



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



Board Members

President

Debra Alviso, PT, DPT

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

Physical Therapy Board of California

Notice of Public Meeting

November 5, 2014 9:00 a.m.

November 6, 2014 9:00 a.m.

**University of the Pacific
Edward and Alice Long Building,
Room B-109
751 Brookside Road
Stockton, CA 95207**

Board Staff

Jason Kaiser, Executive Officer

Liz Constanancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

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

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

Agenda

1. **Call to Order and Roll Call**
2. **Board Member Appointments**
 - (A) Farewell to Sara Takii, PT, DPT
 - (B) Welcome to Jesus Dominguez, PT, PhD
 - (C) Welcome to Daniel Drummer, PT, DPT
3. **Approval of Meeting Minutes – Sarah Conley**
 - (A) August 20 & 21, 2014
 - (B) October 2, 2014
4. **Consumer and Professional Associations and Intergovernmental Relations Reports**
 - (A) Federation of State Boards of Physical Therapy (FSBPT)
 - (B) Department of Consumer Affairs (DCA) – *Christine Lally*
 - (C) California Physical Therapy Association (CPTA)
5. **President’s Report – Dr. Alviso**
 - (A) 2015 Meeting Calendar
6. **Executive Officer’s Report – Jason Kaiser**
7. **California Jurisprudence Exam Administration Options – Heidi Herbst-Paakkonen, FSBPT**

8. **FSBPT Supervised Clinical Practice (SCP) Performance Evaluation Tool (PET) for Applicants from Non-Accredited Physical Therapist Programs** – *Leslie Adrian, FSBPT*
9. **Legislation Report** – *Sarah Conley*
 - (A) 2013/14 Legislative Session Summary
10. **Rulemaking** – *Sarah Conley*
 - (A) 2015 Rulemaking Calendar
 - (B) Disciplinary Guidelines
11. **Administrative Services Report**
 - (A) Budget
 - i. Fee Increase
 - (B) Outreach
12. **Application & Licensing Services Report**
13. **Consumer Protection Services Report** – *Elsa Ybarra*
14. **Strategic Plan** – *Sarah Conley*
15. **Board Member Policy Manual Discussion and Revisions** – *Sarah Conley*
16. **Elections**
 - (A) President
 - (B) Vice-President
 - (C) FSBPT Delegate
 - (D) FSBPT Alternate Delegate
 - (E) FSBPT Back-up Alternate Delegate
17. **Public Comment on Items Not on the Agenda**

Please note the board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. [Government Code sections 11125 and 11125.7(a)]
18. **Agenda Items for Next Meeting** – February 11 & 12, 2015

19. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions
- (B) Pursuant to Government Code section 11126(c)(1)
Prepare, approve, grade or administer examinations
- (C) Pursuant to Government Code section 11126(e)
US Equal Employment Opportunity Commission (EEOC) Charge
Number 555-2012-00027

20. Adjournment

Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and may be changed by the Board without prior notice. This meeting will conform to the Bagley-Keene Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at the meetings to address each agenda item during the Board’s discussion or consideration of the item. Total time allocated for public comment on particular issues may be limited.

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot be guaranteed. If you wish to participate or guarantee the opportunity to observe, please plan to attend at a physical location.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Sarah Conley at (916) 561-8210, e-mail: sarah.conley@dca.ca.gov, or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Roll Call

**University of Pacific
Stockton, CA**

November 5, 2014

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Katarina V. Eleby		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

November 6, 2014

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Katarina V. Eleby		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

(A) Farewell to Sara Takii, DPT

Sara Takii, PT, DPT, received her initial appointment to the Physical Therapy Board of California (Board) in October 2006 by Governor Schwarzenegger and was reappointed in December 2010. Dr. Takii served the Board as President in 2009 and 2010, most recently served as Vice-President in 2014, and formerly serviced as a member of the Assistive Personnel Task Force. She also represented the State of California at the Federation of State Boards of Physical Therapy (FSBPT) annual conference in the years 2007-2009 and did this year as well as the delegate of the Board. Dr. Takii received her Doctor of Physical Therapy degree from Temple University, earned a Bachelor of Science degree in Physical Therapy from Ohio State University, and a Master of Public Administration degree from California State University, Long Beach, and is the owner of Southcoast Physical Therapy and Western Physical Therapy.

(B) Welcome to Jesus Dominguez, PT, PhD

Jesus Dominguez, PT, PhD, has been appointed to the Physical Therapy Board of California. Dr. Dominguez has been an assistant professor of clinical physical therapy and director of admissions at the University of Southern California Division of Biokinesiology and Physical Therapy since 2004. He was a research associate at the University of Southern California Keck School of Medicine from 2007-2010, an assistant professor at California State University, Los Angeles from 2002-2004 and an adjunct assistant professor of clinical physical therapy at the University of Southern California from 1998-2004, where he was an adjunct lecturer of clinical physical therapy from 1993 to 1996. Dr. Dominguez was a physical therapist at Keck Hospital of the University of Southern California from 1996 to 1998 and senior physical therapist at JDC Cardiovascular Services from 1993 to 1996 and at Blessey Physical Therapy Services from 1988 to 1993. He is a member of the American Physical Therapy Association and the California Physical Therapy Association. Dr. Dominguez earned Doctor of Philosophy in biokinesiology and Master of Science in physical therapy degrees from the University of Southern California.

(C) Welcome to Daniel Drummer, PT, DPT

Daniel Drummer, PT, DPT, of San Francisco, has been appointed to the Physical Therapy Board of California. Dr. Drummer has been a physical therapist at the San Francisco General Hospital Department of Rehabilitation since 1995. He was a physical therapist at the Pennsylvania Hospital Department of Rehabilitation from 1994 to 1995. Dr. Drummer earned a Doctor of Physical Therapy from Temple University.



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1

Board Members

President

Debra Alviso, Physical Therapist, DPT

Vice-President

Sara Takii, Physical Therapist, DPT, MPA

Members

Katarina Eleby

Alicia Rabena-Amen, Physical Therapist, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

Physical Therapy Board of California

DRAFT Meeting Minutes

August 20, 2014 9:00 a.m.

August 21, 2014 9:00 a.m.

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

**Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815**

2

3 For the sake of clarity, the meeting minutes are organized in numerical order to reflect
4 their original order on the agenda; however, issues were taken out of order during the
5 meeting.

6

7 **1. Call to Order and Roll Call**

8

9 The Physical Therapy Board (Board) meeting was called to order by Dr. Alviso at 9:07
10 a.m. All members were present and a quorum was established. Also present at the
11 meeting were Laura Freedman, Legal Counsel; Jason Kaiser, Executive Officer; Elsa
12 Ybarra, Consumer Protection Services Manager; Sarah Conley, Executive Associate
13 Analyst; and, other Board staff.

14

15 **2. Board Member Appointments**

16

17 Mr. Kaiser informed the Board no appointments have been made as of yet, but
18 hopefully soon.

19

20 **3. Closed Session**

21

(A) Pursuant to Government Code section 11126(c)(3)

22

Deliberation on Disciplinary Actions

23

24 Once issued, disciplinary decisions may be found on the Board's website at

25 www.ptbc.ca.gov.

26

27 **(B) Pursuant to Government Code section 11126(e)**

28

US Equal Employment Opportunity Commission (EEOC) Charge

29

Number 555-2012-00027

30

31 No discussion occurred on this item.

32

33

1 **4. August 20, 2014**
2 **Lunch 12:00 p.m. – 2:00 p.m.**

3
4 **5. Approval of May 14 & 15, 2014 Meeting Minutes – Sarah Conley**

5
6 **MOTION: To adopt the draft May 14 & 15 meeting minutes as presented.**

7
8 **MOVED: Dr. Takii**

9
10 **SECOND: Ms. Eleby**

11
12 **VOTE: 6-0 Motion carried**

13
14
15 **6. Consumer and Professional Associations and Intergovernmental Relations**
16 **Reports**

17 **(A) Federation of State Boards of Physical Therapy (FSBPT)**
18

19 Dr. Takii and Mr. Kaiser provided an overview of the Delegate Assembly motions that
20 were adopted at the 2013 FSBPT meeting, and discussed at the recent Leadership
21 Issues Forum; they identified specific motions that would have a significant impact to
22 the Board.

23
24 Motion DEL-13-03 would impose a lifetime limit of six exam attempts, and motion DEL-
25 13-04 would prohibit an applicant from taking the exam if the applicant has received two
26 prior scores below 400. These motions are of particular concern because they conflict
27 with Business and Professions Code section 135, which prohibits the Board from
28 imposing any additional limitations, restrictions, prerequisites, or requirements on any
29 applicant who wishes to participate in subsequent examinations, except as specified.
30 Ms. Freedman informed the Board that should the FSBPT move forward with endorsing
31 these policies, which directly conflict with California law, the Board would have to
32 exercise it's right to terminate the contract.

33
34 Mr. Kaiser provided the rationale for the motions. The FSBPT asserts DEL-13-03 and
35 DEL-13-04 would protect the integrity of the exam by restricting access to only those
36 candidates who are likely to be competent as measured by the exam performance
37 standard. The FSBPT references examination qualification models used by the Medical
38 Board of California and the Pharmacy Board of California. Mr. Kaiser clarified that
39 these boards do not entirely limit access to the licensing exams, but have established
40 conditional provisions that applicants must comply with in order to be granted eligibility
41 to sit for a subsequent license exam.

42
43 The Board indicated it shares the FSBPT's concern with exam subversion; however,
44 suggested there may be an alternative to ensuring exam security without denying
45 candidates their right to reasonable access to the profession. The Board expressed it

1 cannot support DEL-13-03 and DEL-13-04.

2
3 Ms. Freedman noted there are provisions within the Board's contract with the FSBPT
4 that would allow the Board to terminate the contract if the FSBPT were to mandate
5 compliance with DEL-13-03 and DEL-13-04. However, if the Board were to terminate
6 the contract, it would need to develop and administer a licensing exam. Because of the
7 established expertise of the FSBPT in providing the licensing exam, it is the Board's
8 wish to find an acceptable resolution to this issue without terminating the contract. Mr.
9 Kaiser added that he suspects the FSBPT also has an interest in preserving the
10 contract because California provides a large volume of exam clients and California is a
11 large client of FSBPT services.

12
13 There were provisions in the motions stating that the FSBPT would work with member
14 boards to address conflicts with specific jurisdiction requirements. Two interpretations
15 of this were 1) that the FSBPT will accommodate member boards whose jurisdictional
16 requirements conflict, and 2) that the FSBPT will assist member boards in changing
17 jurisdictional requirements that conflict with the motions to ensure implementation.

18
19 Although the Board could consider remediation similar to the Pharmacy Board as an
20 alternative to completely denying access to the exam, the ideal situation would be that
21 the FSBPT provide an exception for those member boards whose state laws prohibit
22 them from implementing these examination attempt limitations. Either way, an
23 accommodation must be made.

24
25 **(B) Department of Consumer Affairs (DCA) – *Christine Lally***

26
27 Ms. Lally reported Awet Kidane has been appointed Director of DCA and Tracy Rhine
28 has been appointed Deputy Director of DCA. Mr. Kidane previously served as Deputy
29 Director of DCA and Tracy Rhine previously served as Deputy Director of Legislation for
30 the DCA. Ms. Lally informed that Board the DCA recently issued an updated travel
31 memo which outlines permitted and restricted travel and noted there is little deviation
32 from these guidelines. Ms. Lally expressed gratitude for Mr. Kaiser's leadership in the
33 BreEZe project.

34
35 **(C) California Physical Therapy Association (CPTA)**

36
37 Representatives from the CPTA indicated they did not have anything to bring before the
38 Board at this time.

39
40 **7. President's Report – *Dr. Alviso***

41 **(A) 2014 Meeting Calendar**

42
43 Mr. Kaiser shared the November meeting is anticipated to be at the University of the
44 Pacific.

1 **(B) Proposed 2015 Meeting Calendar**

2
3 The Board reviewed the proposed 2015 calendar. Dr. Alviso informed the Board she
4 has a conflict with November 18th and 19th, and requested the dates be moved. Staff
5 provided November 4, 5, 6, 12, and 13 as possible dates for the November meeting.
6 The Board did not indicate a preference and deferred to staff to determine the final
7 November meeting date.

8
9 **MOTION: To delegate determination of the November 2015 meeting date**
10 **to staff.**

11
12 **MOVED: Dr. Alviso**

13
14 **SECOND: Dr. Takii**

15
16 **VOTE: 6-0 Motion carried**

17
18 The Board adopted the proposed 2015 meeting calendar.

19
20 **MOTION: To adopt the proposed 2015 meeting calendar.**

21
22 **MOVED: Dr. Takii**

23
24 **SECOND: Ms. Eleby**

25
26 **VOTE: 6-0 Motion carried**

27
28 **8. Executive Officer's Report – Jason Kaiser**

29
30 Mr. Kaiser provided an update on the BreEZe project. He explained that it is moving
31 quite rapidly and consuming much of staff's time. He noted that the BreEZe contract
32 prohibits double-booking, but only pertaining to double-booking BreEZe-related
33 meetings; therefore, it does not account for other Board obligations, such as Board
34 meetings. BreEZe is extraneously stressing boards' resources; however, this was
35 anticipated with a system conversion as large as BreEZe. Mr. Kaiser expressed his
36 gratitude and appreciation for the Board's Business Integration Analyst, Jeanie Wong,
37 for her exceptional work and for consistently going above and beyond.

38
39 Mr. Kaiser echoed Ms. Lally's comments regarding travel and informed the Board that
40 the staff is again looking at alternative outreach methods, such as social media, to
41 address the Board's outreach demands. The Continuing Competency program will no
42 longer be its own program; it will move under the License Services program. This will,
43 hopefully, provide greater efficiency for both the License Maintenance and Continuing
44 Competency programs. Currently, staff allocated to the Continuing Competency
45 program has been assisting in the Application Services and License Services programs.

1 Mr. Kaiser announced Tara Hamilton has joined the Application Services program; she
2 previously served the Board in the Application Services program as an AARP
3 employee.

4
5 **9. Legislation Report – Sarah Conley**

6 **(A) AB 186 (Maienschein) Professions and Vocations: Military Spouses:
7 Temporary Licenses**

8 **(B) AB 1758 (Patterson) Healing Arts: Initial Licensing Fees: Proration**

9 **(C) AB 1890 (Chau) Athletic Trainers**

10 **(D) AB 2396 (Bonta) Convictions: Expungement: Licenses**

11 **(E) SB 1159 (Lara) Professions and Vocations: License Applicants:
12 Federal Tax Identification Number**

13 **(F) SB 1243 (Lieu) Professions and Vocations**

14 **(G) SB 1256 (Mitchell) Medical Services: Credit**

15 **(H) Other bills that have come to the attention of the Board after
16 publication of the agenda**

17
18 Ms. Conley provided an update on the bills noticed on the agenda as well as SB 1226
19 under agenda item # 9(H). Dr. Alviso took an interim Oppose unless Amended position
20 on AB 186 as amended June 25th primarily because the Board can issue a regular
21 renewable license in the same amount of time as it could issue a temporary license;
22 therefore, it provides no benefit to applicants for physical therapist and physical
23 therapist assistant licensure. After the Board's concerns were communicated to the
24 author of the bill, AB 186 was amended removing the Board. The Board ratified the
25 interim Oppose Unless Amended position taken by Dr. Alviso.

26
27 **MOTION: To ratify the Oppose Unless Amended position taken by the
28 President on AB 186**

29
30 **MOVED: Ms. Wallisch**

31
32 **SECOND: Ms. Eleby**

33
34 **VOTE: 6-0 Motion carried**

35
36 Then, because the bill as amended August 20th removed the Board, the Board removed
37 its opposition.

38
39 **MOTION: To remove opposition to AB 186**

40
41 **MOVED: Ms. Wallisch**

42
43 **SECOND: Ms. Eleby**

44
45 **VOTE: 6-0 Motion carried**

1
2 Ms. Conley apprized the Board that Dr. Alviso also took a position on AB 1758. Dr.
3 Alviso took a Support if Amended position and informed the author of a number of
4 concerns with how the bill would impact the Board. On August 14th, the bill was held
5 under submission in the Senate Appropriations Committee and failed to meet the
6 deadline to pass out of Appropriations, which was August 15th. Although the bill died,
7 the Board ratified Dr. Alviso's interim position to demonstrate its concurrence with the
8 position on the subject of the bill and the concerns that were expressed.

9
10 **MOTION: To ratify the Support if Amended position taken by the Board**
11 **President**

12
13 **MOVED: Ms. Wallisch**

14
15 **SECOND: Ms. Eleby**

16
17 **VOTE: 6-0 Motion carried**
18

19 Ms. Conley notified the Board that SB 1226, which is a "gut and amend bill," was
20 amended August 11th to add Section 115.4 to the Business and Professions Code
21 (BPC) among other things. BPC section 115.4 would require boards to expedite the
22 application process for all honorably discharged veterans. SB 1226 had previously
23 proposed to amend Section 83123.5 of the Government Code pertaining to the Fair
24 Political Practices Commission. Ms. Conley noted that if the provisions within the bill
25 were enacted, the Board would handle it similarly to other military-related legislation that
26 requires the Board to expedite the application process, and staff does not anticipate a
27 major impact to Board resources in carrying-out the provisions of this bill.

28
29 Ms. Conley and Mr. Kaiser presented AB 2396. AB 2396 would prohibit the Board from
30 denying a license based solely on a conviction that has been expunged. Although the
31 conviction is dismissed, the Board has no guarantee of rehabilitation and fitness for
32 licensure. This bill could seriously jeopardize the Board's ability to meet its paramount
33 mandate of consumer protection. The Board discussed whether to take a position on
34 AB 2396, and if so, what position it should take. The Board decided to take an Oppose
35 position on the bill – the decision was not unanimous.

36
37 **MOTION: To adopt an Oppose position on AB 2396**

38
39 **MOVED: Dr. Takii**

40
41 **SECOND: Mr. Turner**

42
43 **VOTE: 5-0, 1 abstention. Motion carried**
44

1 **10. Rulemaking Report – Sarah Conley/Elsa Ybarra**

2 **(A) Guidelines for Issuing Citations and Imposing Discipline, and Uniform**
3 **Standards Regarding Substance-Abusing Healing Arts Licensees**

4
5 Ms. Conley reported the Guidelines for Issuing Citations and Imposing Discipline, and
6 Uniform Standards Regarding Substance-Abusing Healing Arts Licensees has been
7 approved by the Office of Administrative Law (OAL) and will go into effect October 1,
8 2014.

9 **11. Administrative Services Report**

10 **(A) Budget – Carl Nelson**

11
12 Mr. Nelson informed the Board that the report before them is the last report for FY
13 2013/14 and reflects all revenue and expenditure for the fiscal year. He went on to
14 address specific items within the report. In FY 2012/13, three permanent staff positions
15 were authorized; however, additional funding for these positions was not. The Board
16 reallocated monies in the Temporary Help budget to the Civil Services Permanent (staff)
17 budget, which resulted in no Temporary Help budget for FY 2013/14. Savings in other
18 areas of the overall budget funded the over expenditure of the Temporary Help budget.
19 The reallocation of monies demonstrates the Board's intent and attempt to move all
20 temporary help positions into permanent positions, which more accurately illustrates the
21 Board's resource needs.

22
23 Mr. Nelson addressed the Consumer Protection Services (CPS) program.
24 Approximately half way through FY 2013/14 staff realized the Attorney General costs
25 were going to exceed its allocation, if they were to continue at the same rate. A one-
26 time budget augmentation was approved, which increased the Board's AG allocation
27 from \$320,000 to \$605,668; the Board still exceeded the allocation. Mr. Nelson
28 explained the Attorney General and Office of Administrative Hearings allocations are
29 often over expended because it is difficult to forecast the how many and what types of
30 cases the Board will receive at any given time, and what actions will be required and
31 how long those actions will continue, e.g., hearings.

32
33 Mr. Turner questioned whether the Board Member budget allocation could be increased
34 so that it does not reflect an over expenditure. Mr. Nelson responded yes, but the
35 Board would be required to submit a Budget Change Proposal (BCP). Mr. Kaiser added
36 that staff appreciates direction provided from its oversight agencies – the DCA and the
37 Business, Consumer Services, and Housing Agency (Agency) – and staff considers
38 budget advisements, and the State's budget and political climate before completing and
39 submitting BCP's; staff hasn't identified an opportunity to adjust the Board Member
40 allocation through the BCP process.

41
42 **(B) Outreach – Jacki Maciel**

43
44 Mr. Kaiser acknowledged Ms. Maciel for her natural outreach talent and ambition. Ms.
45 Maciel has established a consistent and impactful social media presence for the Board.

1 Staff hopes to begin using other platforms for more outreach opportunities, such as
2 YouTube for instructional videos. Ms. Eleby inquired as to whether Instagram would be
3 appropriate for the Board. Ms. Kaiser responded that social media broadcasting is more
4 effective with the use of graphic elements so staff has added images to most social
5 media posts. Therefore, using Instagram as a Board social media platform should be a
6 fairly easy addition to the outreach program.

7
8
9 **i. Survey**

10 No discussion occurred on this item.

11
12
13 **ii. Newsletter**

14
15 Mr. Kaiser informed the Board that, thanks to the return of Rebecca Marco as a Retired
16 Annuitant to address special projects, a newsletter is on schedule for publication
17 September 1st.

18
19 **12. Application & Licensing Services Report – Veronica Gutierrez**

20
21 Ms. Gutierrez presented the Application and Licensing Services report. Staff has seen
22 a decrease in the number of applicants applying to sit for the July exam and an increase
23 in the number of applicants applying to sit for the October exam.

24
25 Mr. Kaiser explained the Board is experiencing a steady increase in the license
26 population with a lower attrition rate. The licensing population is growing; the number of
27 staff is not. Additionally, more licensees result in more transactions the Board
28 processes. This information is not captured in the current report; staff hopes to present
29 workload data in the future, in addition to application, exam, and licensing statistics.

30
31 Ms. Gutierrez apprised the Board of a change in how Board calls are fielded. Currently,
32 staff is unable to sustain the voluminous number of calls and the Board's phone system
33 is unable to support the number of calls the Board receives, i.e., the voicemail box only
34 allows twenty messages until it registers full; twenty messages, with hang-ups, can
35 occur within minutes for the Board. Staff is working with the DCA Consumer
36 Information Center to field Board calls and direct, as necessary, to the appropriate staff.
37 Staff hopes CIC will provide some relief to the Board and assistance to Board's callers
38 staff is unable to provide at this time. Staff anticipates that calls will be redirected
39 through CIC by the end of the year.

