

## Physical Therapy Regulations

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#### **1398. Citation.**

This regulation may be cited and referred to as "Physical Therapy Regulations."

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code.

History:

(1.) Repealer of Subchapter 13.2 (Sections 1398-1399.73, not consecutive) and new Subchapter 13.2

(Sections 1398-1399.52, not consecutive) filed 5-20-77; Register 77, No. 21.

(2.) Amendment of Note filed 4-16-79; Register 79 No. 16.

(3.) Amendment filed 6-29-83; Register 83, No. 27.

**Attachment B**  
**Policy No. 103.4**

(4) Change without regulatory effect amending division heading filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Location of Office.**

The principal office of the Physical Therapy Board of California is located at 1418 Howe Avenue, Suite 16, Sacramento, California, 95825-3204.

Note: Authority cited: Sections 2615, 2655.11, Business and Professions Code. Reference: Section 2602, Business and Professions Code.

History:

(1.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(2.) Amendment of section and Note filed 3-8-2000; Register 2000, No. 10.

**Tenses, Gender and Number**

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615 Business and Professions Code.

History:

(1.) Repealer filed 6-29-83; Register 83, No. 27.

**Definitions.**

Unless the context otherwise requires, for the purpose of the regulations contained in this chapter,

(a) "Board" means the Physical Therapy Board of California;

(b) "Code" means the Business and Professions Code;

(c) "The Physical Therapy Practice Act" consists of Chapter 5.7, of Division 2, of the Business and Professions Code.

(d) "License" as used in these regulations includes a license, or approval, issued by the Board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code.

HISTORY

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

2. Change without regulatory effect amending subsection (a), repealing subsection (b) and (c), and renumbering subsections filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations Register 97, No. 37).

3. Amendment filed 12-19-2002; operative 1-18-2003 (Register 2002, No. 51).

**Delegation of Functions.**

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board, or in his or her absence, the assistant executive officer of the board or other designee of the executive officer, all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2608 and 2614, Business and Professions Code; and Sections 11500 and 11415.60, Government Code.

History:

(1.) Amendment filed 6-29-83; Register 83, No. 27.

(2.) Amendment filed 11-16-92; Register 92, No. 47.

(3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(4.) Amendment filed 3-8-2000, Register 2000, No. 10.

(5.) Amendment of section and Note filed 7-17-2012; operative 8-16-2012 (Register 2012, No. 29).

**Continuation of Existing Regulations.**

Note: Authority cited: Section 2615, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83; Register 83, No. 27.

**Address of Record.**

(a) Every applicant and licensee shall provide an address to the Physical Therapy Board of California (Board) that will be designated as their address of record, which will be utilized for all official and formal communications from the Board, and which will be disclosed to the public. An applicant or a licensee need not provide a residence address as the address of record, but may use an alternative address, such as a business address or a P.O. Box, as their address of record. Every applicant and licensee shall report any change of the address of record to the Board no later than thirty (30) calendar days after the address change has occurred. The report of change of address of record shall be in writing and contain the old address, the new address, and

the effective date of the change of address.

(b) Residence Address. Every applicant and licensee shall provide a residence address to the Board. Only, if the applicant or licensee also provides an alternative address of record as described in subsection (a) above, shall the Board maintain the residence address as confidential. Every applicant and licensee shall report any change of their residential address to the Board no later than thirty (30) calendar days after the address change has occurred. The report of change of residential address shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(c) Name Change. Every applicant and licensee shall report to the Board in writing each and every change of name no later than thirty (30) calendar days after each change has occurred, giving both the old and new names.

(d) E-mail Address. Every applicant and licensee shall file a current e-mail address with the Board and shall notify the Board in writing of any and all changes of the e-mail address no later than thirty (30) calendar days after the change has occurred, giving both the old e-mail address and the new e-mail address. E-mail addresses are confidential information and shall not be made available to the public. This subsection does not require an applicant or licensee to obtain an e-mail address, it only requires that person report an existing e-mail address to the Board.

(e) Licensee. For purposes of this section, "licensee" includes any holder of an active, inactive, delinquent, suspended or expired license, certification or other authorization issued by the Board to practice physical therapy or electromyography which is not canceled or revoked.

Authority cited: Section 2615, Business and Professions Code.

Reference: Sections 136, 2602.1, 2680, 2683, 2684 and 2685, Business and Professions Code and Section 1798.61, Civil Code.

#### **Advertising.**

A physical therapist may advertise the provision of any services authorized to be provided by a physical therapy license. Such advertising shall be in a manner authorized by Section 651 of the Code so long as such advertising does not promote the excessive or unnecessary use of such services.

Note: Authority cited: Sections 651 and 2615, Business and Professions Code. Reference: Sections 651 and 2660, Business and Professions Code.

History:

(1.) New section filed 2-28-80, Register 80, No. 9.

(2.) Amendment filed 6-29-83, Register 83, No. 27.

#### **Physical Therapy Aide, Applicant, Student and Intern Identification.**

Pursuant to Section 680 of the code, each supervising licensed physical therapist shall require all physical therapy aides, applicants, students and interns performing patient related tasks under his or her supervision to display while working his or her name and working title on a name tag in at least 18-point type.

Note: Authority cited: Sections 680 and 2615, Business and Professions Code. Reference: Section 680, Business and Professions Code.

History:

(1.) New section filed 1-25-2001; Register 2001, No. 4.

#### **Related Health Sciences.**

A physical therapy related health science for purposes of Code section 2633, subdivision (b), includes the following: any neuroscience and any anatomical, behavioral, biomedical, physiological, and movement sciences. These sciences specifically include, but are not limited to, biology, biomechanics, exercise physiology, gerontology, human development, kinesiology, pathology, pathomechanics, pharmacology and psychology.

Note: Authority cited: Sections 2615 and 2633, Business and Professions Code. Reference: Sections 2633 and 2650, Business and Professions Code.

History:

(1.) New section filed 3-24-2009; operative 4-23-2009; Register 2009, No.13.

#### **Patient Records.**

(a) A physical therapist shall document and sign in the patient record the following in accordance with subsection (c):

(1) Examination and re-examination

(2) Evaluation and reevaluation

(3) Diagnosis

(4) Prognosis and intervention

(5) Treatment plan and modification of the plan of care

(6) Each treatment provided by the physical therapist or a physical therapy aide

(7) Discharge Summary

(b) The physical therapist assistant shall document and sign in the patient record any treatment provided by that individual, in accordance with subsection (c).

(c) With respect to any care provided to the patient, the patient record shall indicate:

(1) The date and nature of the service provided and

(2) The name and title of any individual who provided such service, including the individual's role in that service. As used in this section, the term "service" does not include "non-patient related tasks" as defined in section 1399.

(d) The physical therapist shall ensure compliance with subsection (c).

(e) The requirements of this section are in addition to the requirements of the following sections:

(1) 1398.37(d) [relating to physical therapist students and interns],

(2) 1398.44(e)(1) [relating to physical therapist assistants]

(3) 1398.52(d) [relating to physical therapist assistant students]

(4) 1399.10 [relating to physical therapist license applicants]; and

(5) 1399.12 [relating to physical therapist assistant license applicants].

(f) Electronic signatures are sufficient for purposes of this section.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.7, Business and Professions Code.

History:

1. Renumbering and amendment of former section 1399.85 to new section 1398.13 filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

**1398.15. Notice to Consumers**

(a) A licensed physical therapist engaged in the practice of physical therapy shall provide Form NTC 12-01, August 2, 2012, to each patient.

(b) The notice required by this section shall be provided by at least one of the following methods:

(1) Prominently posting Form NTC 12-01, August 2, 2012, in an area visible to patients on the premises where the licensee provides the licensed services; or,

(2) Providing the patient or the patient's representative with a copy of Form NTC-1201, August 2, 2012. An acknowledgement, signed and dated by the patient or the patient's representative, shall be retained in that patient's medical records demonstrating receipt.

Note: Authority cited: Sections 2615 and 2655.1, Business and Professions Code. Reference: Sections 138 and 2602.1, Business and Professions Code.

History:

1. New section filed 7-24-2013; operative 10-1-2013 (Register 2013, No. 30).

**ARTICLE 2. APPLICATIONS AND EXAMINATIONS**

**Place of Filing.**

Completed applications for all licenses and certifications shall be filed in the office of the board in Sacramento.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2632, 2634, 2635 and 2653, Business and Professions Code.

History:

(1.) Amendment filed 6-29-83, Register 83, No. 27.

(2.) Amendment filed 5-15-91; Register 91, No. 26.

(3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(4.) Amendment of section heading and section filed 3-8-2000; Register 2000, No. 10.

(5.) Amendment filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Abandonment of Applications.**

An application shall be denied without prejudice when, in the discretion of the board, an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents requested in or in the payment of any required fees.

Note: Specific reference: Sections 2602, 2632, 2634, 2635, 2636, 2639 and 2655.75, Business and Professions Code.

History:

(1.) New section filed 3-20-78, Register 78, No. 12.

