ~~B&P Code 2286~~  
Note: If a licensee violates this section it would be a criminal offense; therefore, also see B&P Code § 2236-2660(e)

**B&P CODE § 2692. UNPROFESSIONAL CONDUCT- CORPORATION**

**B&P CODE 2692**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

**B&P CODE § 2693. CORPORATION NAME**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

**B&P CODE § 2694. DIRECTORS AND OFFICERS**

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Public Reproval

Maximum: Revocation

**VIOLATION OF PROBATION**

**Discipline:**

Implementation of Original Stayed Order.

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



**B&P CODE §17500. FALSE ADVERTISING**

*Refer to statutes and regulations for appropriate penalties: B&P Code §§ 651, 2660(b)  
(g); 16 CCR § 1398.10*

## TITLE 16, CALIFORNIA CODE OF REGULATIONS

### **CCR § 1398.6. FILING OF ADDRESSES, EMAIL ADDRESSES & AND NAME CHANGE CCR-1398.6**

Refer to statutes for appropriate penalties: B&P Code §§ 136, 2660

### **CCR § 1398.10. ADVERTISING CCR-1398.10**

Refer to related statute(s) for appropriate penalties: B&P Code §§ 651, 2274, 2660(b)(a)<sup>†</sup>, H&S Code 17500

### **CCR § 1398.11. PHYSICAL THERAPY AIDE, APPLICANT, STUDENT AND INTERN IDENTIFICATION CCR-1398.11**

Refer to related statute(s) for appropriate penalties: B&P Code § 680

### **CCR § 1398.13. PATIENT RECORD DOCUMENTATION REQUIREMENT CCR-1398.13**

Commented [YE13]: Font change only.

Refer to related statute(s) for appropriate penalties: B&P Code § 2620.7

### **CCR § 1398.15. NOTICE TO CONSUMERS (FORM NTC 12-01) CCR-1398.15**

#### **Citation:**

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

#### **Discipline:**

Minimum: Public Reproval  
Maximum: Public Reproval

Refer to related statute: B&P Code § 2660

### **CCR § 1398.26. APPLICATIONS OF FOREIGN EDUCATED GRADUATES CCR 1398.26**

Refer to related statute(s) for appropriate penalties: B&P Code § 2653

### **CCR § 1398.26.5. CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR-1398.26.5**

Refer to related statute(s) for appropriate penalties: B&P Code § 2653

<sup>†</sup> B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

**CCR § 1398.37. IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED CCR-1398.37**

Refer to related statute(s) for appropriate penalties: B&P Code § 2633.7

**CCR § 1398.44. SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44**

Refer to statute(s) for appropriate penalties: B&P Code §§ 2660(a), 2622, 2630.3

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

Refer to related statute(s) for appropriate penalties: B&P Code § 2630.5, 2633.7

**CCR § 1399. REQUIREMENTS FOR USE OF AIDES CCR-1399**

Refer to related statute(s) for appropriate penalties: B&P Code § 2264, 2630, 2630.4, 2660(a)

**CCR § 1399.10. 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, **L, M, N, O, P**  
"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute(s) for appropriate penalties: B&P Code §§ 2636.5, 2639

**CCR § 1399.12. 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:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, **L, M, N, P**

"Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

*Refer to related statute(s): B&P Code §§ 2636.5, 2639*

**CCR § 1399.15(b). DISCIPLINARY GUIDELINES – SEX OFFENSE**

**Discipline:**

Revocation or Denial of License

*Refer to related statutes for appropriate penalties: B&P Code §§ 726, 2660(m), 2660.1*

**CCR § 1399.23. REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS**  
**CCR 1399.23**

**Discipline:**

Revocation or Denial of License

*Refer to related statute(s) and regulation for appropriate penalties: B&P Code §§ 480, 726, 2660.1, **2660.2**, 2660.5, ~~2608~~, **2660.2**, 2661, **16**, CCR § 1399.15(b)*

**CCR § 1399.24(a). PROHIBITING ANOTHER PARTY FROM COOPERATING WITH OR DISPUTING A COMPLAINT** ~~**CCR 1399.24(a)**~~

**Citation:**

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

**Discipline:**

Minimum: Public Reprimand  
Maximum: Revocation

Standard Conditions Only

**CCR § 1399.24(b). FAILURE TO PROVIDE CERTIFIED DOCUMENTS**  
**CCR 1399.24(b)**

*Refer to related statute for appropriate penalties: B&P Code § 2608.5*

**CCR § 1399.24(c). FAILURE TO COOPERATE IN BOARD INVESTIGATION** ~~1399.24(c)~~

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

**CCR § 1399.24(d). FAILURE TO REPORT TO BOARD CRIMINAL OR DISCIPLINARY INFORMATION** ~~CCR 1399.24(d)~~

*Refer to related statutes for appropriate penalties: B&P Code §§ 141, 490, 2660(e), ~~2661, 2660(e)~~*

**CCR § 1399.24(e). FAILURE TO COMPLY WITH SUBPOENA ORDER**  
**CCR 1399.24(e)**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Standard Conditions Only

*Refer to related statute: B&P Code § 2660*

**CCR § 1399.35. REQUIREMENTS FOR PROFESSIONAL CORPORATIONS**

*Refer to related statute for appropriate penalties: B&P Code §§ 2690, 2691, ~~2694~~*

Commented [YE14]: Added B&P

**CCR § 1399.37. SHARES: OWNERSHIP AND TRANSFER**

*Refer to related statute for appropriate penalties: B&P Code § 2696*

Commented [YE15]: Replaced 2691 with 2696

**CCR § 1399.39. CORPORATE ACTIVITIES**

Commented [YE16]: Spelling

Refer to related statute for appropriate penalties: B&P Code § ~~2691~~ **2696**

Commented [YE17]: Replaced 2691 with 2696

**CCR § 1399.61. CERTIFICATION REQUIRED - ELECTROMYOGRAPHY ~~CCR 1399.61~~**

Refer to related statute(s) for appropriate penalties: B&P Code § 2620.5

**CCR § 1399.77. ADMINISTRATION OF MEDICATIONS ~~CCR 1399.77~~**

Refer to related statute(s) **and regulations** for appropriate penalties ~~and related regulations~~: B&P Code § 2620.3, ~~16~~ CCR §§ 1399.78, 1399.79

**CCR § 1399.78. AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS ~~GCR 1399.78~~**

Refer to related statute(s) **and regulations** for appropriate penalties ~~and related regulations~~: B&P Code § 2620.3, ~~16~~ CCR §§ 1399.77, 1399.79

**CCR § 1399.79. AUTHORIZED TOPICAL MEDICATIONS ~~CCR 1399.79~~**

Refer to related statute(s) **and regulations** for appropriate penalties ~~and related regulations~~: B&P Code § 2620.3, ~~16~~ CCR §§ 1399.77, 1399.78

**CCR § 1399.91. CONTINUING COMPETENCY REQUIRED ~~CCR 1399.91~~**

Refer to related statute(s) for appropriate penalties: B&P Code §§ ~~2649, 2644, 2649~~

**CCR § 1399.92. CONTENT STANDARDS FOR CONTINUING COMPETENCY ~~GCR 1399.92~~**

Refer to related statute(s) for appropriate penalties: B&P Code §§ ~~2649, 2644, 2649~~

**CCR § 1399.93. CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS ~~CCR 1399.93~~**

Refer to related statute(s) for appropriate penalties: B&P Code §§ ~~2649, 2644, 2649~~

**CCR §1399.94. AUTHORIZED PATHWAYS FOR OBTAINING CONTINUING COMPETENCY HOURS ~~GCR 1399.94~~**

Refer to related statute(s) for appropriate penalties: B&P Code §§ ~~2649, 2644, 2649~~

**CCR § 1399.95. STANDARDS FOR APPROVED AGENCIES ~~CCR-1399.95~~**

**Citation:**

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

**Maximum:** Revocation of recognition as an approved agency

*Refer to related statute: B&P Code § 2649*

**CCR § 1399.96. STANDARDS FOR APPROVED PROVIDERS ~~CCR-1399.96~~**

**Citation:**

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

**Maximum:** Revocation of recognition as an approved provider

*Refer to related statute: B&P Code § 2649,*

**CCR § 1399.97. RECORD KEEPING (CONTINUING COMPETENCY)  
~~CCR-1399.97~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

*Refer to related statute(s) for appropriate penalties: B&P Code §§~~2649,~~ 2644, 2649*

**CCR § 1399.98. INACTIVE STATUS (CONTINUING COMPETENCY)  
~~CCR-1399.98~~**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

*Refer to related statute(s) for appropriate penalties: B&P Code §§ ~~2649,~~ 2644, 2649*

**CCR § 1399.99. EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS**  
**CCR 1399.99**

**Citation:**

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

**Discipline:**

Minimum: Public Reproval  
Maximum: Revocation

Refer to related statute(s) for appropriate penalties: B&P Code §§ 2649, 2644, 2649

**CCR § 1399.99.2. SPONSORING ENTITY REGISTRATION AND RECORDKEEPING**  
**REQUIREMENTS CCR 1399.99.2**

**Citation:**

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

Refer to related statute(s) for appropriate penalties: B&P Code § 901

**CCR § 1399.99.3. OUT-OF-STATE PRACTITIONER AUTHORIZATION TO**  
**PARTICIPATE IN SPONSORED EVENT CCR 1399.99.3**

**Citation:**

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

Refer to related statute(s) for appropriate penalties: B&P Code § 901

**CCR § 1399.99.4. TERMINATION OF AUTHORIZATION AND APPEAL (OUT-OF-**  
**STATE PRACTITIONER'S AUTHORIZATION) CCR 1399.99.4**

**Citation:**

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

Refer to related statute(s) for appropriate penalties: B&P Code § 901

**HEALTH AND SAFETY CODE**

**H&S CODE § 123110. PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S**  
**CODE 123110**

**Citation:**

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



**Discipline:**

Minimum: ~~Revocation, stayed, 5 days suspension, 3 years probation~~ Public  
Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

## PROBATION CONDITIONS

Probation conditions are divided into three categories: 1) Standard Conditions the Board expects in all probation cases; 2) Specific Conditions that depend on the nature and circumstances of the particular case; and 3) Conditions Specific to Alcohol and/or Controlled Substance.

### STANDARD PROBATION CONDITIONS

The standard conditions generally appearing in every probation case are as follows:

1. **License Revocation, Stayed**

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

2. **License Suspension**

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

3. **Cost Recovery**

Respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$ \_\_\_\_\_, within \_\_\_\_\_ days of the effective date of this Decision and Order. The Board or its designee may establish a payment plan for cost recovery; however, Respondent shall pay the full amount of cost recovery at least 180 days prior to completion of probation. If Respondent has not paid the full amount of cost recovery prior to completion of probation, probation shall remain in effect until cost recovery is paid in full.

Failure to pay the ordered reimbursement, or comply with any agreed upon payment plan established by the Board or its designee, constitutes a violation of the probation order and may result in revocation of Respondent's license. The Board shall not renew or reinstate the license of any respondent who has failed to pay costs as ordered in the Decision and Order. If Respondent is in default of his/her responsibility to reimburse the Board, the Board will collect cost recovery from through the Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of earned wages legally available to the Board.

*Note: Costs represent the actual investigative and prosecutorial costs.*

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

**Commented [YE18]:** Global change – replace "his" or "her" with "their"

**Commented [YE19]:** In reviewing the changes with staff, it was recommended to combine both options of the language.

Language as presented at 8/24/2017 Board Mtg.:

Respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$ \_\_\_\_\_, within \_\_\_\_\_ days of the effective date of this Decision and Order.

Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order and may result in revocation of Respondent's license. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from through the Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of earned wages legally available to the Board.

Or

Respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$ \_\_\_\_\_. The Board or its designee may establish a payment plan for cost recovery; however, Respondent shall pay the full amount of cost recovery at least 180 days prior to completion of probation, or until Respondent has completed payment of all money owed in cost recovery, whichever is longer.

Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order and may result in revocation of Respondent's license. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from through the Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of earned wages legally available to the Board.

The Board shall not renew or reinstate the license of any respondent who has failed to pay all the costs as ordered in a Decision.

*Note: Costs represent the actual investigative and prosecutorial costs.*

to any jurisdiction with authority over Respondent, ~~whether it is inside or outside of California.~~

Further, Respondent shall, within five (5) days ~~of~~ after any arrest, submit to the Board in writing a full and detailed account of such arrest to include the name and address of the arresting agency.

**5. Compliance with Orders of a Court**

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's Probation Monitor or its Designee**

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

**10. Notification of Probationer Status to Employers**

Respondent shall notify all present and future employers (~~during the period of probation~~) of the reason for and the terms and conditions of ~~the~~ probation.

Prior to engaging in the practice of physical therapy, Respondent shall provide a true copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order as appropriate to ~~his or her~~ their employer, supervisor, or contractor, or prospective employer or contractor, and at any other facility where Respondent engages in the practice of physical therapy before accepting or continuing employment.

Respondent shall provide the Board's pProbation ~~m~~Monitor the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors, or contractors, and shall inform the pProbation

~~Monitor~~ in writing of the facility or facilities at which Respondent will be engaging in the practice of physical therapy for purposes of allowing the Board's ~~Probation~~ ~~Monitor~~ to communicate with the employer, supervisor, or contractor regarding Respondent's work status, performance and monitoring.

~~Respondent shall provide this~~ ~~The information will be provided~~ in writing to the Board's ~~Probation~~ ~~Monitor~~ within ten (10) calendar days from the effective date of this Decision and Order, and within ten (10) calendar days prior to new employment, or change of new employer, supervisor or contractor, and will include written ~~employer~~ confirmation of receipt.

**11. Notification of Name, Address or E-mail Address Change**

Respondent shall notify the Board, in writing, of any and all name, address, and/or e-mail address changes within ten (10) days of the change.

**12. Restriction of Practice - Temporary Services Agencies**

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:

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 Board's Probation Monitor.

3) Respondent must disclose this disciplinary proceeding as described above in Condition # ~~[includes]~~ appropriate term # used for Notification of Probationer Status to Employers to the temporary services agency or registry.

4) Respondent must disclose this disciplinary proceeding, as described above in Condition # ~~[includes]~~ appropriate term # used for Notification of Probationer Status to Employers to the supervisor at the facility where physical therapy care is being performed.

5) Respondent must notify ~~his or her~~ the Board's Probation Monitor or Board's designee, in writing, of any change in registry or temporary services agency.

6) Respondent must have written approval by the Board's Probation Monitor prior to commencing work at a new registry or temporary services 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 the Decision and Order.