40
41 **13. Consumer Protection Services Report – Elsa Ybarra**

42
43 Ms. Ybarra directed the Board to the Performance Measures Q4 report. She explained
44 the average cycle time from complaint receipt to the date the complaint was assigned to
45 an investigator (PM2) is above target due to a problem with the intake process; the

1 process was reassessed and the issue has been resolved, which should show in next
2 quarter's performance measure report. Ms. Ybarra noted that although there was an
3 issue with assignment of cases, the acknowledgement letters were sent to the
4 complainants within the Board's 10-day mandate. Other areas that reflect above-target
5 data are the average cycle time from complaint receipt to closure of the investigation
6 process – this does not include cases sent to the Attorney General's Office (AG) or
7 other forms of formal discipline (PM3); and, the average number of days to complete the
8 entire enforcement process for cases resulting in formal discipline – this includes intake
9 and investigation by the Board and prosecution by the AG (PM4). Ms. Ybarra explained
10 that, for both categories, old cases were closed, which distorts the data; one old case
11 can drastically skew the numbers.

12
13 Ms. Wallisch suggested staff provide the mode for the average cycle times to more
14 accurately illustrate the Board's performance.

15 16 **14. Strategic Plan – Sarah Conley**

17
18 Ms. Conley presented the 2013 Strategic Plan and a revised version of the strategic
19 plan. She explained that when staff attempted to draft the action plan, they realized a
20 number of objectives had already been achieved and the remaining objectives captured
21 a very specific point in time. Some of the issues the Board wished to address may no
22 longer be of significant concern for the purposes of the strategic plan. She requested
23 the Board's direction as to whether they wish to keep the 2013 Strategic Plan or adopt
24 the revised plan. After further consideration, the Board determined the 2013 Strategic
25 Plan was outdated and to adopt a new strategic plan. The Board President appointed
26 Ms. Rabena-Amen and Mr. Turner to work with staff on the revised strategic plan, and
27 bring it back for Board review at the November meeting.

28 29 **15. Board Member Policy Manual – Chapter 6: Enforcement and Disciplinary** 30 **Action – Sarah Conley**

31
32 The Board reviewed Chapter 6: Enforcement and Disciplinary Action of the Board
33 Members Administrative Manual. Dr. Alviso requested staff add information pertaining
34 to Petitions for Reconsideration. Although enforcement actions encompass discipline
35 and citations, the Board requested staff differentiate between discipline and citations
36 under Enforcement Actions – Disclosure to the Public. Disciplinary actions are public
37 record indefinitely, whereas citations, pursuant to California Code of Regulations (CCR)
38 1399.25, are destroyed after five years. The Board maintains citations on its website
39 consistent with CCR 1399.25. Ms. DeFoe, Director, CPTA, requested the Board
40 consider revisiting its policy to post citations online for five years since it is not required
41 by statute or regulation and it can be misleading to the public giving the appearance that
42 citations are formal discipline.

43 44 **16. Public Comment on Items Not on the Agenda**

1 There was no additional public comment.

2

3 **17. Agenda Items for Next Meeting** – November 5 & 6, 2014

4

5 The Board indicated it did not have any specific agenda items for the next meeting at
6 this time.

7

8 **18. Adjournment**

9

10 The Board concluded the meeting on Thursday, August 21, 2014 with closed session
11 and adjourned at 3:35 p.m. upon completion of that agenda item.



Physical Therapy Board of California

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James Turner, MPA

Carol Wallisch, MA, MPH

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

October 2, 2014 12:00 p.m.

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

Teleconference Locations

Department of Consumer Affairs
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

Southcoast Physical Therapy
3801 Buck Owens Blvd., Suite 116
Bakersfield, CA 93308

New Horizon Physical Therapy
5475 North Fresno Street, Suite 110
Fresno, CA 93710

5058 Tudor Rose Glen
Stockton, CA 95212

1. Call to Order and Roll Call

The Physical Therapy Board of California (Board) teleconference was called to order by Dr. Alviso at approximately 12:00 p.m. All members were present and a quorum was established.

2. Closed Session

Pursuant to Government Code section 11126(c)(3) – Deliberation of Disciplinary Actions

Once issued, disciplinary decisions may be found on the Board's website.

3. Public Comment on Items Not on the Agenda

Please be aware that the board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].

There was no public comment.

4. Adjournment

The meeting adjourned on October 2, 2014.

Physical Therapy Board of California Adopted 2015 Meeting Calendar

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

January

1 New Year's Day
19 Martin Luther King Jr. Day

April

5 Easter

July

4 Independence Day

October

15-17 FSBPT Meeting
Orlando, FL
31 Halloween

February

1 President's Day
11-12 PTBC Meeting –
Sacramento

May

10 Mother's Day
13-14 PTBC Meeting –
Southern California
25 Memorial Day

August

19-20 PTBC Meeting –
Sacramento

November

5-6 PTBC Meeting –
Bay Area
11 Veteran's Day
26 Thanksgiving

March

31 César Chávez Day

June

3-6 APTA Conference
Nat'l Harbor, MD

15

Father's Day

September

7 Labor Day

26-27

CPTA Conference
Pasadena, CA

December

25 Christmas



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



DATE: October 21, 2014

TO: Physical Therapy Board of California (Board)

SUBJECT: Executive Officer's Report

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

BUDGET/PERSONNEL – The Administrative Services program is now working on the recruitment process for two positions in the Application Services & Licensing Services programs: an SSA in the Application Services program, and an AGPA Lead over both the Application and Licensing Services programs.

Please refer to Agenda Item 11(A) for a more detailed Budget report.

BreEZe – The Board recently completed the first formal review of Design Part 2 of Release 2. As a result, we will soon have a “sandbox” to use and experience BreEZe with our own data as a test environment. Moving forward, we will be focusing on training, test script writing and user acceptance testing. We are working with the BreEZe team to bring a demonstration of the system to the Board at the February meeting in Sacramento. It has been a long and arduous process and, as always, staff should be commended for their efforts in meeting BreEZe deadlines while still meeting the Board's mandate.

LEGISLATION AND REGULATION – Please refer to Agenda Items 9 and 10 for a more detailed report.

OUTREACH – The Board has waged a very successful social media campaign as of late and October was a busy month. It was National Physical Therapy month and Breast Cancer Awareness month, and our social media showed it.

October is also National Disability Employment Awareness Month (NDEAM). The Department of Consumer Affairs (DCA) Disability Advisory Council (DAC) held a NDEAM event at its headquarters and the PTBC was able to attend and provide an outreach booth. Please refer to Agenda Items 11 (B) for an outreach statistical report.

Special thanks to Sacramento State for hosting Board staff and allowing us to provide a three part lecture for their DPT program. Laws & regulations and advice on making their upcoming application process as smooth as possible were the topics of discussion. It was a great class, and they were excellent hosts!

CONTINUING COMPETENCY – The Continuing Competency program’s resources continue to be on loan to the Application and Licensing Services programs. With the upcoming staffing additions, we plan to start addressing the audit backlog, but due to training and transition, there is currently no estimate as to when we will begin.

APPLICATIONS & LICENSING – Based on first quarter statistics, the Application Services program is on track to process a 22% increase in applications this year. In the License Services report, you’ll notice a new category in the report, “Renewal Fee Exemptions/Waiver Licenses.” The License Services program has seen a month to month increase in the number of licensees who are requesting retired status. Please refer to Agenda Item 12 for a more detailed report.

CONSUMER PROTECTION – The new disciplinary guidelines went into effect on October 1, 2014.

PROBATION MONITORING – The Board has seen a gradual, but steady increase in the number of probationers over the last few years. As a result, the costs of monitoring have increased in ratio. It has been quite some time since the Board adjusted the probation monitoring fee; consequently, enforcement staff is performing a fiscal analysis to determine the probation monitoring expenditures versus revenue. Staff anticipates this analysis will reflect that probation monitoring expenditures are significantly greater than probation monitoring revenue; therefore, demonstrating the need for increased probation monitoring fees.

Please refer to Agenda Item 13 for a more detailed report.



*... about a new
jurisprudence option*

Goals of this Presentation

- Introduce the California Board of Physical Therapy to a new jurisprudence assessment and learning tool option designed to promote licensee understanding of CA practice law
- Make the case for why such a tool is important for purposes of *continuing competence* and *public protection*
- Explain the FSBPT tool development process and highlight our new delivery option
- Spark interest in partnering with FSBPT to implement a tool in California

What is the FSBPT?

- Non-profit membership organization
 - Members are the 53 U.S. jurisdiction PT regulatory boards
- Owns, develops, administers and validates the National Physical Therapy Exam (NPTE)
- Promotes public protection through effective, consistent and evidence based regulation
- Serves as a regulatory issues resource to members
 - Entry level and continuing competence
 - Discipline, remediation, impaired professional
 - Professional Standards, standards of practice



Why Focus on Continuing Competence?

FSBPT Mission: To protect the public by providing service and leadership that promote safe and *competent* physical therapy practice.

**California Business and Professions Code
(Physical Therapy Practice Act) – Chapter 5.7,
Article 6**

The board shall adopt and administer regulations including, but not limited to, continuing education intended to *ensure the continuing competency* of persons licensed or approved pursuant to this chapter.

2007 FSBPT Delegate Assembly Motion

That the Board of Directors be charged to move forward with the development of a comprehensive continuing competence program in support of public protection to include, but not be limited to, the following components:

- Continuing competence tools
- A framework for integrating continuing competence tools
- A comprehensive continuing competence certification program
- An appropriate organizational structure



Why Use FSBPT's Tools?

- As your membership organization, FSBPT is an extension of your board
- The CA board – along with our other member boards – *is* the FSBPT
- FSBPT has resources to build what individual members cannot do independently
- Our members directed us to develop these tools





"Ignorance of the law is no excuse? — But I didn't even know *that!*"

Jurisprudence Assessment Tool

What is it?

- Assesses licensees' knowledge of state law under which they practice
- Poses important questions/scenarios; taker applies knowledge of state laws and rules
- Can be used for:
 - Initial licensure
 - To meet licensure renewal requirements
 - For discipline and remediation
 - Any combination of the above
- The ultimate purpose – ***public protection***

Jurisprudence in California

Currently in California:

- Applicants for initial licensure: required to take and pass the California Law Examination (CLE)
 - CA developed; FSBPT administered
- Licensees: Every renewal cycle required to complete two hours in ethics, laws and regulations, or some combination thereof
- What's working? What isn't working?

Jurisprudence Assessment Tool

What is it?

- A way for the board to determine whether licensees understand the most important elements of the law
- *How many board cases reflect lack of knowledge of the laws & rules?*
- *How are CA consumers harmed or at risk when licensees don't know the law under which they are licensed to practice?*



FSBPT & Jurisprudence Assessment Tools History

- Develop, administer and update for 6 states
- Administer for 2 additional states that develop and update content themselves
 - Includes California
- All are administered in secure testing centers
- All are for initial licensure

FSBPT & Jurisprudence Forward Thinking

- Increasing interest on the part of states in online and on-demand jurisprudence assessment and learning tools
- More states are wanting jurisprudence requirements to be met for re-licensure
 - Daunting task
 - Coming to FSBPT for assistance
- FSBPT has developed a new platform for online testing
- FSBPT can draw on its resources to partner with states

*Is testing appropriate for
jurisprudence review as
opposed to other learning
methods?*

Testing Promotes Learning

Roediger HL, Karpicke JD. **The power of testing memory: basic research and implications for educational practice.** Assn for Psychological Science 1:181-210, 2006

- “Tests enhance later retention more than additional study of the material, even when tests are given without feedback.”
 - Testing condition: read material 3.4 times and tested repeatedly. Recalled material at a rate of 61% 1 week later
 - Non-testing condition: read material 14.2 times. Recalled material at a rate of 40% 1 week later.
- “Testing is a powerful tool to enhance learning.”

Testing Promotes Learning

Chan JCK, McDermott KB, Roediger HL. **Retrieval-Induced Facilitation: Initially Nontested Material Can Benefit From Prior Testing of Related Material.** *Journal of Experimental Psychology*, 2006

- Task: recall of prose material
- All participants given 25 minutes to carefully read and study an article
 - Experimental group: Given a timed test (no feedback)
 - Control group: Timed additional study of the material
 - 24 hours later: all participants tested (mix of new and old questions)
- Testing enhanced recall for the initially non-tested material.

Is online testing for jurisprudence knowledge appropriate?

High Stakes Exam (secure test center)

vs.

Ease of accessibility and delivery (online and on demand) with access to information



How much security do you really need?



Jurisprudence Assessment Tool

Delivery Options

1. Closed book - delivered at secure testing centers

OR the NEW option

2. Open book - available on-demand and online. We call this JAM (Jurisprudence Assessment Module)



Jurisprudence Assessment Module (JAM)

Development Considerations

- **Typical Cost/Fee Model**
 - Licensee fees - determined by volume and delivery method (online vs testing center)
 - Fee for on-demand online option < test center option
 - State Board - minimal expense to the Board
 - Coordinating 1 meeting of < 10 volunteers (travel reimbursement, meals, room rental, etc.)
 - FSBPT covers cost of staff traveling to the jurisdiction
- **Alternative Cost/Fee Mode**
 - Jurisdiction makes an investment into the development to reduce licensee fees

We will identify option details specific to each jurisdiction

Jurisprudence Assessment Module (JAM) *Development Considerations*

- **Contract**
 - Addendum to the current NPTE agreement
- **Timeframe**
 - Minimum of 9 months; 12 months is ideal

Jurisprudence Assessment Module (JAM)

Who Does What?

- FSBPT responsibilities
 - Develop JAM blueprint for state board approval
 - Develop the items
 - Build the forms
 - Presents items to the state board for approval
 - Guide state board through pass point setting process
 - Administer the tool (registration, payment, delivery, scoring, reporting)
 - Report to the state who passed/failed
 - Annually review the JAM the item performance statistics
 - Issue an annual report to the state

Jurisprudence Assessment Module (JAM)

Who Does What?

- State's responsibilities
 - Provide current law to FSBPT
 - Approve the blueprint
 - Approve the items
 - Convene and participate in the pass point setting meeting
 - Provide law changes to FSBPT as soon as possible



Jurisprudence Assessment Tool

You tell us . . .

- Initial licensure? Renewal of licensure? Both?
- When must the tool be accessible? Always?
60 days prior to the renewal deadline? Other?
- Passing score (75%? 80%? Other?)
- Retakes allowed? If yes, how many?

FSBPT's delivery platform allows the tool to be configured to meet your jurisdiction's needs.

New Jersey's Story



Pass the JAM, Please

- FSBPT responded to NJ Board issued RFP for development of an online and on demand Jurisprudence Learning & Assessment Tool
- Items were developed for 2 forms
- Items have been presented to a subcommittee of the NJ Board and approved for accuracy and appropriateness.
- Final review 11.28.2014
- If approved, live date is 1.1.2015

JAM Development

- Recruited 10 item writers
 - Experienced: Mean = 158 items in the NPTE item bank per writer (approved by the item writer coordinator, staff editor, and item bank review committee)
 - All have served on NPTE exam development committees



JAM Development

Item writers were provided with many tools to develop questions:

- NJ PT Licensing Act
- NJ Administrative Code
- NJ Uniform Enforcement Act
- NJ Uniform Regulations Licensee Duty to Cooperate
- NJ Board's FAQ
- Summary of NJ violations entered into Disciplinary Database



JAM Development

- Staff Editors reviewed questions for style
- Staff Content Analysts built two test forms to avoid overlap or cueing of content within a test.
- Concurrently the delivery platform development underway which includes:
 - Registration
 - Score reporting
 - Reporting to the state board



New Jersey's Story



A neutral party has reported to the Board that a male patient has been seen kissing heavily with a female physical therapist in the clinic. Which of the following findings will most likely result in the **DISMISSAL** of this complaint without further investigation?

- 1. The therapist produces documentation proving the patient was discharged last month.
- 2. The therapist reports that the patient became her boyfriend last week and they are in love.
- 3. The patient reports that he is the one who asked the therapist out on dates.
- 4. The therapist produces a marriage license proving the patient is her spouse.

Next

Stop

A neutral party has reported to the Board that a physical therapist in the clinic. Which of the following is the correct action to take regarding the complaint without further investigation?

- 1. The therapist produces documentation.
- 2. The therapist reports that the patient is a minor.
- 3. The patient reports that he is a minor.
- 4. The therapist produces a marriage certificate.

NJ Slide mock up.pdf - Adobe Acrobat

File Edit View Document Comments Forms Tools Advanced Window Help

Your first Attempt was incorrect. Please review the following section before answering the question for a second time.

Reference: Administrative Code:13:39A-3.10 SEXUAL MISCONDUCT

c) A licensee shall not engage in sexual contact with a patient with whom he or she has a patient-therapist relationship. The patient-therapist relationship is ongoing for purposes of this section, unless:

- 1) Physical therapy is terminated by way of written notice to the patient and is documented in the patient record; and
- 2) The last physical therapy was rendered more than three months ago.

h) A licensee shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal, or sexual gratification of the licensee or patient or which constitutes an act of sexual abuse.

j) Nothing in this section shall be construed to prevent a licensee from rendering physical therapy to a spouse, providing that the rendering of such physical therapy is consistent with accepted standards of physical therapy and that the performance of physical therapy is not utilized to exploit the patient spouse for the sexual arousal or sexual gratification of the licensee.

k) It shall not be a defense to any action under this section that:

- 1) The patient solicited or consented to sexual contact with the licensee; or
- 2) The licensee is in love with or held affection for the patient.

Next

Stop

A neutral party has reported to the Board that a male patient has been seen kissing heavily with a female physical therapist in the clinic. Which of the following findings will most likely result in the **DISMISSAL** of this complaint without further investigation?

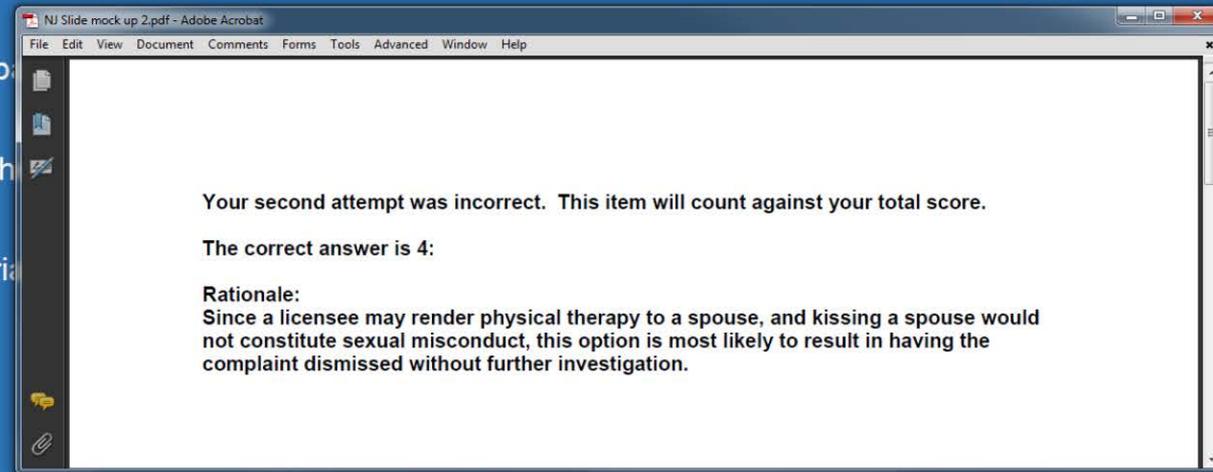
- 1. The therapist produces documentation proving the patient was discharged last month.
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- 1. The therapist produces documentation proving the patient was discharged last month.
- 2. The therapist reports that the patient is a minor.
- 3. The patient reports that he is the therapist's spouse.
- 4. The therapist produces a marriage certificate.



Next

Stop

Jurisprudence Assessment Tool

Partnering with FSBPT

- High-quality assessment on which takers can rely
- FSBPT ensures integrity of the development and maintenance processes and the product:
 - Psychometric analysis with review and replacement of items as needed
 - Assurance that the tool meets industry standards



Questions? Comments?
Thoughts? Reactions?



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Supervised Clinical Practice Performance Evaluation Tool

Federation of State Boards of Physical Therapy



Goals of Presentation



- Familiarize member jurisdictions with the Supervised Clinical Practice *Performance Evaluation Tool* (SCP PET)
- Provide background and discussion as to why the *Performance Evaluation Tool* is needed
- Present development of the *Performance Evaluation Tool*
- Review the content and scoring of the *Performance Evaluation Tool*
- Stimulate interest in adopting the *Performance Evaluation Tool*

Performance Evaluation Tool (PET)



- Developed by FSBPT's Foreign Educated Standards Committee
- Input from Multiple Sources
 - Internal Stakeholders to FSBPT
 - ✦ Member jurisdictions
 - External Stakeholders to FSBPT
 - ✦ APTA
 - ✦ Credentialing professionals

Why Develop a New Tool?



