

**State of California
Office of Administrative Law**

In re:
Physical Therapy Board of California

Regulatory Action:
Title 16, California Code of Regulations

Adopt sections:
Amend sections: 1399.15
Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2022-0422-03

OAL Matter Type: Nonsubstantive (N)

As a change without regulatory effect, the Physical Therapy Board of California amends section 1399.15 of Title 16 of the California Code of Regulations to require that it consider the April 2022, 7th Edition of the "Guidelines for Issuing Citations and Imposing Discipline" instead of the September 2020, 6th Edition in reaching decisions on disciplinary actions against licensees.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: May 23, 2022



Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Jason Kaiser, Interim Executive
Officer
Copy: Elsa Ybarra

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2022-0422-03 N	

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW 2022 APR 22 AM 11:01	
NOTICE	REGULATIONS

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 23 2022
received at
1:50pm

AGENCY WITH RULEMAKING AUTHORITY

Physical Therapy Board of California -- Department of Consumer Affairs

AGENCY FILE NUMBER (if any)


A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Guidelines for Issuing Citations and Imposing Discipline (Amend)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
16		1399.15	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn non-emergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Elsa Ybarra		TELEPHONE NUMBER 916 561-8262	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) elsa.ybarra@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/21/2022
TYPED NAME AND TITLE OF SIGNATORY Elsa Ybarra, Assistant Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 23 2022

Office of Administrative Law

Physical Therapy Board of California
Statement of Explanation for Section 100 Filing

California Code of Regulations
Title 16, Division 13.2
Article 8 Enforcement Actions, Discipline and Reinstatement of License

The Physical Therapy Board of California (Board) proposes to make changes without regulatory effect to Article 8 and section 1399.15 of Title 16 of the California Code of Regulations and the *Guidelines for Issuing Citations and Imposing Discipline* (Guidelines) incorporated by reference, as follows:

**(1) Delete second Article 8, titled “Discipline and Reinstatement of License”
from Division 13.2 of Title 16 of the California Code of Regulations**

This deletion is necessary since it is a duplication of the original Article titled “Enforcement Actions, Discipline and Reinstatement of License”. This amendment does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.

**(2) Amend Section 1399.15 (Article 8 of Division 13.2) of Title 16 of the
California Code of Regulations**

In subsection (a) of 1399.15, updates the version and date of the Guidelines. The version and date of the Guidelines is changed so as to avoid any confusion with the prior version of the Guidelines, which were approved in January 2022 and went into effect April 1, 2022.

The Disciplinary Guidelines themselves are being republished with the new April 2022 date / 7th edition number with the following changes:

- Update the references to the date and edition number within the Guidelines for internal consistency.
- Update page numbers in the Index. This change is without regulatory effect because it merely updates a cross reference in the Guidelines to accurately reflect the current pagination.

In subsection (b)(2) of 1399.15, capitalizes “Section” as this refers to a statute. The Board capitalizes statutory sections; this is a grammatical change for consistency.

Accordingly, this action is authorized pursuant to Section 100, subdivision (a)(2) of Title 1 of the California Code of Regulations, as this amendment does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.

PHYSICAL THERAPY BOARD OF CALIFORNIA

Proposed changes of regulatory provisions are shown in ~~single strikethrough~~ for deletions and single underline for additions.

Amend Article 8 of Division 13.2 of Title 16 of the California Code of Regulations, inclusive of 1399.15, as follows:

Article 8 Enforcement Actions, Discipline and Reinstatement of License

~~Article 8 Discipline and Reinstatement of License~~

- (a) ~~On~~ reaching a decision on a disciplinary action under the Administrative Procedure Act ~~to~~ (Government Code Section 11400 et seq.), the Board shall consider the “Guidelines for ~~o~~ Issuing Citations and Imposing Discipline”, (Revised ~~September 2020~~ April, 2022, ~~6th~~ 7th Edition; hereafter, “Guidelines”) which are hereby incorporated by reference. Subject to paragraph (c), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation -for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.~~oo~~
- (b) ~~Notwithstanding the Guidelines, any proposed decision issued in accordance with the~~ ~~o~~ procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 ~~o~~ 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 ~~o~~ 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.~~oo~~
- As used in this section, the term “sex offense” shall mean any of the following:~~oo~~
- (1) ~~o~~Any offense for which registration is required by Section 290 of the Penal Code or a ~~o~~ finding that a person committed such an offense.
 - (2) ~~o~~Any offense defined in ~~o~~ Sections 261.5, 313.1, 647, subdivisions (a) or (d), or 647(b) ~~o~~ of the Penal Code or a finding that a person committed such an offense.
 - (3) ~~o~~Any attempt to commit any of the offenses specified in this section.~~oo~~
 - (4) ~~o~~Any offense committed or attempted in any other state or against the laws of the ~~o~~ 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) ~~o~~f the conduct found to be a violation involves drugs, alcohol, or both, and the individual is ~~o~~ 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 March 2019; 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.

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

Guidelines for Issuing Citations and Imposing Discipline

(Incorporated by Reference)



**GUIDELINES FOR ISSUING CITATIONS
and IMPOSING DISCIPLINE**

Physical Therapy Board of California

Department of Consumer Affairs

Published by the Physical Therapy Board of California, Department of Consumer
Affairs, 2005 Evergreen Street, Suite 2600, Sacramento, California 95815.

~~September 2020~~ April 2022
67th Edition

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Statement of Purpose, Intent and Expectations

The purpose of physical therapist 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. The Guidelines for Issuing Citations and Imposing Discipline address the challenge of providing public protection and of enabling a licensee to practice their profession. In addition to protecting the public and rehabilitating a licensee, the Physical Therapy Board of California (Board) finds imposing the disciplines set forth in the Guidelines will further public protection by promoting uniformity, certainty, fairness, and deterrence.