**14. Prohibited Use of Aliases**

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

**15. Intermittent Work**

If Respondent ~~works practices or performs~~ (as a paid employee or as a volunteer) less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three (3) consecutive months, those months shall not be counted toward satisfaction of the probationary period. Respondent is required to immediately notify the Board's ~~p~~Probation ~~m~~Monitor or his or her designee if ~~he or she~~ they ~~works practice or perform~~ less than 192 hours in a three-month period. A Board-ordered suspension of practice shall not be credited toward completion of probation. Respondent's period of non-practice while on probation shall not be credited toward completion of probation.

If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All financial obligations within this Decision and Order shall remain in effect whether or not Respondent is in non-practice.

Non-practice is defined as any period of time Respondent is not practicing physical therapy as defined in Business & Professions Code **section** 2620 for at least 192 hours in a period of three (3) consecutive months in direct patient care, clinical activity or teaching, or other activity as approved by the Board.

**16. Tolling of Probation**

The period of probation shall run only during the time Respondent is practicing or performing physical therapy within California as a paid employee or as a volunteer. Practicing in another jurisdiction shall not be credited toward completion of probation. A Board-ordered suspension of practice shall not be credited toward completion of probation. All financial obligations within this Decision and Order shall remain in effect whether or not probation is tolled.

If, during probation, Respondent ~~does not~~ ceases to practice or perform physical therapy within California, Respondent is required to immediately notify the Board's Probation Monitor in writing of the date Respondent ceases is practicing or performing physical therapy ~~out of state~~ within California, and report the date of expected return, if any. If Respondent begins practicing or performing physical therapy by Respondent in California prior to notification to the Board's Probation Monitor, or designee of Respondent's return, the time prior to notification will not be credited toward completion of Respondent's probationary period. ~~Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.~~

**17. Maintenance of Valid License**

While on probation, Respondent shall maintain an active, current license with the Board, including any period during which their license is suspended or probation is tolled.

**178. 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.

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

Following the effective date of the Decision and Order, 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, in writing, to surrender his or her their license to the Board. The Board reserves the right to evaluate 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 surrender by the Board, Respondent shall no longer practice physical therapy in California and shall within 15 calendar days deliver Respondent's wallet license and wall certificate to the Board or its designee. Respondent will no longer be subject to of the tendered license, the terms and conditions of probation, shall be tolled until such time as (1) the license is no longer renewable; (2) Respondent makes application for the renewal of the tendered license; or (3) If Respondent re-applies or makes application for a new license, the application shall be treated as a petition for reinstatement of a revoked license.

**Commented [YE20]:**

Language revised as of 8/24/2017 review.

Language as presented at 8/24/2017 Board Mtg.:

Respondent shall, at all times while on probation, maintain an active, current license with the Board, including any period during which the license is suspended or probation is tolled.

**1920. 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 this Decision and Order. Upon successful completion of probation, Respondent's license shall be fully restored.

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

Within ninety (90) days of the effective date of this Decision and Order, 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 not be suspended from the practice of physical therapy until a repeat the examination has been successfully passed and has been so notified by the Board, or its designee, in writing. Respondent shall pay the costs of all examinations. Passing of the examination shall not satisfy the Continuing Competency requirements pursuant to B&P Code ~~2676~~ § 2649 as a condition for renewal of license.

**242. Practice or Performance of Physical Therapy While on Probation**

The Board has determined that it is not contrary to the public interest for Respondent to practice and/or perform physical therapy under the probationary conditions specified in ~~the disciplinary this Decision and Order~~.

Accordingly, it is not the intent of the Board that this order, the fact that Respondent has been disciplined, or Respondent is on probation, shall be used as the sole basis for any third-party payer to remove Respondent from any list of approved providers.

This Decision and Order should not be used as the basis for any third-party payer to remove Respondent from any list of approved providers.

**223. 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 an ordered reimbursement within sixty (60) days of the billing shall constitute a violation of the probation order.

Respondent's license shall not be renewed or reinstated if Respondent has failed to pay all of the probation monitoring costs as ordered in this Decision and Order.

## PROBATION CONDITIONS SPECIFIC TO VIOLATION

The following conditions lettered A through S are specific to the violation, and should be used depending on the nature and circumstances of the particular case.

### A. Restriction of Practice - Presence of Supervising Physical Therapist

*Note: The purpose of this condition is to allow Respondent (physical therapist or physical therapist assistant) to practice with a level of supervision which ensures Respondent is in compliance with the Physical Therapy Practice Act as well as the probationary conditions. If Respondent works with another physical therapist that is eligible and available to function as Respondent's supervisor, the "Supervision Required" (Condition A) should be used in lieu of Condition B. Condition A is commonly used for, but not limited to: sexual misconduct, aiding and abetting, documentation cases, behavioral issues and where Respondent is not a sole proprietor. This condition should never be used in conjunction with "B" "Practice Monitor Required".*

The following probation condition shall **be operative** when Respondent works as a physical therapist in a practice where Respondent does not hold a vested interest (i.e. as an officer, partner or shareholder).

Choose level of supervision:

#### 1) Full Presence/Documentation Review

The level of supervision shall be direct and require 4) the physical presence of the supervising physical therapist while physical therapy is performed by Respondent; and may require, 2) **the supervisor to** review patient records and any pertinent documents necessary to determine Respondent's compliance with Respondent's this Decision and Order. Direct supervision and physical presence means, the supervising physical therapist shall be near or close enough to observe or hear the Respondent. While this may not require sharing the same treatment room with Respondent, it does require the supervising physical therapist to be within an audible range that would ensure the immediate presence of the supervising physical therapist.

#### 2) Limited Presence/Documentation Review

The level of supervision shall not require the physical presence of the supervising physical therapist at all times while physical therapy is performed by Respondent. However, **the supervising physical therapist shall physically observe Respondent** ~~shall be physically observed~~ at least once per shift, and may be required **to** review of patient records and any pertinent documents necessary to determine Respondent's compliance with Respondent's this Decision and Order, **at least once during Respondent's shift by the supervising physical therapist.**

#### 3) No Presence/Documentation Review As Determined

The level of supervision shall not require the physical presence of the supervising



physical therapist while physical therapy is performed by Respondent; however, it will require the supervisor to review the patient records and any pertinent documents necessary to determine Respondent's compliance with Respondent's this Decision and Order on a time base as agreed upon by the Board.

Within fifteen (15) business days of the effective date of this Decision and Order, Respondent shall submit to the Board in writing, for its prior approval, the name and qualifications of one or more proposed supervisor(s) and an outline of the plan by which Respondent's practice will be supervised. Respondent shall not practice until receiving written approval from the Board, or its designee regarding Respondent's choice of a supervisor.

Each proposed supervisor shall hold a valid California physical therapist license and shall have been licensed in California for at least five (5) years and never been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline; and therefore, in and of itself, is not a reason to deny approval of an individual as a supervisor. The supervisor shall not be an employee of Respondent, have a relationship which is familial, financial or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the supervisor to render impartial and unbiased reports to the Board. ~~The supervisor shall also not be a family member of Respondent.~~ If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

Upon approval of the supervisor and outline of supervision, the supervisor shall sign an agreement or contract that he or she they have reviewed the conditions of ~~the licensee's~~ Respondent's disciplinary order ~~and/or contract~~ and agrees to supervise ~~the licensee~~ Respondent as set forth by the Board. Respondent shall submit the signed agreement or contract to the Board's Probation Monitor, or its designee. The supervisor shall have full and random access to Respondent's patient records and may evaluate all aspects of Respondent's practice. The supervisor shall complete and submit a written report, on a basis determined by the Board, verifying supervision has taken place as approved by the Board. It shall be Respondent's responsibility to ensure the supervisor submits the reports to the Board ~~in a timely manner~~ within fourteen (14) days of signing the report.

The supervisor's report shall include:

- A. Respondent's name and license number
- B. Supervisor's name, license number and signature
- C. Worksite location(s)
- D. Evaluation of Respondent's compliance with ~~his or her~~ their probationary conditions and existing laws and regulations governing the practice of physical therapy
- E. Assessment of Respondent's progress in regards to the specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
- F. Summary of the supervisor's conclusions and opinions concerning the issues described above and the basis for ~~his or her~~ their conclusions and opinions.

The Supervisor shall keep any information used to write ~~his or her~~ their report (e.g.

record of patient records reviewed) and shall make it available at the Board's request. ~~in case Board requests said information.~~ This information does not need to be submitted to the Board unless the Board or its representative requests it or if the supervisor feels the information is pertinent to include in their report.

After ~~one (1)~~ [X] year(s) of full compliance with probation, the Board, or its designee, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or consider a modification of this term to the requirement to a lower level of supervision.

**B. Restriction of Practice— Practice Monitoring Required**

*Note: This probation condition shall only ~~be applied if~~ apply at such time when the Respondent holds a vested interest in the physical therapy practice (i.e. officer, partner, shareholder, sole proprietor). This condition does not require the physical presence of another licensed physical therapist; however, it does require arranged visits by a Practice Monitor approved by the Board for documentation review and compliance reporting only. This condition should be used in conjunction with Condition A to allow for flexibility of employment should Respondent close their business never be used with condition A.*

Commented [YE21]: Struck "only" and added "and compliance reporting" to allow for broader monitoring.

The following probation condition shall be operative when Respondent works as a physical therapist in a practice where Respondent holds a vested interest (i.e. as an officer, partner or shareholder).

Within fifteen (15) business days of the effective date of this Decision and Order, Respondent shall submit to the Board in writing, for its prior approval, the name and qualifications of one or more proposed licensed physical therapist(s) to serve as Practice Monitor(s). Each Practice Monitor shall be a California licensed physical therapist, ~~and~~ shall have been licensed for at least five (5) years, and have never been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself, is not a reason to deny approval of an individual as a Practice Monitor. The ~~Practice~~ ~~Monitor~~ shall not be an employee of ~~the~~ Respondent, have a relationship which is familial, financial, or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the Practice Monitor to render impartial and unbiased reports to the Board. ~~The Practice Monitor shall also not be a family member of Respondent.~~ If the Practice Monitor terminates or is otherwise no longer available, Respondent shall not practice until a new Practice Monitor has been approved by the Board. All costs associated with the Practice Monitor shall be paid by Respondent.

Respondent shall not practice until receiving written approval from the Board regarding Respondent's choice of a Practice Monitor.

Upon approval of the Practice Monitor by the Board, the Practice Monitor, in conference with the Board's ~~Probation~~ ~~Monitor~~, will establish the schedule upon which visits will be made to Respondent's place of employment to review Respondent's current practice and adherence to the conditions of probation. The

Practice Monitor shall have full and random access to all of Respondent's patient records at all times. The Practice Monitor shall evaluate all aspects of Respondent's practice.

The Practice Monitor shall report on Respondent's current practice and compliance with the conditions of Respondent's probation to the Board's ~~Probation~~ ~~Monitor~~ after each visit. Frequency of the visits by the Practice Monitor shall be determined by the Board. It shall be Respondent's responsibility to ensure the Practice Monitor submits the reports to the Board within fourteen (14) days of ~~the~~ each visit.

The Practice Monitor's report shall include:

1. Respondent's name and license number
2. Practice Monitor's name, license number and signature
3. Worksite location(s)
4. Evaluation of Respondent's compliance with ~~his or her~~ their probationary conditions and existing laws and regulations governing the practice of physical therapy
5. Assessment of Respondent's progress in regards to the correction of specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
6. Summary of the Practice Monitor's conclusions and opinions concerning the issues described above and the basis for ~~his or her~~ their conclusions and opinions

The Practice Monitor shall also maintain and submit with ~~his or her~~ their reports a log of the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred.

**C. Restriction of Practice – Prohibition of Home Care**

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

**D. Restriction of Practice – Prohibition of Solo Practice**

Respondent shall be prohibited from engaging in the solo practice of physical therapy. Solo practice means a physical therapy business or practice where only Respondent provides patient care.

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

*In cases where Respondent's ability to function independently is in doubt as a result of a deficiency in knowledge or skills, or as a result of questionable judgment, this condition should be included. ~~Solo practice means a physical therapy business or practice where only Respondent provides patient care.~~*

**E. 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.

**F. 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.

**G. 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 ten (10) days of the effective date of the Decision and Order, submit to the Board or its designee for its approval the name(s) of the person(s) who will act as the third-party present. 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 Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order as appropriate.

**H. Restriction of Practice - Prohibition ~~Not to~~ from Treating a Specific Patient Population**

Respondent shall not treat any \_\_\_\_\_.  
(name the specific patient population)

*[Note: Examples of specific patient population include: specific gender, children, direct access clients]*

**I. Restriction of Practice - Prohibition from Performing Specified Physical Therapy Procedures**

During probation, Respondent is prohibited from performing or supervising the performance of \_\_\_\_\_ (specific physical therapy procedure; on a specific patient population). ~~After Beginning on~~ After Beginning on the effective date of this Decision and Order, 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 ~~p~~Practice ~~m~~Monitor or the Board's ~~p~~Probation ~~m~~Monitor, and shall retain the log for the entire term of probation. Failure to maintain a log as defined in the ~~section~~

condition, or failure 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 beginning on the effective date of this Decision and Order, the first time a patient seeks the prohibited services, and each subsequent ~~time treatment~~, 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 ~~p~~Practice ~~m~~Monitor or the Board's ~~p~~Probation ~~m~~Monitor, or its designee, and shall retain the notification for the entire term of probation. Failure to maintain the notification as defined in the ~~section~~ condition, or failure 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 a physical therapist (holding a valid and current, unrestricted license), approved by the Board's ~~p~~Probation ~~m~~Monitor, the approved physical therapist can recommend to the Board in writing that this term of ~~the~~ probation ~~and be removed~~ without ~~the probationer~~ requiring Respondent to petitioning to modify the probation. The Board, or its designee, will make the decision and notify Respondent of its decision in writing. Until Respondent has been notified in writing by the Board that this term has been terminated, Respondent shall continue to practice under the provision of this term.

Respondent shall pay all costs associated with this condition ~~of the evaluation~~.

**J. Notification of Probation Status to Assistive Personnel**

Commented [YE22]: Moved from below.

If Respondent provides supervision to assistive personnel [physical therapist assistants, or physical therapy aides], Respondent shall notify all present and future assistive personnel under their supervision (during the entire period of probation) of the reason for and terms and conditions of this Decision and Order.

Respondent shall do so by providing a copy of the Initial Probationary License, Statement of Issues, or Accusation, and Decision and Order, as applicable, to all assistive personnel, and submit to the Board confirmation of assistive personnel acknowledgement of receipt, signed by the assistive personnel within ten (10) days of the effective date of this Decision and Order, and within ten (10) days of any newly acquired assistive personnel during the entire period of probation. The confirmation(s) provided to the Board shall include the name, address and telephone number of the assistive personnel

**JK. Restriction of Practice - No Supervision of Physical Therapist License Applicants or Physical Therapist Assistant License Applicants**

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

**KL. 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 and Order.

Optional Language: After [x] year(s) of full compliance with probation, the Board, or its designee, may remove the restriction or authorize limited supervision of physical therapist assistants as approved by the Board.

