

AMENDED IN SENATE MAY 6, 2013  
AMENDED IN SENATE APRIL 25, 2013

**SENATE BILL**

**No. 198**

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**Introduced by Senator Price**

February 7, 2013

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An act to amend Sections 2071, 2603, 2604, 2607, 2607.5, 2608, 2608.5, 2611, 2612, 2614, 2615, ~~2620~~, 2620.7, ~~2621~~, 2630, 2636, 2636.5, 2638, 2651, 2660, 2660.2, 2660.3, 2660.5, 2661, 2661.7, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2672, and 2682 of, to amend the headings of Article 1 (commencing with Section 2600) of, and Article 2 (commencing with Section 2620) of, Chapter 5.7 of Division 2 of, to amend and renumber Section 2676 of, to amend and renumber the headings of Article 4 (commencing with Section 2650) of, Article 5 (commencing with Section 2660) of, Article 5.5 (commencing with Section 2662) of, Article 6 (commencing with Section 2670) of, Article 7 (commencing with Section 2680) of, and Article 8 (commencing with Section 2690) of, Chapter 5.7 of Division 2 of, to add Sections 2603.5, 2605, 2620.2, 2623, 2630.3, 2630.4, 2630.5, 2633.5, 2633.7, 2639.1, 2654, 2660.4, and 2660.8 to, to add the heading of Article 3 (commencing with Section 2635) to, and to add Article 4 (commencing with Section 2644) to, Chapter 5.7 of Division 2 of, to repeal Sections 2604.5, 2609, 2632, 2640, 2650.1, 2650.2, 2652, 2683, 2684, and 2685 of, to repeal the headings of Article 3 (commencing with Section 2630) of, and Article 6.5 (commencing with Section 2676) of, and to repeal Article 4.5 (commencing with Section 2655) of, Chapter 5.7 of Division 2 of, and to repeal and add Sections 2601, 2622, 2639, 2650, and 2653 of, the Business and Professions Code, and to amend Sections 12529 and 12529.5 of the Government Code, relating to physical therapy, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Price. Physical Therapy Board of California.

(1) Existing law, the Physical Therapy Practice Act, provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California within the Department of Consumer Affairs. A violation of the act is a crime.

This bill would revise and recast those provisions. Among other things, the bill would provide for the licensure of physical therapist assistants and impose additional requirements and authority on the board, including to enter into contracts for services necessary for enforcement of the act. The bill would revise the composition of the board and prescribe the duties of the board. The bill would authorize the board, by regulation, to prescribe, amend, or repeal any rules contained within a code of professional conduct appropriate to the establishment and maintenance of integrity and dignity in the profession of physical therapy. ~~The board would modify the definition of physical therapy to include reducing the risk of injury, impairment, functional limitation, and disability.~~ The bill would provide exemptions from the licensure requirements for students and physical therapists licensed in other jurisdictions, as specified. The bill would also make related, technical changes.

This bill would also expand the acts that constitute unprofessional conduct to include, among other things, practicing or offering to practice beyond the scope of practice of physical therapy and unlawful possession, use, or conviction of a criminal offense involving a controlled substance. The bill would impose a civil penalty upon a licensee who fails to, or refuses to, comply with a request from the board for the medical records of a patient, as specified. By revising the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Department of Justice the Health Quality Enforcement Section, the primary responsibility of which is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions. Existing law requires that the funding of the ~~section~~ *Section be* from the special funds financing the operations of those

boards and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

This bill would additionally include ~~among~~ *within* the primary responsibility of the Section prosecution of proceedings against those licensees and applicants within the jurisdiction of the Physical Therapy Board of California. The bill would also require *a proportional share of the funding for the ~~section~~ Section* to be budgeted from the special funds financing the operation of the Physical Therapy Board of California, which ~~is~~ *are* continuously appropriated, thereby making an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2071 of the Business and Professions  
2 Code is amended to read:  
3 2071. The board shall adopt and administer regulations that  
4 establish standards for technical supportive services that may be  
5 performed by a medical assistant. Nothing in this section shall  
6 prohibit the board from amending or repealing regulations covering  
7 medical assistants. The board shall, prior to the adoption of any  
8 regulations, request recommendations regarding these standards  
9 from appropriate public agencies, including, but not limited to, the  
10 State Board of Optometry, the Board of Registered Nursing, the  
11 Board of Vocational Nursing and Psychiatric Technicians, the  
12 Laboratory Field Services division of the State Department of  
13 Public Health, those divisions of the State Department of Education  
14 that pertain to private postsecondary education and career and  
15 vocational preparation, the Chancellor of the California Community  
16 Colleges, the California Board of Podiatric Medicine, the Physician  
17 Assistant Examining Committee, and the Physical Therapy Board  
18 of California. The board shall also request recommendations  
19 regarding these standards from associations of medical assistants,

1 physicians and surgeons, nurses, doctors of podiatric medicine,  
 2 physician assistants, physical therapists, laboratory technologists,  
 3 optometrists, and others as the board finds appropriate, including,  
 4 but not limited to, the California Optometric Association, the  
 5 California Nurses Association, the California Medical Association,  
 6 the California Society of Medical Assistants, the California Medical  
 7 Assistants’ Association, and the California Physical Therapy  
 8 Association. Nothing in this section shall be construed to supersede  
 9 or modify that portion of the Administrative Procedure Act that  
 10 relates to the procedure for the adoption of regulations and which  
 11 is set forth in Article 5 (commencing with Section 11346) of  
 12 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government  
 13 Code.

14 SEC. 2. The heading of Article 1 (commencing with Section  
 15 2600) of Chapter 5.7 of Division 2 of the Business and Professions  
 16 Code is amended to read:

17  
 18 Article 1. Administration and General Provisions

19  
 20 SEC. 3. Section 2601 of the Business and Professions Code is  
 21 repealed.

22 SEC. 4. Section 2601 is added to the Business and Professions  
 23 Code, to read:

24 2601. For the purpose of this chapter, the following terms shall  
 25 have the following meanings, unless otherwise specified:

- 26 (a) “Board” means the Physical Therapy Board of California.
- 27 (b) “Physical therapist” means a person who is licensed pursuant  
 28 to this chapter to practice physical therapy.
- 29 (c) “Physical therapist assistant” means a person who is licensed  
 30 pursuant to this chapter to assist in the provision of physical therapy  
 31 under the supervision of a licensed physical therapist. “Physical  
 32 therapy assistant” and “physical therapist assistant” shall be deemed  
 33 identical and interchangeable terms.
- 34 (d) “Physical therapist technician” and “physical therapy aide,”  
 35 as described in Section 2630.4, shall be deemed identical and  
 36 interchangeable terms.
- 37 (e) “Physiotherapy” shall be synonymous with “physical  
 38 therapy.”

39 SEC. 5. Section 2603 of the Business and Professions Code is  
 40 amended to read:

1 2603. The members of the board shall consist of four physical  
2 therapists, only one of whom shall be involved in physical therapy  
3 education, and three public members.

4 SEC. 6. Section 2603.5 is added to the Business and Professions  
5 Code, to read:

6 2603.5. (a) The physical therapist members of the board shall  
7 be appointed from persons having all of the following  
8 qualifications:

9 (1) Be a resident of California.

10 (2) Possess an unrestricted license in California issued pursuant  
11 to this chapter.

12 (3) Have been licensed pursuant to this chapter and practicing  
13 in California for at least five years prior to appointment to the  
14 board.

15 (b) (1) The public members of the board shall have both of the  
16 following qualifications:

17 (A) Be appointed from persons having all of the qualifications  
18 as set forth in Chapter 6 (commencing with Section 450) of  
19 Division 1.

20 (B) Be a resident of California.

21 (2) No public member of the board shall be, nor have been, any  
22 of the following:

23 (A) An officer or faculty member of any college, school, or  
24 institution involved in physical therapy education.

25 (B) A licentiate of the Medical Board of California or of any  
26 board under this division or of any board referred to in Section  
27 1000 or 3600.

28 SEC. 7. Section 2604 of the Business and Professions Code is  
29 amended to read:

30 2604. The members of the board shall be appointed for a term  
31 of four years, expiring on the first day of June of each year.

32 The Governor shall appoint one of the public members and the  
33 four physical therapist members of the board qualified as provided  
34 in Sections 2603 and 2603.5. The Senate Committee on Rules and  
35 the Speaker of the Assembly shall each appoint a public member  
36 qualified as provided in Section 2603.5.

