



## Physical Therapy Board of California

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### Instructions for Preparing Petitions for Penalty Relief

## Reinstatement/Modification/Termination

Business and Professions Code 2661.7 of the Business and Professions Code allows a person whose license has been revoked or suspended, or who has been placed on probation may petition the Physical Therapy Board for reinstatement or modification of penalty, including modification or termination of probation.

The instructions and petition for penalty relief provided in this package will enable you to request the appropriate action. Please read the entire instructions carefully.

### PRELIMINARY

Filing of the petition usually takes one (1) year from the date the completed petition is received until the Board renders its decision in this matter.

If you are currently under criminal probation to a court, you are ineligible to file a petition until you complete the criminal probation period- Business and Professions Code Section 2661.7.

Type or print your answers legibly on the petition form. If additional space is needed to complete your answers, attach a separate page.

The Petition package will be returned to the petitioner if it is not legible, not fully completed, or not prepared in accordance with these instructions.

### PREPARING THE PETITION

All Cases: For reading ease, the narrative statement must be typed and may not be handwritten. Try to be brief and concise when telling the Board what you want and the reasons why your request should be granted. Give a brief factual description of the offense that was the basis of your discipline. If applicable, give the history of proper discipline and the history of prior petitions. Give details of your continuing education, training programs and seminars or educational courses as well as what physical therapy journals you read on a regular basis. Give details and documented proof of your rehabilitative efforts. Provide results, including programs, psychotherapy, and medical treatment(s) and duration.

Reinstatement Cases: Include in your statement: How long you have been revoked? How have you earned a living since revocation? What aspect of your rehabilitation do you feel will protect against the recurrence of your prior conduct? What are your plans if your license is reinstated? Where will you practice? What type of practice? Is there a particular person or group?

Modification Cases: State the specific probation condition you want changed and why it should be changed.

Termination Cases: State the compelling reasons for termination of probation.

**Letters of Recommendation:**

Pursuant to Business and Professions Code section 2661.7(b) at least two verified recommendations from physical therapist licensed by the board that have personal knowledge of your activities since your disciplinary penalty was imposed. Recommendation letters cannot be more than 3 months old from the time of submission to the Board.

Letters of reference **MUST** be signed under penalty of perjury and must be dated. Instruct your colleagues to verify their letter of recommendation and include the following declaration above their signature.

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct."	
_____	_____
Print Name	Signature
_____	_____
License Number	Date

Many letters of recommendation are returned because the above declaration is not included. Letters of recommendation containing mere conclusions and few facts are of little persuasion (e.g., I think he/she is a fine physical therapist or physical therapist assistant and a credit to the profession). It is more effective when letters from colleagues provide personal information about the way in which the petitioner has changed since the disciplinary action was taken. Be sure to submit the original letters, *not* copies. Letters should be part of the original package and not submitted separately. All letters of recommendation are verified by the Physical Therapy Board of California and therefore must contain the physical therapist’s address and phone number where they can be reached.

**Fingerprints (Live Scan Form)**

The Board requires individuals petitioning for termination or modification of terms and conditions of probation to submit fingerprints for State and Federal level. The Board recommends petitioners use Live Scan, an electronic imaging process that doesn’t require fingerprint cards in order to expedite the criminal record check.

Complete the enclosed Live Scan Form and take it to your local Police, Sheriff, or Department of Justice (DOJ) office in your area for processing. You are encouraged to contact the Live Scan agency directly to determine if an appointment is necessary and to confirm what method of payment is accepted at the particular facility.

Please refer to the following for more information of listing of locations:

<http://ag.ca.gov/fingerprints/publications/contact.php>

**Submitting Your Petition Package:**

Complete and assemble the original Petition for Penalty Relief. Include with your petition copies of accusations and all prior disciplinary decisions against you by this Board. You may order a copy of the Stipulation, Decision and/or Accusation by submitting your request in writing to the Board or you may download these documents from the website at: [www.ptb.ca.gov](http://www.ptb.ca.gov). Provide 10 copies of the ENTIRE petition packet. It is your responsibility to Xerox and collate petition packet to submit to the PTBC.

Photocopy the ENTIRE package 10 times, include:

- 1) Petition for Modification/Reinstatement of License Application
- 2) Petitioner's Narrative Statement
- 3) Authorization for Release (If provided by Board)
- 4) 2 letters of recommendation from currently license physical therapist who have personal knowledge of your professional activities since disciplinary action was taken
- 5) Clean copy of the Accusation, Decision and order
- 6) Copy of completed live scan form verifying that you have submitted your fingerprints to the Department of Justice and FBI

Petition WILL BE returned to the petitioner if package is not submitted properly or if sufficient copies of ALL documents are not provided.

Staple each package (do not bind). Once the original Petition and 10 copies of ALL documents are submitted to the Board, no additional information may be submitted until you attend the administrative hearing. The judge may decide whether to accept additional information at that time. Mail the original Petition with original documents attached and the 10 collated copies to:

Physical Therapy Board of California  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815

## **HEARING**

You will be notified in writing when your hearing will be scheduled. Please allow a minimum of 90 days after your petition has been filed with the Board. Hearings are held in conjunction with the Physical Therapy Board of California Board meetings. If you have any questions about the date, contact the Board at (916) 561-8200 or refer to our website for the upcoming meeting dates and locations. You will be sent a written notice of the exact time, date and location of the hearing when processing of your petition has been completed. Please be present one half hour before your appointed time. Each case is set for one hour. You may appear with or without an attorney.

An administrative Law Judge (ALJ) will preside over the hearing and the Board members will be present. You will be asked questions under oath. You should apprise the ALJ and Board members of any circumstances that have changed since you filed your petition. **Emphasis should be put on evidence of rehabilitation** rather than discussion of the merits of the previous discipline case.

For additional information regarding the process of an administrative hearing, please refer to:

[http://www.oah.dgs.ca.gov/FAQ/Representing\\_Yourself.htm](http://www.oah.dgs.ca.gov/FAQ/Representing_Yourself.htm)

The final Decision will not be announced orally nor discussed at the meeting. After the hearing the ALJ is permitted thirty (30) days to provide the Board with the Decision, upon which the Board will act. The Decision in your case will be mailed approximately 50 days after the hearing.

If you have any questions regarding your petition for Penalty Relief package, you may contact this office at (916) 561-8200.