The Board is producing these "Guidelines for Issuing Citations and Imposing Discipline," (Revised September 2020 April 2022, 67th 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 as rare individual cases may necessitate a departure from these Guidelines. Any "Proposed Decision" that departs from the Guidelines shall identify the departure and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision.

The 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 Guidelines contained in this manual, will 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 Stipulated Settlement that departs from the Guidelines shall be accompanied by a memorandum identifying the departures and the facts supporting the departure, as well as any mitigating or aggravating circumstances.

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.

- End of Page -

Legal Authority - Text of 16 CCR 1399.15. Guidelines for Issuing Citations and Imposing Discipline

The legal authority for these Guidelines is contained in Business and Professions Code (BPC) section 2615.

For context, see BPC sections 315, 315.2, 315.4, 2660, 2660.1, 2660.2, 2661 and 2661.5; Government Code (Gov) sections 11400.20, 11425.50, subdivision (e); and California Code of Regulations (CCR), 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**

16 CCR 1399.15. Guidelines for Issuing Citations and Imposing Discipline.

(a) On 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, ~~September 2020~~ April 2022, 67th Edition; hereafter, "Guidelines") which are hereby incorporated by reference. Subject to paragraph (c), deviation from these Guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts 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, 647, subdivisions (a) or (d), or 647.6 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 March 2019; 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.

- End of Pages

Authority to Examine Due to Mental Illness and/or Physical Impairment

BPC 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 BPC section 822.

BPC 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.

BPC 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.

BPC section 823. Reinstatement of licentiate

Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to BPC section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under BPC 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.

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.

BPC 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.

- End of Page

Definition of Substance Abuse Rehabilitation Programs

The Board does not consider the Substance Abuse Rehabilitation Program (rehabilitation program) as diversion from discipline. As a result, the Board will not use the term "diversion" in these Guidelines.

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 resulting from violations of the Physical Therapy Practice Act related to drugs and/or alcohol.

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 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 and shall provide all documents and information pertaining to and supporting that conclusion to the Executive Officer of the Board. The Board may refer the matter for investigation and disciplinary action. Each physical therapist or physical therapist assistant who requests participation in a rehabilitation program shall agree to cooperate with the rehabilitation program designed for them. Any failure to comply with the rehabilitation program may result in termination of participation in the rehabilitation program.

Probationary Participants

Probationary participants shall comply with terms of probation or risk losing their license. Pursuant to BPC section 315, the Board uses the Substance Abuse Coordination Committee's *Uniform Standards Regarding Substance-Abusing Healing Arts Licensees* (March 2019) (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 BPC 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.

Monthly Administrative Fee: The participant shall pay the monthly administrative fee directly to the rehabilitation program. Fees are dependent on the contracted costs.

Random Biological Testing (RBT) Fee: The participant is required to pay the RBT cost at a fee set by the rehabilitation program. The frequency of testing can vary and is scheduled randomly throughout the year, including weekends and holidays.

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 and negotiate directly with the participant.

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 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. 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 the participant's place of employment. The rehabilitation program shall 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

BPC 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 negative drug tests for a period of at least 30 days.

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

Denial of Licensure and Issuance of an Initial Probationary License

Mandatory Denial of a License

In accordance with BPC section 2660.5, 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 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, the application for licensure shall be denied.

Permissive Denials of a License

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

BPC section 480: The 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:

- The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession.
- The applicant was convicted of a serious felony, as defined in section 1192.7 of the Penal Code.
- The applicant has been subjected to formal discipline by a licensing board in or outside California, within the preceding seven years from the date of application, based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made.
- The applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

BPC section 2635: 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 BPC section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

BPC 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.

BPCs section 2660, subdivision (f)(2): Using any controlled substance or any dangerous drug.

BPC section 2660, subdivision (w): Habitual intemperance.

BPC 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.

BPC section 2660.2: The Board may refuse a license to any applicant guilty of unprofessional conduct or sexual misconduct as defined in BPC section 2660.1 and CCR, 16 CCR, 1399.23. The Board may, in its sole discretion, issue a public letter of reprimand or may issue a probationary license to any applicant 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 Board may issue a citation pursuant to BPC section 125.9 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 16 CCR 1399.25.

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 which, 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

BPC 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 Reapproval as part of a disciplinary order, if any of the following circumstances exist:

1. The offense is an isolated incident;
2. Sufficient time elapsed since the offense without further violations indicating recurrence is unlikely;
3. Respondent admitted to the offense;
4. Respondent indicated remorse;
5. No prior discipline for a similar violation exists; or
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 relapse.

In lieu of filing or prosecuting a formal accusation against a licensee, BPC 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 minor violations include:

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. 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 (BPC), the California Code of Regulations (CCR), and the Health and Safety Code (HSC).

BPC section 2660, subdivision (a), authorizes the Board to cite violations of the Medical Practice Act. When the Board cites violations of the Medical Practice Act, the Board must also cite BPC section 2660, subdivision (a).