(2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Failure to Pass the Examination.**

An application for licensure shall be deemed denied without prejudice when an applicant fails to pass the

examination within one year from the date of the original notice to appear for the examination. To reapply, the applicant is then required to file a new application for licensure, to pay the application fee specified in Section 1399.50(a), 1399.50(b) or 1399.52(a) as applicable, and to comply with all laws and regulations in effect at the time of filing. In addition the applicant is required to apply for reexamination and to pay the applicable reexamination fee specified in Section 1399.50(c) or 1399.52(b).

Note: Authority cited: Sections 2615 and 2655.92, Business and Professions Code. Reference: Sections 2632, 2634, 2635, 2636, 2638, 2639, 2655.3, 2655.4, 2655.6, 2655.91 and 2655.92, Business and Professions Code.  
History:

- (1.) New section filed 11-20-95, Register 95, No. 47.
- (2.) Amendment filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Failure to Appear for Examination-Withdrawal of Application.**

Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2588, 2602, 2636, 2639 and 2655.4, Business and Professions Code.

History:

- (1.) New section filed 3-20-78, Register 78, No. 12.
- (2.) Amendment filed 6-29-83, Register 83, No. 27.
- (3.) Repealer filed 3-8-2000; Register 2000, No. 10)

**Failure to Pay Initial License Fee.**

An application shall be deemed to have been abandoned and any examination taken not passed if an applicant fails to pay the initial license fee within five years after notification by the board. An applicant whose application has been deemed abandoned may again be eligible for licensure upon re-examination and the filing of an updated application with the current application fee.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.4 and 2688, Business and Professions Code.

History:

- (1.) New section filed 3-20-78, Register 78, No. 12.
- (2.) Amendment filed 6-29-83, Register 83, No. 27.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Review of Physical Therapist Applications; Processing Time.**

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapist education program within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapist education program within 60 days after completion of the application, of its decision whether the applicant meets the requirements for examination. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from an approved physical therapist education program from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -46 days
- (2) Median -88 days
- (3) Maximum -365 days

These processing times apply to those applicants who take and pass the examination within 60 days of the date of the authorization to test.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

History:

- (1.) Renumbering of former section 1398.24 to Section 1398.26 and new section 1398.24 filed 9-8-83, Register 83, No. 37.
- (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (3.) Amendment filed 3-8-2000, Register 2000, No. 10.

**Credentials Evaluation Services.**

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

- (a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist

in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

History:

(1.) New section filed 8-22-77, Register 77, No. 35.

(2.) Repealer filed 6-29-83, Register 83, No. 27.

(3.) new section filed 8-31-84, Register 84, No. 35.

(4.) New subsections (c) - (c) (2) filed 9-9-94, Register 94, No. 36.

(5.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

#### **Applications of Foreign Graduates.**

(a) Persons applying under Section 2653 of the code shall cause to be submitted to an evaluation service, which meets the Boards requirements in Section 1398.25, a complete transcript of the resident course of professional instruction completed which has been authenticated by the proper official of the physical therapist education program, and submitted directly by the physical therapist education program to the evaluation service. Credentials submitted in a language other than English shall be accompanied by an original translation certified by a qualified translator other than the applicant.

(b) Where because of circumstances beyond his or her control an applicant is unable to furnish any of the credentials required under subsection (a) above, the board may in its discretion accept other documents which it deems sufficient to establish the applicant's eligibility.

Note: Authority cited: Section 2615 and 2653, Business and Professions Code. Reference: Section 2653, Business and Professions Code.

HISTORY

1. New section filed 8-22-77; effective thirtieth day thereafter (Register 77, No. 35).

2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

3. New section filed 8-31-84; effective thirtieth day thereafter (Register 84, No. 35).

4. New subsections (c)-(c)(2) filed 9-9-94; operative 10-10-94 (Register 94, No. 36).

5. Change without regulatory effect amending first paragraph and subsection (c) filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37).

#### **1398.26.1 Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant**

This section is only applicable to those applicants who are graduates of non-accredited physical therapy educational programs and applying for licensure on or after the effective date of this regulation. For the purposes of determining educational equivalency, the credential evaluation services will evaluate foreign educational credentials based on the corresponding Federation of State Boards of Physical Therapy's Coursework Evaluation Tool For Foreign Educated Physical Therapists (CWT) or, if applying for physical therapist assistant license, the Coursework Tool For Foreign Educated Physical Therapist Assistants (PTA Tool 2007). For the purpose of this regulation, the six following publications are incorporated by reference: (1) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated before 1978 - CWT 1 (2004), (2) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1978 to 1991 - CWT 2 (2004), (3) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1992 to 1997 - CWT 3 (2004), (4) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated From 1998 to June 30, 2009 - CWT 4 (2004), (5) FSBPT Coursework Tool For Foreign Educated Physical Therapists Who Graduated after June 30, 2009 - CWT 5 (2004) (Rev. 2009-07), (6) Coursework Tool For Foreign Educated Physical Therapist Assistants - PTA Tool 2007 (2004).

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

HISTORY

1. New section filed 7-5-2005; operative 8-4-2005 (Register 2005, No. 27).
2. Amendment of section heading and section filed 9-29-2011; operative 10-29-2011 (Register 2011, No. 39).

**1398.26.5 Clinical Service Requirements for Foreign Educated Applicants**

(a) The period of clinical service required by Section 2653 of the Code shall be certified by at least one supervising physical therapist (the supervising physical therapist is the Center Coordinator of Clinical Education and/or the Clinical Instructor ) licensed by the board, or by a physical therapy licensing authority in another jurisdiction which is accepted by the board.

(b) For the purposes of this regulation, supervision means the supervising physical therapist must be onsite in the same facility and available to the physical therapist licensure applicant to provide assistance with any patient care.

(c) Effective January 1, 2008, the center coordinator of clinical education (CCCE) must be an American Physical Therapy Association (APTA) certified clinical instructor. Effective January 1, 2010, all clinical instructors must be APTA certified.

(d) The certification shall be submitted in a report to the board and shall document the supervising physical therapist's determination that the physical therapist licensure applicant possesses the skills necessary to perform any physical therapy evaluation or any physical therapy procedure of patient care within the California healthcare system. The supervising physical therapist's evaluation of the physical therapist licensure applicant shall be prepared utilizing the Physical Therapist Clinical Performance Instrument issued by the American Physical Therapy Association in December of 1997. The certification shall include two evaluations of the physical therapist licensure applicant's skills. One evaluation shall determine the skill level mid-way through the period of clinical service and the other evaluation shall determine the skill level at the end of the clinical service. Both evaluations shall be reported at the end of the period of clinical service.

(e) Three (3) months of the required nine (9) months of clinical service shall be waived by the board if the physical therapist licensure applicant successfully completes a course in Law and Professional Ethics as offered by a post-secondary educational institution or by successfully completing four (4) continuing education units in Ethics offered by a continuing education provider recognized by a California healthcare board.

(f) One (1) month of clinical service shall be waived for each month of licensed clinical practice in another state up to the required total of nine (9) months.

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

**HISTORY**

1. New section filed 12-9-2004; operative 1-8-2005 (Register 2004, No. 50).

**Review of Foreign-Educated Physical Therapist Applications; Processing Time.**

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from a foreign physical therapist education program within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure as a physical therapist who has graduated from a foreign physical therapist education program within 150 days after completion of the application, of its decision whether the applicant meets the requirements for examination. "Completion of the application" means that a completed application form together with all required information, documentation, including a report from an evaluation service which meets the criteria specified in Section 1398.25, and fees have been filed by the applicant.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from a foreign physical therapist education program from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -95 days
- (2) Median -400 days
- (3) Maximum -550 days

These processing times apply to those applicants who take and pass the examination within 60 days of the date of the authorization to test.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

**History:**

- (1.) New section 9-8-83, Register 83, No. 37.
- (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (3.) Amendment of section heading and section filed 3-8-2000, Register 2000, No. 10.

**Written Examination.**

(a) The uniform examination utilized by the board for the licensure of physical therapists is the Federation of

State Boards of Physical Therapy's examination for physical therapists.

(b) The uniform examination utilized by the board for the licensure of physical therapist assistants is the Federation of State Boards of Physical Therapy's examination for physical therapist assistants.

Note: Authority cited: Sections 851 and 2615, Business and Professions Code. Reference: Sections 851, 2605, 2636, 2636.1 and 2655.4, Business and Professions Code.

History:

(1.) Amendment filed 4-16-79; Register 79, No. 16.

(2.) Repealer of subsection (c) filed 6-29-83, Register 83, No. 27.

(3.) Amendment of subsections (a) and (b) filed 4-20-90, Register 90, No. 21.

(4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(5.) Amendment filed 3-8-2000, Register 2000, No. 10.

(6.) Amendment of subsection (b) filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

### **ARTICLE 3. PHYSICAL THERAPY SCHOOLS**

#### **Approved Physical Therapist Education Programs.**

Only those education programs which meet the requirements set forth in Section 1398.31 shall be approved by the board for professional education in physical therapy. The executive officer shall maintain on file at the board's Sacramento office a list of approved education programs.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History:

(1.) Amendment filed 6-29-83, Register 83, No. 27.

(2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(3.) Amendment of section heading and section filed 3-8-2000, Register 2000, No. 10.