37 No person may serve as a member of the board for more than  
38 two consecutive terms. Vacancies shall be filled by appointment  
39 for the unexpired term. Annually, the board shall elect one of its  
40 members as president and one of its members as vice president.

1 The appointing power shall have the power to remove any  
2 member of the board from office for neglect of any duty required  
3 by law or for incompetency or unprofessional or dishonorable  
4 conduct.

5 SEC. 8. Section 2604.5 of the Business and Professions Code  
6 is repealed.

7 SEC. 9. Section 2605 is added to the Business and Professions  
8 Code, to read:

9 2605. The board shall do all of the following:

10 (a) Evaluate the qualifications of applicants for licensure.

11 (b) Provide for the examinations of physical therapists and  
12 physical therapist assistants and establish a passing score for each  
13 examination.

14 (c) Issue all licenses for the practice of physical therapy in  
15 California. Except as otherwise required by the director pursuant  
16 to Section 164, the license issued by the board shall describe the  
17 licensee as a “physical therapist” or “physical therapist assistant”  
18 licensed by the Physical Therapy Board of California.

19 (d) Suspend and revoke licenses and otherwise enforce the  
20 provisions of this chapter.

21 (e) Administer a continuing competency program.

22 (f) Participate, as a member, in the Delegate Assembly, and in  
23 applicable committee meetings, of the Federation of State Boards  
24 of Physical Therapy.

25 (g) Publish, at least annually, a newsletter that includes, but is  
26 not limited to, actions taken by the board, disciplinary actions, and  
27 relevant statutory and regulatory changes.

28 (h) Provide for the timely orientation and training of new  
29 professional and public member appointees to the board directly  
30 related to board licensing and disciplinary functions and board  
31 rules, policies, and procedures.

32 (i) Adopt and administer a program of education in matters  
33 relevant to the regulation of physical therapy.

34 SEC. 10. Section 2607 of the Business and Professions Code  
35 is amended to read:

36 2607. The board may employ, subject to law, such clerical  
37 assistants and, except as provided in Section 159.5, other  
38 employees as it may deem necessary to carry out its powers and  
39 duties.

1 The board may enter into contracts for services necessary for  
2 enforcement of this chapter and may as necessary select and  
3 contract with physical therapy consultants who are licensed  
4 physical therapists to assist it in its programs on an intermittent  
5 basis. Notwithstanding any other provision of law, the board may  
6 contract with these consultants on a sole source basis. For the  
7 purposes of Division 3.6 (commencing with Section 810) of Title  
8 1 of the Government Code, any consultant under contract with the  
9 board shall be considered a public employee.

10 SEC. 11. Section 2607.5 of the Business and Professions Code  
11 is amended to read:

12 2607.5. (a) The board may employ an executive officer exempt  
13 from the provisions of the Civil Service Act and may also employ  
14 investigators, legal counsel, physical therapist consultants, and  
15 other assistance as it may deem necessary to carry out this chapter.  
16 The board may fix the compensation to be paid for services and  
17 may incur other expenses as it may deem necessary. Investigators  
18 employed by the board shall be provided special training in  
19 investigating physical therapy practice activities.

20 (b) The Attorney General shall act as legal counsel for the board  
21 for any judicial and administrative proceedings and his or her  
22 services shall be a charge against it.

23 (c) This section shall remain in effect only until January 1, 2018,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2018, deletes or extends that date.

26 SEC. 12. Section 2608 of the Business and Professions Code  
27 is amended to read:

28 2608. The procedure in all matters and proceedings relating to  
29 the denial, suspension, revocation, or probationary restriction of  
30 licenses issued by the board under this chapter shall be governed  
31 by the provisions of Chapter 5 (commencing with Section 11500)  
32 of Part 1 of Division 3 of Title 2 of the Government Code.

33 SEC. 13. Section 2608.5 of the Business and Professions Code  
34 is amended to read:

35 2608.5. Each member of the board, or any licensed physical  
36 therapist appointed by the board, may inspect, or require reports  
37 from, a general or specialized hospital or any other facility  
38 providing physical therapy care, treatment or services and the  
39 physical therapy staff thereof, with respect to the physical therapy  
40 care, treatment, services, or facilities provided therein, and may

1 inspect physical therapy patient records with respect to the care,  
2 treatment, services, or facilities. The authority to make inspections  
3 and to require reports as provided by this section shall not be  
4 delegated by a member of the board to any person other than a  
5 physical therapist and shall be subject to the restrictions against  
6 disclosure described in subdivision (u) of Section 2660.

7 SEC. 14. Section 2609 of the Business and Professions Code  
8 is repealed.

9 SEC. 15. Section 2611 of the Business and Professions Code  
10 is amended to read:

11 2611. The board shall meet at least three times each calendar  
12 year, meeting at least once each calendar year in northern California  
13 and once each calendar year in southern California. The board may  
14 convene from time to time until its business is concluded. Special  
15 meetings of the board may be held at any time and place as the  
16 board may designate. Four members of the board shall constitute  
17 a quorum for the transaction of business.

18 SEC. 16. Section 2612 of the Business and Professions Code  
19 is amended to read:

20 2612. The board shall comply with the Bagley-Keene Open  
21 Meeting Act (Article 9 (commencing with Section 11120) of  
22 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
23 Code).

24 SEC. 17. Section 2614 of the Business and Professions Code  
25 is amended to read:

26 2614. The board shall hear all matters, including but not limited  
27 to, any contested case or any petition for reinstatement, restoration,  
28 or modification of probation. Except as otherwise provided in this  
29 chapter, all hearings shall be conducted in accordance with Chapter  
30 5 (commencing with Section 11500) of Part 1 of Division 3 of  
31 Title 2 of the Government Code. If a contested case is heard by  
32 the board the hearing officer who presided at the hearing shall be  
33 present during the board's consideration of the case and, if  
34 requested, shall assist and advise the board. The board shall issue  
35 its decision pursuant to Section 11517 of the Government Code.

36 SEC. 18. Section 2615 of the Business and Professions Code  
37 is amended to read:

38 2615. The board shall adopt those regulations as may be  
39 necessary to effectuate this chapter. In adopting regulations the



1 board shall comply with Chapter 3.5 (commencing with Section  
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

3 SEC. 19. The heading of Article 2 (commencing with Section  
4 2620) of Chapter 5.7 of Division 2 of the Business and Professions  
5 Code is amended to read:

6

7 Article 2. Scope of Regulation and Exemptions

8

9 ~~SEC. 20. Section 2620 of the Business and Professions Code~~  
10 ~~is amended to read:~~

11 ~~2620. Physical therapy means the art and science of physical~~  
12 ~~or corrective rehabilitation or of physical or corrective treatment~~  
13 ~~of any bodily or mental condition of any person. Physical therapy~~  
14 ~~includes all of the following:~~

15 ~~(a) Examining, evaluating, and testing persons with mechanical,~~  
16 ~~physiological, and developmental impairments, functional~~  
17 ~~limitations, and disabilities or other health and movement-related~~  
18 ~~conditions in order to develop a plan of therapeutic intervention.~~

19 ~~(b) Alleviating impairments, functional limitations, and~~  
20 ~~disabilities by designing, implementing, and modifying therapeutic~~  
21 ~~interventions that may include, but are not limited to, therapeutic~~  
22 ~~exercise; functional training in self-care and in-home, community,~~  
23 ~~or work integration or reintegration; manual therapy; therapeutic~~  
24 ~~massage; prescription, application, and, as appropriate, fabrication~~  
25 ~~of assistive, adaptive, orthotic, prosthetic, protective, and~~  
26 ~~supportive devices and equipment; airway clearance techniques;~~  
27 ~~integumentary protection and repair techniques; debridement and~~  
28 ~~wound care; physical agents or modalities; mechanical and~~  
29 ~~electrical therapeutic modalities; and patient-related instruction.~~

30 ~~(c) Reducing the risk of injury, impairment, functional~~  
31 ~~limitation, and disability.~~

32 ~~(d) Promoting and maintaining physical fitness to enhance the~~  
33 ~~bodily movement-related health and wellness of individuals~~  
34 ~~through the use of physical therapy interventions.~~

35 ~~SEC. 21.~~

36 ~~SEC. 20.~~ Section 2620.2 is added to the Business and  
37 Professions Code, to read:

38 2620.2. Nothing in this chapter shall restrict or prohibit other  
39 healing arts practitioners licensed or registered under this division  
40 from practice within the scope of their license or registration.