Violations of the BPC 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

BPC sec. 123. SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM

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,ss
L, M, N, Pss

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

Refer to related statutes: BPC sections 584, 2660(i)(j), 2660.7

BPC sec. 136. CHANGE OF ADDRESS REPORTING REQUIREMENT

Citation:

Minimum Fine: \$100

Maximum Fine: \$1,000

Discipline:

Minimum: Public Reprovalss

Maximum: Public Reprovalss

Refer to related regulation: 16 CCR sec.1398.6ss

BPC sec. 141. DISCIPLINARY ACTION BY A FOREIGN JURISDICTION^{ee}

Citation:ss

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: BPC sec. 2660(o); 16 CCR sec.1399.24(d)(4)

**BPC sec. 480(a)(1). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE;
CONVICTION OF CRIME**

Discipline:

Minimum: License Issued with Public Reproval
Maximum: Denial of License

Refer to related statute for Conditions of Probation: BPC sec. 490

**BPC sec. 480 (a)(1)(A). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE;
CONVICTION OF A SERIOUS FELONY**

Discipline:

Minimum: License Issued with Public Reproval
Maximum: Denial of License

Refer to related statutes for Conditions of Probation: BPC sections 2660(e) and (f)

**BPC sec. 480(a)(1)(B). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE;
CONVICTION OF A FINANCIAL CRIME CLASSIFIED AS A FELONY**

Discipline:

Minimum: License Issued with Public Reproval
Maximum: Denial of License

Refer to related statutes for Conditions of Probation: BPC sec. 2660(e)

**BPC sec. 480(a)(2). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE;
FORMAL DISCIPLINE BY A LICENSING BOARD IN OR OUTSIDE CALIFORNIA**

Discipline:

Minimum: License Issued with Public Reproval
Maximum: 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, J, K, L, M, N, O

Refer to related statutes: BPC sec. 141, 2660(o)

**BPC sec. 480(a)(2)(e). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE;
KNOWINGLY MAKING A FALSE STATEMENT OF FACT**

Discipline:

Minimum: License Issued with Public Reproval
Maximum: 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, J, K, L, cc, M, N, O, P

Refer to related statutes: BPC sections 499, 583, 2660(J)

BPC sec. 490. CONVICTION OF A CRIME - SUBSTANTIAL RELATIONSHIP REQUIRED

Citation:

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

Discipline:

Minimum: Public Reprimand
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, cc, O, v, W, X, Y, Z, AA, BB, CC, DD, EE, cc

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

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

Refer to related statutes and regulation: BPC sections 480, 2660(e)(f)(w), 2661; 16 CCR 1399.24(d)

BPC sec. 490.5. COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS

In addition to suspension pursuant to Family Code section 17520:

Citation:

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

Discipline:

Minimum: Public Reprimand
Maximum: Public Reprimand

BPC sec. 498. OBTAINING LICENSURE BY FRAUD

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 499, 581, 582, 583, 2660(c)

BPC sec. 499. FALSE STATEMENT OF MATERIAL FACT FOR APPLICATION

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 498, 581, 582, 583, 2660(c)

BPC sec. 580. SALE OR BARTER OF DEGREE, CERTIFICATE OR TRANSCRIPT

Discipline:

Revocation or Denial of License

BPC sec. 581. PURCHASE OR FRAUDULENT ALTERATION OF DIPLOMA OR OTHER WRITINGS

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 498, 499, 582, 583, 2660(c)

BPC sec. 582. USE OF ILLEGALLY OBTAINED, ALTERED OR COUNTERFEIT DIPLOMA, CERTIFICATE, OR TRANSCRIPT

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 498, 499, 581, 583, 2660(c)

BPC sec. 583. FALSE STATEMENTS IN APPLICATION DOCUMENTS OR WRITINGS

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 498, 499, 581, 582, 2660(c)

BPC sec. 584. VIOLATION OF EXAMINATION SECURITY; IMPERSONATION

Discipline:

Revocation or Denial of License

Refer to related statute: BPC sec. 2660.7

BPC sec. 650. CONSIDERATION FOR REFERRALS PROHIBITED

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 statute: BPC sec. 2660(f)

BPC sec. 651. ADVERTISING VIOLATIONS- DISSEMINATION OF FALSE OR MISLEADING INFORMATION CONCERNING PROFESSIONAL SERVICES OR PRODUCTS

Citation:

Minimum Fine: \$1,000
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)c"Probation Conditions Specific to Violation" for consideration are: Ecc

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

Refer to related statutes and regulation: BPC section 2660(b)(q),17500; 16 CCR sec.1398.10

BPC sec. 654.2. BENEFICIAL INTEREST REFERRALS – REQUIRED DISCLOSURE STATEMENT

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 statute: BPC sec. 2660(q)

BPC sec. 680. HEALTH CARE PRACTITIONER'S DISCLOSURE OF NAME AND LICENSE STATUS

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

Refer to related regulation: 16 CCR sec. 1398.11

BPC sec. 725. EXCESSIVE PRESCRIBING OR TREATMENT

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, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

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

Refer to related statute: BPC sec.2660 (h)

BPC sec. 726. SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT

Note: Pursuant to 16 CCR sec.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 regulation: BPC sections 2660(m)(p), 2660.1; 16 CCR 1399.15(b)

BPC sec. 802. REPORTS OF MALPRACTICE SETTLEMENTS OR ARBITRATION AWARDS INVOLVING UNINSURED LICENSEES; PENALTIES FOR NON-COMPLIANCE

Citation:

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

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

BPC sec. 810. INSURANCE FRAUD~~a~~ UNPROFESSIONAL CONDUCT

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)a "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, J, K,aa L,dM, dNaa

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

Refer to related statute: BPC sec. 2660 (g)(j)(r)(s)

BPC sec. 900. REQUIREMENTS FOR LICENSE EXEMPTION

Citation:

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

Refer to related statutes and regulations: BPC sec. 2630.5 (c)(d)(e)(f)(g)

BPC sections 2068, 2660(a) NUTRITIONAL ADVICE

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

BPC sections 2234 (d), 2660(a) INCOMPETENCE

Refer to related statute: BPC sec. 2660(d)(h)

BPC sections 2237, 2660(a) CONVICTION RELATED TO DRUGS

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, J, N, O, Q, ee
V, W, X, Y, Z, AA, BB, CC, DD, EEee

"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.