**Optional Condition**

Respondent shall not supervise any physical therapist assistants during the entire period of probation, and shall terminate any such supervision relationship in existence on the effective date of this Decision and Order, unless Respondent has first obtained written approval from the Board or its designee for each person they intend to supervise.

Prior to Board approval, Respondent shall require the physical therapist assistant they intend to supervise, to review the Statement of Issues, Accusation, and the Decision and Order, as applicable in this matter. Respondent shall provide to the Board or its designee in writing, the name, address and telephone number of the physical therapist assistant they intend to supervise.

**LM. 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 and Order.

Optional Language: After [x] year(s) of full compliance with probation, the Board, or its designee, may remove the restriction or authorize limited supervision of physical therapy aides as approved by the Board.

**Optional Condition**

Respondent shall not supervise any physical therapy aides during the entire period of probation and shall terminate any such supervision relationship in existence on the effective date of this Decision and Order, unless Respondent has first obtained written approval from the Board or its designee for each person they intend to supervise.

Prior to Board approval, Respondent shall require the physical therapy aide they intend to supervise, to review the Statement of Issues, Accusation, and the Decision and Order, as applicable in this matter. Respondent shall provide to the Board or its

designee in writing, the name, address and telephone number of the physical therapy aide they intend to supervise.

**MN. Notification to Patients**

Respondent shall notify each patient, in writing, ~~that his or her~~ their license is on probation and that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. supervising physical therapist 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 Respondent. A copy of such notification shall be maintained in the patient's record. Respondent shall offer ~~the~~ each patient a copy of the acknowledgement.

The notification shall include the following language unless the Board<sub>1</sub> or its designee<sub>2</sub> agrees, in writing, to a modification:

The Physical Therapy Board of California (PTBC) has placed [INSERT PHYSICAL THERAPIST/ASSISTANT] license no. [INSERT LICENSE #], issued to [INSERT LICENSEE NAME], on probation.

As a condition of probation, the above-named licensee must notify patients that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. practice monitor will be reviewing patient records or other specific requirement]. In addition, ~~Respondent~~ the above-named licensee 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~~ https://www.breeze.ca.gov.

*Note: If condition "B" Practice Monitor is used, condition "M" is necessary.*

**X. Notice to Consumer CCR 1398.15**

Although all licensees are required to provide a Notice to Consumer pursuant to California Code of Regulations, Title 16, section 1398.15, Respondent shall also provide Form NTC 12-01, August 2, 2012, to each patient or patient representative before beginning or continuing care. An acknowledgement, signed and dated by the patient, or patient representative, shall be retained in each patient's medical record demonstrating receipt.

**NO. Notification of Probationer Status to Employees**

If Respondent is an employer, Respondent shall notify all present ~~or~~ and future employees of the reason for and terms and conditions of the probation.

**Commented [YE23]:** 10/10/2017 EO suggests removal. Unnecessary.  
Note: Changes to letters of conditions O – EE reflect re-organization of letters without condition "Notice to Consumer CCR 1398.15. Should Board request to leave this condition, letters will be re-organized throughout document.

Respondent shall do so by providing a copy of the Initial Probationary License, Statement of Issues, or Accusation, and Decision and Order, as applicable, to each employee and submit ~~confirmation~~ acknowledgement of receipt, signed by the employee of employee receipt to the Board within ten (10) days of the effective date of this Decision and Order, and within ten (10) days of any newly acquired employee beginning work after the effective date. The confirmation(s) provided to the Board shall include the name, address, ~~and~~ phone number, and job title of ~~the~~ each employees.

**OP. Education Course(s)**

Within thirty (30) days of the effective date of this Decision and Order, Respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program (including date, title, and length of course(s) in the content of \_\_\_\_\_ (specify course subject) which shall not be less than eight (8) hours. Respondent shall supply documentation verifying satisfactory completion of coursework. Respondent shall be responsible for costs incurred of the course(s). Course hours shall not satisfy the Continuing Competency requirements pursuant to B&P Code ~~§ 2676~~ 2649 as a condition for renewal of license.

If Respondent fails to provide documentation verifying satisfactory completion of the coursework within 180 days of the effective date of this Decision and Order, Respondent shall be suspended from the practice of physical therapy until documentation verifying satisfactory completion of the coursework is provided.

**PQ. Psychiatric Evaluation**

Within thirty (30) calendar days of the effective date of this Decision and Order, 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 its designee, and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board, or its designee, indicating whether Respondent is mentally fit to practice physical therapy safely. Psychiatric evaluations conducted prior to the effective date of the Decision and Order shall not be accepted towards the fulfillment of this requirement. Respondent shall pay all cost of all psychiatric evaluations, psychological testing, and any required additional ~~follow-up~~ visits.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within fifteen (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~~ has been deemed to be mentally fit to



practice physical therapy safely. The period of time Respondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

**QR. Psychotherapy**

Within sixty (60) calendar days of the effective date of this Decision and Order, Respondent shall submit to the Board<sub>1</sub> or its designee<sub>2</sub> 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 (5) years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval by the Board, or its designee, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board<sub>1</sub> or its designee<sub>2</sub> deems that no further psychotherapy is necessary based on written notice from the psychiatrist or psychologist.

The psychotherapist shall consider any information provided by the Board<sub>1</sub> or its designee<sub>2</sub> and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board<sub>1</sub> 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<sub>1</sub> or its designee. The Board<sub>1</sub> or its designee<sub>2</sub> may require Respondent to undergo psychiatric evaluations by a Board-appointed<sub>1</sub> 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 Respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay all the costs associated with compliance of this term of all psychotherapy and psychiatric evaluations.

*Note:*

*This condition is for cases where the evidence demonstrates Respondent has had an 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.*

**RS. Medical Evaluation**

Within thirty (30) days of the effective date of this Decision and Order, and on a periodic basis thereafter, as may be required by the Board<sub>1</sub> 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<sub>1</sub> or its designee. Respondent shall pay the all costs of the associated with the medical evaluation and continued treatments.

If, following the medical evaluation, Respondent is required by the Board<sub>1</sub> or its designee<sub>2</sub> to undergo medical treatment, Respondent shall within thirty (30) days of written notification of the requirement submit to the Board<sub>1</sub> or its designee<sub>2</sub> for its prior approval the name and qualifications of a physician and surgeon of Respondent's

choice. Upon Board approval of the treating physician and surgeon, Respondent shall undergo and continue medical treatment until further notice from the Board<sub>1</sub> or its designee. Respondent shall have the treating physician and surgeon submit quarterly status reports to the Board<sub>1</sub> or its designee<sub>1</sub> indicating whether 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<sub>1</sub> or its designee<sub>1</sub> of its determination that Respondent is medically fit to practice safely.

**ST. Medical Treatment**

Within fifteen (15) days of the effective date of this Decision and Order, Respondent shall submit to the Board<sub>1</sub> or its designee<sub>1</sub> 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<sub>1</sub> or its designee<sub>1</sub> deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the Board<sub>1</sub> or its designee<sub>1</sub> indicating whether Respondent is capable of practicing physical therapy safely. The Board<sub>1</sub> or its designee<sub>1</sub> may require Respondent to undergo periodic medical evaluations by a Board appointed physician. Respondent shall pay ~~the~~ all **costs associated with** ~~of~~ the medical treatment(s).

**U. Relinquish Wallet License and Wall Certificate**

Respondent shall relinquish and shall forward or deliver their wallet license to practice and the wall certificate to the Board within ten (10) days of the effective date of the Decision and Order.

*Note: This term used on surrender and revocation cases only.*

**CONDITIONS APPLYING THE UNIFORM STANDARDS  
SPECIFIC TO ALCOHOL  
AND CONTROLLED SUBSTANCES**

The following conditions, lettered **TV through AAEE**, must be used in cases where alcohol or a controlled substance was involved in the violation.

**V. Cease Practice**

From the effective date of this Decision and Order, Respondent shall cease practice until the Board or its designee determines that Respondent is safe to return to practice.

**W. Substance Abuse Rehabilitation Program**

Within fifteen (15) calendar days from the effective date of this Decision and Order, Respondent shall enroll and participate in the Board's rehabilitation program at Respondent's cost until the rehabilitation program determines that Respondent's participation is no longer necessary. Respondent shall comply with all components of the rehabilitation program. Respondent shall sign a release authorizing the rehabilitation program to report all aspects of participation of the rehabilitation program as requested by the Board, or its designee.

If Respondent fails to comply with the requirements of the rehabilitation program, terminates the program without permission, or is expelled for cause, it shall constitute a violation of probation, and Respondent shall be immediately suspended from the practice of physical therapy.

**TX. Clinical Diagnostic Evaluation (CDE)**

Within thirty (30) days of the effective date of the Decision and Order, Respondent shall undergo a CDE from a licensed practitioner who holds a valid, unrestricted license to conduct CDE's, has at least three (3) years of experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The Board may request Respondent to undergo a CDE at any time during the period of probation. The ~~evaluations~~ CDE shall be conducted in accordance with accepted professional standards for conducting substance abuse CDE's.

Respondent shall undergo a CDE to determine whether the Respondent has a substance abuse problem and whether ~~the~~ Respondent is a threat to ~~himself/himselfselves or herself~~ or others. The evaluator shall make recommendations for substance abuse treatment, practice restrictions, or other recommendations related to ~~the~~ Respondent's rehabilitation and ability to safe practice safely.

Respondent shall not be evaluated by an evaluator that has had a financial, personal, familial, or business relationship with ~~the~~ Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

During the evaluation, if ~~Respondent~~ it is determined that ~~Respondent is to be~~ a threat to ~~himself/himselfs~~ or herself or others, the evaluator shall notify the Board within 24 hours of such a determination.

For all evaluations, ~~the evaluator shall provide~~ a final written report ~~shall be provided~~ to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed thirty (30) days.

~~Respondent may return to either full-time or part-time work if the Board determines he or she is fit to do so based upon consideration of the CDE report and the following criteria:~~

**Y. Determination on Return to Practice**

The Board shall use the following criteria in determining whether or not Respondent is safe to return to full-time or part-time work, what practice restrictions shall be imposed on Respondent, and whether Respondent shall be required to participate in inpatient, outpatient, or any other type of treatment:

- Findings and recommendation(s) of CDE report;
- Respondent's License type;
- Licensee's Respondent's history;
- Documented length of sobriety/time that has elapsed since last substance use;
- Scope and pattern of substance abuse;
- Treatment history;
- Medical history and current medical condition;
- Nature, duration, and severity of substance abuse; and,
- Whether the licensee Respondent is a threat to ~~himself/himselfs~~ or herself or others.

While awaiting the Board's determination, Respondent shall be randomly drug tested at least two (2) times per week as part of the rehabilitation program.

~~The Board shall determine whether or not the Respondent is safe to return to full-time or part-time work, and what restrictions shall be imposed on the Respondent. However, Respondent shall not return to practice until he or she has thirty days of negative drug tests.~~

~~If the Respondent is required to participate in inpatient, outpatient, or any other type of treatment, the Board shall take into consideration the recommendation of the CDE, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.~~

**In the event that** interpretation or clarification of any of the Conditions Applying the Uniform Standards is necessary, the Uniform Standards shall be controlling.

**U. Substance Abuse Rehabilitation Program**

~~Within fifteen (15) calendar days from the effective date of this Decision and Order, Respondent shall enroll and participate in the Board's rehabilitation program at Respondent's cost until the rehabilitation program determines that participation in the rehabilitation program is no longer necessary.~~

~~Respondent shall comply with all components of the rehabilitation program. Respondent shall sign a release authorizing the rehabilitation program to report all aspects of participation of the rehabilitation program as requested by the Board or its designee.~~

~~Failure to comply with requirements of the rehabilitation 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.~~

~~[Optional language: This condition may be waived by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]~~

**VZ. Abstain from Use of Controlled Substances and Dangerous Drugs**

Respondent shall abstain completely from personal use, possession, injection, consumption by any route, including inhalation, of all 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. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the ~~recovery~~ substance abuse rehabilitation program in writing of the following: prescriber's name, address, and telephone number; medication name and strength; ~~and~~ issuing pharmacy name, address, and telephone number. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted to the Board's Probation Monitor, or its designee. Respondent shall provide the Board's ~~Probation Monitor,~~ or its designee, with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board's approval a single coordinating physician and surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, and controlled substances. Once a Board-approved physician and surgeon has been identified, Respondent shall provide a copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order, as appropriate, to the coordinating physician and surgeon. The coordinating physician and surgeon shall report to the Board or its designee on a quarterly basis Respondent's compliance with this condition.

The Board may require that only a physician and surgeon who is a specialist in addictive medicine be approved as the coordinating physician and surgeon.

If Respondent has a positive drug screen for any substance not legally authorized, Respondent shall be contacted and instructed to leave work and ordered by the Board to cease any practice and may not practice unless and until notified by the Board. The Board will notify Respondent's employer, if any, and worksite monitor, if any, that Respondent may not practice. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

[Optional language: This condition may be waived or modified by the ~~h~~Board's Probation Monitor or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

**WAA. Abstain from the Use of Alcohol**

Respondent shall abstain completely from the use of alcoholic beverages.

[Optional language: This condition may be waived by the ~~h~~Board upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

**XBB. Biological Testing**

Respondent shall immediately submit to ~~and pay for~~ any random and directed biological fluid or hair sample, breath alcohol, or any other mode of testing required by the Board, or its designee. All examination(s) and laboratory testing costs associated with this condition shall be paid by Respondent.

Respondent shall be subject to a minimum range of fifty-two (52); ~~but not to exceed, to one-hundred and four (104)~~ random tests per year within the first year of probation, and a minimum range of thirty-six (36) ~~to one-hundred and four (104)~~ random tests per year thereafter, for the duration of the probationary term. However, in cases where there is evidence that ~~the~~ Respondent has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the Board, the Board may ~~give consideration to that testing in~~ altering the testing frequency schedule so that it is equivalent to this standard.

Respondent shall make daily contact as directed by the Board to determine if ~~he or she~~ they must submit to drug testing. To ensure test results are sent immediately to the Board, Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that ~~he or she~~ they isare notified that a test is required. ~~This shall ensure that the test results are sent immediately to the Board.~~ Failure to comply If Respondent fails to comply within the time specified, it shall be considered an admission of a positive drug screen and constitute a violation of probation. If the a urine test results in a determination that the urine was too diluted for testing, the result shall be considered an admission by Respondent of a positive urine screen and constitutes a violation of probation. If a positive result is obtained, the Board may

~~order suspend Respondent to cease all practice, and require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by Respondent. A positive diluted result is one which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board.~~ If Respondent tests positive for a banned substance, Respondent shall be contacted and instructed to leave work and ordered to cease all practice. Respondent shall not resume practice until notified by the Board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

[Optional language: This condition may be waived or modified by the ~~Board's~~ Board's Probation Monitor or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

The "Exceptions to Testing Frequency Schedule" identified in Uniform Standard #4 apply.