1 ~~SEC. 22.~~

2 *SEC. 21.* Section 2620.7 of the Business and Professions Code  
3 is amended to read:

4 2620.7. (a) Patient records shall be documented as required  
5 in regulations promulgated by the board.

6 (b) Patient records shall be maintained for a period of no less  
7 than seven years following the discharge of the patient, except that  
8 the records of unemancipated minors shall be maintained at least  
9 one year after the minor has reached the age of 18 years, and not  
10 in any case less than seven years.

11 ~~SEC. 23. Section 2621 of the Business and Professions Code~~  
12 ~~is amended to read:~~

13 ~~2621. This chapter does not authorize a physical therapist to~~  
14 ~~diagnose disease, or practice medicine, surgery, or any other form~~  
15 ~~of healing except as authorized by Section 2620.~~

16 ~~SEC. 24.~~

17 *SEC. 22.* Section 2622 of the Business and Professions Code  
18 is repealed.

19 ~~SEC. 25.~~

20 *SEC. 23.* Section 2622 is added to the Business and Professions  
21 Code, to read:

22 2622. (a) A physical therapist shall be responsible for  
23 managing all aspects of the care of each patient as set forth in  
24 regulations promulgated by the board.

25 (b) A physical therapist shall not supervise more than two  
26 physical therapist assistants at one time to assist the physical  
27 therapist in his or her practice of physical therapy.

28 (c) A physical therapist may utilize the services of one aide  
29 engaged in patient-related tasks to aid the physical therapist in his  
30 or her practice of physical therapy.

31 ~~SEC. 26.~~

32 *SEC. 24.* Section 2623 is added to the Business and Professions  
33 Code, to read:

34 2623. The board may, by regulation, prescribe, amend, or repeal  
35 any rules contained within a code of professional conduct  
36 appropriate to the establishment and maintenance of integrity and  
37 dignity in the profession of physical therapy. Every licensee of the  
38 board shall be governed and controlled by the rules and standards  
39 adopted by the board.

1     ~~SEC. 27.~~

2     ~~SEC. 25.~~ The heading of Article 3 (commencing with Section  
3 2630) of Chapter 5.7 of Division 2 of the Business and Professions  
4 Code is repealed.

5     ~~SEC. 28.~~

6     ~~SEC. 26.~~ Section 2630 of the Business and Professions Code  
7 is amended to read:

8     2630. It is unlawful for any person or persons to practice, or  
9 offer to practice, physical therapy in this state for compensation  
10 received or expected, or to hold himself or herself out as a physical  
11 therapist, unless at the time of so doing the person holds a valid,  
12 unexpired, and unrevoked physical therapist license issued under  
13 this chapter, except as authorized by subdivisions (c), (d), (e), and  
14 (g) of Section 2630.5.

15     ~~SEC. 29.~~

16     ~~SEC. 27.~~ Section 2630.3 is added to the Business and  
17 Professions Code, to read:

18     2630.3. (a) A licensed physical therapist assistant holding a  
19 valid, unexpired, and unrevoked physical therapist assistant license  
20 may assist in the provision of physical therapy services only under  
21 the supervision of a physical therapist licensed by the board. A  
22 licensed physical therapist shall at all times be responsible for the  
23 extent, kind, quality, and documentation of all physical therapy  
24 services provided by the physical therapist assistant.

25     (b) It is unlawful for any person or persons to hold himself or  
26 herself out as a physical therapist assistant, unless at the time of  
27 so doing the person holds a valid, unexpired, and unrevoked  
28 physical therapist assistant license issued under this chapter, except  
29 as authorized in subdivisions (f) and (g) of Section 2630.5.

30     (c) Physical therapist assistants shall not be independently  
31 supervised by a physical therapist license applicant, as defined in  
32 Section 2639, or a physical therapist student, as defined in Section  
33 2633.7.

34     (d) A physical therapist assistant shall not perform any  
35 evaluation of a patient or prepare a discharge summary. The  
36 supervising physical therapist shall determine which elements of  
37 the treatment plan, if any, shall be assigned to the physical therapist  
38 assistant. Assignment of patient care shall be commensurate with  
39 the competence of the physical therapist assistant.

1 ~~SEC. 30.~~

2 *SEC. 28.* Section 2630.4 is added to the Business and  
3 Professions Code, to read:

4 2630.4. (a) A “physical therapy aide” is an unlicensed person,  
5 at least 18 years of age, who aids a licensed physical therapist  
6 consistent with subdivision (b).

7 (b) The aide shall at all times be under the supervision of the  
8 physical therapist. An aide shall not independently perform  
9 physical therapy or any physical therapy procedure. The board  
10 shall adopt regulations that set forth the standards and requirements  
11 for the supervision of an aide by a physical therapist.

12 (c) Physical therapy aides shall not be independently supervised  
13 by a physical therapist license applicant, as defined in Section  
14 2639, or a physical therapist student, as defined in Section 2633.7.

15 (d) This section does not prohibit the administration by a  
16 physical therapy aide of massage, external baths, or normal exercise  
17 not a part of a physical therapy treatment.

18 ~~SEC. 31.~~

19 *SEC. 29.* Section 2630.5 is added to the Business and  
20 Professions Code, to read:

21 2630.5. The following persons are exempt from the licensure  
22 requirements of this chapter when engaged in the following  
23 activities:

24 (a) A regularly matriculated physical therapist student  
25 undertaking a course of professional instruction in an approved  
26 entry-level physical therapy education program or enrolled in a  
27 program of supervised clinical education under the direction of an  
28 approved physical therapy education program as described in  
29 Section 2651. These physical therapist students may perform  
30 physical therapy as a part of their course of study.

31 (b) A regularly matriculated physical therapist assistant student  
32 undertaking a course of instruction in an approved physical therapy  
33 education program or enrolled in a program of supervised clinical  
34 education under the direction of an approved physical therapy  
35 education program as described in Section 2651. These physical  
36 therapist assistant students may perform physical therapy  
37 techniques as a part of their course of study.

38 (c) A physical therapist who holds an unrestricted license in  
39 another jurisdiction of the United States or credentialed to practice  
40 physical therapy in another country if that person is researching,

1 demonstrating, or providing physical therapy in connection with  
2 teaching or participating in an educational seminar of no more  
3 than 60 days in a calendar year.

4 (d) A physical therapist located outside this state, when in actual  
5 consultation, whether within this state or across state lines, with a  
6 licensed physical therapist of this state, or when he or she is an  
7 invited guest of the American Physical Therapy Association or  
8 one of its components, or an invited guest of an approved physical  
9 therapy school or college for the sole purpose of engaging in  
10 professional education through lectures, clinics, or demonstrations,  
11 if, at the time of the consultation, lecture, or demonstration, he or  
12 she holds an unrestricted physical therapist license in the state or  
13 country in which he or she resides. The physical therapist shall  
14 not open an office, appoint a place to meet patients, receive calls  
15 from patients within the limits of this state, give orders, or have  
16 ultimate authority over the care of a physical therapy patient who  
17 is located within this state.

18 (e) A physical therapist who holds an unrestricted license in  
19 another jurisdiction of the United States or credentialed to practice  
20 physical therapy in another country if that person, by contract or  
21 employment, is providing physical therapy to individuals affiliated  
22 with or employed by established athletic teams, athletic  
23 organizations, or performing arts companies temporarily practicing,  
24 competing, or performing in the state for no more than 60 days in  
25 a calendar year.

26 (f) A physical therapist assistant who holds an unrestricted  
27 license in another jurisdiction of the United States and is assisting  
28 a physical therapist engaged in activities described in subdivision  
29 (c), (d), or (e).

30 (g) A physical therapist or physical therapist assistant who has  
31 a current, valid, and unrestricted license in a jurisdiction of the  
32 United States who is forced to leave his or her residence in a state  
33 other than California due to a governmentally declared emergency.  
34 This exemption applies for no more than 60 days following the  
35 declaration of the emergency. In order to be eligible for this  
36 exemption, the physical therapist or physical therapist assistant  
37 shall notify the board of his or her intent to practice in this state  
38 and provide a valid mailing address, telephone number, and e-mail  
39 address.

1 ~~SEC. 32.~~

2 *SEC. 30.* Section 2632 of the Business and Professions Code  
3 is repealed.