BPC sections 2238, 2660(a) VIOLATION OF DRUG STATUTES

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, J, N, O, Q, ee
V, W, X, Y, Z, AA, BB, CC, DD, EEee

"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.

BPC sections 2239, 2660(a) SELF ABUSE OF DRUGS OR ALCOHOL

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, N, O, Q, 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.

Refer to related statutes: BPC sec. 2660(f)(w)

BPC sections 2274, 2660(a) UNAUTHORIZED USE OF MEDICAL DESIGNATION

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

BPC sections 2289, 2660(a) IMPERSONATION- PRACTICE OF MEDICINE

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, J, K, L, M, N, 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: BPC sec. 2660(i)(j)

BPC sec. 2608.5. AUTHORIZATION TO INSPECT PATIENT-RECORDS

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 regulation: 16 CCR 1399.24(c)

BPC sec. 2620.3. TOPICAL MEDICATIONS

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 sections 1399.77, 1399.78, 1399.79

BPC sec. 2620.5. CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION

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 regulation: BPC sec. 2660(d), 16 CCR 1399.61

BPC sec. 2620.7. MAINTENANCE OF PATIENT RECORDS

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

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

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

Refer to related statute and regulation: BPC sec. 2660(g); 16 CCR 1398.13

BPC sec. 2622. PHYSICAL THERAPIST PATIENT CARE RESPONSIBILITY AND USE OF ASSISTIVE PERSONNEL

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes and regulations: BPC sections 2630.3, 2630.4; 16 CCR sections 1398.44, 1399

BPC sec. 2630. UNLICENSED PRACTICE AS A PHYSICAL THERAPIST

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: BPC sections 2633, 2660

BPC sec. 2630.3. PHYSICAL THERAPIST ASSISTANT LICENSE and SUPERVISION REQUIREMENTS

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, P, Q

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

Refer to related statutes and regulation: BPC sections 2660(j), 2622(a)(b), 2633.5; 16 CCR 1398.44

BPC sec. 2630.4. PHYSICAL THERAPY AIDE SUPERVISION REQUIREMENTS

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, K, L, M, N, Q, R

"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: BPC sections 2622(a)(c), 2660(j); 16 CCR 1399

BPC sec. 2630.5. Persons Exempt from Licensure Requirements

Citation:

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

Refer to related statutes and regulations: BPC sec. 900

BPC sec. 2633. AUTHORIZED USE OF TITLE “P.T.” AND “PHYSICAL THERAPIST” PERMITTED TITLES AND OTHER DESIGNATIONS; DOCTORAL DEGREE

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)c“Probation Conditions Specific to Violation” for consideration are: A, B, Ncc

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

Refer to related statute: BPC sec. 2630

BPC sec. 2633.5. AUTHORIZED USE OF TITLE “PHYSICAL THERAPIST ASSISTANT” PROHIBITIONS OF USING AFFIXES

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)c“Probation Conditions Specific to Violation” for consideration are: A, B, Ncc
- 27cc

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

Refer to related statute: BPC sec. 2630.3(b)

BPC sec. 2633.7. AUTHORIZED USE OF TITLE BY “PHYSICAL THERAPIST STUDENT” OR “PHYSICAL THERAPIST ASSISTANT STUDENT”

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 sections 1398.37, 1398.52

BPC sec. 2636.5. REQUIREMENTS FOR OBTAINING LICENSURE WITHOUT A WRITTEN EXAMINATION AND APPLICANT STATUS FOR A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT

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 sections 1399.10, 1399.12

BPC sec. 2639. PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT GRADUATE-LICENSE APPLICANT STATUS REQUIREMENTS

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 sections 1399.10, 1399.12

BPC sec. 2639.1. EQUIVALENT TRAINING REQUIREMENTS~~s~~- PHYSICAL THERAPIST ASSISTANT

Discipline:

Minimum: Issue Initial Probationary License

Maximum: Deny Application

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related statute and regulation: BPC sec. 2635; 16 CCR 1398.47

BPC sec. 2644. EXPIRATION AND RENEWAL OF LICENSE, DISCLOSURE OF MISDEMEANOR OR CRIMINAL OFFENSE AND CONTINUING COMPETENCY REQUIREMENTS

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Refer to related statute and regulation: BPC sec. 2649; 16 CCR 1399.24(d)

BPC sec. 2649. DEMONSTRATION OF CONTINUING COMPETENCY REQUIREMENT

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 regulations: BPC sec. 2644; 16 CCR sections 1399.91, 1399.92, 1399.93, 1399.94, 1399.97, 1399.98, 1399.99

BPC sec. 2653. REQUIREMENTS OF GRADUATES FROM FOREIGN SCHOOLS

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 sections 1398.26, 1398.26.5

BPC sec. 2660(a). VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS

Citation:

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

Discipline:

A through EE, specific to statute violated.

Note: BPC sec. 2660(a) authorizes the Board to cite violations of the Medical Practice Act. Therefore, whenever the Board cites violations of the Medical Practice Act, the Board must also cite BPC sec. 2660(a).