- Current tools used by jurisdictions inadequate or inappropriate
 - Tools lacking defensibility and validity
 - Jurisdictions unhappy with current evaluation tools
 - Tools designed for other purposes being misused for foreign educated
 - ✦ Clinical Performance Instrument (CPI)
 - Commonly used however copyrighted and intended for use with CAPTE entry-level students NOT FEPTs
- No tool developed specifically to evaluate Foreign Educated PTs
 - Inconsistent evaluation amongst states
 - Unique areas applicable to foreign educated not evaluated

Determining the Need: PET



- Survey jurisdictions regarding SCP for FEPTs
 - 14 states require SCP
- Determine number of SCPs performed annually
 - 2007-2012 AZ, LA, MN, OK, PA, SC, VA 95 total SCP
 -
- Review the statute/regulations for those states with SCP
- Identify & research tools being used to evaluate FEPTs

Determining the Need: PET



- Compare PT to other professions regarding evaluation of foreign trained professionals
- Evaluate the current evaluation tools in use
- Develop a draft model of best practice for SCP included the need for a defensible evaluation tool

Resources used to develop the PET



Guide to Physical Therapist Practice

APTA Code of Ethics

Clinical Performance Instrument

Generic Abilities Test

State-specific evaluation tools

Multiple state practice acts and regulations

FSBPT Standards of Competence

FSBPT Analysis of Practice

NPTE Blueprint

FSBPT “Activities Performed by Entry-Level PTs”

Development of the PET



- Research appropriate and relevant PT document
- Workgroup of FES committee named
- Consultation with FSBPT Director of Assessment
- Develop evaluative items for the SCP PET
- Multiple revisions of evaluative items
- Stakeholder survey regarding final PET content
- Revisions made by FES committee
- NPTE editors review and comments
- Final PET to standard setting

Development of the PET



- Standard Setting Workshop
 - Question: why set standards?
 - Answers:
 1. Establish an operational definition of minimum competence
 2. Give users of the PET guidance for interpretation
 3. Make sure the PET is valid for measuring minimum competence
 4. Supervised clinical practice is a high stakes endeavor required for licensure

Performance Evaluation Tool

Taking a closer look



Performance Evaluation Tool (PET)



- Evaluates observed performance *in the clinic*
- High Stakes
 - Prerequisite to licensure
- Developed with lots of stakeholder input
 - Need buy-in from jurisdictions and clinician supervisors
- Must be as defensible as possible
 - Standard setting
 - Validation
 - Ongoing QA- pilot tests

Performance Evaluation Tool: Structure



Category

- A category refers to a group of behaviors
 - Displayed as the LARGE HEADER (CATEGORY:INTERVENTION)

Essential Criteria

- An Essential Criteria refers to areas of performance that must be demonstrated competently
- Do not have to demonstrate all anchor behaviors to meet criterion
- Supervisor is rating the behavior that is displayed in **bold type**

Evaluative Criteria

- An Evaluative Criteria refers to areas of performance which are not expected to be observed in all settings or with all population OR in which behavior may be inconsistent
- Supervisor is rating the behavior that is displayed in **bold type**

Category

Essential Criteria:

Intervention: patient education

Rated Behavior

Effectively communicates evaluation findings, diagnosis and plan of care to the patient
Effectively communicates evaluation findings, diagnosis and plan of care to caregivers and/or family members as appropriate
Effectively communicates evaluation findings, diagnosis and plan of care to the health care team
Instructs patient, caregivers and/or family members in patient's home program

Anchors

Evaluative Criteria:

Interventions: therapeutic exercise

Instructs in conditioning, strengthening and stretching activities
Instructs in coordination, posture and balance exercises
Modifies exercise based on patient response
Instructs in task specific performance

Interventions: functional training

Instructs in instrumental activities of daily living
Instructs in activities of daily living
Instructs in gait and locomotion
Instructs in bed mobility, transfers, wheelchair management and ambulation
Trains patient in use of orthotic, protective, assistive, & prosthetic devices

Interventions: manual therapy techniques

Performs joint and soft tissue mobilization

Interventions: wound care

Selects appropriate wound cleansing methods
Selects and applies appropriate topical agents and /or dressings
Instructs in wound inspection and protection techniques

Interventions: physical agents

Applies heat, ice and electrical stimulation
Applies mechanical traction
Heeds indications, contra-indications and precautions in the use of physical agents
Modifies application of the physical agent based on patient response

Six Categories included in PET



PROFESSIONAL BEHAVIORS

COMMUNICATION & DOCUMENTATION

EXAMINATION

EVALUATION, DIAGNOSIS, AND PLAN OF CARE

INTERVENTION

UNITED STATES HEALTHCARE SYSTEM

Six Categories included in PET



- Concentrated on clinical practice
- Specifically developed with FEPT in mind
- Must demonstrate competence in each category
 - All categories must be observed

PET: Essential Criteria



Behavior elements that are common to any treatment setting

Behavior elements that are absolutely necessary to safe and effective care

- Determined by FES committee
- Stakeholder input

Must be observed and deemed competent

Example of Essential Criteria for Category INTERVENTION

Patient Education

- *Effectively communicates evaluation findings, diagnosis and plan of care to the patient*
- *Effectively communicates evaluation findings, diagnosis and plan of care to caregivers and/or family members as appropriate*
- *Effectively communicates evaluation findings, diagnosis and plan of care to the health care team*
- *Instructs patient, caregivers and/or family members in patient's home program*

PET: Evaluative Criteria



- Behavior elements that may not be observed in every treatment setting
- Equally weighted
- Supervisor may or may not observe trainee performing every behavior listed
- Trainee may or may not be competent in every behavior listed
 - Minimums established to establish overall competence in category

Example of Evaluative Criteria for Category INTERVENTION

Physical Agents

- *Applies heat, ice and electrical stimulation*
- *Applies mechanical traction*
- *Heeds indications, contra-indications and precautions in the use of physical agents*
- *Modifies application of the physical agent based on patient response*
- *home program*

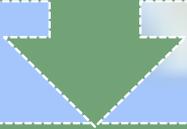
Key Concept: Safe and Effective Practice



This tool is designed to assess whether someone can practice
safely and effectively.



When the PT Trainee is deemed competent in a behavior, category
or overall on the PET, that is equivalent to a “yes” or “pass.”



When the PT Trainee is deemed to not be competent, that is
equivalent to a “no” or “fail.”

Scoring Rules



- Categories

- The PT trainee *must* demonstrate evidence in all to demonstrate competence.
- The PT trainee *must* demonstrate and be deemed “overall” competent in every Category to pass the PET and the supervised clinical practice

- Essential Criteria

- **All** the Essential Criteria from every category must be a “yes” to pass the SCP.

- Evaluative Criteria

- The requirements for each Category vary.

Scoring Rules

Evaluative Criteria Passing Scale

Category	Minimum Number of Yes Required to Pass	Maximum Number of No Allowed to Pass
PROFESSIONAL BEHAVIORS	3	2
COMMUNICATION AND DOCUMENTATION	2	1
EXAMINATION	10	3
EVALUATION, DIAGNOSIS AND PLAN OF CARE	3	2
INTERVENTION	2	2
UNITED STATES HEALTHCARE SYSTEM	5	2

Scoring Example 1

Category	Essential Criteria	TRAINEE SCORE Evaluative Criteria YES	Minimum Number of Yes Required to Pass	TRAINEE SCORE Evaluative Criteria NO	Maximum Number of No Allowed to Pass	Explanation
PROFESSIONAL BEHAVIORS	ALL Yes	3	3	2	2	Essential Criteria met. Evaluative criteria passing standard met.
COMMUNICATION AND DOCUMENTATION	ALL Yes	2	2	1	1	Essential Criteria met. Evaluative criteria passing standard met.
EXAMINATION	ALL Yes	10	10	3	3	Essential Criteria met. Evaluative criteria passing standard met.
EVALUATION, DIAGNOSIS AND PLAN OF CARE	ALL Yes	3	3	2	2	Essential Criteria met. Evaluative criteria passing standard met.
INTERVENTION	ALL Yes	2	2	2	2	Essential Criteria met. Evaluative criteria passing standard met.
UNITED STATES HEALTHCARE SYSTEM	ALL Yes	5	5	2	2	Essential Criteria met. Evaluative criteria passing standard met.

Overall Trainee Rating: All categories passed. PET passed. SCP passed.

Scoring Example 2

Category	Essential Criteria	TRAINEE SCORE Evaluative Criteria YES	Minimum Number of Yes Required to Pass	TRAINEE SCORE Evaluative Criteria NO	Maximum Number of No Allowed to Pass	Explanation
PROFESSIONAL BEHAVIORS	ALL Yes	3	3	2	2	Essential Criteria met. Evaluative criteria passing standard met.
COMMUNICATION AND DOCUMENTATION	ALL Yes	3	2	0	1	Essential Criteria met. Evaluative criteria passing standard met. Has more than the minimum Yes required and has less than maximum No allowed.
EXAMINATION	ALL Yes	8	10	3	3	Essential Criteria met. Evaluative criteria passing standard NOT met. Does not have minimum Yes. Category NOT passed.
EVALUATION, DIAGNOSIS AND PLAN OF CARE	ALL Yes	2	3	4	2	Essential Criteria met. Evaluative criteria passing standard NOT met. Does not have minimum Yes. Has more than max No allowed. Category NOT passed.
INTERVENTION	ALL Yes	2	2	1	2	Essential Criteria met. Evaluative criteria passing standard met. Has minimum Yes and less than maximum No.
UNITED STATES HEALTHCARE SYSTEM	ALL Yes	5	5	2	2	Essential Criteria met. Evaluative criteria passing standard met.

Overall Trainee Rating: 4 of 6 categories passed. PET NOT passed. SCP NOT passed.

Considerations



- The PET was designed so that each category is of equal importance
 - stakeholder input from many groups confirmed the importance of this concept.
- Validated instrument with ongoing research
- The PET is available to the states for use
 - Currently used by Virginia
- FSBPT will periodically review the standard

Jurisdiction Responsibilities



- Use most current version of tool
 - Currently, only 1 version
 - Submitted for copyright
 - Plan to have on-line by end of 2015
 - Easier to access
 - ??Automatic scoring??
- Communication with FSBPT
 - State furnishes contact information for trainee and supervisor
 - Allows FSBPT to follow up to collect data on use of tool
 - FSBPT collects evidence on use of the PET
 - Survey all supervisors & trainees at final
 - Quality assurance/quality improvement

For Questions



**Leslie Adrian, PT, DPT, MS, MPA
FSBPT
Director of Professional Standards
ladrian@fsbpt.org
703-299-3100 ext 233**

PTBC 2014 Legislative Summary of Chaptered Bills

Bill	Author	Summary	Board's Position	Status
AB 2396 (Intro. 2/21/14)	Bonta	Prohibits boards from denying a license based solely on a conviction that has been dismissed pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41. Opposition letter attached.	Oppose	Chaptered Chapter 737, Statutes of 2014
SB 1159 (Intro. 2/20/14)	Lara	Permits an applicant to use an Individual Tax Identification Number (ITIN) in lieu of a Social Security Number (SSN) to apply for licensure. Specifies that no board shall deny licensure to an applicant based on his or her citizenship status or immigration status.	No position	Chaptered Chapter 752, Statutes of 2014
SB 1226 (Intro. 2/20/14)	Correa	Requires boards to expedite the initial licensure process for an applicant who has served as an active duty member of the Armed Forces of the United States and was honorable discharged.	No position	Chaptered Chapter 657, Statutes of 2014
SB 1243 (Intro. 2/20/14)	Lieu	Among other things, expands boards' authority to issue a citation for false advertising by deleting the requirement that the advertising appear in a telephone directory; requires the Department of Consumers Affairs (DCA) to submit a report of pro rata accounting to the appropriate committees of the Legislature by July 1, 2015 and annually thereafter; and, requires the DCA to develop and make available training for employees who perform enforcement functions.	No position	Chaptered Chapter 395, Statutes of 2014



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

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September 2, 2014

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: AB 2396 – Convictions: Expungement: Licenses

Dear Governor Brown:

The Physical Therapy Board of California (Board) adopted an Oppose position on AB 2396 at its August 20-21, 2014 meeting.

AB 2396 would prohibit the Board from denying a license based solely on a conviction that has been dismissed pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41.

In order to benefit from expungement relief provided by the Penal Code sections above, a person must file a petition with the court and submit pertinent documents to support the dismissal request. This process does not include proof of rehabilitation, a key consideration for the Board when determining licensure. Although the conviction is dismissed, the Board has no guarantee of rehabilitation and fitness for licensure.

The provisions of this bill would shift the burden from the applicant (to prove fitness for licensure) to the Board (to prove unfitness for licensure). The Board would be required to substantiate the underlying act of the conviction. In some cases, we would be required to do so without the records that led to the conviction (i.e., arrest and court records). We foresee a significant increase in enforcement costs for the Board.

The Board recognizes the benefit this bill provides individuals with criminal history by removing barriers to certain professions and vocations. The healing arts professions, however, are responsible for the health, safety and welfare of the public. A higher level of scrutiny is necessary for protection of the public.

The Board feels this bill could seriously jeopardize its ability to meet its paramount mandate of consumer protection. We respectfully request a veto of AB 2396. Should you have any questions regarding our position, please contact Sarah Conley at (916) 561-8210.

Sincerely,

Debra J. Alviso, PT, DPT
Board President

cc: Assembly Member Rob Bonta
Justin Paddock, Assistant Deputy Director of Legislative and Policy Review, Department of Consumer Affairs

**Physical Therapy Board of California
PROPOSED 2015 RULEMAKING CALENDAR**

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2014

Subject:		CCR Title & Sections Affected:		Statute(s) Being Implemented:			
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:					
		Notice Published:	Public Hearing:	Adoption by your agency:	To OAL for review:		

At this time, the Physical Therapy Board of California has not identified a need to promulgate regulations implementing statutes enacted during the year 2014.

**Physical Therapy Board of California
PROPOSED 2015 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2014

Subject: Fee Increase		CCR Title & Sections Affected: Article 10 of Division 13.2 of Title 16		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2688			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Sarah Conley (916) 561-8210	Projected Dates:					
		Notice Published: 3/2015	Public Hearing: 5/2015	Adoption by your agency: 5/2015	To OAL for review: 7/2015		

Subject: License Renewal Exemptions: Retired Status		CCR Title & Sections Affected: Section(s) to be determined of Division 13.2 of Title 16		Statute(s) Being Implemented: BPC section 2648.7			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Sarah Conley (916) 561-8210	Projected Dates:					
		Notice Published: 3/2015	Public Hearing: 5/2015	Adoption by your agency: 5/2015	To OAL for review: 7/2015		

Subject: Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)		CCR Title & Sections Affected: Section 1398.26 of Division 13.2 of Title 16		Statute(s) Being Implemented: BPC section 2653, subdivision (b)			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Sarah Conley (916) 561-8210	Projected Dates:					
		Notice Published: 6/2015	Public Hearing: 8/2015	Adoption by your agency: 8/2015	To OAL for review: 10/2015		

**Physical Therapy Board of California
PROPOSED 2015 RULEMAKING CALENDAR**

Report on the status of all uncompleted rulemaking described on previous calendars:

Review and/or Update of Application and Licensing Regulations

CCR Section(s) Affected: Title 16, Division 13.2, Section(s) specifically identified:

1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26, 1398.26.5, 1398.27, 1398.28, 1398.42, 1398.47, 1399.10, 1399.12

TBD section number – processing time for applicants completing application process, TBD section number – establishing exam scores

Status: Proposal Inactive – anticipated to be reintroduced on the 2016 Rulemaking Calendar.

Continuing Competency

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section(s) 1399.90-1399.98

Status: Proposal Inactive – will be considered with Review and/or Update of Application and Licensing Regulations.

Delegation Authority for Citation Informal Conferences (Cite and Fine)

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section 1399.29

Status: Proposal Abandoned – determined not feasible at this time.

Physical Therapy Business Requirements

CCR Section(s) Affected: To be determined

Status: Proposal Inactive - will be considered with Review and/or Update of Application and Licensing Regulations.

Telehealth

CCR Section(s) Affected: To be determined

Status: Proposal Inactive - will be considered with Review and/or Update of Application and Licensing Regulations.



GUIDELINES FOR ISSUING CITATIONS AND IMPOSING DISCIPLINE

Physical Therapy Board of California

Department of Consumer Affairs

Physical Therapy Board of California

Guidelines for Issuing Citations & Imposing Discipline

Edmund G. Brown Jr., Governor

Denise Brown, Director
Department of Consumer Affairs

Physical Therapy Board of California Members:

Debra Alviso, PT, DPT, President
Marty Jewell, PT, PhD, Vice President
Sara Takii, PT, DPT
James E. Turner, M.P.A.
Carol A. Wallisch, M.A., M.P.H.
Katarina Eleby

Executive Officer: Jason Kaiser

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

December 2013
5th Edition

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Statement of Purpose, Intent & Expectations

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

The Physical Therapy Board of California (Board) is producing this 5th edition of the "Guidelines for Issuing Citations and Imposing Discipline" (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 23 shall be sought. In addition, if the alleged conduct poses an immediate threat to public safety an Interim Suspension Order shall be sought.

The Board has some basic expectations when an Administrative Law Judge determines the allegations are true and a cause for discipline exists. The Board recognizes a rare individual case may necessitate a departure from these guidelines. Any "Proposed Decision" that departs from the disciplinary guidelines shall identify the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision.

These 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, would be expected.
- 2) The Board expects revocation to normally be the appropriate order in cases where Respondent does not file a Notice of Defense or appear at a hearing.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.

- 4) When the revocation of a license is stayed, a suspension of the license shall be considered when further education, medical or psychological evaluation or treatment is deemed necessary to ensure safe practice. A suspension, when imposed, should not be for less than indicated in the guidelines.
- 5) The Board expects the decision to include an order for cost recovery.

The Board expects a similar result and explanation for any Stipulation negotiated prior to hearing. Any "Proposed Settlement" that departs from the disciplinary guidelines shall be accompanied by a memorandum identifying the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact.

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 Substance

LEGAL AUTHORITY

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

California Code of Regulations
Title. 16 Professional and Vocational Regulations
Division 13.2
Article 8 Disciplinary Guidelines

- (a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the “Guidelines for Issuing Citations and Imposing Discipline”, (Revised December 2013, 5th 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.
- (b) Notwithstanding the Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

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

- (1) Any offense for which registration is required by Section 290 of the Penal code or a finding that a person committed such an offense.
 - (2) Any offense defined in Section 261.5, 313.1, 647b, or 647 subdivisions (a) or (d) 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 (4/2011) ("Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

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

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

Business and Professions Code, Section 820. Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness, affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

Business and Professions Code, Section 821. The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

Business and Professions Code, Section 822. If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill, affecting competency, the licensing agency may take action by any one of the following methods:

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

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

Business and Professions Code, Section 823. Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to Section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under Section 822, the licensing agency may impose terms and conditions to be complied with by the licentiate after the certificate or license has been reinstated. The authority of the licensing agency to impose terms and conditions includes, but is not limited to, the following:

- (a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.
- (b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.
- (c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.
- (d) Requiring the licentiate to undergo continuing treatment.

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

Business and Professions Code, Section 824. The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

DEFINITION OF ABUSE REHABILITATION PROGRAMS

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

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

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

Self-Referrals

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

Probationary Participants

Probationary participants are required to comply with terms of probation or risk losing their license. Pursuant to section 315 of the Business and Professions Code, the Board uses the Substance Abuse Coordination Committee's *Uniform Standards Regarding Substance Abusing Healing Arts Licensees (4/2011)* ("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 & COSTS (For either self-referrals or probation participants)

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

Substance Abuse Rehabilitation Program Timeframe: Participation in the rehabilitation program is for a period of approximately 3-5 years.

Monthly Administrative Fee: The participant pays the monthly administrative fee directly to the rehabilitation program. The monthly administrative fee is currently \$288. The monthly administrative fee may increase 3-5% annually each July. Costs are dependent on the contracted costs.

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

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

Professional Support Group Meeting Fees: The participant pays the monthly support group meeting fees directly to the support group facilitator. Support groups all charge different fees and negotiate directly with the participant. Average costs range from \$200-\$500 monthly. Participants may be required to attend support groups once or twice weekly.

12-Step Meetings: All participants are required to attend community-based 12-step meetings. The frequency requirement for attending 12-step meetings range from daily attendance to three times per week. The frequency requirement is established and modified by the Clinical Case Manager based upon the on-going clinical evaluation of each participant. Generally there is not a cost associated with attending 12-step meetings. Contributions at the 12-step meetings are voluntary.

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

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

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

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

DENIAL OF LICENSURE & ISSUANCE OF AN INITIAL PROBATIONARY LICENSE

Mandatory Denial of a License

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

Permissive Denials of a License

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

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

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

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

Business and Professions Code 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 Section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

Business and Professions Code 2660 (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.(f)(2) Using any controlled substance or any dangerous drug; (w) Habitual intemperance.

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

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

applicant for a license who is guilty of unprofessional conduct but who has met all other requirements for licensure.

Appeal Rights

The applicant has the right to appeal the denial or the issuance of a license with terms and conditions. In either case, a Statement of Issues would be filed in accordance with Chapter 5, (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the Board shall have all the powers granted therein.

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

|

CITATION

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

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in Section 1399.25 of Title 16 of the CCR.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

- 1) Pay the fine/comply with any Order of Abatement and the matter will be satisfactorily resolved.
- 2) Request an informal conference. At the conclusion of the informal conference, 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 & REPRIMANDS

B&P Code Section 495 authorizes the Board to publicly reprove a physical therapist or physical therapist assistant for an act constituting grounds for suspension or revocation of a license. Issuing a Public Reproval as part of a disciplinary order may be considered when the following circumstances exist:

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

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

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

GUIDELINES SPECIFIC TO VIOLATION

The following offenses are listed in numerical order of the statutory numbers in the Business and Professions Code (B&P Code), the California Code of Regulations (CCR) and the Health and Safety Code (H&S Code).

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

Violations of the B&P Code or the CCR may result in the issuance of a Citation, Public Reprimand, Initial Probationary License, filing of a Statement of Issues, or an Accusation. Filing of criminal charges shall be sought when appropriate.

BUSINESS AND PROFESSIONS CODE

SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM B&P CODE 123

Citation:

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

Discipline:

Minimum: Public Repeval 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, E, F

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

CHANGE OF ADDRESS REPORTING REQUIREMENT B&P CODE 136

Citation:

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

Discipline:

Minimum: Public Repeval
Maximum: Public Repeval

Refer to related regulation: CCR 1398.6

DISCIPLINARY ACTION BY A FOREIGN JURISDICTION B&P CODE 141

Citation:

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

Discipline:

If violation is an offense in California, refer to corresponding statute. If not, the Board shall consider the discipline order from the state, federal government, or country of discipline when determining disciplinary action.

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

CONVICTION OF A CRIME - SUBSTANTIAL RELATIONSHIP REQUIRED B&P CODE 490

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

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

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

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

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

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

In addition to the mandatory suspension requirements of B&P 490.5.