4 ~~SEC. 33.~~

5 *SEC. 31.* Section 2633.5 is added to the Business and  
6 Professions Code, to read:

7 2633.5. (a) Only a person licensed as a physical therapist  
8 assistant by the board may use the title “physical therapist assistant”  
9 or “physical therapy assistant” or the letters “PTA” or any other  
10 words, letters, or figures that indicate that the person is a physical  
11 therapist assistant licensed pursuant to this chapter.

12 (b) The license of a physical therapist assistant shall not  
13 authorize the use of the prefix “LPT,” “RPT,” “PT,” or Dr.,” or  
14 the title “physical therapist,” “therapist,” “doctor,” or any affix  
15 indicating or implying that the physical therapist assistant is a  
16 physical therapist or doctor.

17 ~~SEC. 34.~~

18 *SEC. 32.* Section 2633.7 is added to the Business and  
19 Professions Code, to read:

20 2633.7. During a period of clinical practice described in Section  
21 2650 or in any similar period of observation of related educational  
22 experience involving recipients of physical therapy, a person so  
23 engaged shall be identified only as a “physical therapist student”  
24 or a “physical therapist assistant student,” as authorized by the  
25 board in its regulations.

26 ~~SEC. 35.~~

27 *SEC. 33.* The heading of Article 3 (commencing with Section  
28 2635) is added to Chapter 5.7 of Division 2 of the Business and  
29 Professions Code, to read:

30  
31 Article 3. Qualifications and Requirements for Licensure

32  
33 ~~SEC. 36.~~

34 *SEC. 34.* Section 2636 of the Business and Professions Code  
35 is amended to read:

36 2636. (a) Except as otherwise provided in this chapter, no  
37 person shall receive a license under this chapter without first  
38 successfully passing the following examinations, where success  
39 is determined based on the examination passing standard set by  
40 the board:

1 (1) An examination under the direction of the board to  
2 demonstrate the applicant's knowledge of the laws and regulations  
3 related to the practice of physical therapy in California. The  
4 examination shall reasonably test the applicant's knowledge of  
5 these laws and regulations.

6 (2) The physical therapy examination for the applicant's  
7 licensure category. The examination for licensure as a physical  
8 therapist shall test entry-level competence to practice physical  
9 therapy. The examination for licensure as a physical therapist  
10 assistant shall test entry-level competence to practice as a physical  
11 therapist assistant in the technical application of physical therapy  
12 services.

13 (b) An applicant may take the examinations for licensure as a  
14 physical therapist or for licensure as a physical therapist assistant  
15 after the applicant has met the educational requirements for that  
16 particular category of licensure.

17 (c) The examinations required by the board for a license under  
18 this chapter may be conducted by the board or by a public or  
19 private organization specified by the board. The examinations may  
20 be conducted under a uniform examination system and, for that  
21 purpose, the board may make arrangements with organizations  
22 furnishing examination materials as may, in its discretion, be  
23 desirable.

24 ~~SEC. 37.~~

25 *SEC. 35.* Section 2636.5 of the Business and Professions Code  
26 is amended to read:

27 2636.5. (a) An applicant may be issued a license without a  
28 written examination if he or she meets all of the following:

29 (1) He or she is at the time of application licensed as a physical  
30 therapist or physical therapist assistant in a state, district, or  
31 territory of the United States having, in the opinion of the board,  
32 requirements for licensing equal to or higher than those in  
33 California, and he or she has passed, to the satisfaction of the board,  
34 an examination for licensing that is, in the opinion of the board,  
35 comparable to the examination used in this state.

36 (2) He or she is a graduate of a physical therapist or physical  
37 therapist assistant education program approved by the board, or  
38 has met the requirements of Section 2639.1, 2653, or 2654.

39 (3) He or she files an application with the board and meets the  
40 requirements prescribed by Sections 2635 and 2650.

1 (b) An applicant for licensure under subdivision (a), whose  
2 application is based on a certificate issued by a physical therapy  
3 licensing authority of another state may be required to file a  
4 statement of past work activity.

5 (c) An applicant who has filed a physical therapy application  
6 under this section with the board for the first time may, between  
7 the date of receipt of notice that his or her application is on file  
8 and the date of receipt of his or her license, perform as a physical  
9 therapist under the supervision of a physical therapist licensed in  
10 this state.

11 During this period the applicant shall identify himself or herself  
12 only as a “physical therapist license applicant” or “physical  
13 therapist assistant license applicant,” as appropriate.

14 If the applicant under this section does not qualify and receive  
15 a license as provided in this section and does not qualify under  
16 Section 2639, all privileges under this section shall terminate upon  
17 notice by the board. An applicant may only qualify once to perform  
18 as a physical therapist license applicant.

19 ~~SEC. 38.~~

20 *SEC. 36.* Section 2638 of the Business and Professions Code  
21 is amended to read:

22 2638. Any applicant for licensure as a physical therapist or  
23 physical therapist assistant who fails to pass the examination  
24 required by the board may take another examination and shall pay  
25 the reexamination fee.

26 ~~SEC. 39.~~

27 *SEC. 37.* Section 2639 of the Business and Professions Code  
28 is repealed.

29 ~~SEC. 40.~~

30 *SEC. 38.* Section 2639 is added to the Business and Professions  
31 Code, to read:

32 2639. (a) (1) Every graduate of an approved physical therapy  
33 education program who has filed a complete application, as defined  
34 in regulation, for licensure with the board and has been awarded  
35 either physical therapist license applicant status or physical  
36 therapist assistant license applicant status shall practice under the  
37 supervision of a licensed physical therapist pursuant to this chapter  
38 for no more than 120 days pending the results of the first licensing  
39 examination administered. If the applicant passes the examination,  
40 the physical therapist license applicant status or physical therapist



1 assistant license applicant status shall remain in effect until a  
2 regular renewable license is issued, or licensure is denied, by the  
3 board. A supervising physical therapist shall document receipt of  
4 the letter authorizing the physical therapist license applicant status  
5 or physical therapist assistant license applicant status and record  
6 the expiration date of that status in the employee record. A  
7 supervising physical therapist shall require the applicant to provide  
8 documentation of the license issued at the conclusion of the  
9 physical therapist license applicant status or physical therapist  
10 assistant license applicant status. During this period the applicant  
11 shall identify himself or herself only as “physical therapist license  
12 applicant” or “physical therapist assistant license applicant,” as  
13 appropriate.

14 (2) A person shall not be considered a graduate unless he or she  
15 has successfully completed all the clinical training and internship  
16 required for graduation from the education program.

17 (3) A person who has filed a complete application pursuant to  
18 Section 2636.5 may be issued license applicant status authorizing  
19 that individual to practice under the provisions described in  
20 paragraph (1).

21 (b) A physical therapist license applicant who has been awarded  
22 license applicant status may perform as a physical therapist if he  
23 or she is under the supervision of a physical therapist licensed by  
24 the board. A physical therapist assistant license applicant who has  
25 been awarded license applicant status may perform as a physical  
26 therapist assistant if he or she is under the supervision of a physical  
27 therapist licensed by the board. The applicant shall comply with  
28 any requirements applicable to the license for which he or she  
29 applied. An applicant may not perform in those capacities if he or  
30 she fails the first examination attempt.

31 ~~SEC. 41.~~

32 *SEC. 39.* Section 2639.1 is added to the Business and  
33 Professions Code, to read:

34 2639.1. A person seeking licensure as a physical therapist  
35 assistant having, in the opinion of the board, training or experience,  
36 or a combination of training and experience, equivalent to that  
37 obtained in an approved physical therapist assistant education  
38 program, and who is, at the time of application, a person over 18  
39 years of age, not addicted to alcohol or any controlled substance,  
40 and who has not committed acts or crimes constituting grounds

1 for denial of licensure under Section 480 may apply to the board  
2 for licensure.

3 ~~SEC. 42.~~

4 *SEC. 40.* Section 2640 of the Business and Professions Code  
5 is repealed.

6 ~~SEC. 43.~~

7 *SEC. 41.* Article 3.4 (commencing with Section 2644) is added  
8 to Chapter 5.7 of Division 2 of the Business and Professions Code,  
9 to read:

10

11 Article 3.4. Renewal of Licenses

12

13 2644. (a) Every license issued under this chapter shall expire  
14 at 12 a.m. on the last day of the birth month of the licensee during  
15 the second year of a two-year term, if not renewed.