#### **Criteria for Approval of Physical Therapy Schools.**

(a) Physical therapy educational programs shall be established in post-secondary educational institutions accredited by a national association or agency recognized by the Council on Post Secondary Accreditation and/or the U.S. Department of Education.

(b) The physical therapy educational program shall be accredited by the agency or organization recognized by the Council on Post Secondary Accreditation or the U.S. Department of Education.

(c) Teaching programs of not less than 1400 hours duration also may be established in hospitals for students whose preliminary education meets the requirements of Section 2650 of the code, providing the physical therapy education program is accredited as set forth in subsection (b).

(d) Nothing in this section shall be construed to prevent the board from approving a school or training program which is not approved or from not approving a school or training program which is approved by one of the above mentioned entities.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History:

(1.) Amendment filed 6-29-83, Register 83, No. 27.

(2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

#### **Services and Facilities.**

Note: Authority cited: Section 2615, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83, Register 83, No. 27.

#### **Faculty.**

Note: Authority cited: Section 2615, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83, Register 83, No. 27.

#### **Curriculum.**

Note: Authority cited: Section 2615, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83, Register 83, No. 27.

#### **Identification of Students and Interns.**

(a) When rendering physical therapy services as part of academic training, a physical therapy student shall only be identified as a "physical therapist student." A person who has completed the required academic coursework



may be identified as a "physical therapist intern" when rendering physical therapy services. When rendering physical therapy services, the required identification shall be clearly visible and include his or her name and working title in at least 18-point type.

(b) The "clinical instructor" or the "supervisor" shall be the physical therapist supervising the physical therapist student or intern while practicing physical therapy.

(c) The supervising physical therapist shall provide on site supervision of the assigned patient care rendered by the physical therapist student or intern.

(d) The physical therapist student or intern shall document each treatment in the patient record, along with his or her signature. The clinical instructor or supervising physical therapist shall countersign with his or her first initial and last name all entries in the patient's record on the same day as patient related tasks were provided by the physical therapist student or intern.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2650.1 and 2650.2, Business and Professions Code.

History:

(1.) New section filed 4-16-79, Register 79, No. 16.

(2.) Amendment filed 6-29-83, Register 83, No. 27.

(3.) Amendment of section heading, section and NOTE filed 12-23-2002, operative 1-22-2003, Register 2002, No. 52.

#### **Criteria for Approval of Physical Therapy Facilities to Supervise the Clinical Service of Foreign Educated Applicants.**

Pursuant to Section 2653 of the code in order to be approved as a facility in which a foreign educated applicant may complete a period of clinical service, each physical therapy facility shall complete a form entitled Clinical Site

Information Form (CSIF), as developed by the American Physical Therapy Association and revised on 11-01-99, hereby incorporated by reference, certifying that the facility has the staffing, clinical experiences, and clinical instruction to provide physical therapy clinical experience for the foreign educated physical therapist applicant for licensure. The CSIF shall be submitted to the Board accompanied by the Board's Notice of Intent to Supervise a Foreign Educated Physical Therapist", form F1B, revised January 2005, hereby incorporated by reference. For each foreign educated applicant, both forms shall be complete and signed in order for the physical therapy facility to be approved by the Board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

HISTORY

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

2. Amendment of section heading and first paragraph filed 3-8-2000; operative 4-7-2000 (Register 2000, No. 10).

3. Amendment of section heading, first paragraph and subsection (d) filed 9-18-2000; operative 10-18-2000 (Register 2000, No. 38).

4. Amendment filed 4-21-2005; operative 5-21-2005 (Register 2005, No. 16).

#### **ARTICLE 4. PHYSICAL THERAPIST ASSISTANT**

##### **Definitions.**

Note: Authority cited: Sections 2625 and 2655.11, Business and Professions Code. Reference: Section 2655, Business and Professions Code.

History:

(1.) Amendment filed 10-19-83, Register 83, No. 43.

(2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(3.) Repealer filed 3-8-2000, Register 2000, No. 10.

##### **Applications for Approval as an Assistant.**

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History:

(1.) Repealer filed 6-29-93, Register 83, No. 27.

##### **Review of Physical Therapist Assistant Applications; Processing Time.**

(a) The board shall inform an applicant for licensure as a physical therapist assistant within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure as a physical therapist assistant within 60 days after completion of the application, of its decision whether the applicant meets the requirements for examination.

"Completion of the application" means that a completed application form together with all required information,

documentation and fees have been filed by the applicant.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist assistant from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -67 days
- (2) Median -127 days
- (3) Maximum -166 days

These processing times apply to those applicants who take and pass the examination within 60 days of the date of the authorization to test.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code.

Reference: Section 2655.3, Business and Professions Code; and Section 15376, Government Code.

History:

- (1.) Repealer and new section filed 9-8-83, Register 83, No. 37.
- (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (3.) Amendment filed 3-8-2000, Register 2000, No. 10.
- (4.) Amendment filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Qualifications of Supervisor.**

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.1 and 2655.2, Business and Professions Code.

History: Repealer filed 9-8-83, Register 83, No. 37.

**Adequate Supervision Defined.**

(a) "Adequate supervision" of a physical therapist assistant shall mean supervision that complies with this section. A physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant and shall ensure that the physical therapist assistant does not function autonomously. The physical therapist has a continuing responsibility to follow the progress of each patient, and is responsible for determining which elements of a treatment plan may be assigned to a physical therapist assistant.

(b) A physical therapist who performs the initial evaluation of a patient shall be the physical therapist of record for that patient. The physical therapist of record shall remain as such until a reassignment of that patient to another physical therapist of record has occurred. The physical therapist of record shall ensure that a written system of transfer to the succeeding physical therapist exists.

(c) The physical therapist of record shall provide supervision and direction to the physical therapist assistant in the treatment of patients to whom the physical therapist assistant is providing care. The physical therapist assistant shall be able to identify, and communicate with, the physical therapist of record at all times during the treatment of a patient.

(d) A physical therapist assistant shall not:

- (1) Perform measurement, data collection or care prior to the evaluation of the patient by the physical therapist
- (2) Document patient evaluation and reevaluation
- (3) Write a discharge summary
- (4) Establish or change a plan of care
- (5) Write progress reports to another health care professional, as distinguished from daily chart notes
- (6) Be the sole physical therapy representative in any meeting with other health care professionals where the patient's plan of care is assessed or may be modified.
- (7) Supervise a physical therapy aide performing patient-related tasks
- (8) Provide treatment if the physical therapist assistant holds a management position in the physical therapy business where the care is being provided. For purposes of this section, "management position" shall mean a position that has control or influence over scheduling, hiring, or firing.

The prohibitions in subsection (d) above shall not prohibit a physical therapist assistant from collecting and documenting data, administering standard tests, or taking measurements related to patient status.

(e) The physical therapist assistant shall:

- (1) Notify the physical therapist of record, document in the patient record any change in the patient's condition not within the planned progress or treatment goals, and any change in the patient's general condition.

Note: Authority cited: Sections 2615, 2655.1 and 2655.92, Business and Professions Code. Reference: Section 2655.92, Business and Professions Code.

History:

1. Repealer of subsection (f) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment of section and Note filed 9-18-96; operative 9-18-96 pursuant to Government Code section

11343.4(d) (Register 96, No. 38).

3. Repealer and new section filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

**Withdrawal of Approval as a Physical Therapist Assistant.**

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83, Register 83, No. 27.

**Withdrawal of Approval as a Supervisor.**

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History:

(1.) Repealer filed 6-29-83, Register 83, No. 27.

**Equivalent Training or Experience.**

(a) Training and experience considered equivalent to that obtained in an approved physical therapist assistant school shall be acquired in one of the following ways:

(1) Military training, consisting of satisfactory completion of a basic hospital corps member course and of a formal physical therapist assistant course that includes a minimum of 550 hours of technical courses relating to physical therapy, and 350 hours of supervised clinical experience. In addition, the applicant shall complete the general education requirements described in subsection (c).

(2) A combination of training and 36 months of full-time work experience in physical therapy described in subsection (b). Training shall consist of satisfactory completion of 30 semester units or 40 quarter units of instruction in a variety of the following technical areas: Human anatomy and physiology, including laboratory experience; kinesiology and topographical anatomy; first-aid; basic principles of electromagnetism, mechanics and thermodynamics, biomechanics, and massage; application of therapeutic exercise and modalities for the physically disabled; survey of pathophysiological conditions resulting from injury or disease; ethics; and laws relating to physical therapy. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all technical coursework to be accepted for licensure as a physical therapist assistant. Eighteen (18) months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility.

(3) Sixty (60) months of full-time work experience in physical therapy described in subsection (b). Thirty (30) months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility. In addition, the applicant shall complete the general education requirements described in subsection (c). This paragraph (a) (3) shall become inoperative on

July 1, 2001, and, as of July 1, 2001, is repealed.

(4) Successful completion of professional education described in section 2650 of the code.