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

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

OBTAINING LICENSURE BY FRAUD B&P CODE 498

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 499, 581, 582, 583, 2235, 2660(c)(a)¹

FALSE STATEMENT OF MATERIAL FACT FOR APPLICATION B&P CODE 499

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 581, 582, 583, 2235, 2660(c)(a)¹

SALE OR BARTER OF DEGREE, CERTIFICATE OR TRANSCRIPT B&P CODE 580

Discipline:

Revocation or Denial of License

PURCHASE OR FRAUDULENT ALTERATION OF DIPLOMA OR OTHER WRITINGS-B&P CODE 581

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 582, 583, 2235, 2660(c)(a)¹

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

Discipline:

Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 581, 583, 2235, 2660(c)(a)¹

FALSE STATEMENTS IN APPLICATION DOCUMENTS OR WRITINGS B&P CODE 583

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

Discipline:
Revocation or Denial of License

Refer to related statutes: B&P Code 498, 499, 581, 582, 2235, 2660(c)(a)¹

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

Discipline:
Revocation or Denial of License

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

CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650

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

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

Conditions of Probation in Addition to Standard Conditions: NONE

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

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

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

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

Conditions of Probation:

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

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

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

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

BENEFICIAL INTEREST REFERRALS – REQUIRED DISCLOSURE STATEMENT B&P 654.2

Citation:

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

Discipline:

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

Conditions of Probation in Addition to Standard Conditions: NONE

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

HEALTH CARE PRACTITIONER’S DISCLOSURE OF NAME AND LICENSE STATUS B&P CODE 680

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

Refer to related regulation: CCR 1398.11

EXCESSIVE PRESCRIBING OR TREATMENT B&P CODE 725

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, D, E, F, H, L, O

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

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

SEXUAL ABUSE OR MISCONDUCT WITH PATIENT OR CLIENT B&P CODE 726

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

Refer to related statutes and/or regulation: B&P Code 2660 (m), (p), 2660.1, CCR 1399.15(b)

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

Citation:

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

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

INSURANCE FRAUD - UNPROFESSIONAL CONDUCT B&P CODE 810

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statutes: B&P Code 2261, 2262, 2660(a)¹, (j)

REQUIREMENTS FOR LICENSE EXEMPTION B&P CODE 901

Citation:

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

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

NUTRITIONAL ADVICE B&P CODE 2068, 2660(a)¹

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

GROSS NEGLIGENCE B&P CODE 2234(b), 2660(a)¹

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

REPEATED NEGLIGENT ACTS B&P CODE 2234(c), 2660(a)¹

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

INCOMPETENCE B&P CODE 2234(d), 2660(a)¹

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

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

PROCURING LICENSE BY FRAUD B&P CODE 2235, 2660(a)¹

Discipline:

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

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

CRIMINAL CONVICTION B&P CODE 2236, 2660(a)¹

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

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

CONVICTION RELATED TO DRUGS B&P CODE 2237, 2660(a)¹

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, M, N, P, T, U, V, W, X, Y, Z, AA

“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.

VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(a)¹

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, M, N, P, T, U, V, W, X, Y, Z, AA

"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.

SELF ABUSE OF DRUGS OR ALCOHOL B&P CODE 2239, 2660(a)¹

Discipline:

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

Maximum: Revocation

Conditions of Probation:

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

"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: B&P Code 2660(f)(1)(2)(3), 2660(w)

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

MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(a)¹

Refer to related statutes: B&P Code 810, 2262, 2660(a)¹, (s)

ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(a)¹

Refer to related statutes: B&P Code 810, 2261, 2660(a)¹, 2660(s)

VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(a)¹

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

AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(a)¹

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

FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(a)¹

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

EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(a)¹

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

UNAUTHORIZED USE OF MEDICAL DESIGNATION B&P CODE 2274, 2660(a)¹

Citation:

Minimum Fine: \$100

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

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

VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286, 2660(a)¹

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: B&P Code 2691

IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2660(a)¹

Discipline:

Revocation or denial of license

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

IMPERSONATION- PRACTICE OF MEDICINE B&P CODE 2289, 2660(a)¹

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, D, E, G, J, L, M, N, O

"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)

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

AUTHORIZATION TO INSPECT PATIENT RECORDS B&P CODE 2608.5

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

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

TOPICAL MEDICATIONS B&P CODE 2620.3

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

Refer to related regulations: CCR 1399.77, 1399.78, 1399.79

CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION B&P CODE 2620.5

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

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

PATIENT RECORD B&P CODE 2620.7

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

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

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

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

PHYSICAL THERAPIST PATIENT CARE RESPONSIBILITY & USE OF ASSISTIVE PERSONNEL B&P CODE 2622

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

UNLICENSED PRACTICE AS A PHYSICAL THERAPIST B&P CODE 2630

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statutes and/or regulation: B&P Code 2264, 2660(a)¹(i)

PHYSICAL THERAPIST ASSISTANT LICENSE & SUPERVISION REQUIREMENTS B&P 2630.3

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statutes and/or regulation: B&P Code 2264, 2660(a)¹(j), CCR 1398.44

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

PHYSICAL THERAPY AIDE SUPERVISION REQUIREMENTS B&P 2630.4

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, J, K, L, O

"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 regulation: CCR 1398.44

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

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

AUTHORIZED USE OF TITLE “PHYSICAL THERAPIST ASSISTANT” & PROHIBITIONS OF USING AFFIXES B&P 2633.5

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

AUTHORIZED USE OF TITLE BY “PHYSICAL THERAPIST STUDENT” OR “PHYSICAL THERAPIST ASSISTANT STUDENT” B&P 2633.7

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1398.37

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

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1399.10

PHYSICAL THERAPIST & PHYSICAL THERAPIST ASSISTANT GRADUATE-LICENSE APPLICANT STATUS REQUIREMENTS B&P CODE 2639

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1399.10, 1399.12

EQUIVALENT TRAINING REQUIREMENTS – PHYSICAL THERAPIST ASSISTANT B&P 2639.1

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: 2649

RETIRED STATUS B&P CODE 2648.7

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statute: B&P Code 2644

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

Citation:

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

Discipline:

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Refer to related regulation: CCR 1398.26, 1398.26.5

**VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE
ACTS B&P 2660(a)**

Citation:

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

Discipline:

See specific statute violated.

Note: B&P Code 2660(a) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act; therefore whenever violations of the Medical Practice Act are cited B&P 2660(a) must also be cited

ADVERTISING IN VIOLATION OF 17500 B&P CODE 2660(b)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Public Reproval

Refer to related statute and/or regulation: B&P Code 651, 2271, 17500, CCR 1398.10

PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION B&P CODE 2660(c)

Discipline: (Prior to Licensure)

Minimum: Issue Initial Probationary License
Maximum: Deny Application

Discipline: (After Licensure)

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

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

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

Citation:

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

Discipline:

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.
Maximum: Revocation

Conditions of Probation:

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

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

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

CONVICTION OF A CRIME B&P CODE 2660(e)

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

Refer to related statutes and/or regulation: B&P Code 490, 2236, 2237, 2660(ha)¹, 2661, CCR 1399.24

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

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

Refer to related statute: B&P Code 2239, 2660(a)¹

FAILURE TO MAINTAIN ADEQUATE & ACCURATE PATIENT RECORDS B&P CODE 2660(g)

Citation:

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

Discipline:

Minimum: Public Reprimand
Maximum: Revocation

Refer to related statute and/or regulation: B&P Code 2620.7, CCR 1398.13

GROSS NEGLIGENCE OR REPEATED ACTS OF NEGLIGENCE B&P CODE 2660(h)

Discipline:

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.
Maximum: Revocation

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

Conditions of Probation:

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

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

Refer to related statutes: B&P Code 725, 2234(b), 2660(a)¹

AIDING OR ABETTING UNLAWFUL PRACTICE B&P CODE 2660 (i)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2264, 2660(a)¹

FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED B&P CODE 2660(j)

Citation:

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

Discipline:

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

Conditions of Probation:

- 1) All “Standard Probation Conditions”
- 2) “Probation Conditions Specific to Violation” for consideration are: F

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

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

INFECTION CONTROL GUIDELINES B&P CODE 2660(k)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Conditions of Probation:

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

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

VERBAL ABUSE OR SEXUAL HARASSMENT- B&P CODE 2660(I)

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,

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

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

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

Refer to related statute and/or regulation: B&P Code 726, 1399.15

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Refer to related statutes: B&P Code 2264, 2660(a)¹, (i)(j)

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

Citation:

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

Discipline:

If violation is an offense in California, refer to corresponding statute. If not, the Board shall consider the discipline order from the state, federal government, or country of discipline when determining disciplinary action.

Refer to related regulation: B&P Code 141, CCR 1399.24

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

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

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

**ENGAGING IN ACTS IN VIOLATION OF SECTION 650, 651, OR 654.2
B&P CODE 2660 (q)**

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

CHARGING FEES FOR SERVICES NOT PROVIDED B&P CODE 2660 (r)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

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

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

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

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

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statute: B&P Code 2273, 2660(a)¹

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

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statute: B&P Code 2263, 2660(a)¹

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

Citation:

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

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

“Probation Conditions Specific to Violation” for consideration are: O (course should include HIPPA requirements)

HABITUAL INTEMPERANCE B&P CODE 2660 (w)

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

Refer to related statute: B&P Code 2239, 2660(a)¹

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

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

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

Refer to related statute and/or regulation: B&P Code 726, 2660(m), 2660(p), CCR 1399.15

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

Citation:

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

Discipline:

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

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) 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.

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

Discipline: Denial of License

SUBVERSION OF EXAMINATION B&P 2660.7

Refer to related statutes: B&P Code 123, 584, 2288, 2660 (a)¹, (i)(k)

CONVICTION OF CRIME B&P CODE 2661

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. A conviction demonstrates a lack of judgment and unwillingness to obey a legal prohibition and also exhibits characteristics and actions that do not demonstrate that he or she exercises prudence and good judgment. Therefore, the conviction is substantially related to the qualifications, functions and duties as a licensee.

Note: B&P Code 2661 should be cited in conjunction with a conviction violation since it defines the conviction being of substantial relationship to the qualifications, functions and duties, and should not stand alone as its own cause.

Refer to related statutes and/or regulations: B&P Code 490, 2236, 2660, 2660(e), CCR 1399.23, 1399.24

PHYSICAL THERAPY CORPORATION B&P CODE 2691

Refer to related statute: B&P Code 2286 Note: If a licensee violates this section it would be a criminal offense; therefore, also see B&P Code 2236.

UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

Citation:

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

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

VIOLATION OF PROBATION

Discipline:

Implementation of Original Stayed Order.

NOTE: The maximum penalty should be given for repeated similar offenses or for probation violations revealing a cavalier or recalcitrant attitude.

TITLE 16, CALIFORNIA CODE OF REGULATIONS

**FILING OF ADDRESSES, EMAIL ADDRESSES & NAME CHANGE
CCR 1398.6**

Refer to statute: B&P Code 136, 2660

ADVERTISING CCR 1398.10

Refer to statute(s) for appropriate penalties: B&P Code 651, 2271, 2660(b)(a)¹, H&S Code 17500

**PHYSICAL THERAPY AIDE, APPLICANT, STUDENT AND INTERN
IDENTIFICATION CCR 1398.11**

Refer to statute(s) for appropriate penalties: B&P Code 680

**PATIENT RECORD DOCUMENTATION REQUIREMENT
CCR 1398.13**

Refer to statute(s) for appropriate penalties: B&P Code 2620.7

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

Citation:

Minimum Fine: \$100

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

Maximum Fine: \$5,000

Discipline:

Minimum: Public Reproval

Maximum: Public Reproval

Refer to related statute: B&P Code 2660

APPLICATIONS OF FOREIGN GRADUATES CCR 1398.26

Refer to statute(s) for appropriate penalties: B&P Code 2653

CLINICAL SERVICE REQUIREMENTS FOR FOREIGN EDUCATED APPLICANTS CCR 1398.26.5

Refer to statute(s) for appropriate penalties: B&P Code 2653

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

Refer to statute(s) for appropriate penalties: B&P Code 2633.7

SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44

Refer to statute(s) for appropriate penalties: B&P Code 2660(a), 2622

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

Refer to statute(s) for appropriate penalties: B&P Code 2630.5

REQUIREMENTS FOR USE OF AIDES CCR 1399

Refer to statute(s) for appropriate penalties: B&P Code 2264, 2630, 2660(a)

SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS CCR 1399.10

Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

Discipline:

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

Conditions of Probation:

- 1) All "Standard Probation Conditions"
 - 2) "Probation Conditions Specific to Violation" for consideration are: A, B, J, K, M
- "Probation Conditions Specific to Violation" should be considered individually since some, or all, may **not** apply.

Refer to related statute(s) for appropriate penalties: B&P Code 2636.5, 2639

**SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE
APPLICANTS CCR 1399.12**

Citation:

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

Discipline:

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

Conditions of Probation:

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

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

Refer to related statute(s): B&P Code 2639

**REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS
CCR 1399.23**

Discipline:

Revocation or Denial of License

Refer to related statute(s) and regulation for appropriate penalties: B&P Code 480, 726, 2660.1, 2660.5, 2608, 2660.2, 2661, CCR 1399.15

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

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

FAILURE TO PROVIDE CERTIFIED DOCUMENTS CCR 1399.24(b)

Refer to statute for appropriate penalties: B&P Code 2608.5

FAILURE TO COOPERATE IN BOARD INVESTIGATION 1399.24(c)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

FAILURE TO REPORT TO BOARD CRIMINIAL OR DISCIPLINARY INFORMATION CCR 1399.24(d)

Refer to related statutes for appropriate penalties: B&P Code 141, 490, 2661, 2660(e)

FAILURE TO COMPLY WITH SUBPOENA ORDER CCR 1399.24(e)

Citation:

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

Discipline:

Minimum: Public Reproval
Maximum: Revocation

Standard Conditions Only

CERTIFICATION REQUIRED - ELECTROMYOGRAPHY CCR 1399.61

Refer to statute(s) for appropriate penalties: B&P Code 2620.5

ADMINISTRATION OF MEDICATIONS CCR 1399.77

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.78, 1399.79

AUTHORIZATION AND PROTOCOLS REQUIRED FOR TOPICAL MEDICATIONS CCR 1399.78

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.77, 1399.79

AUTHORIZED TOPICAL MEDICATIONS CCR 1399.79

Refer to statute(s) for appropriate penalties and related regulations: B&P Code 2620.3, CCR 1399.77, 1399.78

CONTINUING COMPETENCY REQUIRED CCR 1399.91

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

CONTENT STANDARDS FOR CONTINUING COMPETENCY CCR 1399.92

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

CONTINUING COMPETENCY SUBJECT MATTER REQUIREMENTS AND OTHER LIMITATIONS CCR 1399.93

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

AUTHORIZED PATHWAYS FOR OBTAINING CONTINUING COMPETENCY HOURS CCR 1399.94

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

STANDARDS FOR APPROVED AGENCIES CCR 1399.95

Citation:

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

Maximum: Revocation of recognition as an approved agency

Refer to related statute: B&P Code 2649

STANDARDS FOR APPROVED PROVIDERS CCR 1399.96

Citation:

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

Maximum: Revocation of recognition as an approved provider

Refer to related statute: B&P Code 2649,

RECORD KEEPING (CONTINUING COMPETENCY) CCR 1399.97

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

INACTIVE STATUS (CONTINUING COMPETENCY) CCR 1399.98

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS CCR 1399.99

Refer to statute(s) for appropriate penalties: B&P Code 2649, 2644

SPONSORING ENTITY REGISTRATION AND RECORDKEEPING REQUIREMENTS CCR 1399.99.2

Refer to statute for appropriate penalties: B&P Code 901

OUT OF STATE PRACTITIONER AUTHORIZATION TO PARTICPATE IN SPONSORED EVENT CCR 1399.99.3

Refer to statute(s) for appropriate penalties: B&P Code 901

TERMINATION OF AUTHORIZATION AND APPEAL (OUT OF STATE PRACTITIONER'S AUTHORIZATION) CCR 1399.99.4

Refer to statute for appropriate penalties: B&P Code 901

HEALTH AND SAFETY CODE

PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S CODE 123110

Citation:

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

Discipline:

Minimum: Revocation, stayed, 5 days suspension, 3 years probation
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 \$_____. 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 the probation. Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order and may result in revocation. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of earned wages legally available to the Board.

Note: Costs represent the actual investigative and prosecutorial costs.

4. Obey All Laws

Respondent shall obey all federal, state and local laws, the statutes and regulations governing the practice of physical therapy, and remain in full compliance with any court ordered criminal probation. This condition applies to any jurisdiction with authority over Respondent, whether it is inside or outside of California.

Further, Respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest to include the name and address of the arresting agency.

5. Compliance with Orders of a Court

Respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

6. Compliance with Criminal Probation and Payment of Restitution

Respondent shall not violate any terms or conditions of criminal probation and shall be in compliance with any restitution ordered, payments, or other orders.

7. Quarterly Reports

Respondent shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

8. Probation Monitoring Program Compliance

Respondent shall comply with the Board's probation monitoring program.

9. Interview with the Board or its Designee

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals.

10. Notification of Probationer Status to Employers

Respondent shall notify all present and future employers (during the period of probation) of the reason for and the terms and conditions of the probation.

Prior to engaging in the practice of physical therapy, Respondent shall provide a true copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order as appropriate to his or her 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 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 probation monitor to communicate with the employer, supervisor, or contractor regarding Respondent's work status, performance and monitoring.

The information will be provided in writing to the probation monitor within ten (10) calendar days and will include written employer confirmation of receipt.

11. Notification of Name, Address or E-mail Address Change

Respondent shall notify the Board, in writing, of any and all name, address, and/or e-mail address changes within ten (10) days of the change.

12. Restriction of Practice - Temporary Services Agencies

Respondent shall not work for a temporary services agency or registry.

OR:

NOTE: If Respondent's restrictions are limited to a certain number of registries and/or temporary service agencies:

Respondent's work for a temporary services agency or registry shall be limited as follows:

- 1) Respondent shall be limited to work for (indicate # of temporary services or registries) temporary service agency or registry.
- 2) This work must be approved by the Probation Monitor.
- 3) Respondent must disclose this disciplinary proceeding as described above in Condition # [include appropriate term] to the temporary service agency or registry.
- 4) Respondent must disclose this disciplinary proceeding, as described above in Condition # [include appropriate term] to the supervisor at the facility where physical therapy care is being performed.

Respondent must notify his or her Probation Monitor or Board's designee, in writing, of any change in registry or temporary service. Respondent must have written approval by the Probation Monitor prior to commencing work at a new registry or temporary service agency.

13. Restriction of Practice - Clinical Instructor of Physical Therapy Student Interns or Foreign Educated Physical Therapist License Applicants Prohibited

Respondent shall not supervise any physical therapy student interns, foreign educated physical therapist license applicants, or other individuals accumulating hours or experience in a learning capacity in physical therapy during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of the Decision and Order.

14. Prohibited Use of Aliases

Respondent shall not use aliases and shall be prohibited from using any name which is not his or her legally-recognized name or based upon a legal change of name.

15. Intermittent Work

If Respondent works 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 probation monitor or his or her designee if he or she works less than 192 hours in a three-month period.

16. Tolling of Probation

The period of probation shall run only during the time Respondent is practicing or performing physical therapy within California. If, during probation, Respondent does not practice or perform within California, Respondent is required to immediately notify the probation monitor in writing of the date Respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by Respondent in California prior to notification to the Board of Respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

17. 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.

18. 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 to surrender his or her 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 tendered license, the terms and conditions of probation shall be tolled until such time as (1) the license is no longer renewable; (2) Respondent makes application for the renewal of the tendered license; or (3) Respondent makes application for a new license.

19. 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 Order. Upon successful completion of probation, Respondent's license shall be fully restored.

20. 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 be suspended from the practice of physical therapy until a repeat examination has been successfully passed. Respondent shall pay the costs of all examinations. Passing of the examination shall not satisfy the Continuing Competency requirements pursuant to B&P Code 2676 as a condition for renewal of license.

21. Practice or Performance of Physical Therapy While on Probation

It is not contrary to the public interest for Respondent to practice and/or perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that Respondent has been disciplined, or Respondent is on probation, shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

22. Probation Monitoring Costs

Respondent shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California and sent directly to the Physical Therapy Board of California. Failure to make ordered reimbursement within sixty (60) days of the billing shall constitute a violation of the probation 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 Physical Therapist

Note: The purpose of this condition is to allow Respondent (physical therapist or physical therapist assistant) to practice with a level of supervision which ensures Respondent is in compliance with the Physical Therapy Practice Act as well as the probationary conditions. If Respondent works with another physical therapist that is eligible and available to function as Respondent's supervisor, the "Supervision Required" (Condition A) should be used in lieu of Condition B. Condition A is commonly used for, but not limited to: sexual misconduct, aiding and abetting, documentation cases, behavioral issues and where Respondent is not a sole proprietor. This condition should never be used in conjunction with "B" "Practice Monitor Required".

Choose level of supervision:

1) Full Presence/Documentation Review

The level of supervision shall be direct and require 1) the physical presence of the supervising physical therapist while physical therapy is performed by Respondent; and may require, 2) review patient records and any pertinent documents necessary to determine compliance with Respondent's Decision and Order. Direct and physical presence means, the supervising physical therapist shall be near or close enough to observe or hear the Respondent. While this may not require sharing the same treatment room with Respondent, it does require the supervising physical therapist to be within an audible range that would ensure the immediate presence of the supervising physical therapist.

2) Limited Presence/ Documentation Review

The level of supervision shall not require the physical presence of the supervising physical therapist at all times while physical therapy is performed by Respondent. However, Respondent shall be physically observed at least once per shift and may require review of patient records and any pertinent documents necessary to determine compliance with Respondent's Decision and Order at least once during Respondent's shift by the supervising physical therapist.

3) No Presence/Documentation Review As Determined

The level of supervision shall not require the physical presence of the supervising physical therapist while physical therapy is performed; however, it will require review of patient records and any pertinent documents necessary to determine compliance with Respondent's 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.

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 financial or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the supervisor to render impartial and unbiased reports to the Board. The supervisor shall also not be a family member of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

Upon approval of the supervisor and outline of supervision, the supervisor shall sign an agreement that he or she has reviewed the conditions of the licensee's disciplinary order and/or contract and agrees to supervise the licensee as set forth by the Board. Respondent shall submit the signed agreement to the Board. The supervisor shall have full and random access to Respondent's patient records and may evaluate all aspects of Respondent's practice. The supervisor shall complete and submit a written report, on a basis determined by the Board, verifying supervision has taken place as approved by the Board. It shall be Respondent's responsibility to ensure the supervisor submits the reports to the Board in a timely manner.

The supervisor's report shall include:

- A. Respondent's name and license number
- B. Supervisor's name, license number and signature
- C. Worksite location(s)
- D. Evaluation of Respondent's compliance with his or her probationary conditions and existing laws and regulations governing the practice of physical therapy
- E. Assessment of Respondent's progress in regards to the specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
- F. Summary of the supervisor's conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions

Supervisor shall keep any information used to write his or her report (e.g. record of patient records reviewed) in case Board requests said information. This information does not need to be submitted to the Board unless the Board or its representative requests it or if supervisor feels the information is pertinent to include in report.