BPC sec. 2660(b). ADVERTISING IN VIOLATION OF BPC 17500

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

Refer to related statutes and regulation: BPC sections 651, 17500; 16 CCR 1398.40

BPC sec. 2660(c). PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION

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: BPC sections 498, 499, 581, 582, 583

BPC sec. 2660(d). PRACTICING OR OFFERING TO PRACTICE BEYOND SCOPE OF PRACTICE OF PHYSICAL THERAPY

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 o o

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

Refer to related statutes: BPC sections 2234(d), 2660(h)

BPC sec. 2660(e). CONVICTION OF A CRIME

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 BPC sections 480, 490, 2237, 2238, 2239, 2660(f), 2661; 16aa CCR 1399.24(c)(d)

BPC sec. 2660(f). UNLAWFUL POSSESSION OR USE OF, OR CONVICTION OF A CRIMINAL OFFENSE INVOLVING A CONTROLLED SUBSTANCE

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

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

Refer to related statutes: BPC sections 480, 490, 2237, 2238, 2239, 2660(a)

BPC sec. 2660(g). FAILURE TO MAINTAIN ADEQUATE AND ACCURATE PATIENT RECORDS

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, Poo

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

Refer to related statute and regulations: BPC sec. 2620.7; 16 CCR sections 1398.13, 1398.44, 1399, 1399.10, 1399.12

BPC sec. 2660(h). GROSS NEGLIGENCE OR REPEATED ACTS OF NEGLIGENCE

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, Poo

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

Refer to related statutes: BPC sec. 725

BPC sec. 2660(i). AIDING OR ABETTING UNLAWFUL PRACTICE

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

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

Refer to related statutes and regulations: BPC sections 2630.3, 2630.4, 2630.5, 2639, 2653; 16 CCR sections 1398.26.5, 1398.37,1398.44, 1399, 1399.10, 1399.12,

BPC sec. 2660(j). FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED

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

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

Refer to related statute: BPC sec. 810

BPC sec. 2660(k). INFECTION CONTROL GUIDELINES

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, I, J, N, O

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

BPC sec. 2660(i). VERBAL ABUSE OR SEXUAL HARASSMENT

Citation:

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

Discipline:

Minimum: Public Reprimand
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.

BPC sec. 2660(m). SEXUAL MISCONDUCT OR VIOLATING BPC section 726

Note: Pursuant to 16 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 regulation: BPC sections 726, 2660.1; 16 CCR1399.15(b)

BPC sec. 2660(n). PERMITTING PHYSICAL THERAPIST ASSISTANT AND/OR AIDE TO PERFORM, HOLD THEMSELVES OUT AS COMPETENT TO PERFORM BEYOND LEVEL OF EDUCATION, TRAINING AND EXPERIENCE OF P.T.A. AND/OR AIDE

Citation:

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

Discipline:

Minimum: Public Reprimand
Maximum: Revocation

Refer to related statute: BPC sec.2660(i)(j)

BPC sec. 2660(o). ADVERSE ACTION TAKEN BY ANOTHER STATE OR AGENCY OF THE FEDERAL GOVERNMENT

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: BPC sec. 141; 16 CCR 1399.24(c)(d)

BPC sec. 2660(p). INAPPROPRIATE VIEWING OF DISROBED PATIENT IF UNNECESSARY TO PATIENT EVALUATION OR TREATMENT

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: BPC sections 726, 2660(m), 2660.1

BPC sec. 2660(q). ENGAGING IN ACTS IN VIOLATION OF BPCSECTIONS 650, 651, OR 654.2

Refer to related statute: BPC sections 650, 651, 654.2

BPC sec. 2660(r). CHARGING FEES FOR SERVICES NOT PROVIDED

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: BPC sec. 2660(s)

BPC sec. 2660(s). MISREPRESENTING DOCUMENTATION AND/OR FALSIFYING OF PATIENT RECORDS

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, Poo

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

Refer to related statute: BPC sec. 2660(r)

BPC sec. 2660(t). EMPLOYMENT OF RUNNERS, CAPPERS, STEERERS, OR OTHER PERSONS

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, Poo

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

Refer to related statute: BPC sec. 650

BPC sec. 2660(u). WILLFUL, UNAUTHORIZED VIOLATION OF PROFESSIONAL CONFIDENCE

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: P (course should include HIPPA requirements)

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

BPC sec. 2660(v). FAILING TO MAINTAIN PATIENT CONFIDENTIALITY

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

"Probation Conditions Specific to Violation" for consideration are: N, P (course should include HIPPA requirements)

BPC sec. 2660(w). HABITUAL INTEMPERANCE

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

BPC sec. 2660(x). FAILURE TO COMPLY WITH THE PROVISIONS OF BPC SECTION 2620.1

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

BPC sec. 2660.1. PRESUMPTION REGARDING INCAPABILITY TO CONSENT TO SEXUAL ACTIVITY

Note: Pursuant to 16 CCR sec.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 regulation: BPC sections 726, 2660(m)(p); 16 CCR 1399.15(b)

BPC sec. 2660.2. ISSUANCE OF PROBATIONARY LICENSE APPLICANTS

Refer to related statutes and regulation: BPC sec. 2661

BPC sec. 2660.4. FAILURE OR REFUSAL TO PROVIDE MEDICAL RECORDS

Citation:

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

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 15th day, unless the licensee is unable to provide records within this time period for good cause.

Refer to related regulation: 16 CCR. 1399.24(b)(c)(e)

BPC sec. 2660.5. DENIAL OF LICENSE IN SPECIFIED CIRCUMSTANCES - REGISTERED SEX OFFENDER (APPLICANT)

Discipline: Denial of License

BPC sec. 2660.7. SUBVERSION OF EXAMINATION

Refer to related statutes for appropriate penalties: BPC sections 123, 584, 2660(i)(j)

BPC sec. 2661. CONVICTION OF CRIME

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 prudence and good judgment. Therefore, the conviction is substantially related to the qualifications, functions and duties as a licensee.