#### **YCC. Major Violations**

~~This provision applies if Respondent commits a violation of the rehabilitation program or any other condition applying the uniform standards specific to controlled substance(s).~~

If Respondent commits a major violation, Respondent shall immediately upon notification by the Board, cease practice until notified otherwise in writing by the Board.

Major ~~v~~violations include, but are not limited to, the following:

1. Failure to complete a Board-ordered program;
2. Failure to undergo a required CDE;
3. Committing multiple minor violations of probation conditions;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or other state or federal law;
6. Failure to obtain ordered biological testing for substance abuse;
7. Testing positive for a banned substance; ~~and~~
8. Knowingly using, making, altering, or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

This provision applies if Respondent commits a violation of the rehabilitation program or any other condition applying the uniform standards specific to controlled substance(s).

### **ZDD. Facilitated Group Support Meetings**

Within fifteen (15) days from the effective date of ~~the~~ Decision and Order, Respondent shall submit to the Board<sub>1</sub> or its designee<sub>1</sub> for prior approval the name of one or more group support meeting facilitator(s). Respondent shall participate in facilitated group support meetings within fifteen (15) days after a notification of the Board's<sub>1</sub> or its designee's<sub>1</sub> approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board<sub>1</sub> or its designee<sub>1</sub> shall give consideration to the following:

- ~~The licensee's~~ Respondent's history
- The documented length of sobriety/time that has elapsed since substance abuse
- The recommendation of the clinical evaluator
- The scope and pattern of substance abuse
- ~~The licensee~~Respondent's treatment history;
- The nature, duration, and severity of substance abuse

~~Respondent shall submit~~ Verified documentation of attendance ~~shall be submitted by Respondent~~ with each quarterly report to the Board's Probation Monitor. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

~~If a facilitated group support meeting is ordered,~~ The group support facilitator shall meet the following qualifications and requirements:

1. ~~The group meeting facilitator shall have a~~ A minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or ~~of~~ other nationally certified organizations.
2. ~~The group meeting facilitator s~~ Shall not have had a financial relationship, personal relationship, or business relationship with ~~the licensee~~ Respondent in the last five (5) years.
3. ~~The group facilitator s~~ Shall provide to the Board<sub>1</sub> or its designee<sub>1</sub> a signed document showing ~~the licensee~~ Respondent's name, the group name, the date and location of the meeting, ~~the licensee~~ Respondent's attendance, and ~~the licensee's~~ Respondent's level of participation and progress.
4. ~~The group meeting facilitator s~~ Shall report any unexcused absence(s) to the Board<sub>1</sub> or its designee<sub>1</sub> within twenty-four (24) hours.

[Optional language: This condition may be waived or modified by the Board's Probation Monitor, or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

### **AAEE. Worksite Monitor**

Respondent shall have a worksite monitor as required by this term. The worksite monitor shall not have any current or former financial, personal, or familial relationship with ~~the licensee~~ Respondent, or other relationship that could reasonably be expected



to compromise the ability of the worksite monitor to render impartial and unbiased reports to the Board. If it is impractical for anyone but ~~the licensee~~Respondent's employer to serve as the worksite monitor, this requirement may be waived by the Board. However, under no circumstances shall ~~a licensee~~Respondent's worksite monitor be an employee of ~~the licensee~~Respondent.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that ~~he or she~~they have reviewed the terms and conditions of ~~the licensee's~~Respondent's disciplinary order and agrees to monitor ~~the licensee~~Respondent as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring ~~the licensee~~Respondent:

1. ~~a) At least once per week, or more frequently if required by the Board, I have~~ face-to-face contact with ~~the licensee~~Respondent ~~at least once per week~~ in the work environment ~~or more frequently if required by the Board.~~
2. ~~b) Interview other staff in the office regarding the licensee's~~ Respondent's behavior, if applicable.
3. ~~c) Review the licensee~~Respondent's work attendance.

The worksite monitor shall report to the Board as follows:

- Any suspected substance abuse must be verbally reported to the Board and ~~the licensee~~Respondent's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours, the verbal report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.
- ~~The worksite monitor shall complete and submit~~ a written report monthly or as directed by the Board. The report shall include: ~~the licensee~~Respondent's name; license number; worksite monitor's name and signature; ~~worksite monitor's~~ license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; and any indicators leading to suspected substance abuse.

~~The licensee~~ Respondent shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor regarding Respondent.

~~If Respondent tests positive for a banned substance, the Board will immediately notify Respondent's employer that the Respondent's license has been ordered to cease practice.~~

[Optional language: This condition may be waived or modified by the Board's Probation Monitor, or its designee, ~~board~~ upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

## **RECOMMENDED LANGUAGE FOR ISSUANCE AND PLACEMENT OF A LICENSE ON PROBATION AND REINSTATEMENT OF LICENSE**

### **Probation without Uniform Standards**

IT IS HEREBY ORDERED that [Physical Therapist or Physical Therapist Assistant] License No. [#] issued to Respondent [name] is REVOKED. However, the order of revocation is STAYED and Respondent is placed on probation for [#] years, or until Respondent has completed payment on all money owed in cost recovery, whichever is longer, on the following terms and conditions:

### **Probation with conditions including the Uniform Standards**

IT IS HEREBY ORDERED that [Physical Therapist or Physical Therapist Assistant] License No. [#] issued to Respondent [name] is REVOKED. However, the order of revocation is STAYED and Respondent is placed on probation for [#] years or completion of the substance abuse rehabilitation program plus one (1) year, and all money owed in cost recovery is paid, whichever is longer, on the following terms and conditions.

### **Surrender of License**

IT IS HEREBY ORDERED that [Physical Therapist or Physical Therapist Assistant] License No. [#] issued to Respondent [name] is surrendered and accepted by the Physical Therapy Board of California.

1. Respondent shall lose all rights and privileges as a [physical therapist or physical therapist assistant] in California as of the effective date of this Decision and Order.
2. On or before the effective date of this Decision and Order, Respondent shall cause to be delivered their wallet license and wall certificate to the Board.
3. If Respondent ever files an application for licensure in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in the Accusation No. [xx] shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
4. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. [XX] shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
5. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$[XX] prior to petitioning for reinstatement of their physical therapist/assistant license.
6. The surrender of Respondent's physical therapist/assistant license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Physical Therapy Board of California.

### **Petition for Termination of Probation GRANTED**

The Petition for Early Termination of Probation filed by Petitioner [NAME] is GRANTED. The probation of [Physical Therapist or Physical Therapist Assistant] License No. PT/PTA, issued to [Respondent's Name], is hereby terminated.

### **Petition for Termination of Probation DENIED**

The Petition for Early Termination of Probation filed by Petitioner [NAME] is DENIED.

Or with conditions:

The Petition for Early Termination of Probation filed by Petitioner [NAME] is DENIED; however, Petitioner's probation is modified and probation shall end upon completion of the following conditions:

1. The Board is notified that Petitioner has completed the Drug and Alcohol Recovery Program (Maximus); and
  2. Sixty (60) days have elapsed after the Board's receipt of such notice.
- (note: 1 & 2 are sample language)

### **Petition for Reinstatement of License GRANTED**

The Petition for Reinstatement filed by Petitioner [NAME] is GRANTED. Petitioner's Physical Therapist/Assistant license is reinstated; however, the order of reinstatement is immediately stayed and the reinstated license is placed on probation for a period of [xx] (x) years under the following terms and conditions:

### **Petition for Reinstatement of License DENIED**

The Petition for Reinstatement filed by Petitioner [NAME] is DENIED.

### **Applicant Placed on Probation Based on an Initial Probationary License**

"IT IS HEREBY ORDERED that the application for licensure as a [physical therapist or physical therapist assistant] of respondent [name] for an unrestricted license is hereby denied. However, an initial probationary license shall remain issued to Respondent, subject to the following terms and conditions:

### **Applicant Placed on Probation Based on a Denial of Licensure**

"IT IS HEREBY ORDERED that the application for licensure as a [physical therapist or physical therapist assistant] of respondent [name] for an unrestricted license is hereby GRANTED upon successful completion of all licensing requirements. A license shall be issued, provided that all licensing requirements are completed within [timeframe] of the effective date of this Decision and Order. Upon issuance, however, said license shall immediately be REVOKED. However, the order of revocation shall be STAYED, and the

license is placed on probation for [#] years subject to the following terms and conditions:” If a license is not issued within one year of the effective date of this Decision and Order, the application is ordered denied, and a new application for licensure will be required.

## GLOSSARY OF TERMS

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

**Business and Professions Code (B&P Code)** - The statutes in law governing the businesses and professions. The Physical Therapy Practice Act begins with section 2600 of the Business and Professions Code. There are some other sections of the B&P Code 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.ptbc.ca.gov](http://www.ptbc.ca.gov).

**California Code of Regulations (CCR)** - Regulations define and clarify the intent of the statutes (laws). 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.ptbc.ca.gov](http://www.ptbc.ca.gov).

**Citation** - A means of addressing relatively minor violations, which do 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 resulting in a default decision.

**Diversion** - The Board does not divert licensees from discipline.

**Health and Safety Code (H&S Code)** - Statutes of law pertaining to the health and safety of the citizens of California. Certain sections of the law contained in this document pertain to the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

**Initial Probationary License (IPL)** - 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. An IPL is not considered disciplinary action and is removed from the record upon completion of probation. The IPL is posted on the Board's website only during the period of probation.

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

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

**Practice Monitor (Probation Condition Term B)** - The practice monitor is a licensed physical therapist ~~that~~who serves as a subject matter expert to review the probationer's current practice and to evaluate all aspects of the probationer's practice. The practice monitor is approved by the Board and reports to the Board's ~~p~~Probation ~~m~~Monitor. The practice monitor is used in lieu of a supervising physical therapist when probationer holds a vested interest in the physical therapy practice.

**Probation Monitor** - The Probation Monitor is an employee of the Physical Therapy Board that monitors a probationers to ensure compliance with the terms and conditions of ~~their~~Respondent's 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** – In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand. If the licensee does not agree to the issuance of the letter, the ~~b~~Board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

**Public Reapproval** – A formal public reapproval, pursuant to B&P Code, section 495, may be issued for an act constituting grounds for suspension or revocation of a license. This requires filing of a formal accusation. A public reapproval is considered disciplinary action.

**Rehabilitation** – A part of a disciplinary action taken in cases of substance abuse.

**Revoked** - ~~The right to practice is ended. The license is revoked as a result of disciplinary action rendered by the Board, and the licensee is prohibited from engaging in the practice, or assisting in the provision, of physical therapy.~~

**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 due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

**Supervising Physical Therapist - (Probation Condition Term A)** - The supervising physical therapist ensures the probationer adheres to the Physical Therapy Practice Act as well as the probationary conditions and practices in the same facility as the probationer. The supervisor has full and random access to probationer's patient records and evaluates all aspects of probationer's practice. The supervising physical therapist ~~is~~must be approved by the Board's ~~and reports to the Board's~~ ~~p~~Probation ~~m~~Monitor, or designee. The role of the supervising physical therapist may vary depending on the level of supervision set forth in the Decision and Order.

**Surrender of License** - The licensee ~~turns in~~ surrenders their license to the Board, subject to acceptance of the surrendered license by the Board, and the licensee is prohibited from engaging in the practice, or assisting in the provision, of physical therapy, ~~subject to acceptance by the Board. The right to practice is ended.~~

**Suspension** - The licensee is prohibited from ~~practicing~~ engaging in the practice, or assisting in the provision, of physical therapy for a specific period of time.

**Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (Uniform Standards)** - Addresses penalties established for licensees dealing with substance abuse violations per Senate Bill 1441 (Ridley-Thomas, Ch. 548, Stats. 2008), developed by the Substance Abuse Coordination Committee, within the Department of Consumer Affairs.

**Worksite Monitor (Probation Condition Term Z)** - The worksite monitor is a person, usually a physical therapist, who observes for signs of substance abuse through face to face contact, interviews and attendance monitoring. The ~~W~~worksite ~~M~~monitor ~~is~~ must be approved by the Board's Probation Monitor, or designee, ~~rehabilitation program~~ and reports to the Board's rehabilitation program on the status of the probationer.



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Commented [YE25]: Index has not been revised completely. Final revisions will be completed once Guidelines have been approved with final text, codes, etc...

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Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### Briefing Paper

Date: November 1, 2017  
Prepared for: PTBC Members  
Prepared by: Administrative Services  
Subject: 2018 Rulemaking Calendar

### Agenda Item 12

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#### **Purpose:**

To introduce the proposed 2018 Rulemaking Calendar.

**Attachments:** 1. [Proposed 2018 Rulemaking Calendar](#)

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#### **Background:**

Government Code (GC) § 11017.6 requires all agencies annually submit a calendar of anticipated regulatory changes and the timeframe in which they expect to submit those changes. This allows OAL to prepare for anticipated workload in the coming year. Therefore at each November meeting, the Board adopts a proposed Rulemaking Calendar. The Rulemaking Calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2018 Rulemaking Calendar.

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#### **Action Requested:**

To adopt the 2018 Rulemaking Calendar as required by Government Code (GC) § 11017.6.