After one (1) year of full compliance with probation, respondent may request in writing for the approval by the Board or its designee, to remove this condition entirely or modify the requirement to a lower level of supervision.

B. Restriction of Practice – Monitoring

Note: This probation condition shall only be applied if 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 only. This condition should never be used with condition A.

Within fifteen (15) business days of the effective date of this Decision and Order, Respondent shall submit to the Board in writing, for its prior approval, the name and qualifications of one or more proposed licensed physical therapist(s) to serve as Practice Monitor(s). Each Practice Monitor shall be a California licensed physical therapist and shall have been licensed for at least five (5) years and have never been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself, is not a reason to deny approval of an individual as a Practice Monitor. The monitor shall not be an employee of the Respondent, have a relationship which is financial or personal in nature with Respondent or any other type of relationship that could reasonably be expected to compromise the ability of the Practice Monitor to render impartial and unbiased reports to the Board. The Practice Monitor shall also not be a family member of Respondent. If the Practice Monitor terminates or is otherwise no longer available, Respondent shall not practice until a new Practice Monitor has been approved by the Board. All costs associated with the Practice Monitor shall be paid by Respondent.

Respondent shall not practice until receiving written approval from the Board regarding Respondent's choice of a Practice Monitor.

Upon approval of the Practice Monitor by the Board, the Practice Monitor in conference with the Board's probation monitor will establish the schedule upon which visits will be made to Respondent's place of employment to review Respondent's current practice and adherence to the conditions of probation. The Practice Monitor shall have full and random access to all of Respondent's patient records at all times. The Practice Monitor shall evaluate all aspects of Respondent's practice.

The Practice Monitor shall report on Respondent's current practice and compliance with the conditions of Respondent's probation to the Board's probation monitor after each visit. Frequency of the visits by the Practice Monitor shall be determined by the Board. It shall be Respondent's responsibility to ensure the Practice Monitor submits the reports to the Board within fourteen (14) days of the visit.

The Practice Monitor's report shall include:

1. Respondent's name and license number
2. Practice Monitor's, license number and signature
3. Worksite location(s)
4. Evaluation of Respondent's compliance with his or her probationary conditions and existing laws and regulations governing the practice of physical therapy
5. Assessment of Respondent's progress in regards to the correction of specific issues, deficiencies or concerns resulting from the violations identified in the Decision and Order by the Board
6. Summary of the Practice Monitor's conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions

The Practice Monitor shall also maintain and submit with his or her 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.

This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.

In cases where Respondent's ability to function independently is in doubt as a result of a deficiency in knowledge or skills or as a result of questionable judgment, this condition should be included. Solo practice means a physical therapy business or practice where only Respondent provides patient care.

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

Respondent shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

F. Restriction of Practice - Prohibition of Direct Billing of Third-Party Payers

Respondent shall not have final approval over any physical therapy billings submitted to any third-party payers in any employment.

G. Restriction of Practice - Third Party Presence

During probation, Respondent shall have a third party present while examining or treating _____ (name the specific patient population). Respondent shall, within ten (10) days of the effective date of the Decision and Order, submit to the Board or its designee for its approval the name(s) of the person(s) who will act as the third party present. Respondent shall execute a release authorizing the third party present to divulge any information that the Board may request. The person(s) acting in the role of the third party present shall be provided with a copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation, Decision and Order, or Stipulated Decision and Order.

H. Restriction of Practice - Prohibition Not to Treat a Specific Patient Population

Respondent shall not treat any _____.
(name the specific patient population)

I. Restriction of Practice –Prohibition from Performing Specified Physical Therapy Procedures

During probation, Respondent is prohibited from performing or supervising the performance of _____ (specific physical therapy procedure; on a specific patient population). After the effective date of this Decision and Order, the first time that a patient seeking the prohibited services makes an appointment, Respondent shall orally notify the patient that Respondent does not perform _____ (e.g. a specific physical therapy procedure; on a specific patient population). Respondent shall maintain a log of all patients to whom the required notification was made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's medical record number, if available; 3) the full name of the person making the notification; 4) the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the 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 section, or to make the log available for immediate inspection and copying on the premises during business hours is a violation of probation.

In addition to the required oral notification, after the effective date of this Decision and Order, the first time a patient seeks the prohibited services, and each subsequent time, 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, and shall retain the notification for the entire term of probation. Failure to maintain the notification as defined in the section, or 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 the probation end without the probationer petitioning to modify the probation. The Board or its designee will make the decision and notify Respondent of its decision in writing. Until Respondent has been notified in writing by the Board that this term has been terminated, Respondent shall continue to practice under the provision of this term.

Respondent shall pay all costs of the evaluation.

J. 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 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.

K. 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.

L. 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.

M. Notification to Patients

Respondent shall notify each patient, in writing, his or her license is on probation and that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. physical therapist will be reviewing patient records or other specific requirement].

Such notification shall be signed and dated by each patient prior to the commencement or continuation of any examination or treatment of each patient by Respondent. A copy of such notification shall be maintained in the patient's record. Respondent shall offer the 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 license [INSERT LICENSE #], issued to [INSERT LICENSEE NAME], on probation.

As a condition of probation, the above-named licensee must notify patients that [INSERT LANGUAGE SPECIFIC TO CASE, e.g. practice monitor will be reviewing patient records or other specific requirement]. In addition, Respondent is required to notify and obtain written acknowledgement from each patient of this condition. A copy of the acknowledgement shall be offered to the patient and placed in the patient's record.

Information regarding PTBC license disciplinary actions may be accessed online at www.ptbc.ca.gov.

N. Notification of Probationer Status to Employees

If Respondent is an employer, Respondent shall notify all present or 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, Accusation, and Decision and Order to each employee and submit confirmation of employee receipt to the Board within ten (10) days. The confirmation(s) provided to the Board shall include the name, address, and phone number of the employees.

O. Education Course(s)

Within thirty (30) days of the effective date of this Decision and Order, Respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program (including date, title, and length of course(s) in the content of _____ (specify course subject) which shall not be less than eight (8) hours. Respondent shall supply documentation verifying satisfactory completion of coursework. Respondent shall be responsible for costs incurred of the course(s). Course hours shall not satisfy the Continuing Competency requirements pursuant to B&P Code 2676 as a condition for renewal of license.

If Respondent fails to provide documentation verifying satisfactory completion of the coursework within 180 days, Respondent shall be suspended from the practice of physical therapy until documentation verifying satisfactory completion of the coursework is provided.

P. 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 designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee indicating whether Respondent is mentally fit to practice physical therapy safely. Psychiatric evaluations conducted prior to the effective date of the Decision and Order shall not be accepted towards the fulfillment of this requirement. Respondent shall pay all cost of all psychiatric evaluations, psychological testing, and any required additional follow up visits.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, or comply with the required additional conditions or restrictions, is a violation of probation.

(Option: Condition Precedent)

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee that Respondent is 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.

Q. 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, 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.

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 the cost of all psychotherapy and psychiatric evaluations.

Note:

This condition is for cases where the evidence demonstrates Respondent has had an impairment (impairment by mental illness, alcohol abuse and/or drug self-abuse) related to the violations but is not at present a danger to Respondent's patients.

R. 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 the cost of the medical evaluation.

If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall within thirty (30) days 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 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 Respondent is medically fit to practice safely.

S. 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 the cost of the medical treatment.

CONDITIONS APPLYING THE UNIFORM STANDARDS
SPECIFIC TO ALCOHOL
AND CONTROLLED SUBSTANCES

The following conditions, lettered T through AA, must be used in cases where alcohol or a controlled substance was involved in the violation.

T. Clinical Diagnostic Evaluation (CDE)

Within thirty (30) days of the effective date of the Decision and Order, Respondent shall undergo a CDE from a licensed practitioner who holds a valid, unrestricted license to conduct CDE's, has three (3) years of experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The Board may request Respondent to undergo a CDE at any time during the period of probation. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse CDE's.

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

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

During the evaluation, if Respondent is determined to be a threat to himself or herself or others, the evaluator shall notify the Board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed thirty (30) days.

Respondent may return to either full-time or part-time work if the Board determines he or she is fit to do so based upon consideration of the CDE report and the following criteria:

- License type;
- Licensee's history;
- Documented length of sobriety/time that has elapsed since last substance use;
- Scope and pattern of use;
- Treatment history;

- Medical history and current medical condition;
- Nature, duration and severity of substance abuse; and,
- Whether the licensee is a threat to himself or herself or others.

The Board shall determine whether or not the Respondent is safe to return to full-time or part-time work, and what restrictions shall be imposed on the Respondent. However, Respondent shall not return to practice until he or she has thirty days of negative drug tests.

If the Respondent is required to participate in inpatient, outpatient, or any other type of treatment, the Board shall take into consideration the recommendation of the CDE, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.

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

U. Substance Abuse Rehabilitation Program

Within fifteen (15) calendar days from the effective date of this Decision and Order, Respondent shall enroll and participate in the Board's rehabilitation program at Respondent's cost until the rehabilitation program determines that participation in the rehabilitation program is no longer necessary.

Respondent shall comply with all components of the rehabilitation program. Respondent shall sign a release authorizing the rehabilitation program to report all aspects of participation of the rehabilitation program as requested by the Board or its designee.

Failure to comply with requirements of the rehabilitation program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by Respondent and shall be immediately suspended from the practice of physical therapy.

[Optional language: This condition may be waived by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

V. Abstain from Use of Controlled Substances and Dangerous Drugs

Respondent shall abstain completely from personal use, possession, injection, consumption by any route, including inhalation of all controlled substances as defined in the California Uniform, Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the recovery program in writing of the

following: prescriber's name, address, and telephone number; medication name and strength, 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. Respondent shall provide the probation monitor 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 to the 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 by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

W. 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 upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

X. Biological Testing

Respondent shall immediately submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board or its designee.

Respondent shall be subject to a minimum of fifty two (52), but not to exceed, one-hundred and four (104) random tests per year within the first year of probation, and a minimum of thirty six (36) random tests per year thereafter, for the duration of the probationary term. However, in cases where there is evidence that the Respondent has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the Board, the Board may give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.

Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall ensure that the test results are sent immediately to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If the test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If a positive result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by Respondent. A positive result is one which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be contacted and instructed to leave work and ordered to cease all practice. Respondent shall not resume practice until notified by the Board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

This condition may be waived or modified by the Board upon a written finding by the CDE that Respondent is not a substance abusing licensee.

The "Exceptions to Testing Frequency Schedule" identified in Uniform Standard #4 apply.

Y. Major Violations

This provision applies if Respondent commits a violation of the rehabilitation program or any other condition applying the uniform standards specific to controlled substance(s).

If Respondent commits a major violation, Respondent shall immediately upon notification by the Board, cease practice until notified otherwise in writing by the Board.

Major Violations include, but are not limited to, the following:

1. Failure to complete a Board-ordered program;
2. Failure to undergo a required CDE;
3. Committing multiple minor violations of probation conditions;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance; and
8. Knowingly using, making, altering, or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

Z. Facilitated Group Support Meetings

Within fifteen (15) days from the effective date of the decision, Respondent shall submit to the Board or its designee for prior approval the name of one or more meeting facilitator(s). Respondent shall participate in facilitated group support meetings within fifteen (15) days after a notification of the Board's or 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 give consideration to the following:

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

Verified documentation of attendance shall be submitted by Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered, the group facilitator shall meet the following qualifications and requirements:

1. The group meeting facilitator shall have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organizations.

2. The group meeting facilitator shall not have a financial relationship, personal relationship, or business relationship with the licensee in the last five (5) years.
3. The group facilitator shall provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.
4. The group meeting facilitator shall report any unexcused absence to the Board or its designee within twenty-four (24) hours.

AA. Worksite Monitor

Respondent shall have a worksite monitor as required by this term. The worksite monitor shall not have any current or former financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the Board. However, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee at least once per week in the work environment or more frequently if required by the Board.
- b) Interview other staff in the office regarding the licensee's behavior, if applicable.
- c) Review the licensee's work attendance.

The worksite monitor shall report to the Board as follows:

- Any suspected substance abuse must be verbally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the verbal

report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.

- The worksite monitor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; any indicators leading to suspected substance abuse.

The licensee 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.

If Respondent tests positive for a banned substance, the Board will immediately notify Respondent's employer that the Respondent's license has been ordered to cease practice.

[Optional language: This condition may be waived or modified by the board upon a written finding by the CDE that Respondent is not a substance abusing licensee.]

GLOSSARY OF TERMS

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

Business and Professions Code (B&P) - The statutes in law governing the businesses and professions. The Physical Therapy Practice Act begins with section 2600 of the Business and Professions Code. There are some other sections of the B&P 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.ptb.ca.gov.

California Code of Regulations (CCR) - Regulations define and clarify the intent of the statutes (laws). The regulations specific to physical therapy are located in Title 16, Chapter 13.2, Article 6 of the California Code of Regulations and can be accessed through the Physical Therapy Board of California website at www.ptb.ca.gov.

Citation - A means of addressing relatively minor violations, which do not warrant discipline in order to protect the public. Citations are not disciplinary actions, but are matters of public record.

Decision - The order of the Board in a disciplinary action.

Default Decision - Licensee fails to respond to Accusation by filing a Notice of Defense or fails to appear at an administrative hearing resulting in a default decision.

Diversion –The Board does not divert licensees from discipline.

Health and Safety Code (H&S) - Statutes of law pertaining to the health and safety of the citizens of California. Certain sections of the law contained in this document pertain to the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at www.ptb.ca.gov.

Initial Probationary License (IPL) - The Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure. An IPL is not considered disciplinary action and is removed from the record upon completion of probation. The IPL is posted on the Board's website only during the period of probation.

Interim Suspension Order - An order issued upon petition, suspending a licensee from all or a specified part of his or her physical therapy practice.

Petition to Revoke Probation - Charges filed against a probationer seeking revocation of their physical therapy license based upon violation(s) of probation.

Practice Monitor (Probation Condition Term B) - The practice monitor is a licensed physical therapist that 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 probationers to ensure compliance with the terms and conditions of Respondent's probation.

Probation Tolerated - Credit for time served towards the probationary period does not begin until the probationer commences practice in the State of California.

Public Letter of Reprimand-

In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand. If the licensee does not agree to the issuance of the letter, the board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

Public Reprimand - A formal public reprimand, pursuant to B&P Code, section 495, may be issued for an act constituting grounds for suspension or revocation of a license. This requires filing of a formal accusation. A public reprimand is considered disciplinary action.

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

Revoked - The right to practice is ended.

Revoked, stayed, probation - "Stayed" means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.

Statement of Issues - Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

Supervising Physical Therapist (Probation Condition Term A) - The supervising physical therapist ensures probationer adheres to the Physical Therapy Practice Act as well as the probationary conditions and practices in the same facility as the probationer. The supervisor has full and random access to probationer's patient records and evaluates all aspects of probationer's practice. The supervising physical therapist is approved by the Board and reports to the Board's probation monitor. The role of the supervising physical therapist may vary depending on the level of supervision set forth in the Decision and Order.

Surrender of License - The licensee turns in the license, subject to acceptance by the Board. The right to practice is ended.

Suspension - The licensee is prohibited from practicing for a specific period.

Uniform Standards Regarding Substance–Abusing Healing Arts Licensees (Uniform Standards) - Addresses penalties established for licensees dealing with substance-abuse violations per SB 1441, 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, which observes for signs of substance abuse through face to face contact, interviews and attendance monitoring. The Worksite Monitor is approved by the Board's rehabilitation program and reports to the Board's rehabilitation program on the status of the probationer.

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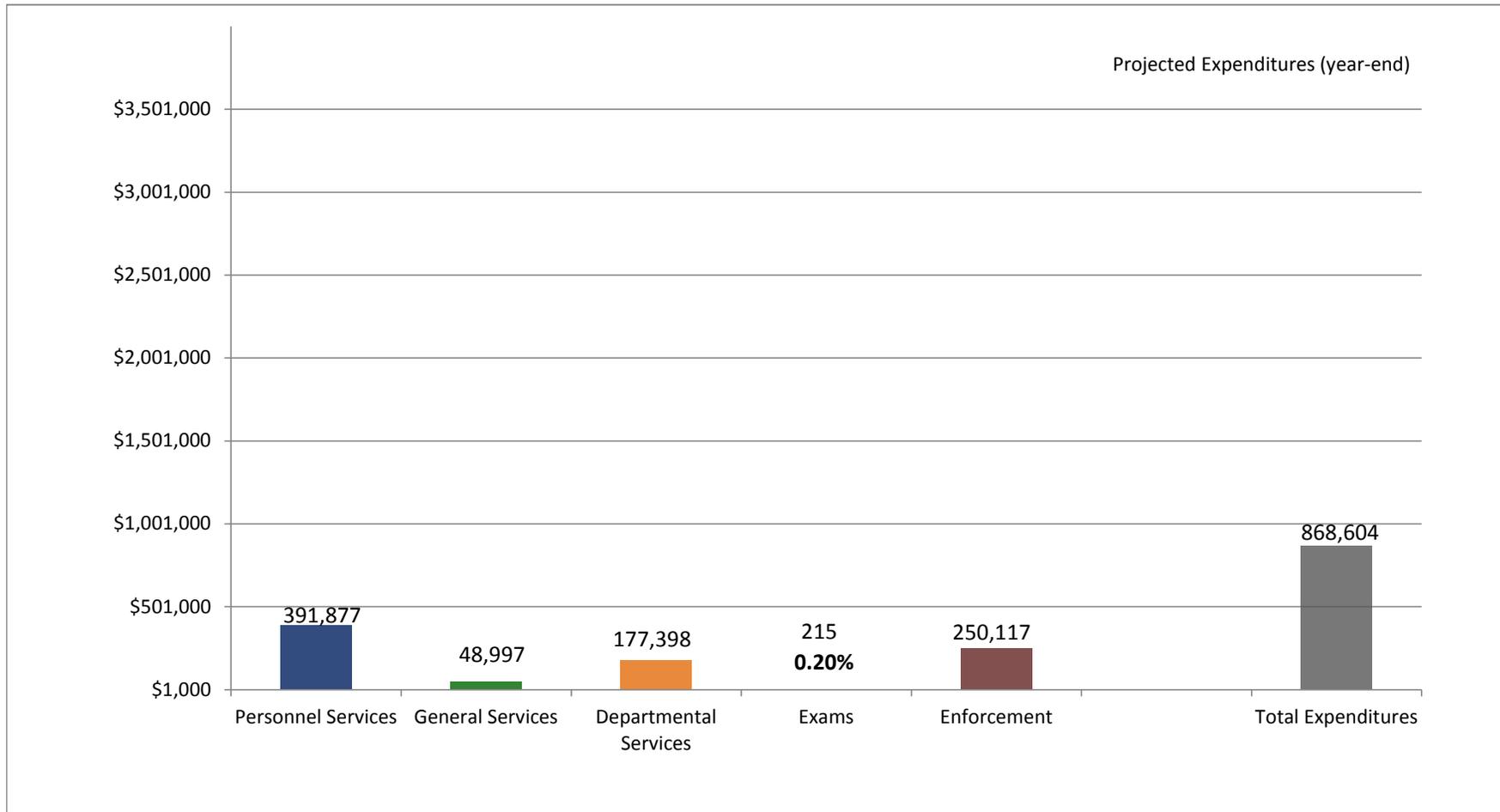
Physical Therapy Board of California
Budget Expenditure Report
Fiscal Year 2014/15 - 1st Quarter (7/1/14 - 9/30/14)

Description	Expended (As of 9/30/13)	Budget	Expended (As of 9/30/14)	% Budget	Balance
Personnel Services					
Personnel Services Totals	340,016	1,638,522	391,877	24%	1,246,645
Civil Services Permanent	179,243	1,010,304	216,003	21%	794,301
Statutory Exempt	18,891	77,196	20,232	26%	56,964
Temp help	25,957	0	19,177	-	(19,177)
Board Members	1,100	11,786	2,700	23%	9,086
Overtime	493	0	0	-	0
Staff Benefits	114,332	539,236	133,765	25%	405,471
*TOTALS, PERSONNEL SERVICES	340,016	1,638,522	391,877	24%	1,246,645
Operating Expense & Equipment					
General Services Totals	58,008	355,061	48,997	14%	306,064
Fingerprints	4,949	99,090	6,042	6%	93,048
General Expense	5,064	8,252	2,413	29%	5,839
Minor Equipment	4,482	3,300	2,673	81%	627
Major Equipment	0	6,000	0	0%	6,000
Printing	143	2,472	103	4%	2,369
Communications	1,681	5,207	983	19%	4,224
Postage	8,528	3,148	5,543	176%	(2,395)
Travel in State	1,504	5,539	0	0%	5,539
Training	0	8,288	0	0%	8,288
Facilities Operations	27,508	118,121	27,405	23%	90,716
C&P Services Interdepartmental	0	11,828	0	0%	11,828
C&P Services External	4,149	83,816	3,835	5%	79,981
Departmental Services Totals	158,827	767,850	177,398	23%	590,452
OIS Pro Rata	75,280	340,786	85,197	25%	255,589
Indirect Dist. Cost	33,910	180,865	45,216	25%	135,649
Interagency Services	0	37,136	0	0%	37,136
DOI Pro Rata	1,085	5,642	1,411	25%	4,231
Public Affairs Pro Rata	1,524	5,505	1,376	25%	4,129
CCED Pro Rata	1,295	6,038	1,510	25%	4,528
Consolidated Data Center	262	6,397	300	5%	6,097
Data Processing	1,965	15,930	0	0%	15,930
Central Admin Services Pro Rata	43,506	169,551	42,388	25%	127,163
Exams Totals	1,865	0	215	0%	(215)
Admin and C/P Services External	1,865	0	0	-	0
Exam Contracts	0	0	215	-	(215)
Exam Subject Matter Experts	0	0	0	-	0
Enforcement Totals	178,484	1,142,183	310,941	27%	831,242
Attorney General	157,846	427,668	134,757	32%	292,911
Office of Admin Hearings	6,878	59,584	21,728	36%	37,857
Evidence/Witness	13,610	100,145	15,450	15%	84,695
Court Reporters	150	0	309	-	(309)
DOI Investigation	0	554,786	138,697	25%	416,089
*TOTALS, OE & E	397,184	2,265,094	537,551	24%	1,727,543
TOTALS, PERSONNEL SERVICES/OE&E	737,200	3,903,616	929,428	24%	2,974,188
Scheduled Reimbursements	(9,994)	(99,000)	(11,425)		(70,684)
Unsheduled Reimbursements	(11,430)		(26,995)		44,902
**TOTALS	715,775	3,804,616	891,008	23%	2,948,406

* Reflects totals specific to that budget category.