(b) Work experience used to satisfy subsections (a)(2) and (a)(3) shall be obtained under the orders, direction and immediate supervision of (1) a physical therapist licensed by the board, (2) a physical therapist employed by the United States Government, or (3) an out-of-state licensed physical therapist who has qualifications equivalent to a physical therapist licensed by the board, and shall consist of assisting the supervising physical therapist in the treatment of patients of both sexes, varying ages and disabilities. Full-time work experience shall be credited on the basis of a compensated 40-hour work week, allowing for the usual and customary periods of absence. Work credit shall be given for part-time employment. The work experience shall have been obtained within ten years of the date the application for licensure is filed with the board, provided that, one-half of the experience has been obtained within five years of the application.

(c) General education requirements shall consist of satisfactory completion of 15 semester units or 20 quarter units, including at least one course in each of the following areas:

(1) Natural Sciences.

(2) Social or Behavioral Sciences.

(3) Humanities.

(4) English, Speech, or Mathematics.

(5) English Composition which meets the Associate or Baccalaureate degree requirement of the college at which the course is taken. The applicant shall have obtained a grade of "c" or better in English Composition to be accepted for licensure as a physical therapist assistant.

(d) Proof of completion of the general education courses in subsection (c) and of the technical courses in subsection (a)(2) shall be submitted on an official transcript. The courses may be taken at any post-secondary institution that is accredited by an agency recognized by the Council for Higher Education Accreditation or the U.S. Department of Education. Credit will be given for academic units granted by the educational institution for equivalent experience or education as well as for the results of equivalency or proficiency examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.3 and 2655.11, Business and Professions Code.

History:

- (1.) Amendment filed 6-29-83, Register 83, No. 27.
- (2.) Amendment of subsection (a) filed 5-15-91, Register 91, No. 26.
- (3.) Editorial correction of printing error in subsection (c ) (4), Register 91., No. 26.
- (4.) Amendment of subsections (a) (1) - (a) (3) and (b) filed 10-21-94, Register 94, No. 42.
- (5.) Change without regulatory effect amending subsection (b) filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (6.) Amendment filed 1-24-2001; Register 2001, No.4.
- (7.) Amendment of subsections (a) (2), (b) and (c ) (5) and amendment of Note filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

#### **ARTICLE 5. PHYSICAL THERAPIST ASSISTANT SCHOOLS**

##### **Approved Physical Therapist Assistant Education Programs.**

Those education programs which meet the requirements of Section 1398.51 shall be approved by the board for the training of physical therapist assistants. The executive officer shall maintain on file at the board's office a list of approved education programs.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code.

History:

- (1.) Repealer of Article 5(Sections 1398.50-1398.54) and new Article 5 (Sections 1398.50 and 1398.51) filed 6-29-83, register 83, No. 27.
- (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (3.) Amendment of section heading, section and Note filed 3-8-2000, Register 2000, No. 10.

##### **Criteria for Approval of Physical Therapist Assistant Schools.**

(a) Physical therapist assistant training programs shall be established in post-secondary educational institutions accredited by a regional association recognized by the U.S. Department of Education or the Council on Post-Secondary Accreditation.

(b) The physical therapist assistant training program shall be accredited by the appropriate agency or organization recognized by the U.S. Department of Education or the Council on Post-Secondary Accreditation.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code.

##### **Identification and Supervision of Physical Therapist Assistant Students and Interns Defined**

(a) A physical therapist assistant student is an unlicensed person rendering physical therapy services as a part of academic training pursuant to section 2655.75 of the Code and shall only be identified as a "physical therapist assistant student." A person who has completed the required academic coursework may be identified as a "physical therapist assistant intern" when rendering physical therapy services. When rendering physical therapy services, the required identification shall be clearly visible and include his or her name and working title in at least 18-point type.

(b) The physical therapist assistant student or intern shall be supervised by a physical therapist supervisor. A physical therapist assistant under the supervision of a physical therapist supervisor may perform as a clinical instructor of the physical therapist assistant student or intern when rendering physical therapy services.

(c) A physical therapist supervisor shall provide on site supervision of the assigned patient care rendered by the physical therapist assistant student or intern.

(d) The physical therapist assistant student or intern shall document each treatment in the patient record, along with his or her signature. The clinical instructor shall countersign with his or her first initial and last name in the patient's record on the same day as patient related tasks were provided by the physical therapist assistant student or intern. The supervising physical therapist shall conduct a weekly case conference and document it in the patient record.

Note: Authority cited: Sections 2615, Business and Professions Code. Reference: Sections 2655.9 and 2655.75, Business and Professions Code.

HISTORY

1. New section filed 12-23-2002; operative 1-22-2003 (Register 2002, No. 52).

#### **ARTICLE 6. PHYSICAL THERAPY AIDES**

##### **1399. Requirements for Use of Aides.**

(a) A physical therapy aide is an unlicensed person who may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks.

(b) Prior to the aide providing patient related care, a physical therapist shall evaluate and document, the aide's competency level for performing the patient related task that the aide will provide in that setting. The record of competencies shall be made available to the board or any physical therapist utilizing that aide upon request.

(c) As used in these regulations:

(1) A "patient related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient related tasks as defined below.

(2) A "non-patient related task" means a task related to observation of the patient, transport of patients, physical support only during gait or transfer, housekeeping duties, clerical duties and similar functions.

(3) "Under the orders, direction and immediate supervision" means:

(A) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide.

(B) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide.

(C) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The physical therapist shall be responsible at all times for the conduct of the aide while the aide is performing "patient related tasks" and "non-patient related tasks" as defined in this section.

(D) The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as the aide and in immediate proximity to the location where the aide is performing patient related tasks. The physical therapist shall be readily available at all times to provide immediate advice, instruction or intervention in the care of the patient. When patient related tasks are provided to a patient by an aide the physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress.

(E) The physical therapist shall perform periodic re-evaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code.

History:

1. Amendment of subsection (b) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
3. Amendment of subsections (b)(1), (b)(2), (b)(4) and (b)(5) and new subsection (b)(6) filed 10-21-94; operative 11-21-94 (Register 94, No. 42).
4. Amendment filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

#### **1399.1. Limitation on Aides Utilized.**

Note: Authority cited: Section 2615 Business and Professions Code. Reference: Section 2630 Business and Professions Code. History:

- (1) New section filed 10-21-94, Register 94, No. 42.
- (2) Repealer filed 3-8-2000, Register 2000, No. 10.

### **ARTICLE 7. PRACTICE BY APPLICANTS**

#### **Supervision of Physical Therapist License Applicants.**

Pursuant to Section 2639 of the code, a physical therapist license applicant whose application for licensure has been filed and reviewed by the board may perform as a physical therapist if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate supervision" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the physical therapist license applicant and shall be in close proximity to the location where the physical therapist license applicant is rendering physical therapy treatment. The physical therapist license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient's record on the same day as patient related tasks were provided by the physical therapist license applicant. A supervising physical therapist shall document receipt of the letter authorizing physical therapist license applicant status and record the expiration date of such status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist license applicant status. If the applicant fails to pass the licensing examination all privileges to work as a physical therapist license applicant shall terminate. Authorizing the physical therapist license applicant to work after the conclusion of physical therapist license applicant status constitutes unprofessional conduct.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2639, Business and Professions Code.

HISTORY

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).
3. Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37).
4. Amendment of section heading and section filed 3-8-2000; operative 4-7-2000 (Register 2000, No. 10).
5. Amendment filed 12-23-2002; operative 1-22-2003 (Register 2002, No. 52).

**Notification of Examination Results.**

Note: Authority cited: Sections 2655 and 2655.11, Business and Professions Code.

History:

- (1.) Amendment filed 3-20-78, Register 78, No. 12.
- (2.) Repealer filed 6-29-83, Register 83, No. 27.

**Supervision of Physical Therapist Assistant License Applicants.**

Pursuant to Section 2655.91 of the code, a physical therapist assistant license applicant whose application for license has been filed and reviewed by the board may assist in the provision of physical therapy services if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the applicant and shall be in close proximity to the location where the applicant is assisting in the provision of physical therapy treatment. The physical therapist assistant license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient's record on the same day as patient related tasks were provided by the physical therapist assistant license applicant. A supervising physical therapist will conduct a weekly case conference and document it in the patient record. A supervising physical therapist shall document receipt of the letter authorizing physical therapist assistant license applicant status and record the expiration date of such status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist assistant license applicant status. If the applicant fails to pass the licensing examination all privileges to work as a physical therapist assistant license applicant shall terminate. Authorizing the physical therapist assistant license applicant to work after the conclusion of physical therapist assistant license applicant status constitutes unprofessional conduct.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2655.91, Business and Professions Code.

HISTORY

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).
3. Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37).
4. Amendment of section heading and Note filed 3-8-2000; operative 4-7-2000 (Register 2000, No. 10).
5. Amendment of section and Note filed 12-19-2002; operative 1-18-2003 (Register 2002, No. 51).
6. Amendment of section heading, section and Note filed 12-23-2002; operative 1-22-003 (Register 2002, No. 52).

**Model Guidelines for Issuing Citations and Imposing Discipline**

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the "Guidelines for Issuing Citations and Imposing Discipline", (Revised December 2013, 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.