Note: BPC sec. 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 regulations: BPC sec. 490, 2660(e), 2660.2; 16 CCR sections 1399.23, 1399.24(c)(d)

BPC sec. 2691. PHYSICAL THERAPY CORPORATION

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 regulations: BPC sec. 2660(e) and 16 CCR sections 1399.35, 1399.37, 1399.39.

BPC sec. 2692. UNPROFESSIONAL CONDUCT- CORPORATION

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

BPC sec. 2693. CORPORATION NAME

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute and regulations: BPC sec. 2660(e) and 16 CCR sections 1399.35, 1399.37, 1399.39.

BPC sec. 2694. DIRECTORS AND OFFICERS

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute and regulations: BPC sec. 2660(e) and 16 CCR sections 1399.35, 39

1399.37, 1399.39.

VIOLATION OF PROBATION

Discipline:

Implementation of Original Stayed Order.

BPC sec.17500. FALSE ADVERTISING

Refer to related statutes and regulations for appropriate penalties: BPC sections 651, 2660(b) (q); 16 CCR 1398.10

Title 16, California Code of Regulations

16 CCR 1398.6. FILING OF ADDRESSES, EMAIL ADDRESSES AND NAME CHANGE

Refer to related statutes: BPC sections 136, 2660

16 CCR 1398.10. ADVERTISING

Refer to related statutes: BPC sections 651, 2660(b) sec. 17500

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

Refer to related statute: BPC sec. 680

16 CCR 1398.13. PATIENT RECORD DOCUMENTATION REQUIREMENT

Refer to related statute: BPC sec. 2620.7

16 CCR 1398.15. NOTICE TO CONSUMERS (FORM NTC 12-01)

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Public Reproval

Refer to related statute: BPC sec. 2660

16 CCR 1398.26. APPLICATIONS OF FOREIGN EDUCATED GRADUATES

Refer to related statute: BPC sec. 2653

16 CCR 1398.26.5. CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS

Refer to related statute: BPC sec. 2653

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

Refer to related statute: BPC sec. 2633.7

16 CCR 1398.44. SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS

Refer to related statutes: BPC sections 2622, 2630.3

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

Refer to related statute: BPC sec. 2633.7

16 CCR 1399. REQUIREMENTS FOR USE OF AIDES

Refer to related statute: BPC sec. 2630.4

16 CCR 1399.10. SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS

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 statutes: BPC sections 2636.5, 2639

16 CCR 1399.12. SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS

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 statutes: BPC sections 2636.5, 2639

16 CCR 1399.15(b). DISCIPLINARY GUIDELINES – SEX OFFENSE

Discipline:

Revocation or Denial of License

Refer to related statutes: BPC sections 726, 2660(m), 2660.1

16 CCR 1399.23. REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS

Discipline:

Revocation or Denial of License

Refer to related statutes and regulation: BPC sections 480, 726, 2660.d, 2660.2, 2660.5, 2661; 16 CCR sec. 1399.15(b)

16 CCR 1399.24(a). PROHIBITING ANOTHER PARTY FROM COOPERATING WITH OR DISPUTING A COMPLAINT

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation: Standard Conditions Only

16 CCR 1399.24(b). FAILURE TO PROVIDE CERTIFIED DOCUMENTS

Refer to related statute: BPC sec. 2608.5

16 CCR 1399.24(c). FAILURE TO COOPERATE IN BOARD INVESTIGATION

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Revocation

Standard Conditions Only

16 CCR 1399.24(d). FAILURE TO REPORT TO BOARD CRIMINAL OR DISCIPLINARY INFORMATION

Refer to related statutes: BPC sections 141, 490, 2660(e), 2661

16 CCR 1399.24(e). FAILURE TO COMPLY WITH SUBPOENA ORDER

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

Refer to related statute: BPC sec. 2660

16 CCR 1399.35. REQUIREMENTS FOR PROFESSIONAL CORPORATIONS

Refer to related statutes: BPC sections 2690, 2691, 2694

16 CCR 1399.37. SHARES: OWNERSHIP AND TRANSFER

Refer to related statute: BPC sec. 2696

16 CCR 1399.39. CORPORATE ACTIVITIES

Refer to related statute: BPC sec. 2696

16 CCR 1399.61. CERTIFICATION REQUIRED - ELECTROMYOGRAPHY

Refer to related statute: BPC sec. 2620.5

16 CCR 1399.77. ADMINISTRATION OF MEDICATIONS

Refer to related statute and regulations: BPC sec. 2620.3; 16 CCR sections 1399.78, 1399.79

16 CCR 1399.78. AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS

Refer to related statute and regulations: BPC sec. 2620.3; 16 CCR sections 1399.77, 1399.79

16 CCR 1399.79. AUTHORIZED TOPICAL MEDICATIONS

Refer to related statute and regulations: BPC sec. 2620.3; 16 CCR sections 1399.77, 1399.78

16 CCR 1399.91. CONTINUING COMPETENCY REQUIRED

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.92. CONTENT STANDARDS FOR CONTINUING COMPETENCY

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.93. CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.94. AUTHORIZED PATHWAYS FOR OBTAINING CONTINUING COMPETENCY HOURS

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.95. STANDARDS FOR APPROVED AGENCIES

Citation:

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

Discipline:

Maximum: Revocation of recognition as an approved agency

Refer to related statute: BPC sec. 2649

16 CCR 1399.96. STANDARDS FOR APPROVED PROVIDERS

Citation:

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

Discipline:

Maximum: Revocation of recognition as an approved provider

Refer to related statute: BPC sec. 2649

16 CCR 1399.97. RECORD KEEPING (CONTINUING COMPETENCY)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.98. INACTIVE STATUS (CONTINUING COMPETENCY)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: BPC sections 2644, 2649

16 CCR 1399.99. EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: BPC sections 2644, 2649

Health and Safety Code

HSC sec.123110. PATIENT'S ACCESS TO HEALTH CARE RECORDS

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

Minimum: 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 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 their responsibility to reimburse the Board, the Board will collect cost recovery 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 probation. This condition applies to any jurisdiction with authority over Respondent.