** Reflects totals for entire budget (Personnel Services/Operating Expenses & Equipment).

**Physical Therapy Board of California
Budget Expenditures
FY 2014/15 (*First Quarter)**



* First quarter reflects data from July 1, 2014 through September 30, 2014.

Personnel Services : Salary and Wages, Board Member Per Diem, Temp Help, Overtime, Benefits.

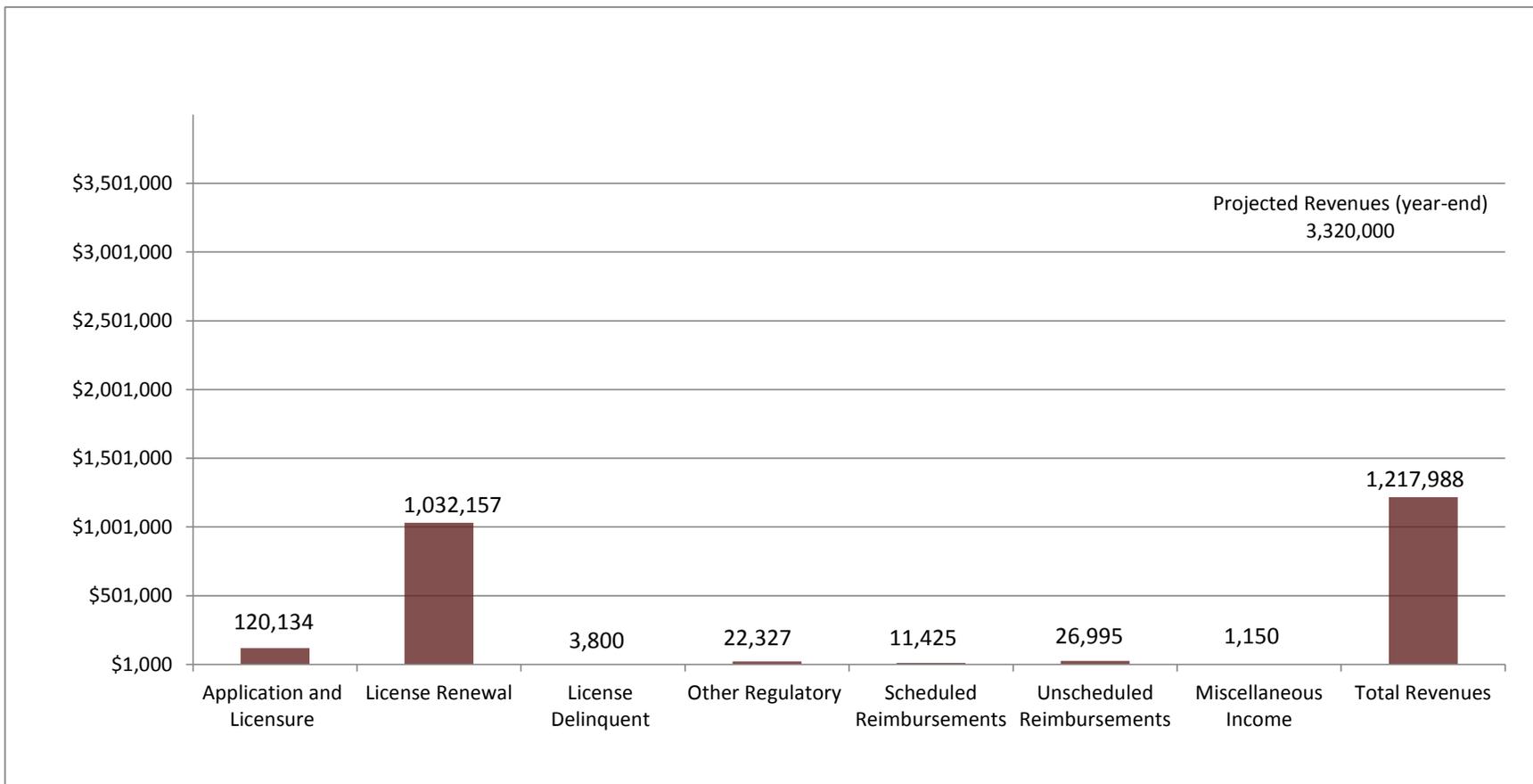
General Services : Fingerprint Reports, General Expense, Printing, Communication, Postage, Travel, Training, Facility, C&P Services, Equipment.

Departmental Services: Pro Rata ,Interagency Services, Consolidated Data, Data Processing, Central Admin.

Exams: Examination Contracts, Subject Matter Experts Contracts.

Enforcement: Attorney General, Office of Administrative Hearing, Evidence/Witness (Expert Consultants), Court Reporter, DOI.

**Physical Therapy Board of California
Budget Revenue Chart
FY 2014/15 (*First Quarter)**



*** First quarter reflects data from July 1, 2014 through September 30, 2014.**

Application, Examination and License: New Application, Examination, and Initial License Fees.

License Renewal: Licensee Renewal Fees.

License Delinquent: Licensee Delinquent Fees.

Other Regulatory: Administrative Citation Fines, Endorsement Fees, Duplicate License/Cert Fees.

Scheduled Reimbursements: Fingerprint reports processed through DOJ.

Unscheduled Reimbursements: Investigative Cost Recovery, Probation Monitoring Fees.

Miscellaneous Income: Investments, Unclaimed, Cancelled and Dishonored Warrants.



Physical Therapy Board of California

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

Physical Therapy Board of California

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Issue Paper

Date: 10/20/2014
Prepared for: PTBC Members
Prepared by: PTBC Budget Staff
Subject: Physical Therapy Board Fund Condition: Fee Increase

Purpose:

To update the Board on the Physical Therapy Fund condition and obtain approval to pursue a fee increase.

Background:

The fees charged to applicants and licensees for physical therapy licensure are not projected to sustain the ongoing operations of the Board beyond the current fiscal year. Given current and projected revenue and expenditures, the Physical Therapy Fund will reach insolvency in FY 2015/16 if the General Fund (GF) loan is not repaid. However, if the GF loan is repaid, the Physical Therapy Fund will reach insolvency in FY 2017/18.

The last time the Board increased its fees was in fiscal year (FY) 2008/09. The fee increase at that time was accomplished through a statutory change. AB 2111 (Chapter 301, Statutes of 2008) amended Business and Professions Code section 2688 to set each increased fee amount and establish a ceiling for each fee type. As a result, the physical therapist and physical therapist assistant application fees increased from \$75 to \$125, and renewal fees increased from \$150 to \$200. The current fees are still those that were initially set in Business and Professions Code (BPC) section 2688; the Board has not exercised its authority to raise each fee amount to their ceiling.

Analysis:

The projected deficiency in the Board's fund is due to a number of reasons, all of which impact the fund condition. Therefore, it is not anomalous for the Board to pursue a fee increase at this time. Although there are no guidelines that set forth how often boards should or should not increase fees, the date of the last fee increase is a consideration. Other considerations include staff, workload, and expenditures. Board Staff has assessed each of these areas in determining the need to increase fees, as follows:

1. Staff Growth

In FY2009/10, the Board was authorized 11.0 permanent positions and allocated a budget of \$747,000 in personnel services. In FY 2010/11 the Department of Consumer Affairs (DCA) launched the Consumer Protection Enforcement Initiative (CPEI) to increase its enforcement efficiency and productivity. To accomplish this, various healing arts boards were allocated additional staffing authority (BCP#1110-1A). In addition, since the CPEI, the Board was authorized additional positions for its Application and Licensing program and Continuing Competency program to address increased workload requirements.

Currently, the Board is authorized 19.1 positions and has \$1,638,522 budget allotment in personnel services. With the increased staffing levels since FY 2009/10, the Board's personnel services budget allotment increased by \$891,522.

2. Increased Enforcement Expenditures

Since FY 2009/10, enforcement expenditures have increased significantly. The Attorney General (AG) costs have been particularly difficult to accommodate as costs have exceeded the Board's AG budget allotment for the past three years. As a result, the Board was authorized a one-time budget augmentation each year to address its AG budget deficiencies. In addition to increased AG costs, the Division of Investigation (DOI) costs have increased substantially. This increased expenditure, in part, is due to the additional staff obtained from the CPEI; the Board now has the resources to investigate complaints and proceed with discipline more expediently than in previous years.

This fiscal year, the Board's AG budget allotment increased from \$285,668 to \$427,668 (BCP#110-32), increasing the enforcement budget to \$1,142,183. As of September, 2014, the Board has spent \$100,129 in AG services alone. At this rate, the Board projects to exhaust its AG budget allotment by year end. Overall, the enforcement budget allotment has increased by \$620,850 since FY 2009/10, which still does not support current enforcement-related cost. Board Staff has attempted to offset enforcement costs by cutting expenses and placing strict spending caps in other areas of the budget; however, this is only a stopgap measure that cannot be sustained.

3. Decreased Revenues

Since January 1, 2014, the Board's revenues have decreased. This decrease, in part is due to the Board's new licensing requirements in accordance with its revised Physical Therapy Practice Act (Practice Act). The Practice Act provided the Board authority to exempt or waive renewal fees for licensees meeting the requirements for license status; military, retired, disability, and voluntary, unpaid services. As of September, 2014, the Board has processed 43 fee exemptions, resulting in \$8,600 decrease in revenues. The Board anticipates this decrease in revenues will continue to increase each fiscal year.

4. Future Costs

The Board will have ongoing costs for the implementation and maintenance of BreEZe, the DCA's new enterprise licensing and enforcement system. Board also anticipates addressing its staffing deficiencies in the Application, Licensing, and Administration programs in the near future. Moreover, with additional staff, the Board will be compelled to move to a new facility as its current location is already too small to house the number of staff.

The Board will reach insolvency by FY 2015/16 if the General Fund (GF) loan is not repaid. However, if the GF loan is repaid, the Board will reach insolvency by FY 2017/18. Regardless of whether or not the GF loan is repaid, insolvency is inevitable considering the Boards costs in relation to its revenue; therefore, in order to maintain the Physical Therapy Fund for future years, the Board will need to raise its fees. Please refer to the Attachments (A-i (1) and A-i (2)).

Action Requested:

Consideration of the following motion:

Direct staff to identify the level of fees charged by the Board for providing services to applicants and licensees that will be necessary to support the ongoing programs and strategic objectives necessary to accomplish the Board's mission.

WITH THE REPAYMENT OF THE GENERAL FUND LOAN

0759 - Physical Therapy Analysis of Fund Condition

(Dollars in Thousands)

General Loan

	Actual 2013-14	Governor's Budget BY 2014-15	BY +1 2015-16	BY +2 2016-17	BY +3 2017-18
BEGINNING BALANCE	\$ 922	\$ 877	\$ 389	\$ 1,318	\$ 676
Prior Year Adjustment	\$ 27	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 949	\$ 877	\$ 389	\$ 1,318	\$ 676
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 120	\$ 120	\$ 120	\$ 120	\$ 120
125700 Other regulatory licenses and permits	\$ 417	\$ 417	\$ 417	\$ 417	\$ 417
125800 Renewal fees	\$ 2,754	\$ 2,754	\$ 2,754	\$ 2,754	\$ 2,754
125900 Delinquent fees	\$ 19	\$ 19	\$ 19	\$ 19	\$ 19
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 10	\$ -	\$ 7	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 3	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,316	\$ 3,320	\$ 3,310	\$ 3,317	\$ 3,310
Transfers from Other Funds					
GF Loan per item 1110-011-0759 BA of 2011 (repay)	\$ -	\$ -	\$ 1,500	\$ -	\$ -
Transfers to Other Funds					
GF Loan per item 1110-011-0759 BA of 2011	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 3,316	\$ 3,320	\$ 4,810	\$ 3,317	\$ 3,310
Totals, Resources	\$ 4,265	\$ 4,197	\$ 5,199	\$ 4,635	\$ 3,986
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)		\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 3,373	\$ 3,805	\$ 3,881	\$ 3,959	\$ 4,038
8880 Financial Information System for California (State Operations)	\$ 15	\$ 3	\$ -	\$ -	\$ -
Total Disbursements	\$ 3,388	\$ 3,808	\$ 3,881	\$ 3,959	\$ 4,038
FUND BALANCE					
Reserve for economic uncertainties	\$ 877	\$ 389	\$ 1,318	\$ 676	\$ -52
Months in Reserve	2.8	1.2	4.0	2.0	-0.2

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+2
- C. ASSUMES 1% GROWTH IN INCOME FROM SURPLUS MONEY

WITHOUT THE REPAYMENT OF THE GENERAL FUND LOAN

0759 - Physical Therapy Analysis of Fund Condition

(Dollars in Thousands)

	Actual 2013-14	Governor's Budget BY 2014-15	BY +1 2015-16	BY +2 2016-17	BY +3 2017-18
BEGINNING BALANCE	\$ 922	\$ 877	\$ 389	\$ (182)	\$ (831)
Prior Year Adjustment	\$ 27	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 949	\$ 877	\$ 389	\$ (182)	\$ (831)
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 120	\$ 120	\$ 120	\$ 120	\$ 120
125700 Other regulatory licenses and permits	\$ 417	\$ 417	\$ 417	\$ 417	\$ 417
125800 Renewal fees	\$ 2,754	\$ 2,754	\$ 2,754	\$ 2,754	\$ 2,754
125900 Delinquent fees	\$ 19	\$ 19	\$ 19	\$ 19	\$ 19
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 10	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 3	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,316	\$ 3,320	\$ 3,310	\$ 3,310	\$ 3,310
Transfers from Other Funds					
GF Loan per item 1110-011-0759 BA of 2011 (repay)	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds					
GF Loan per item 1110-011-0759 BA of 2011	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 3,316	\$ 3,320	\$ 3,310	\$ 3,310	\$ 3,310
Totals, Resources	\$ 4,265	\$ 4,197	\$ 3,699	\$ 3,128	\$ 2,479
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)		\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 3,373	\$ 3,805	\$ 3,881	\$ 3,959	\$ 4,038
8880 Financial Information System for California (State Operations)	\$ 15	\$ 3	\$ -	\$ -	\$ -
Total Disbursements	\$ 3,388	\$ 3,808	\$ 3,881	\$ 3,959	\$ 4,038
FUND BALANCE					
Reserve for economic uncertainties	\$ 877	\$ 389	\$ -182	\$ -831	\$ -1,559
Months in Reserve	2.8	1.2	-0.6	-2.5	-4.5

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+2
- C. ASSUMES 1% GROWTH IN INCOME FROM SURPLUS MONEY

**Physical Therapy Board of California
Web site, Twitter, and Facebook Statistics
FY 2014-15 – 1st Quarter (07/01/14-09/30/14)**

Web Hit Statistics			
Category	Web Hits During 04/01/2014-06/30/2014	Web Hits During 07/01/2014-09/30/2014	% Increase/Decrease
Home	80,330	88,717	10.4% ↑
Consumers	635,803	717,231	12.8% ↑
Applicants	102,819	167,144	62.5% ↑
Licensees	48,900	54,495	11.4% ↑
Laws	89,823	109,943	22.4% ↑
Forms	86,324	87,330	1.1% ↑
Publications	3,850	5,353	39.0% ↑
About Us	85,158	108,308	27.1% ↑
Continuing Competency	6,412	7,553	17.7% ↑
Web License lookup hits PT	169,250	159,656	5.8% ↓
Web License lookup hits PTA	1,815	446	121% ↓

Twitter Statistics			
Category	Data as of 07/02/2014	Data as of 09/30/2014	% Increase/Decrease
Number of Tweets	N/A	271	38.9% ↑
Number of Followers	227	250	10.1% ↑

Facebook Statistics			
Category	Data During 04/01/2014-06/30/2014	Data During 04/01/2014-06/30/2014	% Increase/Decrease
Total Likes	1561	1600	2.4% ↑
Page Visits	327	826	152.5% ↑

The use of Social media has allowed the PTBC to share and exchange valuable information to educate licensees and consumers as well as provide pertinent information i.e., regulation changes, testing dates, etc. In addition, access to our website allows all interested parties access to publications, forms, etc., including alerts that may impact applicants, licensees and consumers.

In analyzing the first quarter data, the PTBC identified that:

- The Consumers tab was the most accessed and the Applicants tab was the second most accessed, with an increase of 62.5% from the previous quarter.
- The Publications tab reflects a significant increase of 39% from the previous quarter; and,
- As of September 30, 2014, our Facebook fans increased 2.4%, totaling 1,600 fans.

APPLICATION AND LICENSING REPORT FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)

Application Statistics

APPLICATIONS RECEIVED													
Application Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	105	212	102										419
FOREIGN PT	19	24	16										59
FOREIGN PTA*	11	27	1										39
PTA	47	27	20										94
EQUIV PTA	2	3	0										5
EK	0	0	0										0
EN	0	0	0										0
Total	184	293	139	0	616								

Licensing Statistics

LICENSES ISSUED*													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	70	48	211										329
PTA	18	32	53										103
EK	0	0	0										0
EN	0	0	0										0
Total	88	80	264	0	432								

*Licensing Statistics will not match the Application Statistics due to the length of time an application may remain on file.

License Renewal Statistics

LICENSES RENEWED													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	831	955	871										2,657
PTA	22	255	205										482
EK	2	0	0										2
EN	0	1	1										2
Total	855	1,211	1,077	0	3,143								

Agenda Item #12 (page 1 of 8)

Physical Therapy Board of California- Application and Licensing Statistics

APPLICATION AND LICENSING REPORT FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)

License Status Statistics

ACTIVE LICENSES													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
PT	22,190	22,099	22,159										22,159
PTA	5,404	5,376	5,407										5,407
EK	30	30	30										30
EN	24	24	24										24
Total	27,648	27,529	27,620	0	27,620								

INACTIVE LICENSES													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
PT	1,396	1,421	1,454										1,454
PTA	381	386	392										392
Total	1,777	1,807	1,846	0	1,846								

Licenses in inactive status are eligible for active/valid status upon fulfilling renewal requirements.

DELINQUENT LICENSES													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
PT	3,530	3,642	3,667										3,667
PTA	1,030	1,058	1,060										1,060
EK	3	3	2										2
EN	5	5	5										5
Total	4,568	4,708	4,734	0	4,734								

Licenses in delinquent status are eligible to renew their license and may obtain active/valid status upon compliance.

RENEWAL FEE EXEMPTION/WAIVER LICENSES													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Military (E)	1	1	1										1
Disability (W)	0	0	0										0
Voluntary, Unpaid Services (W)	0	0	0										0
Retired Status (E)	30	35	42										42
Total	31	36	43	0	43								

As of 1/01/14, pursuant to the revised Practice Act, the Board was provided authority to exempt/waive renewal fees for various license status.

Federation of State Boards Physical Therapy - Examination Statistics

**APPLICATION AND LICENSING REPORT
FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)**

National Physical Therapist (PT) Examination - CALIFORNIA STATISTICS

Accredited PT Program & Foreign Educated PT Combined Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May*	Jun*	FY Total
Pass	228												228
Fail	71												71
Total	299												299
Pass Rate	76%												76%

Accredited PT Program Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May*	Jun*	FY Total
Pass	217												217
Fail	29												29
Total	246												246
Pass Rate	88%												88%

Foreign Educated PT Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May*	Jun*	FY Total
Pass	11												11
Fail	42												42
Total	53												53
Pass Rate	21%												21%

* Due to fixed-date testing, no examination was scheduled this month.

Agenda Item #12 (page 3 of 8)

**APPLICATION AND LICENSING REPORT
FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)**

National Physical Therapist Assistant (PTA) Examination - CALIFORNIA STATISTICS

Accredited PTA Program, Foreign Educated PTA, & Equivalency Combined Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	118												118
Fail	60												60
Total	178												178
Pass Rate	66%												66%

Accredited PTA Program Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	99												99
Fail	50												50
Total	149												149
Pass Rate	66%												66%

Foreign Educated PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	19												19
Fail	10												10
Total	29												29
Pass Rate	66%												66%

Equivalency PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	0												0
Fail	0												0
Total	0												0
Pass Rate	0%												0%

* Due to fixed-date testing, no examination was scheduled this month.

Agenda Item #12 (page 4 of 8)

Federation of State Boards Physical Therapy - Examination Statistics

**APPLICATION AND LICENSING REPORT
FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)**

California Law Examination (CLE)

Accredited & Foreign Educated Combined Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	239	182	137										558
Fail	139	104	64										307
Total	225	286	201										712
Pass Rate	123%	64%	68%										78%

Accredited Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	225	158	117										500
Fail	123	73	47										243
Total	348	231	164										743
Pass Rate	65%	68%	71%										67%

Foreign Educated Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	14	24	20										58
Fail	16	31	17										64
Total	30	55	37										122
Pass Rate	47%	44%	54%										48%

Agenda Item #15 (page 5 of 8)

Federation of State Boards Physical Therapy - Examination Statistics

**APPLICATION AND LICENSING REPORT
FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)**

National Physical Therapist (PT) Examination - NATIONAL STATISTICS (All State:

Accredited PT Program & Foreign Educated PT Combined Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun*	FY Total
Pass	4,814												4,814
Fail	1,341												1,341
Total	6,155												6,155
Pass Rate	78%												78%

Accredited PT Program Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun*	FY Total
Pass	4,575												4,575
Fail	562												562
Total	5,137												5,137
Pass Rate	89%												89%

Foreign Educated PT Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun*	FY Total
Pass	239												239
Fail	779												779
Total	1018												1,018
Pass Rate	23%												23%

* Due to fixed-date testing, no examination was scheduled this month.

Agenda Item #15 (page 6 of 8)

APPLICATION AND LICENSING REPORT FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)

National Physical Therapist Assistant (PTA) Examination - NATIONAL STATISTICS (All States)

Accredited PTA Program, Foreign Educated PTA, & Equivalency Combined Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	3,265												3,265
Fail	731												731
Total	3,996												3,996
Pass Rate	82%												82%

Accredited PTA Program Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	3,181												3,181
Fail	654												654
Total	3,835												3,835
Pass Rate	83%												83%

Foreign Educated PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	84												84
Fail	77												77
Total	161												161
Pass Rate	52%												52%

Equivalency PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb*	Mar*	Apr	May*	Jun*	FY Total
Pass	0												0
Fail	0												0
Total	0												0
Pass Rate	0%												0%

* Due to fixed-date testing, no examination was scheduled this month.