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2018 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2017**

<b>Subject:</b> License Renewal Exemptions: Retired License Status		<b>CCR Title &amp; Sections Affected:</b> (Added) 1399.57 Article 10 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> BCP 464	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916) 561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 9/2018	<b>Public Hearing:</b> 11/2018	<b>Adoption by your agency:</b> 11/2018	<b>To OAL for review:</b> 1/2019

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2018 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017**

<b>Subject:</b> Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.26.1 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2653	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 7/2018	<b>Public Hearing:</b> 9/2018	<b>Adoption by your agency:</b> 9/2018	<b>To OAL for review:</b> 2/2019

<b>Subject:</b> Examination Passing Standard/Setting Examination Score		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.28 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2636	
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>			
		<b>Notice Published:</b> 1/2018	<b>Public Hearing:</b> 3/2018	<b>Adoption by your agency:</b> 3/2018	<b>To OAL for review:</b> 9/2018

**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2018 RULEMAKING CALENDAR**

<b>Subject:</b> Clinical Service Requirements for Foreign Educated Applicants		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.26.5 Article 2 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2653			
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>					
		<b>Notice Published:</b> 7/2018	<b>Public Hearing:</b> 9/2018	<b>Adoption by your agency:</b> 9/2018	<b>To OAL for review:</b> 2/2019		

<b>Subject:</b> Continuing Competency		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2630-2640, 2649			
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>					
		<b>Notice Published:</b> 10/2018	<b>Public Hearing:</b> 12/2018	<b>Adoption by your agency:</b> 12/2018	<b>To OAL for review:</b> 6/2019		

<b>Subject:</b> Unprofessional Conduct		<b>CCR Title &amp; Sections Affected:</b> 1399.24 Article 7 Division 13.2 of Title 16		<b>Statute(s) Being Implemented:</b> BPC section 2660			
<b>Responsible Agency Unit:</b>	<b>Contact Person &amp; Phone Number:</b>	<b>Projected Dates:</b>					

Administrative Services	Brooke Arneson (916)561-8260	<b>Notice Published:</b> 10/2018	<b>Public Hearing:</b> 12/2018	<b>Adoption by your agency:</b> 12/2018	<b>To OAL for review:</b> 6/2019
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**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**PROPOSED 2018 RULEMAKING CALENDAR**

<b>Subject:</b> Disciplinary Guidelines		<b>CCR Title &amp; Sections Affected:</b> Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		<b>Statute(s) Being Implemented:</b> Business and Professions Code (BPC) section 2660		
<b>Responsible Agency Unit:</b> Administrative Services	<b>Contact Person &amp; Phone Number:</b> Brooke Arneson (916)561-8260	<b>Projected Dates:</b>				
		<b>Notice Published:</b> 4/2018	<b>Public Hearing:</b> 6/2018	<b>Adoption by your agency:</b> 6/2018	<b>To OAL for review:</b> 2/2019	

**Report on the status of all uncompleted rulemaking described on previous calendars:**

Review and/or Update of Application and Licensing Regulations

CCR Section(s) Affected: Title 16, Division 13.2, Section(s) specifically identified:

1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26, 1398.26.5, 1398.27, 1398.28, 1398.42, 1398.47, 1399.10, 1399.12

TBD section number – processing time for applicants completing application process, TBD section number – establishing exam scores

Status: Included on the 2018 Rulemaking Calendar.

Continuing Competency

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section(s) 1399.90-1399.98

Status: Included on the 2018 Rulemaking Calendar.

License Renewal Exemptions: Disability and Retired License Status

CCR Section(s) Affected: Title 16, Division 13.2, Article 10, Section(s) 1399.57

Status: Included on the 2018 Rulemaking Calendar.

Unprofessional Conduct

CCR Section(s) Affected: Title 16, Division 13.2, Article 8, Section(s) 1399.24

Status: Included on the 2018 Rulemaking Calendar.

Physical Therapy Business Requirements

CCR Section(s) Affected: To be determined

Status: Included on the 2018 Rulemaking Calendar with the Review and/or Update of Application and Licensing Regulations.



# Physical Therapy Board of California

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Physical Therapy Board of California

## **Briefing Paper**

**Date:** October 13, 2017

**Agenda Item 22(A)**

**Prepared for:** PTBC Members

**Prepared by:** Carl Nelson

**Subject:** Budget Report

### **Purpose:**

To provide an update on the PTBC's Budget activities for Jul-Sep (Q1), CY 2017-18.

### **Background:**

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year. The report reflects data collected from the CalStars report and is generated by staff quarterly: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

Effective, July 1, 2017, the DCA migrated to a new accounting system, Fi\$cal. Due to this changeover, all Budget reporting mechanisms such as the CalStars monthly expenditure and revenue report, which is relied on by PTBC budget staff in compiling reports, have been suspended until further notice. DCA Budget and Accounting staff are currently training and working on implementing the new system out to boards/bureaus. The PTBC was not notified of a implementation date; however, DCA accounting is close to closing out July (FM01). The PTBC will continue to monitor the status and report updates accordingly.

This CY 2017-18, according to the Governor's Budget, the PTBC is authorized \$4,807,000, which includes personnel services, operating expenses and equipment, and authorized 21.4 positions to support program requirements.

### **Analysis:**

The Personnel Services Budget is \$1,930,000 including benefits slightly up from \$1,902,000 over FY2016-17. The increases are normal and account for annual salary and benefit adjustments.

The Operating Expenses and Equipment (OE&E) budget is \$2,976,000, a 13% decrease from \$3,421,000 in FY2016-17. While various line items decreased, the most significant decreases were in the Department of Investigations services (DOI) at \$701,000, and in Departmental services at \$692,000. Previous fiscal year, the PTBC was authorized \$969,000 for DOI and \$1,169,000 for Departmental Services.

The PTBC's budget staff is not projecting major changes in expenditures this fiscal year. However, staff anticipates a slight increase in personnel services, specifically within the "Temp Help" expenditures, to accommodate obtaining additional staff to address workload backlogs.

Also, based on the average annual growth, staff projects revenue to increase, as the number of applications received and license renewals processed will increase. For example, the PTBC received 732 applications for exam/licensure and 3,999 renewals this year (Q1). During the same time period last fiscal year, the PTBC received 718 applications for exam/licensure and 3,695 renewals.

The staff anticipate additional adjustments will be made during the upcoming budget Galley process in November 2017; however, the PTBC anticipates the overall budget authority will remain the same at \$4,807,000.

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**Action Requested:**

No action required.





Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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## **Briefing Paper**

**Date:** October 30, 2017

**Agenda Item 22(B)**

**Prepared for:** PTBC Members

**Prepared by:** Liz Constancio

**Subject:** Outreach Report

### **Purpose:**

To provide PTBC's Outreach activities and statistics for Jul – Sep (Q12), CY 2017/18).

**Attachments:** 1. [Website Statistics](#)  
2. [Facebook Statistics](#)

### **Background:**

The use of social media allows the applicants, licensees and public to discover, read, and share news, information and content. In addition, allows the PTBC to provide the most current information regarding operations.

The PTBC Outreach Report is a quarterly review of the Web-site and Facebook activities and traffic, including analysis for the current fiscal year in comparison to previous fiscal year. The web-site statistics is collected from Google Analytics and Facebook statistics is collected directly from the "insight reports" from Facebook; and, generated by staff quarterly: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

Further, due to staffing shortfalls within the administrative program, the outreach workload continues to be redirected amongst administrative staff, including management and the Executive Officer. The PTBC anticipates alleviating this workload by the end of this fiscal year. The PTBC will continue to monitor and assess the areas of concern and address accordingly.

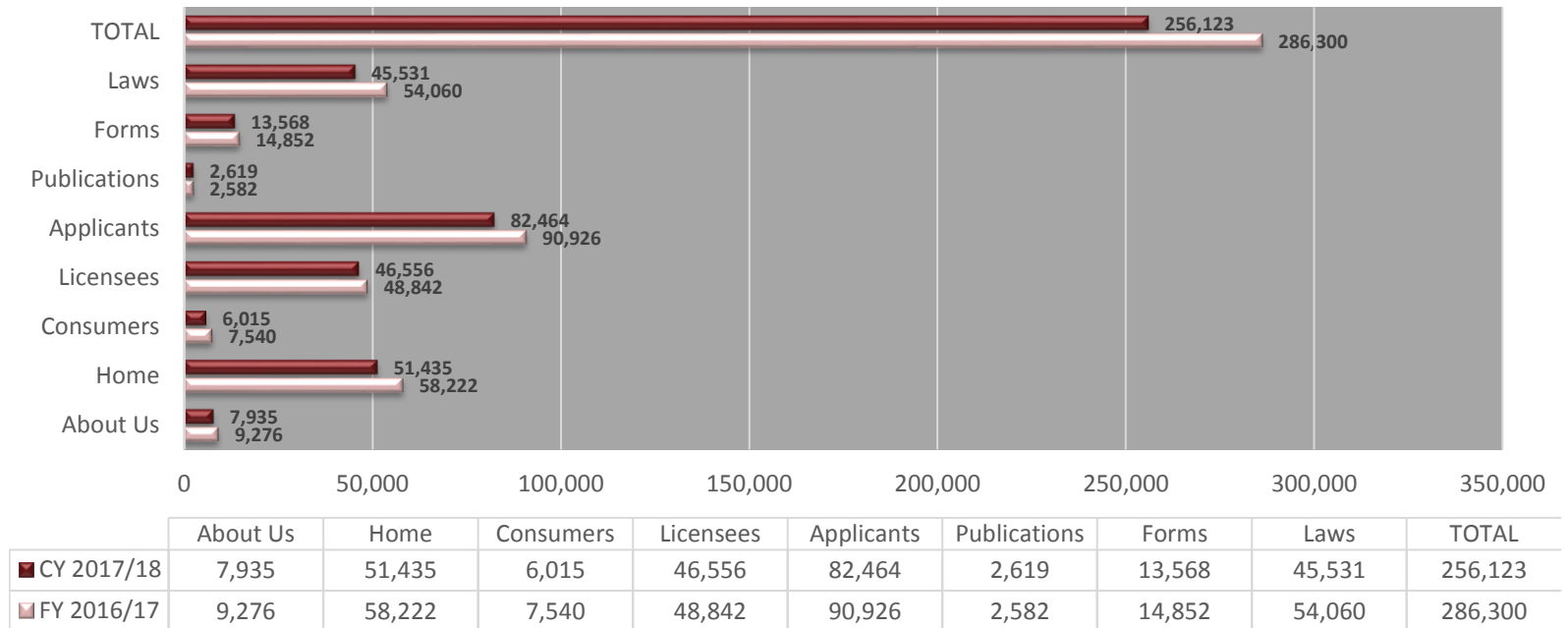
### **Analysis:**

**Website** – The PTBC had 256,123 web-hits through its home page tabs, resulting in a 10.54% decrease over last fiscal year (Q1). The staff is not convinced the continuous decrease is necessarily a negative factor for outreach, as workload data reveals staff have increased its communication through email and answering more phone calls.

**Facebook** – 25,793 people accessed our page and we received 83 "likes", an overall 40.14% decrease over last fiscal year (Q1). The most significant decrease in activities was "Talked About"-people sharing, i.e., stories, posts, etc. about our page, a 66.30% decrease. The staff considers the lack of PTBC's interaction with the page to be a significant contributing factor with the continuous decrease in activities.

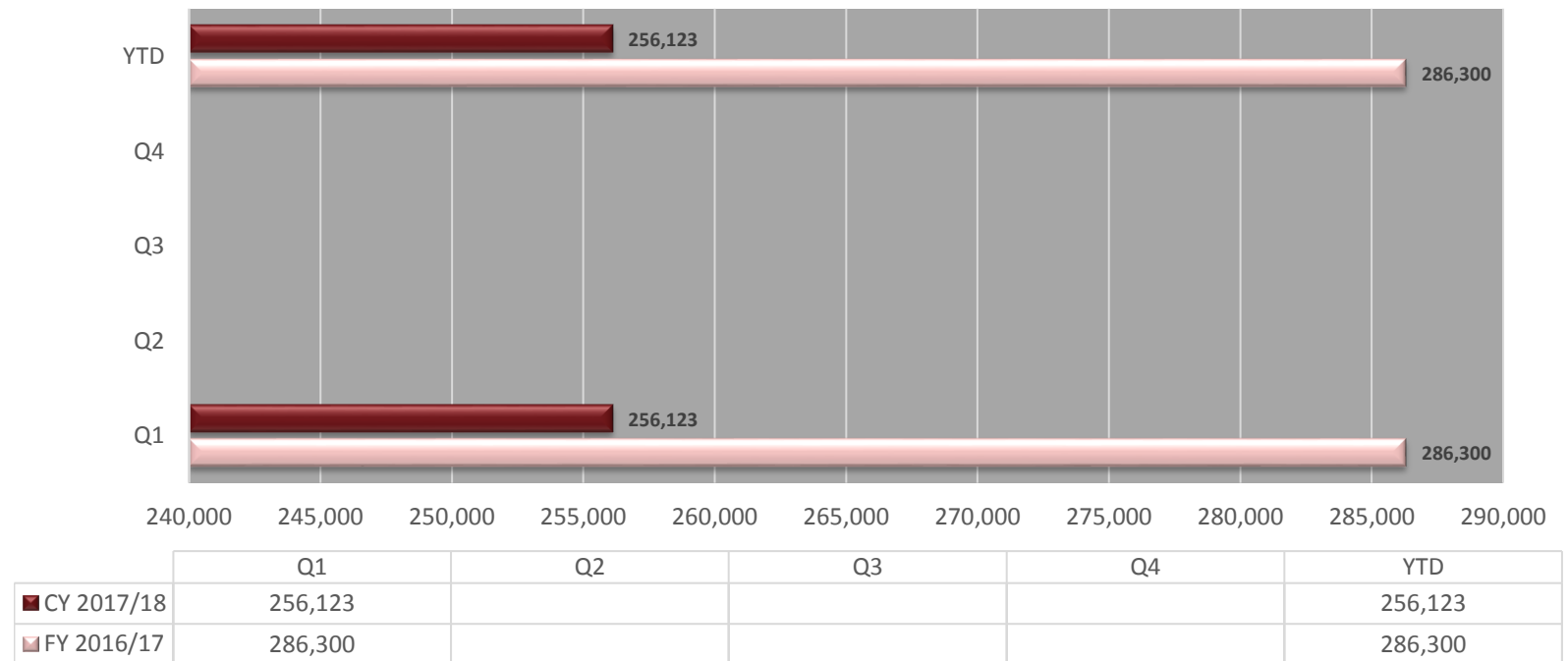
**Action:** No action being requested.

### Web-site Activity (Quarterly)



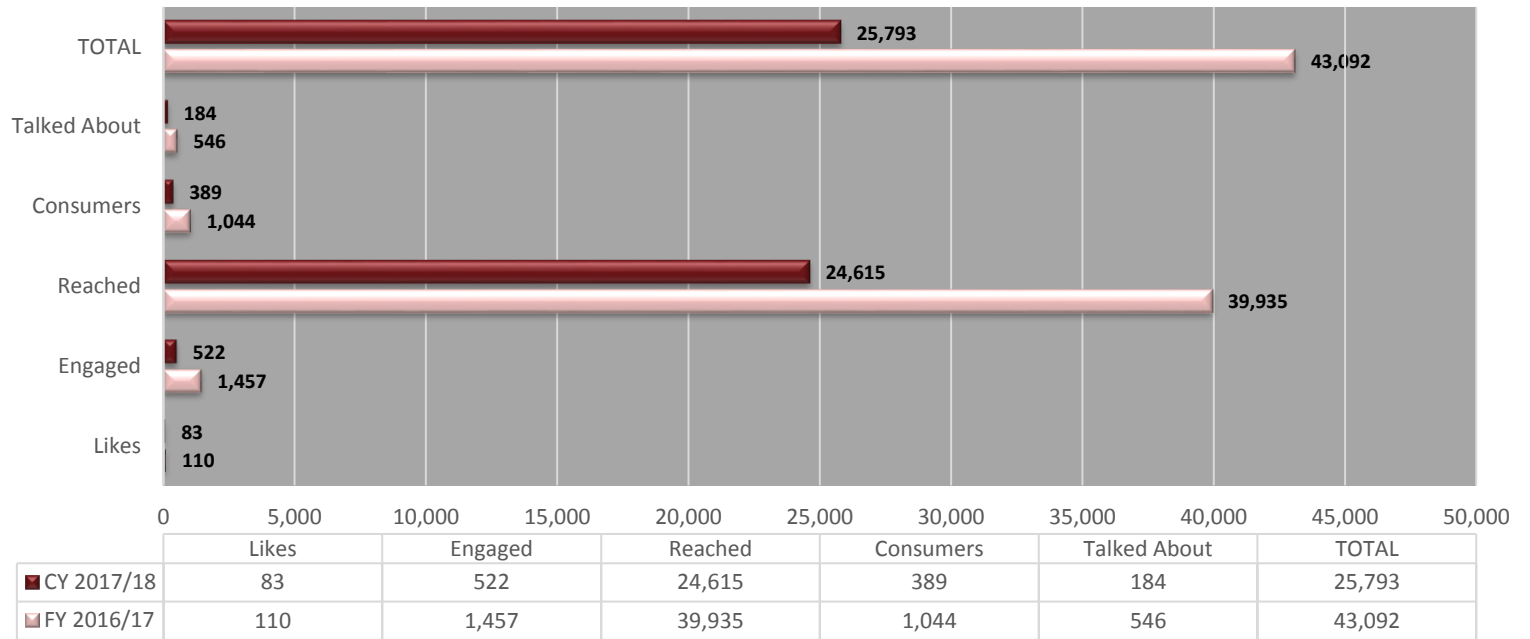
The graph reveals a slight increase in web-site hits within the "publications" tab, a 1.43% increase over FY2016-17 (Q1).  
 The graph reveals the most significant decrease in web-site hits within the "consumers" tab, a 20.22% decrease over FY2016-17 (Q1).