**Issuance of Initial Probationary License.**

- (a) The authority to issue an initial probationary license is delegated to the executive officer of the Board. In the absence of the executive officer the authority is delegated to the board president or in his or her absence the vice-president.
- (b) When the executive officer finds that the issuance of an initial probationary license is necessary in accordance with section 2660.2 of the Act, the Board's Disciplinary Guidelines specified in section 1399.15 of these regulations shall serve as guidelines for the terms and conditions of an initial probationary license.
- Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2607.5 and 2660.2, Business and Professions Code. 1. New section filed 10-8-2004; operative 11-7-2004 (Register 2004, No. 41).

**ARTICLE 8. DISCIPLINE AND REINSTATEMENT OF LICENSE**

**Substantial Relationship Criteria.**

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

- (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.
- (b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.
- (c) Violating or attempting to violate any provision or term of the Medical Practice Act.

Note: Authority cited: Sections 481 and 2615, Business and Professions Code. Reference: Sections 481, 2660 and 2661, Business and Professions Code.

History:

- (1.) Repealer of Note and new Note file 4-16-79, Register 79, No. 16.
- (2.) Amendment of Article 8 heading and section filed 6-29-83, Register 83, No. 27.
- (3.) Amendment of first paragraph filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Rehabilitation Criteria for Denial and Reinstatement of Licensure.**

When considering the denial of a license, under Section 480 of the code or a petition for reinstatement under Section 11522 of the Government Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license shall consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).
- (d) The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History:

- (1.) Amendment of Note filed 4-16-79, Register 79, No. 16.

- (2.) Amendment filed 6-29-83, Register 83, No. 27.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (4.) Amendment of first paragraph filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Rehabilitation Criteria for Suspensions or Revocations.**

When considering the suspension or revocation of a license on the ground that a person holding a license under the Physical Therapy Practice Act has been convicted of a crime, the board in evaluating the rehabilitation of such person and his or her eligibility for a license shall consider the following criteria:

- (a) The nature and severity of the act(s) or offense(s).
- (b) The total criminal record.
- (c) The time that has elapsed since commission of the act(s) or offense(s).
- (d) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (f) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History:

- (1.) Amendment of Note filed 4-16-79, Register 79, No. 16.
- (2.) Amendment filed 6-29-83, Register 83, No. 27.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (4.) Amendment of first paragraph and subsections (d) and (f) filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

**Required Actions Against Registered Sex Offenders.**

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the Administrative Law Judge shall, in a Proposed Decision:

(1) Promptly revoke the license of the individual, 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, and not stay the revocation nor place the license on probation.

(2) Not reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration, provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(c) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation shall not be subject to the provisions of this section. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subdivision (a) against reinstating a license shall govern.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2221, 2232, 2602, 2608, 2660, 2660.1, 2660.2, 2660.5 and 2661, Business and Professions Code.

- (1.) New section filed 7-17-2012; operative 8-16-2012 (Register 2012, No. 29).

**Unprofessional Conduct.**

In addition to the conduct described in Section 2660 of the Code, "unprofessional conduct" also includes but is not limited to the following:

(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to withdraw a complaint the party has filed with the board.

(3) A provision that prohibits a party from disclosing the nature of the settlement or the amount of the



settlement or otherwise declares that the settlement is "confidential."

(b) Failure to provide to the board, as directed, lawfully requested certified copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the certified documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subdivision shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any board investigation pending against the licensee. This subdivision shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(d) Failure to report to the board within 30 days any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(5) Any report required to be made pursuant to Business and Professions Code section 802 regarding settlements, judgments, or arbitration awards.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2602, 2660 and 2660.2, Business and Professions Code.

(1.) New section filed 7-17-2012; operative 8-16-2012 (Register 2012, No. 29).

#### **ARTICLE 8.5 ADMINISTRATIVE CITATIONS**

##### **Administrative Citations.**

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued. A citation may contain an administrative fine, an order of abatement, or both. A citation may be issued for violations by a licensed physical therapist or physical therapist assistant of any of the following:

(1) The Physical Therapy Practice Act (Business and Professions Code section 2600 et seq.).

(2) A regulation adopted by the board.

(3) Other statutes or regulations for which the board has authority to issue a citation.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. The citation shall be served upon the individual in the manner authorized pursuant to Business and Professions Code section 124.

(c) Except as provided in subdivision (d), if an administrative fine is included in the citation, the fine for a violation shall not be less than \$100 and shall not exceed \$2,500. The following factors shall be considered when determining the amount of an administrative fine:

(1) The good or bad faith of the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of the violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(d) A citation may include an administrative fine of up to \$5,000 if the board determines that at least one of the following circumstances apply:

(1) The citation involves a violation that presents an immediate threat to the health and safety of another person.

(2) The citation involves multiple violations of the Physical Therapy Practice Act or these regulations that

demonstrate a willful disregard of the law.

(3) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

(4) The cited person has a history of two or more prior citations of the same or similar violations.

(e) Every citation issued pursuant to this article shall be disclosed to an inquiring member of the public. However, a citation shall be destroyed from all licensee records five (5) years from the date of issuance or, if one or more subsequent citations is issued within that five (5) year period, five (5) years from the date the last citation was issued. A citation that has been withdrawn or dismissed shall be destroyed from all licensee records immediately upon being withdrawn or dismissed.

Note: Authority cited: Sections 125.9 and 2615, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.

#### HISTORY

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).
2. Amendment of section heading filed 6-25-97; operative 7-25-97 (Register 97, No. 26).
3. Change without regulatory effect amending subsection (a) filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37).
4. New subsection (c) and amendment of Note filed 12-24-2002; operative 1-23-2003 (Register 2002, No. 52).
5. Amendment of subsection (c) filed 3-13-2006; operative 4-12-2006 (Register 2006, No. 11).
6. New article 8.5 heading and amendment of section filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

#### **Compliance with Orders of Abatement.**

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin when the order of abatement is final and has been served or received. Such failure may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History:

- (1.) New section filed 4-25-90, Register 90, No. 21.

#### **Citations for Unlicensed Practice.**

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a physical therapist or approval as a physical therapist assistant is required under the Physical Therapy Practice Act. Each citation issued shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the code. The provisions of sections 1399.25 and 1399.27 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History:

- (1.) New section filed 4-25-90, Register 90, No. 21.
- (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

#### **Contest of Citations.**

(a) In addition to requesting a hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in

the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The executive officer shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counselor authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (b) of section 1399.27, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9 of the code. Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History:

(1.) New section filed 4-25-90, Register 90, No. 21.

#### **ARTICLE 9. PHYSICAL THERAPY PROFESSIONAL CORPORATIONS**

##### **Citation.**

These regulations may be cited and referred to as "Physical Therapy Professional Corporation Regulations."

Note: Authority and reference cited: Sections 2615 and 2696, Business and Professions Code; and Section 13410, Corporations Code.

History:

(1.) New Article 9. (Sections 1399.30-1399.41) filed 8-31-77, Register 77, No. 36.

(2.) Amendment filed 8-13-81, Register 81, No. 33.

(3.) Amendment filed 6-29-83, Register 83, No. 27.

**Professional Relationships and Responsibilities Not Affected.** Note:

Authority cited: Section 2696, Business and Professions Code.

History:

(1.) Amendment filed 8-13-81, Register 81, No. 33.

(2.) Repealer filed 6-29-83, Register 83, No. 27.

##### **Office for Filing.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

(1.) Repealer filed 8-13-81, Register 81, No. 33.

##### **Application.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

(1.) Repealer filed 8-13-81, Register 81, No. 33.

##### **Approval and Issuance of Certificates.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

(1.) Repealer filed 8-13-81, Register 81, No. 33.

##### **Requirements for Professional Corporations.**

A professional corporation shall comply with the following provisions:

(a) The corporation is organized and exists pursuant to the general corporation law and is a professional corporation within the meaning of Moscone-Knox Professional Corporations Act (Section 13400 et seq. of the Corporations Code).

(b) Each shareholder, director and officer (except as provided in Section 13403 of the Corporations Code and Section 2694 of the code) holds a valid physical therapist license. A physical therapist may be a shareholder in more than one professional corporation.

(c) Each professional employee of the corporation who will practice physical therapy, whether or not a director, officer or shareholder, holds a valid physical therapist license.

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code. Reference: Sections 2690 and 2694, Business and Professions Code; and Sections 13401, 13403, 13404, 13405, 13406 and 13407, Corporations Code.

History:

- (1.) Amendment filed 8-13-81, Register 81, No. 33.
- (2.) Amendment filed 10-19-83, Register 83, No. 43.

**Namestyle.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

- (1.) Repealer and new section filed 8-2-79, Register 79, No. 31.
- (2.) Repealer filed 8-13-81, Register 81, No. 33.

**Shares: Ownership and Transfer.**

(a) Where there are two or more shareholders in a professional corporation and one of the shareholders:

- (1) Dies; or
- (2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to the corporation, its shareholders or other eligible licensed persons on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder becomes a disqualified person. The requirements of this subsection shall be set forth in the professional corporation's articles of incorporation or bylaws.

(b) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again becomes an eligible shareholder.