Agenda Item #15 (page 7 of 8)

**APPLICATION AND LICENSING REPORT
FY 2014/15 - 1st Quarter (7/1/14 - 9/30/14)**

Jurisprudence (Law) Examination - NATIONAL STATISTICS (All States)

Law Examination Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	870	611	487										1,968
Fail	240	190	128										558
Total	1,110	801	615										2,526
Pass Rate	78%	76%	79%										78%

Accredited Program Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	832	561	445										1,838
Fail	218	150	108										476
Total	1,050	711	553										2,314
Pass Rate	79%	79%	80%										79%

Foreign Educated Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	38	50	42										130
Fail	22	40	20										82
Total	60	90	62										212
Pass Rate	63%	56%	68%										61%

CONSUMER PROTECTION SERVICES REPORT FY 2014/2015

Complaint Intake													
<i>Complaints Received by the Board.</i>													
<i>Measured from date received to assignment for investigation or closure without action.</i>													
Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	43	80	51										174
Closed without Assignment for Investigation	2	0	0										2
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	39	73	59										171
Average Days to Close or Assigned for Investigation	7	4	3										4.6667
Pending	5	12	4										

Convictions/Arrest Reports	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	25	26	26										77
Closed / Assigned for Investigation	27	24	26										77
Average Days to Close	4	2	2										2.6667
Pending	0	2	2										

Total Intake	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	68	106	77										251
Closed w/o Inv. Assignment	2	0	0										2
Assigned for Investigation	66	97	85										248
Avg. Days to Close or Assign	6	3	3										4
Pending	5	14	6										25

Investigation *Complaints investigated by the program whether by desk investigation or by field investigation.*
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Desk Investigation	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Initial Assignment for Desk Investigation	66	97	85										248
Closed	129	97	101										327
Average Days to Close	344	162	108										204.67
Pending	292	282	263										

Field Investigation (Non-Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Non-Sworn Field Investigation	N/A												0
Closed													0
Average Days to Close													0
Pending													

Field Investigation (Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Sworn Field Investigation	2	10	7										19
Closed	1	1	13										15
Average Days to Close	162	244	551										319
Pending	118	127	121										

All Investigations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
First Assignments	66	97	85										248
Closed	130	98	114										342
Average Days to Close	342	163	158										221
Pending	410	409	384										

All Investigations Aging/Closed	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	49	67	59										175
91 to 180 Days	10	13	36										59
181 Days to 1 Year	6	4	9										19
1 to 2 Years	64	11	5										80
2 to 3 Years	0	1	2										3
Over 3 Years	1	2	3										6

Disciplinary Actions													<i>This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.</i>
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
AG Cases Initiated	3	5	9										17
AG Cases Pending	71	72	70										
SOIs Filed	0	0	0										0
Accusations Filed	5	6	8										19

ACC Decisions/Stips	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Prop/Default Decisions	4	1	1										6
Stipulations	1	0	7										8

SOI Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
SOI Final Orders (Dec/Stips)	1	0	0										1
Average Days to Complete	396	0	0										132

ACC Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
ACC Final Orders (Dec/Stips)	5	1	8										14
Average Days to Complete	836	421	1184										813.67

Total Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Total Final Orders (Dec/Stips)	6	1	8										15
Total Average Days to Complete	762	421	1184										789

Total Orders Aging/Final Decision	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	0	0	0										0
91 to 180 Days	0	0	0										0
181 Days to 1 Year	0	0	0										0
1 to 2 Years	4	1	1										6
2 to 3 Years	0	0	2										2
Over 3 Years	2	0	5										7

Citations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Final Citations	6	8	22										36
Average Days to Complete*	178	104	215										165.67

Other Legal Actions	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Interim Suspension & PC 23 Ordered	0	0	0										0

Probation												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Entered Probationer	2	0	5									
Completed Probation	1	0	1									
Entered Maximus	3	0	1									
Completed Maximus	0	1	0									
Non-Compliant w/Probation	0	0	0									
Total Probationers	73	71	75									
Total Maximus Participants	16	14	13									

Performance Measures													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PM1 Volume - Number of Complaints Received within the specified time period.	43	80	51										174
PM1 Volume - Conviction/Arrest Reports Received	25	26	26										77
PM2 Cycle Time - Intake Average number of complaint intake during the specified time period.	6	3	3										4
PM3 Cycle Time-No Discipline (Target 90 Days) Average number of days to complete complaint intake and investigation steps of the enforcement process for Closed Complaints not resulting in Formal Discipline.	345	115	118										192.67
PM 4 Cycle Time-Discipline (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investiation, and Formal Discipline steps) for cases closed with Formal Discipline.	705	421	967										697.67

1 The following is a list of disciplinary actions taken by the Physical Therapy Board of California, in **August,**
2 **September, and October 2014.** The Decisions become operative on the Effective Date, with the exception of
3 situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions,
4 which are negotiated settlements waiving court appeals.

5
6 Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at www.ptbc.ca.gov. In
7 addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please
8 address your request to:
9

10 Physical Therapy Board of California
11 2005 Evergreen Street, Suite 1350
12 Sacramento, CA 95815
13 (916) 561-8200/ FAX (916) 263-2560

14 Physical Therapy Board of California Disciplinary Summary

15
16
17
18
19 **August 2014**

20
21 **BAKAL, VLADISLAV (PT 30045)**

22 Accusation Filed 02/28/14. Violation of B & P Codes: 490 Conviction of a Crime, 2239 Self-Use of Drugs or
23 Alcohol, 2239(a) Unlawful Use or Prescribing, 2660 Unprofessional Conduct, 2660(a) Use of Alcohol in a
24 Dangerous Manner, 2660(e) Conviction of a Crime Substantially Related to the Practice, 2661 Conviction of a
25 Crime. Violation of CCR: 1399.20 Criminal Substantial Relation, 1399.24 Unprofessional Conduct. Default
26 Decision and Order Effective 08/18/14, license revoked.
27

28 **September 2014**

29
30 **ALEXANDER, PERCY (AT 6691)**

31 Accusation Filed 09/25/13. Violation of B & P Codes: 490 Conviction of a Crime, 2660 Unprofessional Conduct,
32 2660(d) Convict of Criminal Offense, 2660(k) Gross Negligence, 2661 Conviction of a Crime. Violation of CCR:
33 1399.20 Criminal Substantial Relations. Stipulated Settlement and Disciplinary Order Effective 09/27/14,
34 revocation stayed, 3 year probation.
35

36 **ARNEST, SHERMAN (PT 28662)**

37 Accusation Filed 10/14/13. Violation of B & P Codes: 2261 Making False Representations in a Medical Record,
38 2262 Alteration of Medical Records, 2266 Failure to Maintain Accurate Records, 2660 Unprofessional Conduct,
39 2660(i) Aiding and Abetting, 2660(j) Aiding/Abetting Unlicensed Activity, 2660(k) Commit Fraud/Dishonest Act.
40 Violation of CCR: 1399.85 Failing to Maintain Accurate Records. Stipulated Settlement and Disciplinary Order
41 Effective 09/29/14, revocation stayed, 3 year probation.
42

43 **BORNSTEIN, ORIT (PT 14020)**

44 Accusation Filed 09/03/13. Violation of B & P Codes: 2234(c) Repeated Negligent Acts, 2620.7 Failure to Properly
45 Document Treatment, 2660(g) Gross Negligence, 2660(h) Violating the Code. Violation of CCR: 1398.13 Failure to
46 Properly Document Treatment. Stipulated Settlement and Disciplinary Order Effective 09/29/14, revocation stayed,
47 3 year probation.
48

49 **FREEMAN, ANITA (AT 8727)**

50 Accusation Filed 04/06/10. Violation of B & P Codes: 2660(d) Conviction of Criminal Offense, 2661 Conviction of
51 a Crime. Stipulated Settlement and Disciplinary Order Effective 09/23/10, revocation stayed, 5 year probation.
52 Accusation and Petition to Revoke Probation Filed 08/07/13. First Amended Accusation and Petition to Revoke
53 Probation Filed 03/12/14. Stipulated Surrender of License and Order Effective 09/26/14, license surrendered.
54

1 **HERNANDEZ, LYDIA (AT 6500)**

2 Accusation Filed 09/13/13. Violation of B & P Codes: 2052 Unlicensed Practice of Medicine, 2620.7 Pt. Record
3 Docum & Retention, 2630 Unlawful Physical Therapist, 2655.7 Unprofessional Conduct, 2660(g) Gross
4 Negligence, 2660(h) Violating the Code. Violation of CCR: 1398.44 Supervision of PTA, 1399.85 Patient Records.
5 Decision Effective 09/25/14, revocation stayed, 3 year probation.
6

7 **JUMP, COURTNEY (PT 35117)**

8 Accusation Filed 10/25/12. Violation of B & P Code: 2660(d) Convict of Criminal Offense. Violation of CCR:
9 1399.20 Criminal Substantial Relation. Stipulated Settlement and Disciplinary Order Effective 09/05/14, revocation
10 stayed, 4 year probation, or completion of the Drug & Alcohol Recovery program plus 1 year; whichever is longer.
11

12 **KABBAZ, VINCENT (PT 28264)**

13 In House Public Letter of Reprimand Issued 09/18/14. Violation of B & P Codes: 141(a) Discipline Action Taken
14 by Others, 2305 Discipline by Another State. Violation of CCR: 1399.24 Unprofessional Conduct.
15

16 **SZALAY, LAURA (AT 1774)**

17 Accusation Filed 03/14/14. Violation of B & P Codes: 2234(c) Repeated Negligent Acts, 2660(a) Violating the
18 Code, 2660(h) Gross Negligence. Violation of CCR: 1398.44(e) AT Document & Sign Requirement. Stipulated
19 Settlement and Disciplinary Order Effective 09/26/14, public reproval.
20

21 **WOOLCOCK, JOY (PT 32982)**

22 Accusation Filed 07/16/13. First Amended Accusation Filed 03/27/14. Violation of B & P Codes: 141(a)
23 Discipline Action Taken by Others, 2305 Discipline by Another State, 2660(h) Violating the Code, 2676 Renewal
24 Cont Comp Requirements. Violation of CCR: 1399.24 Unprofessional Conduct. License Revoked by Default
25 Decision 11/12/13. Petition for Reconsideration Granted 11/12/13. Stipulated Settlement and Disciplinary Order
26 Effective 09/15/14, public reproval.
27

28 **October 2014**

29
30 **BATULAYAN, JULIT (PT 32315)**

31 In House Public Letter of Reprimand Issued 10/13/14. Violation of B & P Code: 2620.7 Patient Record Docum &
32 Retention. Violation of CCR: 1399.85 Patient Records.
33

34 **BUCHANAN, JEFFREY (AT 2809)**

35 Accusation Filed 04/30/14. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conv of Crime
36 w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(e) Conviction of Criminal Offenses, 2660(w)
37 Habitual Intemperance, 2661 Conviction of a Crime. Violation of CCR: 1398.6 Filing of Addresses, 1399.20
38 Criminal Substantial Relation, 1399.24 Unprofessional Conduct. Default Decision and Order Effective 10/09/14,
39 license revoked.
40

41 **EVANS, JORDAN (APPLICANT)**

42 Application Denied 11/27/13
43 Violation of B & P Code: 480 Grounds for Denial of License
44 Statement of Issues Filed 03/07/14. Decision Effective 10/02/14, application denied.
45

46 **HENNINGS, ANDREW (PT 37381)**

47 Accusation Filed 05/23/13. Violation of B & P Codes: 490 Conviction of a Crime, 2234 Unprofessional Conduct,
48 2238 Violation of Drug Statutes, 2239 Self-Use of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(f)
49 Drug Addiction, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest Act, 2661 Conviction of a Crime
50 Stipulated Settlement and Disciplinary Order Effective 10/08/14, revocation stayed, 4 year probation, or until
51 completion of the Drug & Alcohol Recovery Program plus one year probation, whichever is longer.
52
53
54
55

1 **JAMES, DANIEL (PT 11029)**

2 Accusation Filed 03/20/14. Violation of B & P Codes: 2234 Unprofessional Conduct, 2266 Unprofessional
3 Conduct, 2620.7 Pt. Record Docum & Retention, 2660(g) Gross Negligence, 2660(h) Violating the Code. Violation
4 of CCR: 1398.13 Patient Record Documentation. Stipulated Settlement and Disciplinary Order Effective 10/03/14,
5 revocation stayed, 3 year probation.
6

7 **KOLBRAK, NATILIE ANN (AT 5768)**

8 Accusation Filed 10/19/06. Violation of B & P Codes: 2660(d) Conviction of a Crime Substantially Related to the
9 Practice, 2661 Conviction of a Crime Substantially Related to the Practice. Decision Effective Date 07/11/07:
10 Stipulated Revocation, Stayed, 3 year probation. Probation Term Completed 10/11/10. Accusation Filed 11/25/13.
11 Violation of B & P Codes: 498 Licensure by Fraud, 583 False info on Affidavit, 2261 False Statements on
12 Documents, 2660(b) Procuring Lic by Fraud, 2660(k) Commit Fraud, Dishonest Act, 2684(b) Continuing Comp
13 Required. Violation of CCR: 1399.24 Unprofessional Conduct, 1399.91 Continuing Comp Required. Decision
14 Effective 10/02/14, license revoked.
15

16 **RODRIGUEZ, JAMES (PT 17631)**

17 Accusation Filed 10/25/12. Violation of B & P Codes: 2633 Misuse of Titles, 2660(i) Aiding and Abetting, 2660(j)
18 Aiding and Abetting, 2660(k) Dishonest Act. Violation of CCR: 1398.11 Name Tag Identification Requirement,
19 1399.85 Patient Records. Decision Effective 10/30/14, revocation stayed, 3 year probation.
20

21 **TAYLOR, GEORGE (PT 16334)**

22 Accusation Filed 04/04/13. Violation of B & P Code: 2660 Unprofessional Conduct, 2660(d) Convict of Criminal
23 Offense, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal Substantial Relation, 1399.24(d)(3)
24 Failure to Report a Conviction. Decision Effective 10/02/14, license revoked.
25

26 **Administrative Citations and Fines Paid**

27
28
29

30 **August 2014**

31
32 **ALIOTTI, ASHLEY (PT 41465)**

33 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
34 Crime Offenses. Citation and Fine Ordered 08/05/14. Citation Paid in Full 08/19/14.
35

36 **ENERO, SARAH MAE (PT 34182)**

37 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
38 Crime Offenses. Citation and Fine Ordered 08/19/14. Citation Paid in Full 08/29/14.
39

40 **FREEBORN, MATTHEW (AT 5370)**

41 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
42 Crime Offenses. Citation and Fine Ordered 08/05/14. Citation Paid in Full 08/05/14.
43

44 **GARCIA, DAVID (PT 41442)**

45 Violation of B & P Code: 2660 Unprofessional Conduct. Citation and Fine Ordered 07/23/14. Citation Paid in Full
46 08/04/14.
47

48 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
49 Citations Paid in Full in August 2014:
50

51 DENTINGER, LORI (PT 15530)

52 DONES, JAMES (AT 9269)

53 SADALGE, SHWETA (PT 37468)

54

1 **September 2014**

2
3 **HEALY, RYAN (AT 10557)**

4 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
5 Crime. Citation and Fine Ordered 09/18/14. Citation Paid in Full 09/30/14.

6
7 **HUBBARD, NORMAN (PT 12628)**

8 Violation of CCR: 1399 Supervision of Physical Therapy Aids, 1399.85 Patient Records. Citation and Fine Ordered
9 04/17/14. Citation Paid in Full 09/11/14.

10
11 **SMITH, SCOTT (PT 27901)**

12 Violation of B & P Code: 2660(e) Conviction of Crime. Citation and Fine Ordered 08/29/14. Citation Paid in Full
13 09/11/14.

14
15 **WEST, DAVID (AT 6482)**

16 Violation of B & P Codes: 2660(e) Conviction of Crime Offenses. Violation of CCR: 1399.24 Unprofessional
17 Conduct. Citation and Fine Ordered 06/06/14. Citation Paid in Full 09/02/14.

18
19 **WHITE, KATHRYN (AT 9344)**

20 Violation of CCR: 1398.6 Filing of Addresses. Citation and Fine Ordered 09/13/12. Citation Paid in Full 09/25/12.

21
22 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
23 Citations Paid in Full September 2014:

24
25 DALMASO, ANTHONY (PT 19430)

26 ENCISCO, AURELIA (AT 6511)

27 HALPIN, SHELLY (PT 20835)

28 MARTIN, ANDREA (PT 20510)

29 MOON, ANDREW (PT 37230)

30 PATON, HAILEY (PT 25948)

31 REGAN, JOHN (PT 27959)

32 ROBERTS, AUDREY (PT 22384)

33 TYRRELL-UNGER, MICHELLE (PT 27383)

34
35 **October 2014**

36
37 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
38 Citations Paid in Full October 2014:

39
40 BRUBAKER, DIXIE (PT 417)

41 CONKLIN, ALICIA (PT 39234)

42 COSTA, SOFIA (PT 39664)

43 DANIELS, ELIZABETH (PT 36915)

44 ERICKSON, TERESA (PT 28013)

45 GLINKA, ROBIN (PT 16800)

46 RELOJ, PIA ANGELA (AT 10019)

47
48 **Glossary of Terms**

49
50 B & P Code – Business and Professions Code

51 H & S Code – Health and Safety Code

52 R & R – Rules and Regulations

53 CCR – California Code of Regulations

54

- 1 Accusations: Charges and allegations, which still must undergo rigorous tests of proof at later administrative
2 hearings.
3
- 4 Citation & Fine: An alternative means to address relatively minor violations that are not discipline in order to
5 protect the public. Citations and Fine Orders are not disciplinary actions, but are matters of public record.
6
- 7 Petition to Revoke Probation: A Petition to Revoke Probation is filed when a licensee is charged with violation of a
8 prior disciplinary decision.
9
- 10 Probationary License: Where good cause exists to deny a license, the licensing agency has the option to issue a
11 conditional license subject to probationary terms and conditions.
12
- 13 Statement of Issues Filed: When an applicant for licensure is informed the license will be denied for cause, the
14 applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is
15 initiated by the filing of a Statement of Issues, which is similar to an accusation.
16
- 17 Surrender of License: License surrenders are accepted in lieu of further proceedings.
18
- 19 Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.
20
- 21 Stipulated Decision: Negotiated settlements waiving court appeals.

THE PHYSICAL THERAPY BOARD OF CALIFORNIA

BOARD MEMBERS

Debra J. Alviso, PT, DPT, ~~Professional-Licensed~~ Member, President

~~Jesus Dominguez, PT, PhD, Licensed Member~~

~~Daniel Drummer, PT, DPT, Licensed Member~~

~~Sara Takii, PT, DPT, MPA, Professional Member, Vice President~~

Katarina Eleby, Public Member

Alicia K. Rabena-Amen, PT, MPT, ~~Professional-Licensed~~ Member

James E. Turner, MPA, Public Member

Carol A. Wallisch, MA, MPH, Public Member

EXECUTIVE OFFICER

Jason Kaiser

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Mission, Vision and Values 3

Goals and Objectives.....4

DRAFT

ABOUT THE PHYSICAL THERAPY BOARD OF CALIFORNIA

The Physical Therapy Board of California (Board) licenses and regulates physical therapists and physical therapist assistants. The Board is comprised of 4 professional members and 3 public members. The Governor appoints the four professional members and one public member; the Speaker of the Assembly appoints one public member; and, the Senate Rules Committee appoints one public member. The Board's mandate is to protect the public from the incompetent, unprofessional, and fraudulent practice of physical therapy.

To meet this mandate, the Board must ensure that:

- Applicants meet the necessary education, examination and experience qualifications to obtain licensure;
- Licensees comply with continuing competency requirements;
- Consumers are informed of their rights and how complaints may be filed with the Board;
- Consumer complaints are processed accurately and efficiently;
- Appropriate action is imposed on licensees who are found in violation of the Physical Therapy Practice Act; and,
- Laws and regulations uphold the Board's mandate, mission and vision.

This strategic plan will systematically chart the Board's course for the next five years by establishing its goals and objectives. These goals and objectives are at the framework that will tactically guide activities and focus resources to uphold the Board's mandate in the most efficacious manner possible.

RECENT ACCOMPLISHMENTS

As part of the strategic planning process, the Board evaluated its previous goals, identified objectives that were met, and made note of any items that require further attention. The following list provides the significant Board accomplishments since the adoption of the previous strategic plan in 2010:

- Revised the Physical Therapy Practice Act
- Established enforcement performance measures to track complaint processing times from complaint receipt to complaint resolution
- Revised customer satisfaction surveys to more accurately gather data and assess performance of the application, licensing, and enforcement programs
- Expanded the use of social media and the Board's website to provide updates, information and services to applicants, licensees and consumers
- Developed and implemented a continuing competency program
- Updated the California jurisprudence examination

MISSION

To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

VISION

California's physical therapy consumers and practitioners are provided a safe, fair and competitive marketplace.

VALUES

EFFECTIVENESS

We make a difference and have a positive impact for the consumer and practitioners.

Comment [D1]: Board discussed adding other stakeholders, not just consumers.

INTEGRITY

We are honest, fair and respectful in our treatment of everyone.

ACCOUNTABILITY

We operate transparently and hold ourselves accountable to the people of California.

SERVICE

We strive to provide the best service possible to consumers, applicants, and licensees.

GOAL 1: APPLICATIONS

Ensure all applicants meet minimum qualification for licensure while providing reasonable access to the profession.

- 1.1 Establish effective examinations.
- 1.2 Improve the approval process for physical therapy facilities to supervise the clinical service of foreign educated applicants.
- 1.3 Pursue an increase in budgetary authority to fund necessary staff to improve application and licensure processing times.
- 1.4 Define in regulation a pass point for the licensure and jurisprudence examinations.
- 1.5 Ensure BreEZe interfaces accurately capture the application program's processes.

1.6 Improve applicant preparedness.

Comment [D2]: This goal could be added here or under Goal 6: Outreach & Education

GOAL 2: LICENSING

Proficiently provide timely licensing services and promote consumer protection through continued competency.