### Web-site Activity (Year-to-date)



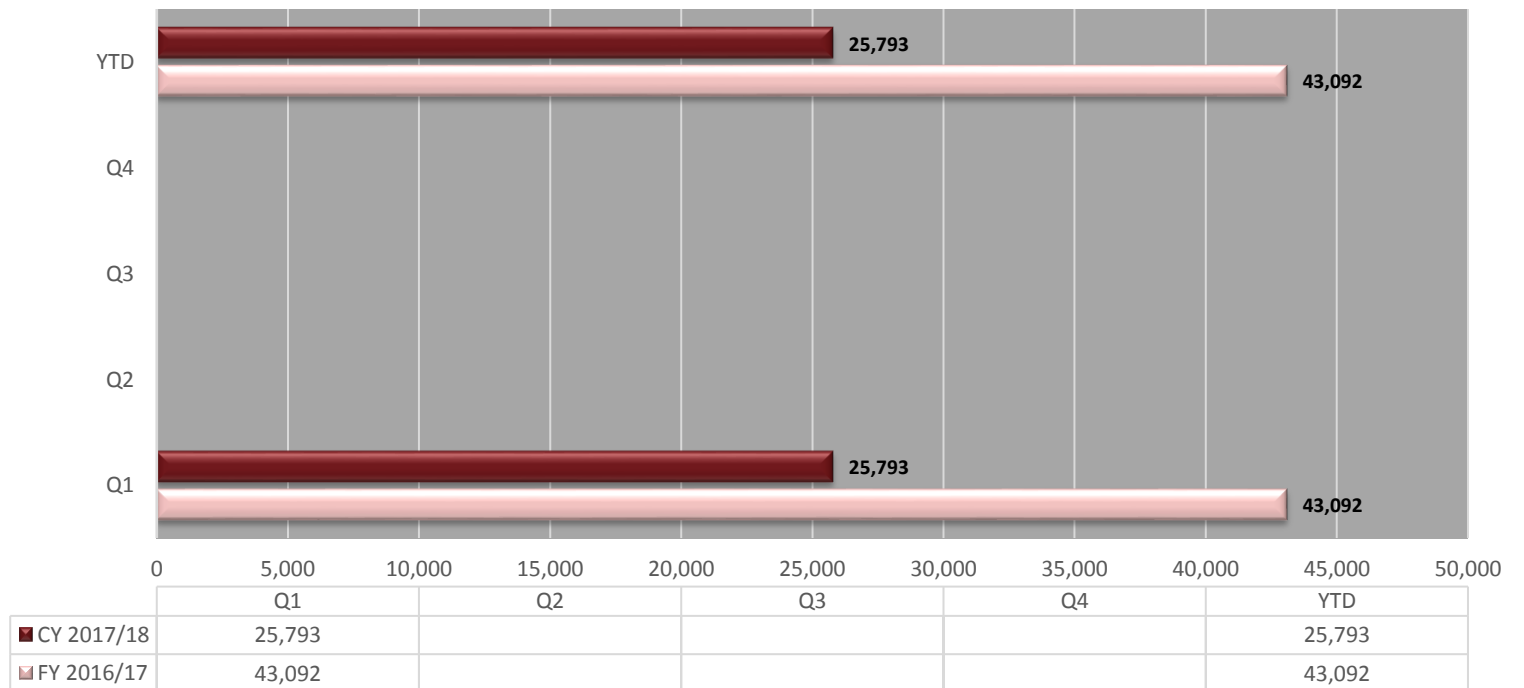
The graph reveals an overall decrease of 10.54% in traffic/web-hits over FY2016-17 (Q1).

### Facebook Activity (Quarterly)



The graph reveals the most significant decrease in "Talked About", a 66.30% decrease over FY2016-17 (Q1).

### Facebook Activity (Year-to-Date)



The graph reveals an overall decrease in traffic/activity, a 40.14% decrease over FY2016-17 (Q1).



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## Briefing Paper

**Date:** 10/16/17

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Application Services Report

## Agenda Item 23

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### **Purpose:**

To provide an update on the most recent activities of the Application Services program

**Attachments:**

1. [Application Services Program Statistics](#)
2. [Examination Statistics](#)

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### **Update:**

As of September 1, 2017, the Staff Services Analyst (SSA) vacancy in Application Services has been filled; it is my pleasure to announce the appointment of Mr. Paul Harrison to the Application Services SSA position. Mr. Harrison is responsible for administering the application process for examination and licensure. Prior to his appointment with the PTBC, Mr. Harrison worked at the Department of Public Health (DPH) and was responsible for processing and approving new and renewal applications for medical facilities and various x-ray or other radiation machines. Before moving to DPH, Mr. Harrison held various customer service positions and worked in the physical therapy field as an Aide.

FY 2017/18 Q1 and FY 2016/17 Q1 data comparison shows an increase in applications received from graduates of CAPTE-accredited programs and a decrease in applications received from graduates of non-CAPTE-accredited programs located outside the U.S. There was an overall 2% increase in applications received.

The number of physical therapist licenses issued in FY 2017/18 Q1 is almost identical to FY 2016/17 Q1; however, there has been a significant increase in the number of physical therapist assistant licenses issued. There was an overall 4% increase in the number of licenses issued.

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### **Action Requested:**

None.

## Application Services Report Program Statistics

### Applications Received

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
PT	484				484	506				506	↑ 5%
FPT	75				75	39				39	↓ -48%
PTA	139				139	169				169	↑ 22%
FPTA	18				18	15				15	↓ -17%
E-PTA	2				2	3				3	↑ 50%
Total	718				718	732				732	↑ 2%

### Licenses Issued

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
PT	630				630	634				634	↑ 1%
PTA	184				184	212				212	↑ 15%
Total	814				814	846				846	↑ 4%

**PT** - Graduate of an accredited physical therapist program located in the U.S.

**FPT** - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PT licensure.

**PTA** - Graduate of an accredited physical therapist assistant program located in the U.S.

**FPTA** - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PTA licensure.

**E-PTA** - PTA applicant with training and experience equivalent to that obtained in an accredited PTA program.

## Application Services Report Examination Statistics

### National PT and PTA Examination - California Statistics

#### Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	371				371	375				375	↑ 1%
Fail	29				29	36				36	↑ 24%
<b>Total</b>	<b>400</b>				<b>400</b>	<b>411</b>				<b>411</b>	↑ 3%
Pass Rate	93%				93%	91%				91%	↓ -2%

#### Non Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	9				9	15				15	↑ 67%
Fail	24				24	20				20	↓ -17%
<b>Total</b>	<b>33</b>				<b>33</b>	<b>35</b>				<b>35</b>	↑ 6%
Pass Rate	27%				27%	43%				43%	↑ 16%

#### Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	181				181	187				187	↑ 3%
Fail	48				48	37				37	↓ -23%
<b>Total</b>	<b>229</b>				<b>229</b>	<b>224</b>				<b>224</b>	↓ -2%
Pass Rate	79%				79%	83%				83%	↑ 4%

#### Non Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	2				2	5				5	↑ 150%
Fail	11				11	7				7	↓ -36%
<b>Total</b>	<b>13</b>				<b>13</b>	<b>12</b>				<b>12</b>	↓ -8%
Pass Rate	15%				15%	42%				42%	↑ 27%

### California Law Examination (CLE)

#### Accredited Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	893				893	692				692	↓ -23%
Fail	433				433	252				252	↓ -42%
<b>Total</b>	<b>1,326</b>				<b>1,326</b>	<b>944</b>				<b>944</b>	↓ -29%
Pass Rate	67%				67%	73%				73%	↑ 6%

Physical Therapy Board of California  
 Application Services Report  
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Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	71				71	44				44	↓ -38%
Fail	48				48	41				41	↓ -15%
<b>Total</b>	<b>119</b>				<b>119</b>	<b>85</b>				<b>85</b>	↓ -29%
Pass Rate	60%				60%	82%				82%	↑ 22%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	4,980				4,980	4,870				4,870	↓ -2%
Fail	451				451	511				511	↑ 13%
<b>Total</b>	<b>5,431</b>				<b>5,431</b>	<b>5,381</b>				<b>5,381</b>	↓ -1%
Pass Rate	92%				92%	91%				91%	↓ -1%

Non Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	346				346	267				267	↓ -23%
Fail	548				548	570				570	↑ 4%
<b>Total</b>	<b>894</b>				<b>894</b>	<b>837</b>				<b>837</b>	↓ -6%
Pass Rate	39%				39%	32%				32%	↓ -7%

Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	3,252				3,252	3,200				3,200	↓ -2%
Fail	681				681	628				628	↓ -8%
<b>Total</b>	<b>3,933</b>				<b>3,933</b>	<b>3,828</b>				<b>3,828</b>	↓ -3%
Pass Rate	83%				83%	84%				84%	↑ 1%

Non Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	75				75	85				85	↑ 13%
Fail	75				75	84				84	↑ 12%
<b>Total</b>	<b>150</b>				<b>150</b>	<b>169</b>				<b>169</b>	↑ 13%
Pass Rate	50%				50%	50%				50%	⇒ 0%

Physical Therapy Board of California  
 Application Services Report  
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Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	2,262				2,262	2,003				2,003	↓ -11%
Fail	697				697	426				426	↓ -39%
<b>Total</b>	<b>2,959</b>				<b>2,959</b>	<b>2,429</b>				<b>2,429</b>	↓ -18%
Pass Rate	76%				76%	82%				82%	↑ 6%

Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	145				145	86				86	↓ -41%
Fail	74				74	63				63	↓ -15%
<b>Total</b>	<b>219</b>				<b>219</b>	<b>149</b>				<b>149</b>	↓ -32%
Pass Rate	66%				66%	58%				58%	↓ -8%





Physical Therapy Board of California

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## Briefing Paper

**Date:** 10/16/17

**Agenda Item 24**

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** License Maintenance Services Report

### **Purpose:**

To provide an update on the most recent activities of the License Maintenance Services program

- Attachments:**
1. [License Maintenance Services Program Statistics](#)
  2. [Continuing Competency Audit Statistics](#)
  3. [Request to Withdraw Approval Agency Recognition for:](#)
    - i. [Nursing and Rehab at Home](#)
    - ii. [TERRIO Physical Therapy and Fitness](#)
    - iii. [North Coast Rehab, Inc.](#)
    - iv. [Care Resources](#)

### **Update:**

FY 2017/18 Q1 and FY 2016/17 Q1 data comparison shows an increase in Active and Retired licenses and a decrease in Inactive licenses. There has been an increase in renewal, name, duplicate and verification transactions, and a decrease in address change transactions. As previously noted, the decrease in address change transactions may be attributed to licensees updating their address online through transactions other than the address change transaction; only address changes submitted using an address change transaction are captured in the data.

Staff has almost completed FY 2016/17 Q4 continuing competency audits. For this audit quarter, 109 physical therapists and 30 physical therapist assistants were selected; this is 7.5% of the licensees that renewed and were eligible for audit. The audit results thus far show substantial compliance with a 92% pass rate for physical therapists and a 100% pass rate for physical therapist assistants.

Staff is recommending termination of Recognition for four Continuing Competency Approval Agencies; individual issues papers have been prepared for each Approval Agency and they are included in your materials.

### **Action Requested:**

Terminate Recognition of Approval Agencies identified by staff. See individual issue papers.

## License Maintenance Services Report Program Statistics

Active License Status							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
PT	23728	24664				24664	↑ 4%
PTA	6055	6562				6562	↑ 8%
Total	29783	31226				31226	↑ 5%

Inactive License Status							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
PT	1298	1255				1255	↓ -3%
PTA	349	335				335	↓ -4%
Total	1647	1590				1590	↓ -3%

Retired License Status							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
PT/PTA	140	217				217	↑ 55%

Active Specialty Certifications							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
KEMG	26	28				28	↑ 8%
ENMG	22	19				19	↓ -14%
Total	48	47				47	↓ -2%

Transactions Processed							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Renewals	3695	3999				3999	↑ 8%
Addresses	1453	1273				1273	↓ -12%
Names	120	123				123	↑ 3%
Duplicates	96	122				122	↑ 27%
Verifications	292	303				303	↑ 4%
Total	5656	5820				5820	↑ 3%

**Continuing Competency Audit Statistics**

**Physical Therapist**

	Fiscal Year 2015/16					Fiscal Year 2016/17					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass								134	85	219	
Fail								9	8	17	
<b>Total</b>								<b>143</b>	<b>93</b>	<b>236</b>	
Pass Rate								94%	92%	93%	

**Physical Therapist Assistant**

	Fiscal Year 2015/16					Fiscal Year 2016/17					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass								37	19	56	
Fail								2	0	2	
<b>Total</b>								<b>39</b>	<b>19</b>	<b>57</b>	
Pass Rate								95%	100%	96%	

<b>Approval Agencies, Providers and Courses</b>	
Approval Agencies	137
Providers	676
Courses	13,816

**Issue Paper**

Date: October 16, 2017

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Nursing & Rehab at Home Approval Agency Recognition

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**Purpose:**

To advise the Board that Nursing & Rehab at Home has requested to withdraw its recognition as an Approval Agency.