Further, Respondent shall, within five (5) days 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 comply 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 comply 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 or in a manner designated by the Board 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 of the reason for and the terms and conditions of 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 the Respondent's 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 Probation Monitor the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors, or contractors, and shall inform the Probation 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 information, 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, including the Respondent's employer's written 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 # [insert 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 # [insert 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 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 legally-recognized or based upon a legal change of name.

15. Intermittent Work

If Respondent 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 Probation Monitor, or designee, if the Respondent practices or performs 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 practice or non-practice.

Non-practice is defined as any period of time Respondent is not practicing physical therapy, as defined in BPC sec. 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 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 practicing or performing physical therapy within California, and report the date of expected return, if any. If Respondent begins practicing or performing physical therapy, in California, prior to notifying the Board's Probation Monitor, or designee the time prior to notification will not be credited toward completion of Respondent's probationary period.

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.

18. 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.

19. 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 Respondent's 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 the terms and conditions of probation. 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.

20. 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.

21. 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 practice physical therapy until the examination has been successfully passed and Respondent 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 BPC sec. 2649, as a condition for renewal of license.

22. 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 this Decision and Order.

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.

23. 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 Board. 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.

1. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

2. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

3. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

4. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

5. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

6. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

7. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

8. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

9. Respondent shall pay the probation monitoring costs as ordered in this Decision and Order.

10. Respondent shall pay 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, 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.*

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 (ie as an officer, partner or shareholder)

Choose level of supervision:

1) Full Presence/Documentation Review

The level of supervision shall be direct and require the physical presence of the supervising physical therapist while physical therapy is performed by Respondent and may require the supervisor to review patient records and any pertinent documents necessary to determine Respondent's compliance with this Decisions and Order. Direct Supervision and physical presence mean the supervising physical therapist shall be near or close enough to observe or hear 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 will 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 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 this Decision and Order.

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 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 physical therapy 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. If the supervisor terminates or is otherwise no longer available to act as the Respondent's supervisor, 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 the supervisor has reviewed the conditions of Respondent's disciplinary order and agrees to supervise 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 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 the Respondent's probationary conditions and existing laws and regulations governing the practice of physical therapy;
- E. Assessment of Respondent's progress in regard 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 the

supervisor's conclusions and opinions.

The supervisor shall keep any information used to write their report (e.g. record of patient records reviewed) and shall make it available at the Board's request. 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 [X] year(s) of full compliance with probation, the Board, or its designee, consider a modification of this term to require a lower level of supervision.

B. Practice Monitoring Required

Note: This probation condition shall only 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. This condition should be used in conjunction with Condition A to allow for flexibility of employment should Respondent close their business.

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, 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 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. 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 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 their probationary conditions and existing laws and regulations governing the practice of physical therapy
5. Assessment of Respondent's regarding 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 their conclusions and opinions

The Practice Monitor shall also maintain and submit with 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.

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

Respondent shall not be a 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.

II. Restriction of Practice - Prohibition 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). Beginning on the effective date of this Decision and Order, the first time 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 Practice Monitor or the

Board's Probation Monitor, and shall retain the log for the entire term of probation. Failure to maintain a log, as defined in the 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, beginning on the effective date of the Decision and Order, the first time a patient seeks the prohibited services, and each subsequent 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 Practice Monitor or the Board's Probation Monitor, or its designee, and shall retain the notification for the entire term of probation. Failure to maintain the notification, as defined in the 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 Probation Monitor, the approved physical therapist can recommend to the Board, in writing, that this term of probation be removed without requiring Respondent to petition to modify 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.

J. Notification of Probation Status to Assistive Personnel

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 the assistive personnel's 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.

K. 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.

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

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

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

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

N. Notification to Patients

Respondent shall notify each patient, in writing, that 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 each patient a copy of the acknowledgement.

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

The Physical Therapy Board of California (PTBC) has placed [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, 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 <https://www.breeze.ca.gov>.

Note: If condition "B" Practice Monitor is used, condition "N" is necessary.

O. Notification of Probationer Status to Employees

If Respondent is an employer, Respondent shall notify all present and future employees of the reason for and terms and conditions of the probation.

Respondent shall do so by providing a copy of the Initial Probationary License, Statement of Issues, or Accusation, and Decision and Order, as applicable, to each employee and submit acknowledgement of receipt, signed by the employee 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, phone number, and job title of each employees.

P. 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 _____ cc _____ (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 BPC sec. 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.

Q. 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 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 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.

R. Psychotherapy

Within sixty (60) calendar days of the effective date of this Decision and Order, Respondent shall submit to the Board, or its designee, for prior approval the name and qualifications of a Board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five (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, or its designee, 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, or its designee, and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board, or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board, or its designee. The Board, or its designee, may require Respondent to undergo psychiatric evaluations by a Board-appointed, Board certified psychiatrist.

If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall have continued jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines Respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay all costs associated with compliance of this term.

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.