- 2.1 Pursue an increase in budgetary authority to fund necessary staff to improve licensing maintenance processing times.
- 2.2 Establish sufficient resources to provide an efficient continuing competency program.
- 2.3 Ensure BreZE interfaces accurately capture the licensing program's processes.
- 2.4 Improve the quality of the wallet license.

DRAFT

GOAL 3: ENFORCEMENT

Protect the health and safety of consumers through the effective enforcement of the laws and regulations governing the practice of physical therapy.

- 3.1 Pursue an increase in budgetary authority to sufficiently fund administrative costs resulting from disciplinary actions.
- 3.2 Explore establishing an in-house investigation program.
- 3.3 Pursue an increase in budgetary authority to fund necessary staff to improve enforcement processing times.
- 3.4 Ensure BreEZe interfaces accurately capture the enforcement program's processes.

DRAFT

GOAL 4: LEGISLATION AND REGULATION

Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.

- 4.1 Foster good working relationships with the legislature.
- 4.2 Ensure laws are implemented in a timely and effective manner.
- 4.3 Update regulations to clearly set forth licensee requirements to ensure the highest level of consumer protection ensure best practices.
- 4.4 Explore the development of a Code of Professional Conduct.

Comment [D3]: Board indicated "best practices" is not clear – could be interpreted to mean best practice in the practice of physical therapy.

DRAFT

GOAL 5: PROGRAM ADMINISTRATION

Enhance effectiveness and efficiency to improve the quality of services provided by each program.

- 5.1 Provide training and professional development options to enrich staff's range of skills, knowledge and experience throughout the.
- 5.2 Create and implement a workforce and succession plan.
- 5.3 Assess the Board's organizational structure for effectiveness.
- 5.4 Mitigate program vicissitudes that result from the conversion to and implementation of the BreZE system.
- 5.5 Ensure the interfaces of BreZE accurately capture the cashiering process.

DRAFT

GOAL 6: OUTREACH & EDUCATION

Increase education and outreach efforts to consumers, licensees and other stakeholders regarding laws, regulations and the practice of physical therapy.

- 6.1 Leverage existing technologies to increase interaction between the Board and its stakeholders (i.e., web conferencing, webinars, teleconferencing, and social media).
- 6.2 Utilize existing technologies to promote education through social media sites (i.e., YouTube, Twitter).
- 6.3 Collaborate with physical therapy programs ~~to educate students in obtaining licensure~~ **to provide educational opportunities and resources regarding licensure and practice to students.**
- 6.4 Increase the physical presence of the Board at both professional and consumer events.
- 6.5 Provide quarterly notifications to advise and update stakeholders of laws and regulations.
- 6.6 Create educational brochures for consumers, licensees and applicants.

6.7 Improve applicant preparedness.

Comment [D4]: Board wanted this to be more broad.

Comment [D5]: This goal could be added here or under Goal 1: Applications



Physical Therapy Board of California

Board Member Administrative Manual

2014

Acknowledgements

Members of the Board

Debra J. Alviso, PT, DPT – President

Jesus Dominquez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby

Alicia K. Rabena-Amen, PT, MPT

James E. Turner, MPA

Carol A. Wallisch, MA, MPH

Executive Officer

Jason Kaiser

This manual is a general reference including laws, regulations and basic Board policies to guide the actions of Board members to ensure Board effectiveness and efficiency.

This administrative procedure manual, regarding Board policy, can be amended by a majority of affirmative votes of any current or future Board. The Board delegates authority to staff to make non-substantive changes as necessary.

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Chapter 1. Introduction

Acronyms/ Definitions

ALJ	Administrative Law Judge
B & P	Business and Professions Code
CPS	Consumer Protection Services
DOI	Division of Investigation
DCA	Department of Consumer Affairs
GC	Government Code
Board	Physical Therapy Board of California
SAM	State Administrative Manual

Mission Statement The mission of the Physical Therapy Board of California is to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

Overview In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the legislature has always been protecting the public from the incompetent, unprofessional and criminal practice of physical therapy since its inception. The Board is one of over 40 regulatory entities which exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

The Board consists of seven members, four licensed physical therapists and three public members, who serve a maximum of two four-year terms. The Governor appoints the four licensed physical therapists and one public member, and the Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

The Board appoints an Executive Officer as its administrator who oversees the board's staff and ensures all of its programs function efficiently and effectively.

The Board is funded through license and application fees; therefore, the board does not receive monies from State of California.

General Rules of Conduct Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without proper authorization.

Board members shall maintain confidentiality of information received in closed session.

Board members shall commit time to prepare for Board meeting responsibilities. This includes reviewing Board meeting minutes, administrative cases, and any other materials provided to the Board members by staff that are related to official Board business.

Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or professional.

Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall uphold the Board's primary mission – protection of the public.

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with Executive Order 66-2.

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times.

Chapter 2. Board Meeting Procedures

Frequency of Meetings (B&P § 2611) The Board shall meet at least three times each year, meeting at least once in northern California and once in southern California.

(Open Meeting Act¹) Special meetings of the Board may be held at such times and locations as the Board deems necessary.

(Open Meeting Act) Due notice of each meeting and the time and place thereof shall be given in the manner provided by the law.

Board Member Attendance at Board Meetings (Board Policy and B&P Code § 106) Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused from the meeting for a specific reason. The Governor has the power to remove from office any member appointed by him for continued neglect of duties, which may include unexcused absences from meetings.

Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

Public Attendance at Board Meetings (G. C. §11120 et. seq.) Meetings are subject to all provisions of the Open Meeting Act. This act governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters which are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

¹ Bagley-Keene Open Meeting Act

Quorum Four members of the Board shall constitute a quorum
(B&P § 2611) for the transaction of business.

The concurrence of a majority of those members of the Board present and voting at a duly noticed meeting at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items Any Board member may submit items for a meeting
(Board Policy) agenda during the "Future Agenda Items" section of a Board meeting or directly to the Executive Officer not fewer than 30 days prior to the meeting with the approval of the Board President or chair of the committee or task force.

The public may submit an item for consideration for a future meeting agenda. The item shall be submitted not fewer than 30 days prior to the meeting and must be approved by the Board President to be added to a future meeting agenda.

Notice of Meetings In accordance with the Open Meeting Act, meeting
(G. C. §11120 et seq.) notices (including agendas for Board, committee, or task force meetings) shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include the name, work address, e-mail address, and work telephone number of a staff person who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet Notice shall be given and also made available on
(Government Code section 11125 et seq.) the Internet at least 10 days in advance of the meeting and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

Record of Meetings (G.C. § 6254 (a)) The Board and each committee or task force shall keep an official record of all their proceedings. The minutes are a summary, not a transcript, of each Board, committee or task force meeting. They shall be prepared by staff and submitted to members for review before the next meeting. Minutes shall be submitted for approval at the next scheduled meeting of the Board, committee or task force. Draft minutes are not public documents until approved by the Board. When approved, the minutes shall serve as the official record of the meeting.

Electronic Recording (Board Policy) The meeting may be electronically recorded, whether by video or audio. Electronic recordings will be disposed of upon approval of the minutes in accordance with the Board's record retention schedule.

(G.C. § 11124.1 (b)) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

Meeting Rules (Board Policy) The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g. Open Meeting Act), as a guide when conducting its meetings.

Public Comment (Open Meeting Act & Board Policy) Public comment is always encouraged and allowed; however, if time constraints mandate, the comments may be limited to a time specified by the Board President per person.

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive

information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board may request the person to put the allegation in writing and send it to the Executive Officer of the Board or the Director of DCA who may forward the allegation to Division of Investigation (DOI) or CHP for investigation.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at

the Board meeting.

(G.C. § 11125.7 (a), (b),
(c))

4. At the discretion of the Board President or chair of the committee, speakers may be limited in the amount of time to present to give adequate time to everyone who wants to speak. In the event the number of people wishing to address the Board exceeds the allotted time, the Board President or chair of the committee may limit each speaker to a statement of his/her name, organization, and whether they support or do not support the proposed action.

Chapter 3. Travel & Salary Policies & Procedures

Travel Approval (DCA Memorandum 96-01) The Board President's approval is required for all Board members for travel, except for travel to regularly scheduled Board, committee, or task force meetings to which the Board member is assigned.

Approval of Unscheduled Travel (Board Policy) The President of the Board will be responsible for approving all unscheduled travel plans submitted by Board members and staff. Unscheduled travel plans will be submitted in writing to the Executive Officer for perspective and feasibility. The Executive Officer will seek the approval of the President.

Travel Arrangements (Board Policy) Board members should make their own travel arrangements but are encouraged to coordinate with Board staff on lodging accommodations.

Out-of-State Travel (SAM section 700 et seq.) For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled by and must be approved by the Governor's Office.

Travel Claims Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms or through CalATERS (California Automated Travel Expense Reimbursement System). If Board members use paper claims, Board staff maintain these forms and complete them as needed. Board members should submit their travel expense forms or information in CalATERS immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Travel Guide, which are periodically disseminated by the Administrative Services Manager, or his or her designee.

Salary Per Diem Compensation in the form of salary per diem and
(B&P Code § 103, 2606 reimbursement of travel and other related expenses
& Board Policy) for Board members is regulated by B&P Code section
103, which states:

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

In relevant part, this section provides for the payment of salary per diem for Board members “for each day actually spent in the discharge of official duties,” and provides that the Board member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, committee, or task force meetings, in which a substantial official service is performed, shall be approved in advance by the Board

President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to Board member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board, committee, or panel meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave a meeting early, the Board President shall determine if the member has provided a substantial service during the meeting, and if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences. It includes preparation time for Board, committee, or task force meetings.

(Board Policy HR 08-11) It is the Board's intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.

Chapter 4. Selection of Officers and Committees

Officers of the Board The Board shall select a President and a Vice-President annually.
(B&P Code § 2604)

Election of Officers The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year beginning the next calendar year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.
(Board Policy)

Officer Vacancies If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice-President shall assume the office of the President. Elected officers then shall serve the remainder of the term.
(Board Policy)

Committee or Task Force Appointments The Board President shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice-President, and the Executive Officer. committees may include the appointment of non-Board members.
(Board Policy)

Attendance at Committee or Task Force Meetings If a Board member wishes to attend a meeting of a committee or task force of which he or she is not a member, the Board member should notify the committee or task force chair and staff. Board members who are not members of the Committee or task force that is meeting cannot vote during the committee or task force meeting and may participate only as observers if a majority of the Board is present at a committee meeting.
(G. C. §11120 et seq.)

Chapter 5. Board Administration & Staff

Board Administration Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

(DCA Reference Manual)

Executive Officer The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Open Meeting Act.

(B & P Code § 2607.5 & Open Meeting Act)

Executive Officer Evaluation Board members shall evaluate the performance of the Executive Officer at least on an annual basis.

(Board Policy)

Board Staff Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

(DCA Reference Manual)

- Experts - Consultants**
(Board Policy) The Board requires special services, certain content experts, or consultants for specific project and problems. Such services are arranged by means of state approved contracts established in the standard ways. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as (e.g.,) ex officio members of the Board.
- Board Budget**
(Board Policy) The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.
- Business Cards**
(Board Policy) Business cards will be provided to each Board member with the Board's name, address, telephone number, fax number, website address and e-mail address.
- Strategic Planning**
(Board Policy) The Board will conduct periodic strategic planning sessions.
- Projects/Approval for New Projects**
(Board Policy) The Board President will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the Executive Officer for perspective and feasibility.

Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation
(Board Policy)

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

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

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

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

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

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

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

(Board Policy LEG 05-12)

The Board President has the authority to take interim positions on pending legislation on behalf of the Board, if necessary. The interim position taken by the Board President is the interim position of the Board until the next meeting of the Board at which the Board will decide to either ratify the interim position or reject it.

Chapter 6. Enforcement and Disciplinary Actions

Priority of Complaints The Board adopted DCA's *Complaint Prioritization Policy* to assist staff in determining how to manage incoming complaints in light of available resources. The policy is found in Appendix A.
(*Board Policy*)

Investigative Staff and Services The Executive Officer is responsible for directing the course of any investigation into the conduct of an applicant or licensee. The Board utilizes the Department's Division of Investigation for its formal investigative services.
(*Board Policy*)

The Executive Officer may determine the resources to be expended on any given case, including whether a subject matter expert should be consulted, and who may act as a subject matter expert.

Administrative Proceedings (B&P Code, §§ 2608, 2614) Unless otherwise specified in the Business and Professions Code, administrative proceedings against a license are conducted in compliance with Chapter 5 of the Administrative Procedure Act (Gov. Code, § 11500 *et seq.*).

An administrative proceeding refers to any action to deny, restrict or revoke a license. The proceeding begins when the Executive Officer files a charging document – usually a Statement of Issues (to deny a license) or an Accusation (to restrict or revoke a license).

If the licensee fails to respond to a charging document, a default decision is prepared and submitted the Board members for vote. If the licensee and the Executive Officer agree to a particular enforcement outcome, a stipulation is prepared and presented to the Board members for vote. If neither of the above occurs, the case is sent to a formal hearing before an administrative law judge (ALJ). After considering the evidence from the hearing (usually documents and witness testimony), the ALJ issues a proposed decision (a recommended resolution), which is then presented to the Board members for vote.

Review of Decisions (Gov. Code § 11500, *et seq.*; B&P Code § 2602.1; Title 16, C.C.R. § 1399.15) Board members, by majority vote of a quorum, must approve any decision (proposed decision, stipulation or default) before the decision becomes final and the formal discipline (penalty), if any, can take effect.

Each Board member shall thoroughly review any decision presented for vote. Each case shall be evaluated on a case-by-case basis, considering the following factors:

1. Whether the Board's highest priority, protection of the public, is effected by the decision;
2. Whether the Board's *Guidelines for Issuing Citations and Imposing Discipline* are satisfied or whether variation is warranted;

3. Whether the decision addresses any misconduct in a way consistent with the nature and degree of the violation;
4. Whether the standards of practice in physical therapy and in the community were used as a basis for reaching the decision; and
5. Whether the decision may be reasonably and practically implemented.

Member Questions and Communications about Decisions

(Gov. Code § 11430.10, et seq.)

Communications with staff concerning pending proceedings, including decisions, are limited by the provisions of the Administrative Procedure Act. There are two parties to any disciplinary proceeding – complainant (the Executive Officer and other staff) and respondent (the licensee). The Board members decide the case and therefore act as judges. To avoid the fact or appearance of bias or impropriety, communications between one party (staff or the licensee) and Board members are limited.

There are two common exceptions to this restriction. First, staff may answer questions of procedure and ministerial questions (e.g., when is a vote due, when will a decision become effective).

Second, staff or the Deputy Attorney General may communicate about stipulated decisions – and only stipulated decisions – only to explain why the stipulated decision should be adopted.

Board members may direct questions about a decision to the Board’s legal counsel, who is not involved in the investigative stage of the proceeding. Questions about permissible or impermissible communications should also be directed to legal counsel.

Mail Ballots

(Gov. Code, § 11526 Board policy)

Proposed decisions, stipulations and default decisions are mailed (electronically or otherwise) to each Board member for voting. The Board members may vote to adopt, reject (non-adopt) or seek to hold the

case (discussed in detail below).

A 10 calendar day deadline is generally given for a mail ballot to be completed and returned to the Board's office. Board staff reviews the ballots and, if a decision is reached by a majority of the Board, prepares the decision for the President's signature.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on a mail ballot, a Board member may wish to discuss a particular aspect of the decision before voting. If one or more members marks their ballot to "hold for discussion," the case will be scheduled for the closed session of the Board's next meeting. At the time the ballot is prepared, the Board member should record his or her concern. Recording the concern facilitates the discussion by allowing staff, legal counsel and other members an opportunity to prepare to respond to the concern as appropriate. Since there can also be a delay before the next meeting, it can preserve the member's memory.

When a matter is held for closed session, Board legal counsel will be present to advise and assist the Board.

Rejection (non-adoption) of a Proposed Decision
(Gov. Code, § 11517)

If the Board votes to reject a Proposed Decision of an ALJ, absent specific direction to the contrary from the Board, the transcript and exhibits of hearing will be ordered and it will provide an opportunity for written argument. The Executive Officer will fix the date for submission of written argument to ensure Board members have time to review any materials prior to a Board meeting.

Petitions for Penalty Relief
(B&P Code, § 2661.7 Board Policy)

If a licensee files a petition for penalty relief (for modification or termination of existing probation or reinstatement), as long as that petition meets statutory requirements, the matter will be heard by the Board members themselves at a Board meeting. Absent direction to the contrary, an ALJ sits with the members to preside over the hearing.

Enforcement Actions – Disclosure to the Public (Gov. Code, § 6250, et seq. B&P Code, §125.9 Department of Consumer Affairs' Guidelines for Access to Public Records) Enforcement actions, including citations and disciplinary actions, are a matter of public record and shall be provided upon request in accordance with applicable law and Department of Consumer Affairs' *Guidelines for Access to Public Records*. Disciplinary action against a license shall be disclosed to the public by means of the Board's website (through license look-up features or otherwise). It may also be disclosed through other means of communication, including direct email distribution, newsletter, or through a social media service.

Whenever possible, the actual documents that resulted in the disciplinary action shall also be posted on the Board's website to facilitate consumer access. Disciplinary action documents include the charging document (Statement of Issues or Accusation) and any final decision.

Citations are posted on the Board's website. When citation records are provided to the public, and the licensee paid a fine, the record shall reflect that payment represents satisfactory resolution of the matter.

Policy Variation In a particular case, action by the Board itself supersedes any general Board policy set forth in this manual.

Chapter 7. Other Policies & Procedures

- Board Member Address**
(Board Policy) Board member addresses, email addresses and telephone numbers are confidential and shall not be disclosed to the public without expressed authority of the individual Board member. However, if the Board member is a licensee with the Board, his or her address of record is available to the public upon request in accordance with the Public Records Act. Also, if a teleconference is held from the home of a Board member, the address of where the teleconference occurs must be published. Board issued email addresses are not confidential.
- Board Member Written Correspondence and Mailings**
(Board Policy) All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer.
- Communications: Other Organizations/ Individuals/Media**
(Board Policy) All communication relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board President or Executive Officer.
- Communication with Interested Parties** Board members are required to disclose at Board meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board minutes shall reflect the items disclosed by the Board members.

Ex Parte Communications (G. C. §11430.10 et seq.) The Government Code contains provisions prohibiting *ex parte* communications. An “*ex parte*” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board’s legal counsel or Executive Officer.

Board Member Disciplinary Actions (Board Policy) A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice-President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

Conflict of Interest (G. C. §87100) No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Board members should refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Service of Legal Documents If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Gifts from Candidates (Board Policy) Gifts of any kind to Board members from candidates for licensure with the Board shall not be permitted.

- Request for Records Access**
(*Board Policy*) No Board member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.
- Resignation of Board Members**
(*G. C. §1750*) In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter also shall be sent to the Officer of the Department, the Board President, and the Executive Officer.
- Removal of Board Members**
(*B&P Code § 106*) The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.
- Board Member Training Requirements**
(*B&P Code § 453*) Upon initial appointment, Board members will be given an overview of Board operations, policies, and procedures by Board Executive Staff.
- (*B&P Code § 453*) Every newly appointed or reappointed Board member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This is in addition to the Board orientation given by Board staff.
- (*G. C. §11146*) All Board members are required to annually file a Form 700 – Statement of Economic Interests. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher every two years thereafter.

(G. C. §12950.1) Board members are required to complete two hours of sexual harassment prevention training every two years.

**Outreach/Information/
Complaints** Outreach and consumer education shall be provided by the Board to applicants, licensees and consumers regarding the role of the Board, laws, and regulations and how to file complaints against licensees. This information shall be provided by the Board through:

Board Policy)

1. Board newsletters
2. Speaking engagements by Board members and staff
3. Press releases and public affairs announcements
4. Telephone responses
5. Responses to written, faxed and e-mailed inquires
6. The Board's website

Complaint Prioritization Guidelines for DCA Health Care Agencies

As complaints are received, a staff person should immediately review each complaint to determine the appropriate course of action based on the-complaint prioritization guidelines. The table below represents true guidelines –depending on the facts, a different level of priority may be warranted. For example, a complaint based on a report from a health care practitioner data bank (normally routine) may be re-prioritized to a higher level of response based on the nature of the underlying acts.

Agencies should continue to review complaints warranting urgent or high attention to determine whether to seek an Interim Suspension Order, a Penal Code section 23 'request or other interim action as described in Deputy Director for Legal Affairs Doreathea Johnson's memorandum dated December 15, 2008.

Priority Level	Complaint Category
Urgent (Highest Priority)	<ul style="list-style-type: none"> • In general, any act resulting in death or serious injury)' • Gross negligence, incompetence or repeated negligent acts that -involve death or serious bodily injury – • Drug or alcohol abuse by the licensee resulting in death or serious bodily injury. • Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances, or repeated acts of prescribing w/o a good faith exam • Sexual misconduct with patient during course of treatment or examination • Practicing while under the influence of drugs or alcohol • Physical or mental abuse with injury. • Unlicensed activity alleged to have resulted in patient injuries • Aiding and abetting unlicensed activity -alleged to have resulted in -patient injuries • Arrests or convictions substantially related to the area of practice (Note: may be re-categorized based on the nature of the underlying acts) • Impairments (mental, physical or as a result of alcohol or - drug abuse including termination from a diversion-program) • Theft of prescription drugs • Furnishing prescription drugs without a prescription

Appendix A. Complaint Prioritization Guidelines for DCA Health Care Agencies

Complaint Prioritization Guidelines for DCA Health Care Agencies (Continued)	
Priority Level	Complaint Category
High	<ul style="list-style-type: none"> • Negligence or incompetence without serious bodily injury • Physical or mental abuse (without injury) • Diversion drop outs • 805 Health Facility reports • Complaints about licensees on probation(whether or not injury) • Prescribing drugs without “good faith” exam(where authority to prescribe exists) • Prescribing or dispensing drugs without authority • Multiple complaints of the same allegation • Complaints with multiple prior complaints • Unlicensed activities (with no apparent harm) • Aiding and abetting unlicensed activity * with no apparent harm) • When evidence will likely be destroyed or unavailable
Routine	<ul style="list-style-type: none"> • False/misleading advertising • Patient abandonment • Fraud • Failure to release medical records • Record keeping violations • Applicant misconduct • National Practitioner Data bank reports • Workers Compensation Complaints • Non-jurisdictional complaints (fee disputes, billing) • Exam subversion(exam not compromised) • Continuing Education • Breach of confidentiality