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**Background:**

Nursing & Rehab at Home received PTBC Approval Agency Recognition on December 1, 2011. In effort to update the PTBC's Continuing Competency Recognized Approval Agency records, staff sent a request for information to all Recognized Approval Agencies via email on October 27, 2016. Pursuant to California Code of Regulations (CCR) section 1399.95, subdivisions (i) and (j), a Recognized Approval Agency is obligated to respond to requests for information from the PTBC. Nursing & Rehab at Home requested to withdraw its recognition as an Approval Agency. Below is a list of all communication attempts with Nursing & Rehab at Home:

<b>Date Sent/Received</b>	<b>Delivery Method</b>	<b>Result</b>
October 27, 2016	Emailed Approval Agency	No response
January 10, 2017	Emailed Approval Agency	No response
April 19, 2017	Email received from Approval Agency	Approval Agency requested to withdraw recognition.

---

**Analysis:**

Nursing & Rehab at Home requested to its withdraw recognition as an Approval Agency for Continuing Competency.

---

**Action Requested:**

Staff recommends the Board move to withdraw Approval Agency Recognition from Nursing & Rehab at Home.

**Issue Paper**

Date: October 16, 2017

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of TERRIO Physical Therapy & Fitness Approval Agency Recognition

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**Purpose:**

To advise the Board that TERRIO Physical Therapy & Fitness has requested to withdraw its recognition as an Approval Agency.

---

**Background:**

TERRIO Physical Therapy & Fitness received PTBC Approval Agency Recognition on December 1, 2011. In efforts to update the PTBC's Continuing Competency Recognized Approval Agency records, staff sent a request for information to all Recognized Approval Agencies via email on October 27, 2016. Pursuant to California Code of Regulations (CCR) section 1399.95, subdivisions (i) and (j), a Recognized Approval Agency is obligated to respond to requests for information from the PTBC. TERRIO Physical Therapy & Fitness requested to withdraw its recognition as an Approval Agency. Below is a list of all communication attempts with TERRIO Physical Therapy & Fitness:

<b>Date Sent/Received</b>	<b>Delivery Method</b>	<b>Result</b>
October 27, 2016	Emailed Approval Agency	No response
January 10, 2017	Emailed Approval Agency	No response
February 7, 2017	Email received from Approval Agency	Approval Agency requested to withdraw its recognition as an approved provider.

---

**Analysis:**

TERRIO Physical Therapy & Fitness requested to withdraw its recognition as an Approval Agency for Continuing Competency.

---

**Action Requested:**

Staff recommends the Board move to withdraw Approval Agency Recognition from TERRIO Physical Therapy & Fitness.

**Issue Paper**

Date: October 16, 2017

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of North Coast Rehab, Inc. Approval Agency Recognition

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**Purpose:**

To advise the Board that North Coast Rehab, Inc. has failed to comply with the PTBC's request for information.

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**Background:**

North Coast Rehab, Inc. received PTBC Approval Agency Recognition on July 14, 2011. In efforts to update the PTBC's Continuing Competency Recognized Approval Agency records, staff sent a request for information to all Recognized Approval Agencies via email on October 27, 2016. Pursuant to California Code of Regulations (CCR) section 1399.95, subdivisions (i) and (j), a Recognized Approval Agency is obligated to respond to requests for information from the PTBC. North Coast Rehab, Inc. failed to respond to staff's request; therefore, additional communication was initiated. Below is a list of all communication attempts with North Coast Rehab, Inc.:

Date Sent	Delivery Method	Result
October 27, 2016	Emailed Approval Agency	No response
January 10, 2017	Emailed Approval Agency	No response
February 1, 2017	Emailed Approval Agency	No response
July 25, 2017	Mailed Certified letter	No response to request if agency would like to continue with recognition.

Please note: North Coast Rehab, Inc. website no longer exist.

---

**Analysis:**

North Coast Rehab, Inc. failed to respond to the PTBC's request for updated information. After several unsuccessful attempts to reach North Coast Rehab, Inc., staff initiated an online research. A thorough investigation was made; staff concluded that North Coast Rehab, Inc. no longer exists.

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**Action Requested:**

Staff recommends the Board move to withdraw Approval Agency Recognition from North Coast Rehab, Inc.

**Issue Paper**

Date: October 16, 2017

Prepared for: PTBC Board Members

Prepared by: Continuing Competency Services (CCS) Staff

Subject: Withdrawal of Care Resources Approval Agency Recognition

**Purpose:**

To advise the Board that Care Resources has requested to withdraw its recognition as an Approval Agency.

**Background:**

Care Resources received PTBC Approval Agency Recognition on January 25, 2010. In effort to update the PTBC's Continuing Competency Recognized Approval Agency records, staff sent a request for information to all Recognized Approval Agencies via email on October 27, 2016. Pursuant to California Code of Regulations (CCR) section 1399.95, subdivisions (i) and (j), a Recognized Approval Agency is obligated to respond to requests for information from the PTBC. Care Resources verbally requested to withdraw its recognition as an Approval Agency; however, a statement in writing was never received. Below is a list of all communication attempts with Care Resources:

<b>Date Sent/Received</b>	<b>Delivery Method</b>	<b>Result</b>
October 27, 2016	Emailed Approval Agency	No response
January 13, 2017	Emailed Approval Agency	Email rejected
February 13, 2017	Called and emailed; new contact found on agency's website	New contact informed PTBC of change in name. Corresponding email was sent to Agency to confirm information in writing. No response was returned
April 10, 2017	Emailed Approval Agency	No response to confirm agencies new name and contact information.
July 24, 2017	Called Approval Agency	Spoke to Kym Fox from Care Resources; advised that their agency would like its recognition withdrawn. Agency informed a statement in writing is needed to withdraw recognition.
July 25, 2017	Emailed and mailed certified letter	A notice to request withdraw was emailed and sent by certified mail to confirm request for withdrawal; no response.

**Analysis:**

Care Resources advised that it no longer offers CEU courses and requested its Approval Agency Recognition be withdrawn.

**Action Requested:**

Staff recommends the Board move to withdraw Approval Agency Recognition from Care Resources.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

Consumer Protection Services Program

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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## Briefing Paper

Date: October 16, 2017

**Agenda Item 25**

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program (CPS)

**Purpose:** Update on Consumer Protection Services Program

- Attachments:**
1. FY 2016/17 Quarter 4 (April - June 2017) Enforcement Performance Measures (PM)
  2. FY 2017/18 Quarter 1 (July – Sept. 2017) Consumer Protection Services Report
  3. FY 2017/18 Quarter 1 (July – September 2017) - Disciplinary Summary

### **Attachment 1:** FY 2016-2017/Q4 - Enforcement Performance Measures

The Enforcement Performance Measures report is reported on the DCA’s public website on a quarterly basis and is used by all DCA organizations to provide the public its Performance Measures. [http://www.dca.ca.gov/about\\_dca/enforcement.shtml](http://www.dca.ca.gov/about_dca/enforcement.shtml)

At the August 2017 Board Meeting, it was reported that the PM reporting is one quarter behind. Attached for your review is FY 2016-2017, reported for Q4. FY 2017-2018, Q1 is not available.

### **Attachment 2:** FY 2017-2018/Q1 - Consumer Protection Services Report

The CPS report provides detailed data in certain areas of the enforcement program and includes year end statistics in comparison to last FY.

The PM3, Average number of days to complete the entire enforcement process for complaints not transmitted to the AG for formal discipline remain consistent to last year. For FY 2017/18, Q1, the overall cases (71%) were closed within the PM3 target of 90 days.

The PM4, first quarter reflects a major improvement on the average number of days to complete the entire enforcement process for complaint investigation and transmittals to the AG for formal discipline. The PM4 reflects a decrease of 36% in comparison to last years’ Q1.

### **Attachment 3:** FY 2017-2018/Q1 – Disciplinary Summary

Disciplinary Summary of formal discipline and citations issued. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

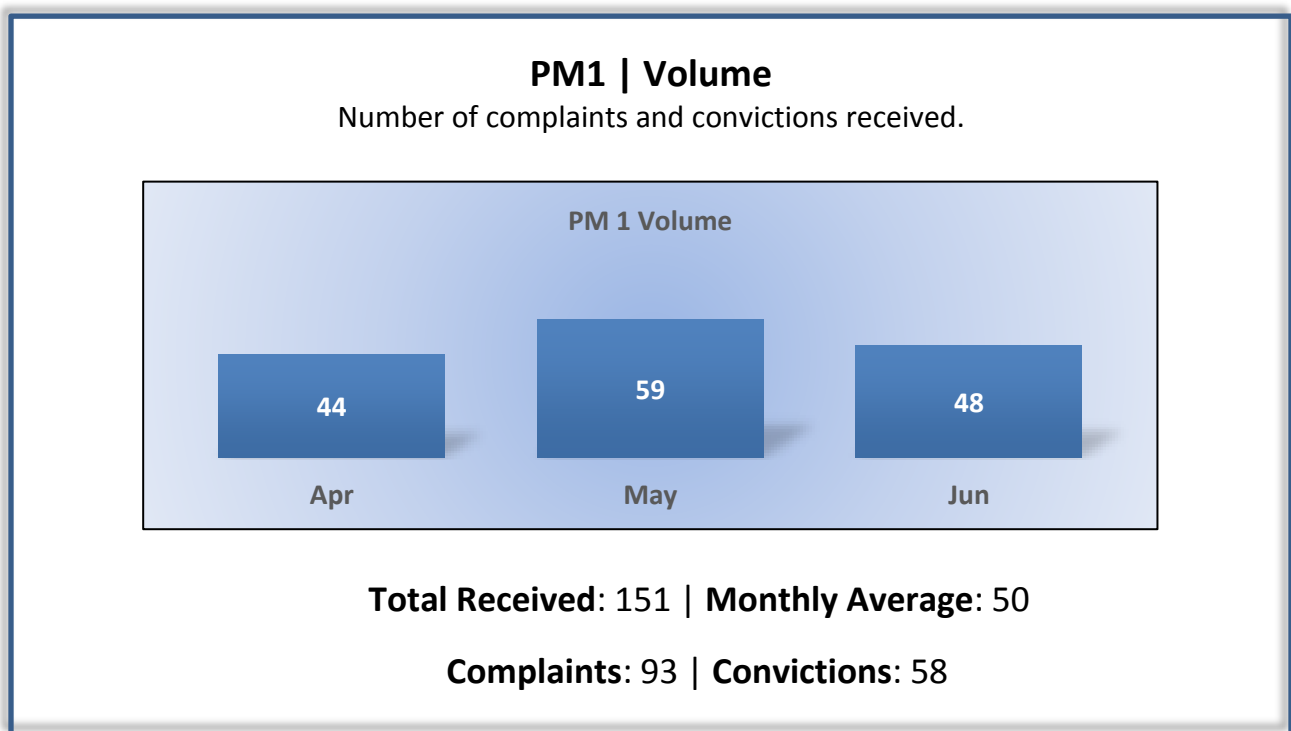
**Action Requested:** No Action Required



## Enforcement Performance Measures

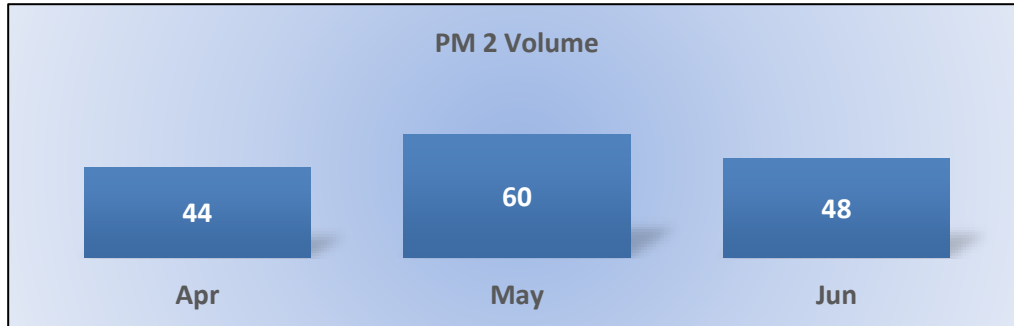
### Q4 Report (April - June 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



### PM2 | Intake – Volume

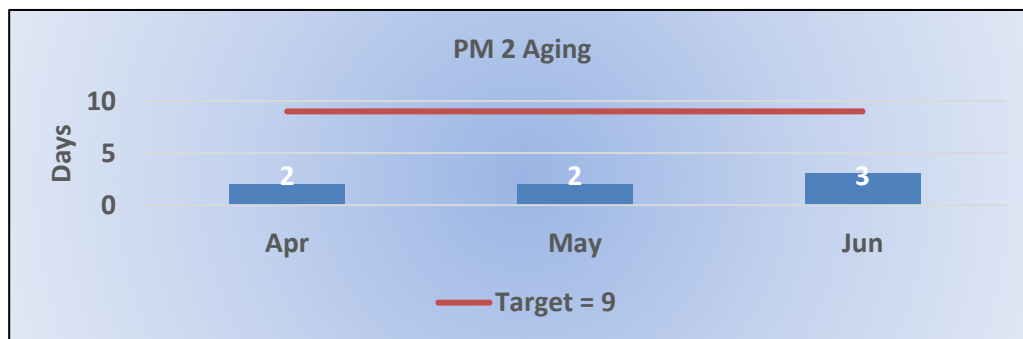
Number of complaints closed or assigned to an investigator.



**Total: 152 | Monthly Average: 51**

### PM2 | Intake – Cycle Time

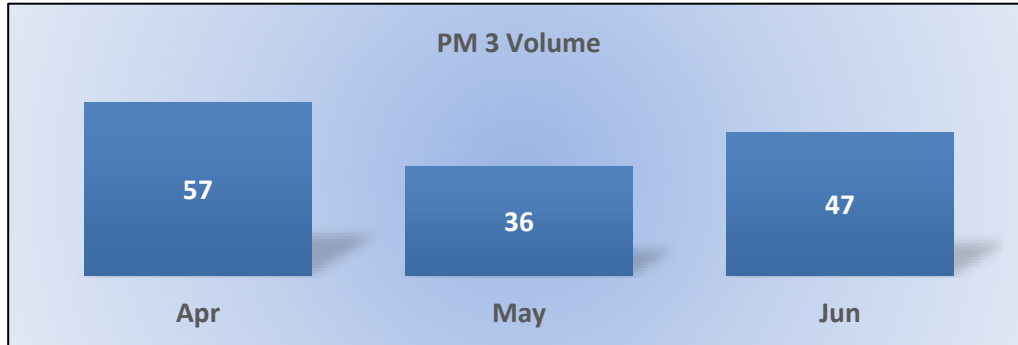
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



**Target Average: 9 Days | Actual Average: 2 Days**

### PM3 | Investigations – Volume

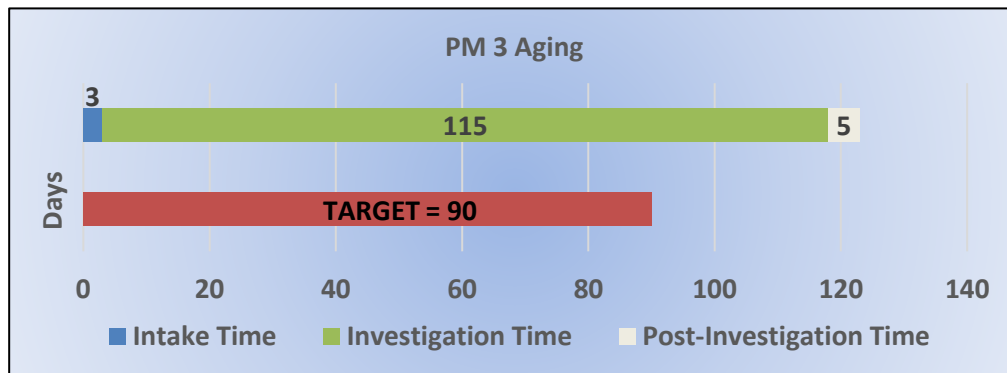
Number of investigations closed (not including cases transmitted to the Attorney General).