S. 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, or its designee, Respondent shall undergo a medical evaluation by a Board appointed physician and surgeon, who shall furnish a medical report to the Board, or its designee. Respondent shall pay all costs associated with the medical evaluation and continued treatments.

If, following the medical evaluation, Respondent is required by the Board, or its designee, to undergo medical treatment, Respondent shall within thirty (30) days of written notification of the requirement submit to the Board, or its designee, 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, or its designee. Respondent shall have the treating physician and surgeon submit quarterly status reports to the Board, or its designee, 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, or its designee, of its determination that Respondent is medically fit to practice safely.

T. Medical Treatment

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

X. 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 CDEs, 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 CDE shall be conducted in accordance with accepted professional standards for conducting substance abuse CDEs.

Respondent shall undergo a CDE to determine whether the Respondent has a substance abuse problem and whether Respondent is a threat to themselves or others. The evaluator shall make recommendations for substance abuse treatment, practice restrictions, or other recommendations related to Respondent's rehabilitation and ability to practice safely.

Respondent shall not be evaluated by an evaluator that has had a financial, personal, familial, or business relationship with Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

During the evaluation, if it is determined that Respondent is a threat to themselves 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 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.

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;
- ◆ 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 Respondent is a threat to themselves 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 the Respondent has had negative drug test results for a period of at least thirty days.

If interpretation or clarification of any of the Conditions Applying the Uniform Standards is necessary, the Uniform Standards shall be controlling.

Z. 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 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 Board's Probation Monitor or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

AA. 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 Board's Probation Monitor or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

BB. Biological Testing

Respondent shall immediately submit to 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 shall be paid by Respondent.

Respondent shall be subject to fifty-two (52) to one-hundred and four (104) random tests, per year, within the first year of probation, and 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 Respondent has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the Board, the Board may consider 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 the Respondent must submit to biological testing. To ensure test results are sent immediately to the Board, Respondent shall have the test performed by a Board-approved laboratory, that is certified and accredited by the U.S. Department of Health and Human Services, on the same day that the Respondent is notified a test is required. 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 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 Respondent to cease all practice, and require Respondent to immediately undergo a physical examination and complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result. A positive result in this case, isii 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 sample, the result shall be considered an admission of a positive result 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 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 apply.

CC. Major Violations

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 violations include, but are not limited to, the following:

- Failure to complete a Board-ordered program
- Failure to undergo a required CDE
- Committing multiple minor violations of probation conditions
- Treating a patient while under the influence of drugs or alcohol
- Committing any drug or alcohol offense that is a violation of the Business and Professions Code or other state or federal law
- Failure to obtain ordered biological testing for substance abuse
- Testing positive for a banned substance
- 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).

DD. Facilitated Group Support Meetings

Within fifteen (15) days from the effective date of this Decision and Order, Respondent shall submit to the Board, or its designee, 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, or its designee's, approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board, or its designee, shall consider the following:

- 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
- Respondent's treatment history
- The nature, duration, and severity of substance abuse

Respondent shall submit verified documentation of attendance 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.

The group support facilitator shall meet the following qualifications and requirements:

1. 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 other nationally certified organizations.
2. Shall not have had a financial personal or business relationship with Respondent in the last five (5) years.
3. Shall provide to the Board, or its designee, a signed document showing Respondent's name, the group name, the date and location of the meeting, Respondent's attendance, and Respondent's level of participation and progress.
4. Shall report any unexcused absence(s) to the Board, or its designee, within twenty-four (24) hours.
5. [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.]

EE. 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 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 Respondent's employer to serve as the Worksite Monitor, this requirement may be waived by the Board. However, under no circumstances shall Respondent's Worksite Monitor be an employee of 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 the Worksite Monitor has reviewed the terms and conditions of Respondent's disciplinary Order and agrees to monitor Respondent, as set forth by the Board in the Order.

The Worksite Monitor must adhere to the following required methods of monitoring Respondent:

1. At least once per week, or more frequently if required by the Board, have face-to-face contact with Respondent in the Respondent's work environment.

2. Interview other staff in the office regarding Respondent's behavior, if applicable.
3. Review 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 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.
- Submit a written report monthly or as directed by the Board. The report shall include: Respondent's name; license number; Worksite Monitor's name, signature and license number; worksite location(s); dates licensee had face-to-face contact with the Worksite Monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; and any indicators leading to suspected substance abuse.

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.

[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.]

Model Orders for Licensee Discipline

Probation Without Uniform Standards

IT IS HEREBY ORDERED that [Physical Therapist or Physical Therapist Assistant], License No.i[#], issued to Respondent [name] is REVOKED. However, the Order of Revocation is STAYED, and Respondent is placed on probation fori[#] 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.i[#], 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 the 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 and 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] 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 shall be required.

Glossary of Terms

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

Business and Professions Code (BPC) - 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 BPC 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.

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 of the California Code of Regulations and can be accessed through the Physical Therapy Board of California website at 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 (HS 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 Board website at 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 the 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 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 Probation 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 probationer to ensure compliance with the terms and conditions of the 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 BPC 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 Board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

Public Repeval - A formal public reepeval, pursuant to BPC 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 reepeval is considered disciplinary action.

Rehabilitation - A part of a disciplinary action taken in cases of substance abuse.

Revoled - The license is revoled 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.

Revoled, stayed, probation - "Stayed" means the revocation is postponed or 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 must be approved by the Board's Probation 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 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.

Suspension - The licensee is prohibited from 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 Worksite Monitor must be approved by the Board's Probation Monitor, or designee, and reports to the Board's rehabilitation program on the status of the Probationer.

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