16 (b) To renew an unexpired license, the licensee shall, on or  
17 before the date on which it would otherwise expire, apply for  
18 renewal on a form prescribed by the board, pay the prescribed  
19 renewal fee, and submit proof of the completion of continuing  
20 competency required by the board pursuant to Section 2649. The  
21 licensee shall disclose on his or her license renewal application  
22 any misdemeanor or other criminal offense for which he or she  
23 has been found guilty or to which he or she has pleaded guilty or  
24 no contest.

25 2645. At least 60 days before the expiration of any license, the  
26 board shall mail to each licensee under this chapter, at the latest  
27 address furnished by the licensee to the board, a notice stating the  
28 amount of the renewal fee and the date on which it is due, and that  
29 failure to pay it on or before the due date shall result in expiration  
30 of the license.

31 2646. A license that has expired may be renewed at any time  
32 within five years after its expiration by applying for renewal as  
33 set forth in Section 2644. Renewal under this section shall be  
34 effective on the date on which the renewal application is filed, on  
35 the date on which the renewal fee or accrued renewal fees are paid,  
36 or on the date on which the delinquency fee and penalty fee, if  
37 any, are paid, whichever last occurs. A renewed license shall  
38 continue in effect through the expiration date set forth in Section  
39 2644 that next occurs after the effective date of the renewal, at

1 which time it shall expire and become invalid if it is not so  
2 renewed.

3 2647. A person who fails to renew his or her license within  
4 five years after its expiration may not renew it, and it shall not be  
5 reissued, reinstated, or restored thereafter. However, the person  
6 may apply for a new license if he or she satisfies the requirements  
7 set forth in Article 3 (commencing with Section 2635).

8 2648. (a) A licensee is exempt from the payment of the renewal  
9 fee while engaged in full-time training or active service in the  
10 United States Army, Navy, Air Force, Marines, or Coast Guard,  
11 or in the United States Public Health Service.

12 (b) A person exempted from the payment of the renewal fee by  
13 this section shall not engage in any practice of, or assistance in the  
14 provision of, physical therapy not related to his or her military  
15 service and shall become liable for payment of the fee for the  
16 current renewal period upon his or her discharge from full-time  
17 active service and shall have a period of 60 days after becoming  
18 liable within which to pay the renewal fee before the delinquency  
19 fee is required. Any person who is discharged from active service  
20 within 60 days of the end of the renewal period is exempt from  
21 the payment of the renewal fee for that period.

22 (c) The time spent in full-time active service or training shall  
23 not be included in the computation of the five-year period for  
24 renewal and reinstatement of licensure provided in Section 2646.

25 (d) A person exempt from renewal fees under this section shall  
26 not be exempt from meeting the requirements of Section 2649.

27 2648.3. A licensee who demonstrates to the satisfaction of the  
28 board that he or she is unable to practice, or assist in the provision  
29 of, physical therapy due to a disability may request a waiver of  
30 the license renewal fee. The granting of a waiver shall be at the  
31 discretion of the board and may be terminated at any time. Waivers  
32 shall be based on the inability of a licensee to practice, or assist in  
33 the provision of, physical therapy. A licensee whose renewal fee  
34 has been waived pursuant to this section shall not engage in the  
35 practice of, or assist in the provision of, physical therapy unless  
36 and until the licensee pays the current renewal fee and does either  
37 of the following:

38 (a) Establishes to the satisfaction of the board, on a form  
39 prescribed by the board and signed under penalty of perjury, that  
40 the licensee's disability either no longer exists or does not affect

1 his or her ability to practice, or assist in the provision of, physical  
2 therapy safely.

3 (b) Signs an agreement, on a form prescribed by the board and  
4 signed under penalty of perjury, to limit his or her practice of, or  
5 assistance in the provision of, physical therapy in the manner  
6 prescribed by his or her reviewing physician.

7 (c) A person exempt from renewal fees under this section shall  
8 not be exempt from meeting the requirements of Section 2649.

9 2648.5. (a) The renewal fee shall be waived for licensees  
10 residing in California who certify to the board that license renewal  
11 is for the sole purpose of providing voluntary, unpaid physical  
12 therapy services.

13 (b) A person exempt from renewal fees under this section shall  
14 not be exempt from meeting the requirements of Section 2649.

15 2648.7. A licensee is exempt from the payment of the renewal  
16 fee and from meeting the requirements set forth in Section 2649  
17 if he or she has applied to the board for retired license status. A  
18 holder of a license in retired status pursuant to this section shall  
19 not engage in the practice of, or assist in the provision of, physical  
20 therapy unless the licensee applies for renewal and meets all of  
21 the requirements as set forth in Section 2644.

22 ~~SEC. 44.~~

23 *SEC. 42.* The heading of Article 4 (commencing with Section  
24 2650) of Chapter 5.7 of Division 2 of the Business and Professions  
25 Code is amended and renumbered to read:

26  
27 Article 5. Educational Standards

28  
29 ~~SEC. 45.~~

30 *SEC. 43.* Section 2650 of the Business and Professions Code  
31 is repealed.

32 ~~SEC. 46.~~

33 *SEC. 44.* Section 2650 is added to the Business and Professions  
34 Code, to read:

35 2650. (a) The physical therapist education requirements are  
36 as follows:

37 (1) Except as otherwise provided in this chapter, each applicant  
38 for a license as a physical therapist shall be a graduate of a  
39 professional degree program of an accredited postsecondary  
40 institution or institutions approved by the board and shall have

1 completed a professional education program including academic  
2 course work and clinical internship in physical therapy.

3 (2) Unless otherwise specified by the board by regulation, the  
4 educational requirements shall include instruction in the subjects  
5 prescribed by the Commission on Accreditation in Physical  
6 Therapy Education (CAPTE) of the American Physical Therapy  
7 Association or the Accreditation Council of Canadian  
8 Physiotherapy and shall include a combination of didactic and  
9 clinical experiences. The clinical experience shall include at least  
10 18 weeks of full-time experience with a variety of patients.

11 (b) The physical therapist assistant educational requirements  
12 are as follows:

13 (1) Except as otherwise provided in this chapter, each applicant  
14 for a license as a physical therapist assistant shall be a graduate of  
15 a physical therapist assistant program of an accredited  
16 postsecondary institution or institutions approved by the board,  
17 and shall have completed both the academic and clinical experience  
18 required by the physical therapist assistant program, and have been  
19 awarded an associate degree.

20 (2) Unless otherwise specified by the board by regulation, the  
21 educational requirements shall include instruction in the subjects  
22 prescribed by the CAPTE of the American Physical Therapy  
23 Association or the Accreditation Council of Canadian  
24 Physiotherapy or such other body as may be approved by the board  
25 by regulation and shall include a combination of didactic and  
26 clinical experiences. The clinical experience shall include at least  
27 18 weeks of full-time experience with a variety of patients.

28 ~~SEC. 47.~~

29 *SEC. 45.* Section 2650.1 of the Business and Professions Code  
30 is repealed.

31 ~~SEC. 48.~~

32 *SEC. 46.* Section 2650.2 of the Business and Professions Code  
33 is repealed.

34 ~~SEC. 49.~~

35 *SEC. 47.* Section 2651 of the Business and Professions Code  
36 is amended to read:

37 2651. The board shall approve only those physical therapist  
38 and physical therapist assistant education programs that prove to  
39 the satisfaction of the board that they comply with the minimum  
40 physical therapist or physical therapist assistant educational

1 requirements set forth in this chapter and adopted by the board  
 2 pursuant to this chapter. Physical therapist and physical therapist  
 3 assistant education programs that are accredited by the Commission  
 4 on Accreditation in Physical Therapy Education of the American  
 5 Physical Therapy Association (APTA) or the Accreditation Council  
 6 of Canadian Physiotherapy or such other body as may be approved  
 7 by the board by regulation, shall be deemed approved by the board  
 8 unless the board determines otherwise. This chapter shall not  
 9 prohibit the board from disapproving any foreign physical therapist  
 10 or physical therapist assistant educational program or from denying  
 11 an applicant if, in the opinion of the board, the instruction received  
 12 by the applicant or the courses offered by the program were not  
 13 equivalent to that which is required by this chapter.

14 ~~SEC. 50.~~

15 *SEC. 48.* Section 2652 of the Business and Professions Code  
 16 is repealed.