(c) The share certificates of a professional corporation shall contain an appropriate legend setting forth the restrictions of subsection (b), where applicable.

(d) Nothing in these regulations shall be construed to prohibit a professional corporation from owning shares in a nonprofessional corporation.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13401, 13403, 13406 and 13407, Corporations Code.

History:

- (1.) Amendment of subsection (f) filed 8-13-81, Register 81, No. 33.
- (2.) Amendment filed 6-29-83, Register 83, No. 27.

**Certificates of Registration: Continuing Validity and Reports.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

- (1.) Amendment of subsections (b), (c), and (d) filed 4-16-79, Register 79, No. 16.
- (2.) Repealer filed 8-13-81, Register 81, No. 33.

**Corporate Activities.**

(a) A professional corporation may perform any act authorized in its articles of incorporation or bylaws so long as that act is not in conflict with or prohibited by these regulations, the Physical Therapy Practice Act or the regulations adopted pursuant thereto.

(b) A professional corporation may enter into partnership agreements with other physical therapists practicing individually or in a group or with other physical therapy professional corporations.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13403, 13408 and 13410, Corporations Code.

History:

- (1.) Amendment of subsection (a) filed 8-13-81, Register 81, No. 33.

**Trusts.**

The restrictions on the ownership of the shares of professional corporations shall apply to both the legal and equitable title to such shares.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Sections 13406 and 13407, Business and Professions Code.

History:

- (1.) Amendment filed 8-13-81, Register 81, No. 33.

**Effect of Surrendered or Revoked Certificates; Probate.**

Note: Authority cited: Section 2696, Business and Professions Code.

History:

- (1.) Repealer filed 8-13-81, Register 81, No. 33.

**ARTICLE 10. FEES**

**Physical Therapist Fees.**

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2638 and 2688,

Business and Professions Code.

**HISTORY**

(1.) Repealer filed 10-7-2009; operative 11-6-2009 (Register 2009, No. 41).

**Initial License Fee Waiver.**

History:

(1.) Repealer filed 2-10-2000, Register 2000, No. 6.

**Physical Therapist Assistant Fees.**

**HISTORY**

(1.) Repealer filed 10-7-2009; operative 11-6-2009 (Register 2009, No. 41).

**Professional Corporation Fees.**

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code.

(1.) Repealer filed 8-13-1981 (Register 1981, No. 33).

**Electromyography Certification Fees.**

Pursuant to section 2689 of the code, fees for physical therapists certified to perform electromyography are fixed as follows:

(a) The application fee shall be \$100.00.

(b) The biennial renewal fee shall be \$50.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2689, Business and Professions Code.

History:

(1.) New section filed 11-17-78; Register 78, No. 46.

(2.) Amendment filed 8-2-79; Register 79, No. 31.

(3.) Amendment filed 12-17-80; Register 80, No. 51.

(4.) Amendment filed 6-29-83; Register 83, No. 27.

(5.) Amendment of subsection (a) filed 5-15-91; Register 91, No. 26.

**Conversion Renewal Schedule.**

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2684 and 2688, Business and Professions Code.

History:

(1.) Repealer filed 9-16-1988; operative 10-16-1988 (Register 1988, No. 40).

**ARTICLE 11. ELECTROMYOGRAPHY CERTIFICATION**

**Definitions.**

As used in these regulations:

(a) "Electroneuromyography" means the performance of tissue penetration for the purpose of evaluating neuromuscular performance, and includes the evaluation of specific abnormal potentials and evoked responses.

(b) "Kinesiological electromyography" means the study, including tissue penetration, of the phasic activity of individual or multiple muscles in relation to another physical or physiological event or exercise and does not include the evaluation of specific abnormal potentials or evoked responses.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

(1.) New Article 11 (Sections 1399.60-1399.69, not consecutive) filed 11-17-78; Register 78, No. 46.

(2.) Amendment of NOTE filed 4-16-79; Register 79, No. 16.

(3.) Amendment filed 12-17-80; Register 80, No. 51.

(4.) Amendment filed 6-29-83; Register 83, No. 27.

**Certification Required.**

(a) No physical therapist shall perform tissue penetration for the purpose of making an electromyographical evaluation unless he or she is certified by the board to perform such tests or such practice is appropriately supervised pursuant to Sections 1399.63 or 1399.64 in order to meet the experience requirements for examination by the board for certification.

(b) No physical therapist who is certified to perform kinesiological electromyography shall perform electroneuromyographical evaluations without additional authorization from the board as indicated on his or her certification.

(c) No physical therapist who is certified to perform electroneuromyographical evaluations shall perform kinesiological electromyography without additional authorization from the board as indicated on his or her certification.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and

Professions Code.

History:

- (1.) Amendment filed 12-17-80; Register 80, No. 51.
- (2.) New subsection (c) filed 8-29-94; Register 94, No. 35.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Application Required.**

All applications for certification by the board in electromyography shall be on a form provided by the board which is accompanied by whatever documentation is required therein and the certification fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) Amendment filed 12-17-80; Register 80, No. 51.
- (2.) Amendment filed 6-29-83; Register 83, No. 27.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Requirements for Kinesiological Electromyography Certification.**

In order to be examined by the board for certification in kinesiological electromyography an applicant shall meet the following requirements:

- (a) Licensure. Be licensed as a physical therapist by the board.
- (b) Training in Tissue Penetration. Provide evidence of training under a licensed physician or a physical therapist certified to perform electromyography, in tissue penetration for the purpose of evaluation of muscular or neuromuscular performance which shall include instruction and demonstrations in:
  - (1) Pertinent anatomy and physiology,
  - (2) Choice of equipment,
  - (3) Proper technique,
  - (4) Hazards and complications,
  - (5) Post test care, and
  - (6) Satisfactory performance by the trainee in the technical skills of tissue penetration.Such training may be completed as part of the course work obtained under subsection (c)(1) below.
- (c) Education. Provide evidence of one of the following educational requirements:
  - (1) Completion of regular or extension course work pertinent to electromyography obtained in a public university or state college or in a private postsecondary educational institution which is accredited or approved under Section 94310 of the Education Code for which academic credit is awarded or continuing education course work, which is acceptable to the board. The curriculum vitae of the instructor, course outline, course objectives and evaluation mechanism of any extension or continuing education course work which is presented by the applicant as meeting the requirements of this section shall be forwarded to the board upon request. Such course work in order to qualify the applicant for certification shall include instruction in the following subject areas:
    - (A) Gross anatomy -the muscular system of the body with emphasis on the structural and cross sectional relationships.
    - (B) Neuroanatomy -organization and functional features of the central and peripheral nervous system.
    - (C) Nerve and muscle physiology -bioelectric currents and their characteristic wave forms and conduction over peripheral nerves.
  - (2) Completion of a period of self-study which prepares the applicant to pass an examination for certification in kinesiological electromyography. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electromyography and any materials studied on that subject and the names and statements, of any proctors who may have supervised the applicant in electromyography;
  - (3) Authorization to perform electromyography issued by another state with similar requirements.
- (d) Experience. Provide evidence of the following experience requirements:
  - (1) Completion of not less than 200 clock hours in kinesiological electromyography satisfactory to the board which provides a progressive level of training under a physical therapist certified in kinesiological electromyography in this state or another state which has similar requirements for certification, or under a licensed physician who is similarly qualified to perform and who performs kinesiological electromyography as part of his or her practice of medicine who is approved by the board.
  - (2) Documentation of completion of 50 kinesiological electromyographic examinations.

Attachment B  
Policy No. 103.4

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) New section filed 12-17-80; Register 80, No. 51.
- (2.) Amendment of subsections (c)(2) and (d)(2) filed 12-31-81; Register 82, No. 1.
- (3.) Amendment of subsections (c)(2) and (d)(2) filed 5-20-85; Register 85, No. 21.
- (4.) Amendment of subsections (b) and (d)-(d)(1), repealer of designation of subsections (d)(1)(A)-(C), repealer of subsection (d)(1)(B), repealer of designation of subsection (d)(2)(A) and repealer of subsections (d)(2)(B)-(C) filed 8-29-94; Register 94, No. 35.
- (5.) Change without regulatory effect amending first paragraph and subsections (c)(1) and (d)(1) filed 9-11-97 pursuant to section 100, title 1, California Code of regulations; Register 97, No. 37.