**Total: 140 | Monthly Average: 47**

### PM3 | Investigations – Cycle Time<sup>1</sup>

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)

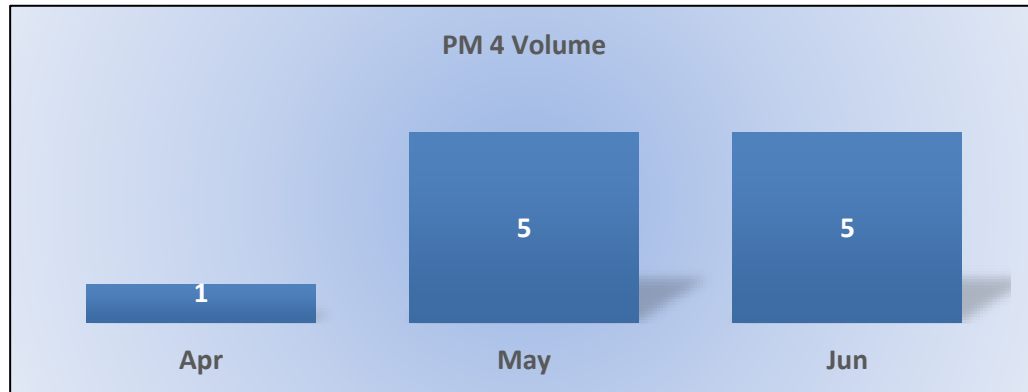


**Target Average: 90 Days | Actual Average: 122 Days**

<sup>1</sup> Due to rounding, there might be small discrepancies between the PM3 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Post-Investigation time). Book Pg. 200

### PM4 | Formal Discipline – Volume

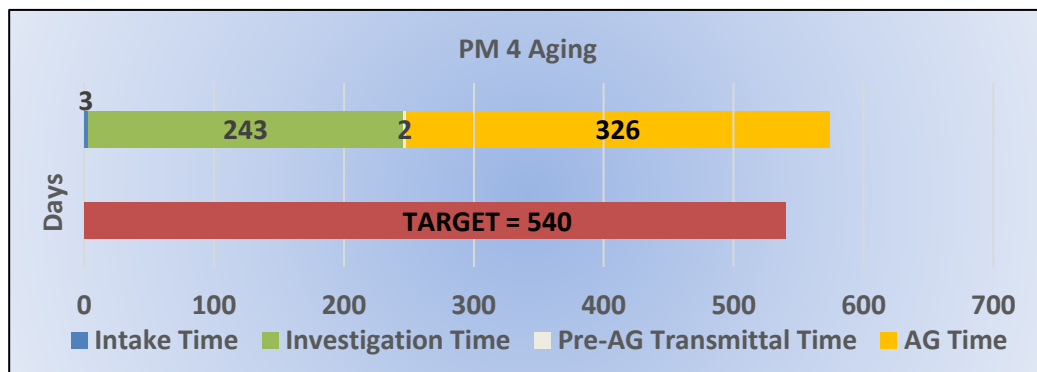
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



**Total: 11**

### PM4 | Formal Discipline – Cycle Time<sup>2</sup>

Average number of days to close cases transmitted to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

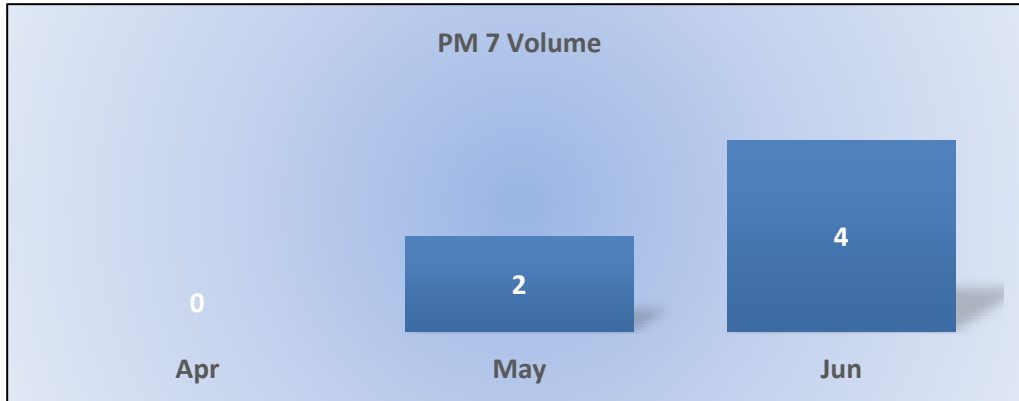


**Target Average: 540 Days | Actual Average: 568 Days**

<sup>2</sup> Due to rounding, there might be small discrepancies between the PM4 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Pre-AG Transmittal time + AG time). Book Pg. 201

## PM7 | Probation Intake – Volume

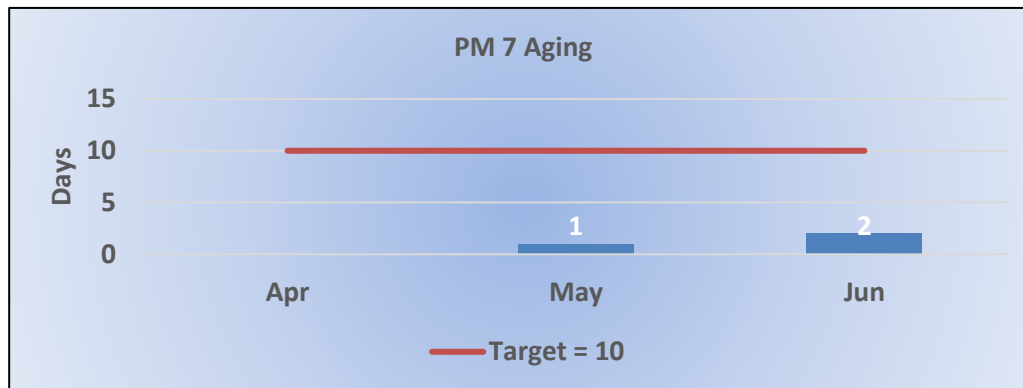
Number of new probation cases.



**Total: 6**

## PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 10Days | Actual Average: 2 Days**

**PM8 | Probation Violation Response – Volume**

Number of probation violation cases.

*The Board did not have any probation violations this quarter.*

**PM8 | Probation Violation Response – Cycle Time**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any probation violations this quarter.*

# Consumer Protection Services Statistics Report

## Complaint Intake

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	81	127				127	↑ 57%
PM1: Convictions/Arrest Received	124	27				27	↓ -78%
PM1: Total Received	205	154				154	↓ -25%

## Intake

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	3	3				3	→ 0%

## Investigations

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	126	126				126	→ 0%
PM3a: Intake Only	2	2				2	→ 0%
PM3b: Investigation Only	114	112				112	↓ -2%
PM3c: Post Investigation Only	8	4				4	↓ -50%

## Investigations Aging

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	72%	97				71%	↓ -1%
91 - 180 Days	10%	17				13%	↑ 25%
181 Days - 1 Year (364)	9%	12				9%	↓ -2%
1 to 2 Years (365-730)	8%	5				4%	↓ -54%
2 to 3 Years (731- 1092)	1%	2				1%	↑ 47%
Over 3 Years (1093 +)	1%	3				2%	↑ 121%

## Citations

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	10	5				5	↓ -50%
Average Days to Close	542	145				145	↓ -73%

## Transmittals to Attorney General (AG)

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	715	458				458	↓ -36%
PM4a: Intake Only	2	2				2	→ 0%
PM4b: Investigation Only	251	136				136	↓ -46%
PM4c: Pre-AG Transmittal	2	12				12	↑ 500%
PM4d: Post-AG Transmittal	460	315				315	↓ -32%

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	9	3				3	↓ -67%
AG Cases Pending	15	33				33	↑ 120%
SOIs Filed	2	4				4	↑ 100%
Accusations Filed	4	8				8	↑ 100%

AG Transmittals							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	10	13				13	↑ 30%
Total Average Days to Complete	715	458				458	↓ -56%

Total Orders Aging/Final Decision							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0				0	⇒ 0%
91 - 180 Days	5%	0				5%	↓ -10%
181 Days - 1 Year (364)	8%	3				23%	↑ 15%
1 to 2 Years (365-730)	38%	9				69%	↑ 31%
2 to 3 Years (731- 1092)	14%	1				14%	⇒ 0%
Over 3 Years (1093 +)	15%	0				0%	↓ -15%

Other Legal Actions							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension & PC 23 Ordered	1	0				0	↓ -100%



## Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of July, August, & September 2017. The Decisions become operative on the Effective Date, with the exception of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please address your request to:

Physical Therapy Board of California  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8200/ FAX (916) 263-2560

.....

### July 2017

#### **BAILEY, DAVID TIMOTHY (PT 36823)**

Violation of B & P Codes: 726, 2234(c), 2605, 2620.7(a), 2660(a), 2660(g), 2660(h), 2660(j), and 2660(m).  
Stipulated Settlement and Disciplinary Order Effective 07/31/17, 3 Yrs. Prob.

#### **ESTOESTA, CHERYL CASTILLO (PT 37723)**

Violation of B & P Code: 2660(h). Violation of CCR: 1398.13. Stipulated Settlement and Disciplinary Order Effective 07/13/17, 5 Yrs. Prob.

#### **GOYENA, DANNIEL E (PTA 8938)**

Violation of B & P Codes: 490, 2605(d), 2660(a), 2660(e), 2660(j), and 2661. Violation of CCR: 1399.20 and 1399.24(d). Stipulated Surrender of License and Order Effective 07/24/17, License Surrendered.

#### **HEFFEL, JAMES JENSEN (PTA 10625)**

Violation of B & P Codes: 490, 2239(a), 2660, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20(a).  
Stipulated Settlement and Disciplinary Order Effective 07/10/17, 5 Yrs. Prob., or completion of the rehabilitation program plus one (1) year, whichever is longer.

#### **SALES, JOSEFF DEL ROSARIO (PT 27499)**

Violation of B & P Codes: 490, 2605(d), 2660(a), 2660(e), 2660(j), and 2661. Violation of CCR: 1399.20.  
Stipulated Surrender of License and Order Effective 07/24/17, License Surrendered.

#### **STONE, AMY LYNN (PT 32442)**

Stipulated Revocation of License and Order Effective 06/10/17, License Revoked.

### August 2017

(NONE)

### September 2017

#### **CARRERA, CARLOS ALBERTO (PT 18687)**

Violation of B & P Codes: 2234(a), 2234(e), 2264, 2630, 2660(a), 2660(i), and 2660(j). Violation of CCR: 1399.20(a). Decision and Order Effective 09/13/17, 3 Yrs. Prob.

**LUIS, ALEXANDER ABRAHAM (PTA 10856)**

Violation of B & P Codes: 490, 2239(a), 2660, 2660(a), and 2660(e). Violation of CCR: 1399.15 and 1399.20. Stipulated Settlement and Disciplinary Order Effective 09/25/17, 5 Yrs. Prob.

**SPINA, CHARLES TODD (PT 15431)**

Violation of B & P Codes: 822. Stipulated Revocation of License and Order Effective 09/27/17, License Revoked.

**Initial Probationary Licenses (IPL) Issued**



**July through September 2017**

(NONE)

**Licenses Denied**



**July through September 2017**

(NONE)

**Glossary of Terms**



- B & P Code – Business and Professions Code
- H & S Code – Health and Safety Code
- R & R – Rules and Regulations
- CCR – California Code of Regulations

**Accusations:** Charges and allegations, which still must undergo rigorous tests of proof at later administrative hearings.

**Petition to Revoke Probation:** A Petition to Revoke Probation is filed when a licensee is charged with violation of a prior disciplinary decision.

**Probationary License:** Where good cause exists to deny a license, the licensing agency has the option to issue a conditional license subject to probationary terms and conditions.

**Statement of Issues Filed:** When an applicant for licensure is informed the license will be denied for cause, the applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is initiated by the filing of a Statement of Issues, which is similar to an accusation.

**Surrender of License:** License surrender as part of a disciplinary order.

**Statement of Issues Decision:** These are decisions rendered after the filing of a Statement of Issues.

**Stipulated Decision:** Negotiated settlements waiving court appeals.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### **Briefing Paper**

**Date:** October 26, 2017

**Agenda Item 26**

**Prepared for:** PTBC Members

**Prepared by:** Monny Martin, PTBC Probation Monitor

**Subject:** Probation Monitoring Program

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**Purpose:** Update on Probation Monitoring Program for FY 2017-2018

**Attachments:** [1. Probation Monitoring Report](#)

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### **Background:**

This is a report on the Board's Probation Monitoring Program through the first quarter of FY 2017-2018. Please refer to attachment A-1 which contains the probation statistics for FY 2017-2018.

Currently there are 93 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 83 licensees on probation and in the state of California, there are an additional 10 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were also 2 licensees that completed probation in the quarter, and 1 licensee had their license revoked in the quarter.

Of the 83 licensees that are not currently tolling, 22 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 27% of all licensees on probation that aren't tolling.

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### **Action Requested:**

No Action Required.

## Probation Statistics Report

Probation							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	12	4				4	↓ -67%
Completed Probation	14	2				2	↓ -86%
Probation Terminated/Surrendered	4	1				1	↓ -75%
Non-Compliant w/Probation	0	0				0	→ 0%
<b>Total Probationers</b>	<b>104</b>	<b>93</b>				<b>93</b>	↓ -11%

Maximus							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	11	2				2	↓ -82%
Completed Maximus	3	0				0	↓ -33%
<b>Total Maximus Participants</b>	<b>20</b>	<b>22</b>				<b>22</b>	↑ 10%
Determined To Be Clinically Inappropriate		0					