17 ~~SEC. 51.~~

18 *SEC. 49.* Section 2653 of the Business and Professions Code  
 19 is repealed.

20 ~~SEC. 52.~~

21 *SEC. 50.* Section 2653 is added to the Business and Professions  
 22 Code, to read:

23 2653. An applicant for a license as a physical therapist who  
 24 has graduated from a physical therapist education program that is  
 25 not approved by the board and is not located in the United States  
 26 shall do all of the following:

27 (a) Furnish documentary evidence satisfactory to the board, that  
 28 he or she has completed a professional degree in a physical  
 29 therapist educational program substantially equivalent at the time  
 30 of his or her gradation to that issued by a board approved physical  
 31 therapist education program. The professional degree must entitle  
 32 the applicant to practice as a physical therapist in the country where  
 33 the diploma was issued. The applicant shall meet the educational  
 34 requirements set forth in paragraph (2) of subdivision (a) of Section  
 35 2650. The board may require an applicant to submit documentation  
 36 of his or her education to a credentials evaluation service for review  
 37 and a report to the board.

38 (b) Demonstrate proficiency in English by achieving a score  
 39 specified by the board on the Test of Spoken English administered

1 by the Educational Testing Services or such other examination as  
2 may be specified by the board by regulation.

3 (c) Complete nine months of clinical service in a location  
4 approved by the board under the supervision of a physical therapist  
5 licensed by a United States jurisdiction, in a manner satisfactory  
6 to the board. The applicant shall have passed the written  
7 examination required in Section 2636 prior to commencing the  
8 period of clinical service. The board shall require the supervising  
9 physical therapist to evaluate the applicant and report his or her  
10 findings to the board. The board may in its discretion waive all or  
11 part of the required clinical service pursuant to guidelines set forth  
12 in its regulations. During the period of clinical service, the applicant  
13 shall be identified as a physical therapist license applicant. If an  
14 applicant fails to complete the required period of clinical service,  
15 the board may, for good cause shown, allow the applicant to  
16 complete another period of clinical service.

17 ~~SEC. 53.~~

18 *SEC. 51.* Section 2654 is added to the Business and Professions  
19 Code, to read:

20 2654. If an applicant who has graduated from a physical  
21 therapist education program that is not approved by the board and  
22 is not located in the United States does not qualify to take the  
23 physical therapist examination, his or her education may be  
24 evaluated by the board and the applicant may be eligible to take  
25 the physical therapist assistant examination.

26 ~~SEC. 54.~~

27 *SEC. 52.* Article 4.5 (commencing with Section 2655) of  
28 Chapter 5.7 of Division 2 of the Business and Professions Code  
29 is repealed.

30 ~~SEC. 55.~~

31 *SEC. 53.* The heading of Article 5 (commencing with Section  
32 2660) of Chapter 5.7 of Division 2 of the Business and Professions  
33 Code is amended and renumbered to read:

34

35 Article 6. Enforcement

36

37 ~~SEC. 56.~~

38 *SEC. 54.* Section 2660 of the Business and Professions Code  
39 is amended to read:

- 1     2660. Unprofessional conduct constitutes grounds for citation,  
2 discipline, denial of a license, or issuance of a probationary license.  
3 The board may, after the conduct of appropriate proceedings under  
4 the Administrative Procedure Act, issue a citation, impose  
5 discipline, deny a license, suspend for not more than 12 months,  
6 or revoke, or impose probationary conditions upon any license  
7 issued under this chapter for unprofessional conduct that includes,  
8 in addition to other provisions of this chapter, but is not limited  
9 to, the following:
- 10     (a) Violating or attempting to violate, directly or indirectly,  
11 assisting in or abetting the violation of, or conspiring to violate  
12 any provision of this chapter, any regulations duly adopted under  
13 this chapter, or the Medical Practice Act.
- 14     (b) Advertising in violation of Section 17500.
- 15     (c) Obtaining or attempting to obtain a license by fraud or  
16 misrepresentation.
- 17     (d) Practicing or offering to practice beyond the scope of practice  
18 of physical therapy.
- 19     (e) Conviction of a crime that substantially relates to the  
20 qualifications, functions, or duties of a physical therapist or  
21 physical therapist assistant. The record of conviction or a certified  
22 copy thereof shall be conclusive evidence of that conviction.
- 23     (f) Unlawful possession or use of, or conviction of a criminal  
24 offense involving, a controlled substance as defined in Division  
25 10 (commencing with Section 11000) of the Health and Safety  
26 Code, or any dangerous drug as defined in Article 2 (commencing  
27 with Section 4015) of Chapter 9, as follows:
- 28         (1) Obtaining or possessing in violation of law, or except as  
29 directed by a licensed physician and surgeon, dentist, or podiatrist,  
30 administering to himself or herself, or furnishing or administering  
31 to another, any controlled substances or any dangerous drug.
- 32         (2) Using any controlled substance or any dangerous drug.
- 33         (3) Conviction of a criminal offense involving the consumption  
34 or self-administration of, or the possession of, or falsification of  
35 a record pertaining to, any controlled substance or any dangerous  
36 drug, in which event the record of the conviction is conclusive  
37 evidence thereof.
- 38     (g) Failure to maintain adequate and accurate records relating  
39 to the provision of services to his or her patients.



- 1 (h) Gross negligence or repeated acts of negligence in practice  
2 or in the delivery of physical therapy care.
- 3 (i) Aiding or abetting any person to engage in the unlawful  
4 practice of physical therapy.
- 5 (j) The commission of any fraudulent, dishonest, or corrupt act  
6 that is substantially related to the qualifications, functions, or duties  
7 of a physical therapist or physical therapist assistant.
- 8 (k) Except for good cause, the knowing failure to protect patients  
9 by failing to follow infection control guidelines of the board,  
10 thereby risking transmission of blood-borne infectious diseases  
11 from licensee to patient, from patient to patient, and from patient  
12 to licensee. In administering this subdivision, the board shall  
13 consider referencing the standards, regulations, and guidelines of  
14 the State Department of Public Health developed pursuant to  
15 Section 1250.11 of the Health and Safety Code and the standards,  
16 regulations, and guidelines pursuant to the California Occupational  
17 Safety and Health Act of 1973 (Part 1 (commencing with Section  
18 6300) of Division 5 of the Labor Code) for preventing the  
19 transmission of HIV, hepatitis B, and other blood-borne pathogens  
20 in health care settings. As necessary, the board shall consult with  
21 the Medical Board of California, the California Board of Podiatric  
22 Medicine, the Dental Board of California, the Board of Registered  
23 Nursing, and the Board of Vocational Nursing and Psychiatric  
24 Technicians of the State of California, to encourage appropriate  
25 consistency in the implementation of this subdivision.
- 26 (l) The commission of verbal abuse or sexual harassment.
- 27 (m) Engaging in sexual misconduct or violating Section 726.
- 28 (n) Permitting a physical therapist assistant or physical therapy  
29 aide under one's supervision or control to perform, or permitting  
30 the physical therapist assistant or physical therapy aide to hold  
31 himself or herself out as competent to perform, professional  
32 services beyond the level of education, training, and experience  
33 of the physical therapist assistant or aide.
- 34 (o) The revocation, suspension, or other discipline, restriction,  
35 or limitation imposed by another state upon a license or certificate  
36 to practice physical therapy issued by that state, or the revocation,  
37 suspension, or restriction of the authority to practice physical  
38 therapy by any agency of the federal government.

1 (p) Viewing a completely or partially disrobed patient in the  
2 course of treatment if the viewing is not necessary to patient  
3 evaluation or treatment under current standards.

4 (q) Engaging in any act in violation of Section 650, 651, or  
5 654.2.

6 (r) Charging a fee for services not performed.

7 (s) Misrepresenting documentation of patient care or deliberate  
8 falsifying of patient records.

9 (t) Except as otherwise allowed by law, the employment of  
10 runners, cappers, steerers, or other persons to procure patients.

11 (u) The willful, unauthorized violation of professional  
12 confidence.

13 (v) Failing to maintain confidentiality, except as otherwise  
14 required or permitted by law, of all information that has been  
15 received from a patient in confidence during the course of treatment  
16 and all information about the patient that is obtained from tests or  
17 other means.

18 (w) Habitual intemperance.