**Requirements for Electroneuromyography Authorization.**

In order to be examined by the board for additional authorization to perform electroneuromyographical examinations an applicant shall meet the following requirements:

- (a) Comply with Section 1399.63, subsections (a) and (b).
- (b) Education. Provide evidence of one of the following education requirements:
  - (1) In addition to that course work required in Section 1399.63, subsection (c)(1), completion of the following additional course work which meets the requirements of that section in the following subject areas:
    - (A) Neuroanatomy which also emphasizes the course of peripheral nerves and patterns of innervation.
    - (B) Clinical neurology, myology and pathology -identification of clinical characteristics of neurogenic and myogenic disorders.
    - (C) Physical science of electroneuromyography -basic electrophysiology and the identification and recording of bioelectric signals.
    - (D) Clinical science of electroneuromyography -knowledge and procedures of patient evaluation and examination, including electromyographic and nerve conduction velocity studies, and training in tissue penetration.
  - (2) Completion of a period of self-study which prepares the applicant to pass a supplemental examination for additional certification to perform electroneuromyographical examination. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electroneuromyography and any materials studied on that subject and the name and statements, of any proctors who may have supervised the applicant in electroneuromyography.
  - (3) Authorization to perform electroneuromyographical examinations issued by another state with similar requirements.
- (c) Experience. Provide evidence of the following experience requirements:
  - (1) Completion of not less than 400 clock hours in electroneuromyography, satisfactory to the board which provides a progressive level of training under (A) a physical therapist authorized to perform electroneuromyography, in this state or, (B) under a licensed physical therapist in another state which has similar requirements for certification, who is authorized to perform electroneuromyography or who is certified by the American Board of Physical Therapy Specialists as an electrophysiological clinical specialist, or (C) under a licensed physician who is similarly qualified to perform and who performs electroneuromyography, as part of his or her practice of medicine.
  - (2) Documentation of completion of 200 electroneuromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) Repealer and new section filed 12-17-80; Register 80, No. 51.
- (2.) Amendment of subsections (b)(2) and (c)(2) filed 12-31-81; Register 82, No. 1.
- (3.) Amendment of subsection (c)(1) filed 6-29-83; Register 83, No. 27.
- (4.) Amendment of subsections (b)(2) and (c)(2) filed 5-20-85; Register 85, No. 21.
- (5.) Amendment of subsections (c)-(c)(1), repealer of designation of subsections (c)(1)(A)-(B) with textual amendments, repealer of designation of subsection (d)(2)(A) with textual amendment and repealer of subsection (d)(2)(B) filed 8-29-94; Register 94, No. 35.
- (6.) Change without regulatory effect amending first paragraph and subsection (c)(1) filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Examination Required.**

- (a) All physical therapists applying for certification to perform kinesiological electromyography shall take and pass the examination referred in Section 1399.66, which will be administered by the board.
- (b) All physical therapists applying for certification to perform electroneuromyography shall take and pass the

examination referred in Section 1399.67, which will be administered by the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) Amendment filed 12-17-80; Register 80, No. 51.
- (2.) Amendment of subsection (a) filed 6-29-83; Register 83, No. 27.
- (3.) Repealer and new subsections (a) and (b) filed 8-29-94; Register 94, No. 35.
- (4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (5.) Amendment filed 3-8-2000, Register 2000, No. 10.

**Examination Subject Areas -Kinesiological Electromyography.**

The examination for certification in kinesiological electromyography shall test applicants in the following subject areas:

- (a) Basic science as related to kinesiological electromyography:
  - (1) Anatomy
  - (2) Electrophysiology
- (b) Clinical science as related to kinesiological electromyography:
  - (1) Pre-examination patient evaluation
  - (2) Instrumentation
  - (3) Kinesiological examination procedure and process.
- (c) Practical application of kinesiological electromyography:
  - (1) Needle/wire examination of muscles
  - (2) Handling of equipment
  - (3) Patient preparation and management
  - (4) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) Repealer and new section filed 12-17-80; Register 80, No. 51.
- (2.) Repealer of subsection (a)(2) and subsection redesignation, amendment of subsections (b)(1) and (c)-(c)(1) filed 8-29-94; Register 94, No. 35.

**Examination Subject Areas - Electroneuromyography.**

The examination for certification in electroneuromyography shall test applicants in the following subject areas:

- (a) Basic science as related to electroneuromyography:
  - (1) Anatomy
  - (2) Electrophysiology
  - (3) Neuromuscular pathology.
- (b) Clinical science as related to electroneuromyography:
  - (1) Instrumentation
  - (2) Pre-examination patient evaluation
  - (3) Examination procedure and process
  - (4) Interpretation and recording of examination records and data.
- (c) Practical application of electroneuromyography:
  - (1) Needle examination of muscles
  - (2) Motor and sensory nerve conduction velocity examinations.
  - (3) Handling of equipment
  - (4) Patient preparation and management
  - (5) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) New section filed 12-17-80; Register 80, No. 51.
- (2.) Amendment filed 8-29-94; Register 94, No. 35.

**Certification Renewal.**

All certificates to perform electromyography shall be renewed concurrently with each holder's physical therapist license.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.



History:

- (1.) Amendment filed 12-17-80; Register 80, No. 51.
- (2.) Amendment filed 6-29-83; Register 83, No. 27.
- (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
- (4.) Amendment filed 3-8-2000, Register 2000, No. 10.

**Suspension or Revocation of Certificates.**

(a) Any certificate to perform electromyography may be suspended or revoked or have probationary conditions imposed thereon by the board as directed by the board after proceedings held in accordance to the Administrative Procedure Act (Section 11500 et seq. of the Government Code) for any violation of this article, the Physical Therapy Regulations or Section 2660 of the code.

(b) It shall constitute unprofessional conduct and a violation of these rules for a physical therapist certified to perform kinesiological electromyography only to perform electroneuromyography without additional authorization obtained from the board, unless such practice is appropriately supervised pursuant to Section 1399.64 in order to meet the experience requirements for examination by the board for such additional authorization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History:

- (1.) Amendment of NOTE filed 4-16-79; Register 79, No. 16.
- (2.) Amendment filed 12-17-80; Register 80, No. 51.
- (3.) Amendment filed 6-29-83; Register 83, No. 27.
- (4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

**Electromyography Reports.**

The findings reported to the patient's physician shall include the following statement:

"This study has been performed in accordance with the Physical Therapy Practice Act (Chapter 5.7 of Division 2 of the Business and Professions Code) and with the Physical Therapy Regulations (Title 16, California Code of Regulations, Division 13.2). The findings in this report do not represent diagnostic interpretations or medical diagnoses. The results of the electromyographic examination by the certified electromyographer are intended for integration by the physician and surgeon with the patient's history, clinical examination, and the results of any other tests performed in establishing a medical diagnosis."

Note: Authority cited: Sections 2615 and 2620.5, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

HISTORY:

- (1.) New section filed 6-15-2004; operative 7-15-2004 (Register 2004, No. 25). 16 CCR § 1399.70, 16 CA ADC § 1399.70

**ARTICLE 12. TOPICAL MEDICATIONS**

**Compliance with Regulations.**

A physical therapist may apply or administer topical medications to a patient as set forth in this article.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

History:

- (1.) New Article 12 (Sections 1399.75-1399.79) filed 2-11-81; Register 81, No. 7.

**Topical Medications Defined.**

As used in this article "topical medications" means medications applied locally to the skin or underlying tissue where there is a break in or absence of the skin where such medications require a prescription or order under federal or state law.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

**Administration of Medications.**

Topical medications may be administered by a physical therapist by:

- (a) Direct application;
- (b) Iontophoresis; or
- (c) Phonophoresis.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

**Authorization and Protocols Required.**

Topical medications shall be applied or administered by a physical therapist in accordance with this section.

- (a) Any topical medication applied or administered shall be ordered on a specific or standing basis by a practitioner legally authorized to order or prescribe such medication.
- (b) Written protocols shall be prepared for the administration or application of each of the groups of medications listed in Section 1399.79 for which a prescription is required under Federal or State law, which shall include a description of the medication, its actions, its indications and contraindications, and the proper procedure and technique for the application or administration of medication.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

History:

- (1.) Amendment of Note filed 3-8-2000; Register 2000, No. 10.

**Authorized Topical Medications.**

A physical therapist may apply or administer those topical medications listed in this section in accordance with the provisions of this article:

- (a) Bacteriocidal agents;
- (b) Debriding agents;
- (c) Topical anesthetic agents;
- (d) Anti-inflammatory agents;
- (e) Antispasmodic agents; and
- (f) Adrenocortico-steroids.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

History:

- (1.) Amendment of subsection (f) and Note filed 3-8-2000; Register 2000, No. 10.

**ARTICLE 13. CONTINUING COMPETENCY REQUIREMENTS AND INACTIVE LICENSE STATUS.**

**Definitions.**

For purposes of this article, the following terms have the following meanings:

- (a) "ABPTS" means the American Board of Physical Therapy Specialists.
- (b) "Accredited institution" means an educational institution accredited by the United States Department of Education or by the regulatory authority of any state.
- (c) "Approval agency" means an entity that reviews and approves providers of continuing education courses and is recognized by the board pursuant to section 1399.95.
- (d) "Approved provider" means a person or entity that offers, sponsors or provides continuing education courses and that is either approved pursuant to section 1399.96 or is an accredited institution.
- (e) "APTA" means the American Physical Therapy Association.
- (f) "CPTA" means the California Physical Therapy Association.
- (g) "Hour" is the unit of measurement for continuing competency and, for courses, means at least 50 minutes of instruction.
- (h) "FSBPT" means the Federation of State Boards of Physical Therapy.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Section 2676 and 2684, Business and Professions Code.

