

# PHYSICAL THERAPY BOARD OF CALIFORNIA

## PROPOSED LANGUAGE

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

(1) Amend Section 1399.20 in Article 8, Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

### § 1399.20. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension or revocation of a license, pursuant to section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

~~(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.~~

~~(b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.~~

~~(c) Violating or attempting to violate any provision or term of the Medical Practice Act.~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a licensed physical therapist or physical therapist assistant.

Note: Authority cited: Sections 481, 493 and 2615, Business and Professions Code.  
Reference: Sections 141, 480, 481, 490, 493, 2660, 2660.5 and 2661, Business and Professions Code.

### § 1399.21. Rehabilitation Criteria for Denial and Reinstatement of Licensure.

(a) When considering the denial of a license, under Section 480 of the code or a petition for reinstatement under Section 11522 of the Government Code on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: the board, in

~~evaluating the rehabilitation of the applicant and his or her present eligibility for a license shall consider the following criteria:~~

~~(a) (1) The nature and severity gravity of the act(s) or crime(s), under consideration as grounds for denial.~~

~~(2) The length(s) of the applicable parole or probation period(s).~~

~~(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.~~

~~(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.~~

~~(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.~~

~~(b) If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:~~

~~(1) The nature and gravity of the act(s) or crime(s) under consideration as grounds for denial.~~

~~(b) (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~

~~(c) (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b) subdivisions (1) or (2).~~

~~(d) (4) Whether ~~The extent to which~~ the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.~~

~~(5) The criteria in subdivision (a)(1)-(5), as applicable.~~

~~(e) (6) Evidence, if any, of rehabilitation submitted by the applicant.~~

Note: Authority cited: Sections 482 and 2615, Business and Professions Code.

Reference: Sections 480, 481, 482, 488, 493 2660 and 2661, Business and Professions Code.

## § 1399.22. Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a license on the ground that a person holding a license under the Physical Therapy Practice Act has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board in evaluating the rehabilitation of such person and his or her eligibility for a license shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(b) If subdivision (a) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:

(a)(1) The nature and severity of the act(s) or ~~offense(s)~~crime(s).

(b)(2) The total criminal record.

(c)(3) The time that has elapsed since commission of the act(s) or ~~offense(s)~~crime(s).

(d)(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

(e)(6) If applicable, evidence of ~~expungement~~dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(f)(7) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code.

Reference: Sections 141, 480, 482, 488, 493, 2660 and 2661, Business and Professions Code.