19 ~~SEC. 57.~~

20 *SEC. 55.* Section 2660.2 of the Business and Professions Code  
21 is amended to read:

22 2660.2. (a) The board may refuse a license to any applicant  
23 guilty of unprofessional conduct or sexual activity referred to in  
24 Section 2660.1. The board may, in its sole discretion, issue a public  
25 letter of reprimand in accordance with Section 2660.3 or may issue  
26 a probationary license to any applicant for a license who is guilty  
27 of unprofessional conduct but who has met all other requirements  
28 for licensure. The board may issue the license subject to any terms  
29 or conditions not contrary to public policy, including, but not  
30 limited to, the following:

31 (1) Medical or psychiatric evaluation.

32 (2) Continuing medical or psychiatric treatment.

33 (3) Restriction of the type or circumstances of practice.

34 (4) Continuing participation in a board-approved rehabilitation  
35 program.

36 (5) Abstention from the use of alcohol or drugs.

37 (6) Random fluid testing for alcohol or drugs.

38 (7) Compliance with laws and regulations governing the practice  
39 of physical therapy.

1 (b) The applicant shall have the right to appeal the denial, or  
2 the issuance with terms and conditions, of any license in  
3 accordance with Chapter 5 (commencing with Section 11500) of  
4 Part 1 of Division 3 of Title 2 of the Government Code, and the  
5 board shall have all the powers granted therein. The action shall  
6 be final, except that the propriety of the action is subject to review  
7 by the superior court pursuant to Section 1094.5 of the Code of  
8 Civil Procedure.

9 (c) In lieu of refusing a license, the board may, upon stipulation  
10 or agreement by the licensee, issue a public letter of reprimand  
11 after it has conducted an investigation or inspection as provided  
12 for in this chapter. The public letter of reprimand may include a  
13 requirement for specified training or education, and cost recovery  
14 for investigative costs. The board shall notify the licensee of its  
15 intention to issue the letter 30 days before the intended issuance  
16 date of the letter. The licensee shall indicate in writing at least 15  
17 days prior to the letter's intended issuance date whether he or she  
18 agrees to the issuance of the letter. The board, at its option, may  
19 extend the time within which the licensee may respond to its  
20 notification. If the licensee does not agree to the issuance of the  
21 letter, the board shall not issue the letter and may proceed to file  
22 the accusation. The board may use a public letter of reprimand  
23 only for minor violations, as defined by the board, committed by  
24 the applicant. A public letter of reprimand issued pursuant to this  
25 section shall be disclosed by the board to an inquiring member of  
26 the public and shall be posted on the board's Internet Web site.

27 ~~SEC. 58.~~

28 *SEC. 56.* Section 2660.3 of the Business and Professions Code  
29 is amended to read:

30 2660.3. In lieu of filing or prosecuting a formal accusation  
31 against a licensee, the board may, upon stipulation or agreement  
32 by the licensee, issue a public letter of reprimand after it has  
33 conducted an investigation or inspection as provided for in this  
34 chapter. The public letter of reprimand may include a requirement  
35 for specified training or education, and cost recovery for  
36 investigative costs. The board shall notify the licensee of its  
37 intention to issue the letter 30 days before the intended issuance  
38 date of the letter. The licensee shall indicate in writing at least 15  
39 days prior to the letter's intended issuance date whether he or she  
40 agrees to the issuance of the letter. The board, at its option, may

1 extend the time within which the licensee may respond to its  
2 notification. If the licensee does not agree to the issuance of the  
3 letter, the board shall not issue the letter and may proceed to file  
4 the accusation. The board may use a public letter of reprimand  
5 only for minor violations, as defined by the board, committed by  
6 the licensee. A public letter of reprimand issued pursuant to this  
7 section shall be disclosed by the board to an inquiring member of  
8 the public and shall be posted on the board's Internet Web site.

9 ~~SEC. 59.~~

10 *SEC. 57.* Section 2660.4 is added to the Business and  
11 Professions Code, to read:

12 2660.4. A licensee who fails or refuses to comply with a request  
13 from the board for the medical records of a patient, that is  
14 accompanied by that patient's written authorization for release of  
15 records to the board, within 15 days of receiving the request and  
16 authorization shall pay to the board a civil penalty of one thousand  
17 dollars (\$1,000) per day for each day that the records have not  
18 been produced after the 15th day, unless the licensee is unable to  
19 provide the records within this time period for good cause.

20 ~~SEC. 60.~~

21 *SEC. 58.* Section 2660.5 of the Business and Professions Code  
22 is amended to read:

23 2660.5. The board shall deny a physical therapist license or  
24 physical therapist assistant license to an applicant who is required  
25 to register pursuant to Section 290 of the Penal Code. This section  
26 does not apply to an applicant who is required to register as a sex  
27 offender pursuant to Section 290 of the Penal Code solely because  
28 of a misdemeanor conviction under Section 314 of the Penal Code.

29 ~~SEC. 61.~~

30 *SEC. 59.* Section 2660.8 is added to the Business and  
31 Professions Code, to read:

32 2660.8. A licensee whose matter has been heard by an  
33 administrative law judge of the Medical Quality Hearing Panel as  
34 designated in Section 11371 of the Government Code, or whose  
35 default has been entered or who has entered into a stipulation for  
36 disciplinary action with the board, may, in accordance with the  
37 provisions of this chapter:

38 (a) Have his or her license revoked upon order of the board.

39 (b) Have his or her right to practice suspended for a period not  
40 to exceed one year upon order of the board.

1 (c) Be placed on probation and required to pay the costs of  
2 probation monitoring upon order of the board.

3 (d) Be publicly reprimanded by the board.

4 (e) Be required to surrender his or her license based on an order  
5 of the board.

6 (f) Have any other action taken in relation to discipline as part  
7 of an order of probation, as the board or an administrative law  
8 judge may deem proper.

9 ~~SEC. 62.~~

10 *SEC. 60.* Section 2661 of the Business and Professions Code  
11 is amended to read:

12 2661. A plea or verdict of guilty or a conviction following a  
13 plea of nolo contendere is deemed to be a conviction within the  
14 meaning of this article. The board may order discipline of the  
15 licensee in accordance with Section 2660 or the board may take  
16 action as authorized in Section 2660.2 on an application when the  
17 time for appeal has elapsed, or the judgment of conviction has  
18 been affirmed on appeal or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a  
20 subsequent order under Section 1203.4 of the Penal Code allowing  
21 that person to withdraw his or her plea of guilty and to enter a plea  
22 of not guilty, or setting aside the verdict of guilty, or dismissing  
23 the accusation, information, or indictment.

24 ~~SEC. 63.~~

25 *SEC. 61.* Section 2661.7 of the Business and Professions Code  
26 is amended to read:

27 2661.7. (a) A person whose license has been revoked or  
28 suspended, or who has been placed on probation, may petition the  
29 board for reinstatement or modification of penalty, including  
30 modification or termination of probation, after a period of not less  
31 than the following minimum periods has elapsed from the effective  
32 date of the decision ordering that disciplinary action:

33 (1) At least three years for reinstatement of a license or approval  
34 revoked for unprofessional conduct, except that the board may,  
35 for good cause shown, specify in a revocation order that a petition  
36 for reinstatement may be filed after two years.

37 (2) At least two years for early termination or one year for  
38 modification of a condition of probation of three years or more.

1 (3) At least one year for reinstatement of a license revoked for  
2 mental or physical illness, or for modification of a condition, or  
3 termination of probation of less than three years.

4 (b) The petition shall state any facts as may be required by the  
5 board. The petition shall be accompanied by at least two verified  
6 recommendations from physical therapists licensed by the board  
7 who have personal knowledge of the activities of the petitioner  
8 since the disciplinary penalty was imposed.

9 (c) The petition may be heard by the board. The board may  
10 assign the petition to an administrative law judge designated in  
11 Section 11371 of the Government Code. After a hearing on the  
12 petition, the administrative law judge shall provide a proposed  
13 decision to the board that shall be acted upon in accordance with  
14 the Administrative Procedure Act.

15 (d) The board or the administrative law judge hearing the  
16 petition may consider all activities of the petitioner since the  
17 disciplinary action was taken, the offense for which the petitioner  
18 was disciplined, the petitioner's activities during the time the  
19 license was in good standing, and the petitioner's rehabilitative  
20 efforts, general reputation for truth, and professional ability. The  
21 hearing may be continued, as the board or the administrative law  
22 judge designated in Section 11371 of the Government Code finds  
23 necessary.