**Continuing Competency Required.**

(a) As required by this article, a licensee must accumulate 30 hours of continuing competency hours in each license cycle. A licensee must submit evidence of completing those hours to the board in order to renew his or her license. In order to implement this requirement:

- (1) For licenses that expire between October 31, 2010 and October 31, 2011, if the renewal is submitted prior to the expiration of the original license, 15 hours of continuing competency shall be completed.
- (2) For licenses that expire on and after November 1, 2011, the full 30 hours shall be completed.
- (b) For first-time license renewals, if the renewal is submitted prior to the expiration of the original license, the continuing competency hour requirements shall be one-half of the normal cycle. The requirements of 1399.93 shall apply to any renewal under this subsection.
- (c) For those licensees accumulating "continuing education units" or "CEUs" under the continuing education requirements of APTA and CPTA, one CEU is equal to ten hours.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Section 2676 and 2684, Business and Professions Code.

**Content Standards for Continuing Competency.**

Continuing competency hours must be obtained in subjects related to either the professional practice of physical therapy or patient/client management.

- (a) The professional practice of physical therapy includes but is not limited to professional accountability,

professional behavior and professional development.

(b) Patient/client management includes but is not limited to examination, evaluation and diagnosis and prognosis; plan of care; implementation; education; and discharge.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Section 2676 and 2684, Business and Professions Code.

**Continuing Competency Subject Matter Requirements and Other Limitations.**

For each renewal cycle, a licensee's continuing competency hours must include the following:

(a) Two hours in ethics, laws and regulations, or some combination thereof, and

(b) Four hours in life support for health care professionals. Such training should be comparable to, or more advanced than, the American Heart Association's Basic Life Support Health Care Provider course.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Section 2676 and 2684, Business and Professions Code.

**Authorized Pathways for Obtaining Hours.**

Continuing competency hours must be obtained through an authorized pathway, which may be either traditional or alternate.

(a) Traditional pathways are those offered by an approved provider. There is no limit to the number of hours which may be accumulated through traditional pathways. The traditional pathways are:

- 1) continuing education courses, including home and self study courses, approved through an agency recognized by the board under the provisions of regulation section 1399.95; and
- 2) college coursework from an accredited institution.

(b) Alternate pathways are those offered by an entity other than an approved provider. Only those alternate pathways described in this section may be used to accumulate continuing competency hours. The number of alternate pathway hours that may be applied for a renewal cycle may not exceed any cap noted below. Hours may be granted only in accordance with the conversion formula for each alternate pathway noted below.

Description	CAP	Conversion
A) Publishing a peer-reviewed journal article, case study, or book chapter.	16 hours	5 hours per article, study or chapter
B) Developing or presenting an approved college or continuing education course for the first time.	16 hours	4 hours for each course
C) Participating as a subject matter expert in the examination process for the Board, FSBPT, or ABPTS.	16 hours	6 hours per experience
D) Serving on a Board appointed task force.	16 hours	6 hours per experience
E) Performing in a role as a clinical instructor where the student's clinical experience is full time and lasts at least 4 weeks. Effective January 1, 2013, the clinical instructor must be credentialed by APTA or hold a substantially similar credential.	12 hours	1 hour per week
F) Attending a conference relating to the practice of physical therapy where proof of attendance is provided by the conference sponsor.	8 hours	2 hours per conference
G) Attending a conference offered by FSBPT, APTA, or a component thereof.	8 hours	4 hours per conference
H) Attending a Board meeting.	8 hours	2 hours per meeting
I) Completing a FSBPT practice review tool.	6 hours	6 hours per experience
J) Successfully passing one of the American Board of Physical Therapy Specialties' certified specialist examinations, including re-certification examinations.	6 hours	6 hours per examination
K) Completing training as an expert consultant for the Board.	6 hours	6 hours per training
L) Successfully passing the Board's California Law Examination.	2	2 hours per

Description	CAP	Conversion
	hours	examination

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.  
Reference: Section 2676 and 2684, Business and Professions Code.

**Standards for Approval Agencies.**

- (a) An approval agency may be recognized by the board only if the approval agency has met the standards in this section. Once recognized, an approval agency may approve a provider operating consistent with section 1399.96.
- (b) Each approval agency must have the capacity to evaluate each course offered by a provider in accordance with section 1399.96 and shall conduct audits of at least 10% of its approved providers' courses to ensure compliance with this article.
- (c) Each approval agency has a procedure for periodic review of courses to ensure content quality and currency.
- (d) Each approval agency shall have a procedure to respond to complaints.
- (e) Each approval agency shall provide services to all persons or entities without unlawful discrimination.
- (f) Each approval agency that also offers continuing education courses directly to a licensee shall have a means to avoid a conflict of interest between its function as a provider and its function as an approval agency.
- (g) Each approval agency offering retroactive approval for a course must evaluate the course for compliance with the standards relating to courses found in 1399.96. The approval agency shall comply with the record retention requirements of 1399.96(j).
- (h) Upon written confirmation from the board that an approval agency has been recognized, the approval agency may advertise that it has been recognized by the board.
- (i) The board may require the approval agency to submit records demonstrating its compliance with this article.
- (j) Failure of an approval agency to substantially comply with the provisions as set forth in this section, or a material misrepresentation to the board, shall constitute cause for withdrawal of recognition by the board. Recognition can be revoked only by the members of the board, after written notice setting forth the reasons for withdrawal and after affording a reasonable opportunity for the approval agency to be heard.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.  
Reference: Section 2676 and 2684, Business and Professions Code.

**Standards for Approved Providers.**

Before it may approve a provider, the approval agency shall require that the provider adhere to the following requirements:

- (a) Topics and subject matter for each course shall be pertinent to the practice of physical therapy as required by section 1399.92.
- (b) Instructors for each course shall be competent in the subject matter and shall be qualified by appropriate education, training, experience, scope of practice or licensure.
- (c) Each course shall have a syllabus that includes learning objectives, bibliography and either a schedule, for courses offered in-person, or an outline, for courses offered online.
- (d) Each course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.
- (e) When an approved provider works with others on the development, distribution and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (f) Each approved provider shall periodically review its courses to ensure content quality and currency.
- (g) Each participant shall be given the opportunity to evaluate each course and offer feedback to the approved provider. The approved provider shall consider any such evaluations for the purpose of updating or revising courses.
- (h) Each approved provider has a procedure to respond to complaints.
- (i) Each approved provider provides services to all licensees without unlawful discrimination.
- (j) Each approved provider shall maintain records regarding course content and licensee attendance for a minimum of seven years.
- (k) Each approved provider and instructor shall disclose any financial interest in products recommended during a course.
- (l) Each approved provider shall provide a certificate of completion to attendees.
- (m) Each approved provider shall ensure that any information it disseminates publicizing its continuing

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education courses is true and not misleading. Such information shall include a statement with the name of the approval agency, that such agency may be contacted about any concerns, any approved provider identification number, and the number of hours for which the course has been approved.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Section 2676 and 2684, Business and Professions Code.

**Record Keeping.**

(a) Each licensee shall keep and maintain records showing that each course or activity for which credit is claimed has been completed. Those records shall reflect the title of the course or activity, the date taken or completed, and the record of participation.

(b) Each licensee shall retain such documentation for a period of five years after the course or activity concludes.

(c) Each licensee shall provide copies of such documentation to the board or its designee upon request.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Sections 2676 and 2684, Business and Professions Code.

**Inactive Status.**

(a) Upon written request, the board may grant inactive status to a licensee if, at the time of application for inactive status, the license is current and not suspended, revoked, or otherwise punitively restricted by the board.

(b) The licensee shall not engage in any activity for which a license is required.

(c) An inactive license shall be renewed during the same time period in which an active license or certificate is renewed. Any continuing education requirements for renewing a license are waived.

(d) The renewal fee for an inactive license is the same as the fee to renew an active license.

(e) To restore an inactive license to an active status, the holder shall do both of the following:

1) Pay the renewal and any continuing competency fees.

2) Complete continuing education equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.

(f) The inactive status of any licensee does not deprive the board of its authority to institute or continue any disciplinary or enforcement action against the licensee.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Sections 700, 701, 702, 703, 704, 2676 and 2684, Business and Professions Code.

**Exemption from Continuing Competency Requirements.**

At the time of applying for renewal of a license, a licensee may request an exemption from the continuing competency requirements. The request for exemption must provide the following information:

(a) Evidence that during the renewal period prior to the expiration of the license, the licensee was residing in another country for one year or longer, reasonably preventing completion of the continuing competency requirements; or

(b) Evidence that the licensee was absent from California because of military service for a period of one year or longer during the renewal period, preventing completion of the continuing competency requirements; or

(c) Evidence that the licensee should be exempt from the continuing competency requirements for reasons of health or other good cause which include:

1) Total physical and/or mental disability for one (1) year or more during the renewal period and the inability to work during this period has been verified by a licensed physician or surgeon or licensed clinical psychologist; or

2) Total physical and/or mental disability for one (1) year or longer of an immediate family member for whom the licensee had total responsibility, as verified by a licensed physician or surgeon or licensed clinical psychologist.

d) An exemption under this section shall not be granted for two consecutive renewal periods. In the event a licensee cannot complete continuing competency requirements following an exemption, the licensee may only renew the license in an inactive status.

NOTE: Authority: Sections 2615 and 2676, Business and Professions Code.

Reference: Sections 2676 and 2684, Business and Professions Code.