24 (e) The administrative law judge designated in Section 11371  
25 of the Government Code when hearing a petition for reinstating a  
26 license, or modifying a penalty, may recommend the imposition  
27 of any terms and conditions deemed necessary.

28 (f) No petition shall be considered while the petitioner is under  
29 sentence for any criminal offense, including any period during  
30 which the petitioner is on court-imposed probation or parole. No  
31 petition shall be considered while there is an accusation or petition  
32 to revoke probation pending against the petitioner. The board may  
33 deny, without a hearing or argument, any petition filed pursuant  
34 to this section within a period of two years from the effective date  
35 of the prior decision following a hearing under this section.

36 (g) Nothing in this section shall be deemed to alter Sections 822  
37 and 823.

1 ~~SEC. 64.~~

2 *SEC. 62.* The heading of Article 5.5 (commencing with Section  
3 2662) of Chapter 5.7 of Division 2 of the Business and Professions  
4 Code is amended and renumbered to read:

5

6 Article 7. Substance Abuse Rehabilitation Program

7

8 ~~SEC. 65.~~

9 *SEC. 63.* Section 2663 of the Business and Professions Code  
10 is amended to read:

11 2663. The board shall establish and administer a substance  
12 abuse rehabilitation program, hereafter referred to as the  
13 rehabilitation program, for the rehabilitation of physical therapists  
14 and physical therapist assistants whose competency is impaired  
15 due to the abuse of drugs or alcohol. The board may contract with  
16 any other state agency or a private organization to perform its  
17 duties under this article. The board may establish one or more  
18 rehabilitation evaluation committees to assist it in carrying out its  
19 duties under this article. Any rehabilitation evaluation committee  
20 established by the board shall operate under the direction of the  
21 rehabilitation program manager, as designated by the executive  
22 officer of the board. The program manager has the primary  
23 responsibility to review and evaluate recommendations of the  
24 committee.

25 ~~SEC. 66.~~

26 *SEC. 64.* Section 2664 of the Business and Professions Code  
27 is amended to read:

28 2664. (a) Any rehabilitation evaluation committee established  
29 by the board shall have at least three members. In making  
30 appointments to a rehabilitation evaluation committee, the board  
31 shall consider the appointment of persons who are either recovering  
32 from substance abuse and have been free from substance abuse  
33 for at least three years immediately prior to their appointment or  
34 who are knowledgeable in the treatment and recovery of substance  
35 abuse. The board also shall consider the appointment of a physician  
36 and surgeon who is board certified in psychiatry.

37 (b) Appointments to a rehabilitation evaluation committee shall  
38 be by the affirmative vote of a majority of members appointed to  
39 the board. Each appointment shall be at the pleasure of the board

1 for a term not to exceed four years. In its discretion, the board may  
2 stagger the terms of the initial members so appointed.

3 (c) A majority of the members of a rehabilitation evaluation  
4 committee shall constitute a quorum for the transaction of business.  
5 Any action requires an affirmative vote of a majority of those  
6 members present at a meeting constituting at least a quorum. Each  
7 rehabilitation evaluation committee shall elect from its membership  
8 a chairperson and a vice chairperson. Notwithstanding the  
9 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
10 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
11 the Government Code), relating to public meetings, a rehabilitation  
12 evaluation committee may convene in closed session to consider  
13 matters relating to any physical therapist or physical therapist  
14 assistant applying for or participating in a rehabilitation program,  
15 and a meeting which will be convened entirely in closed session  
16 need not comply with Section 11125 of the Government Code. A  
17 rehabilitation evaluation committee shall only convene in closed  
18 session to the extent it is necessary to protect the privacy of an  
19 applicant or participant. Each member of a rehabilitation evaluation  
20 committee shall receive a per diem and shall be reimbursed for  
21 expenses as provided in Section 103.

22 ~~SEC. 67.~~

23 *SEC. 65.* Section 2665 of the Business and Professions Code  
24 is amended to read:

25 2665. Each rehabilitation evaluation committee has the  
26 following duties and responsibilities:

27 (a) To evaluate physical therapists and physical therapist  
28 assistants who request participation in the rehabilitation program  
29 and to make recommendations. In making recommendations, the  
30 committee shall consider any recommendations from professional  
31 consultants on the admission of applicants to the rehabilitation  
32 program.

33 (b) To review and designation of treatment facilities to which  
34 physical therapists and physical therapist assistants in the  
35 rehabilitation program may be referred.

36 (c) To receive and review information concerning physical  
37 therapists and physical therapist assistants participating in the  
38 program.

39 (d) Calling meetings as necessary to consider the requests of  
40 physical therapists and physical therapist assistants to participate



1 in the rehabilitation program, to consider reports regarding  
2 participants in the program, and to consider any other matters  
3 referred to it by the board.

4 (e) To consider whether each participant in the rehabilitation  
5 program may with safety continue or resume the practice of  
6 physical therapy.

7 (f) To set forth in writing the terms and conditions of the  
8 rehabilitation agreement that is approved by the program manager  
9 for each physical therapist and physical therapist assistant  
10 participating in the program, including treatment, supervision, and  
11 monitoring requirements.

12 (g) To hold a general meeting at least twice a year, which shall  
13 be open and public, to evaluate the rehabilitation program's  
14 progress, to prepare reports to be submitted to the board, and to  
15 suggest proposals for changes in the rehabilitation program.

16 (h) For the purposes of Division 3.6 (commencing with Section  
17 810) of Title 1 of the Government Code, any member of a  
18 rehabilitation evaluation committee shall be considered a public  
19 employee. No board or rehabilitation evaluation committee  
20 member, contractor, or agent thereof, shall be liable for any civil  
21 damage because of acts or omissions which may occur while acting  
22 in good faith in a program established pursuant to this article.

23 ~~SEC. 68.~~

24 *SEC. 66.* Section 2666 of the Business and Professions Code  
25 is amended to read:

26 2666. (a) Criteria for acceptance into the rehabilitation program  
27 shall include all of the following:

28 (1) The applicant shall be licensed as a physical therapist or as  
29 a physical therapist assistant by the board and shall be a resident  
30 of California.

31 (2) The applicant shall be found to abuse dangerous drugs or  
32 alcoholic beverages in a manner that may affect his or her ability  
33 to practice physical therapy safely or competently.

34 (3) The applicant shall have voluntarily requested admission to  
35 the program or shall be accepted into the program in accordance  
36 with terms and conditions resulting from a disciplinary action.

37 (4) The applicant shall agree to undertake any medical or  
38 psychiatric examination ordered to evaluate the applicant for  
39 participation in the program.

1 (5) The applicant shall cooperate with the program by providing  
2 medical information, disclosure authorizations, and releases of  
3 liability as may be necessary for participation in the program.

4 (6) The applicant shall agree in writing to cooperate with all  
5 elements of the treatment program designed for him or her.

6 Any applicant may be denied participation in the program if the  
7 board, the program manager, or a rehabilitation evaluation  
8 committee determines that the applicant will not substantially  
9 benefit from participation in the program or that the applicant's  
10 participation in the program creates too great a risk to the public  
11 health, safety, or welfare.

12 (b) A participant may be terminated from the program for any  
13 of the following reasons:

14 (1) The participant has successfully completed the treatment  
15 program.

16 (2) The participant has failed to comply with the treatment  
17 program designated for him or her.

18 (3) The participant fails to meet any of the criteria set forth in  
19 subdivision (a) or (c).

20 (4) It is determined that the participant has not substantially  
21 benefited from participation in the program or that his or her  
22 continued participation in the program creates too great a risk to  
23 the public health, safety, or welfare. Whenever an applicant is  
24 denied participation in the program or a participant is terminated  
25 from the program for any reason other than the successful  
26 completion of the program, and it is determined that the continued  
27 practice of physical therapy by that individual creates too great a  
28 risk to the public health, safety, and welfare, that fact shall be  
29 reported to the executive officer of the board and all documents  
30 and information pertaining to and supporting that conclusion shall  
31 be provided to the executive officer. The matter may be referred  
32 for investigation and disciplinary action by the board. Each physical  
33 therapist or physical therapy assistant who requests participation  
34 in a rehabilitation program shall agree to cooperate with the  
35 recovery program designed for him or her. Any failure to comply  
36 with that program may result in termination of participation in the  
37 program.

38 The rehabilitation evaluation committee shall inform each  
39 participant in the program of the procedures followed in the  
40 program, of the rights and responsibilities of a physical therapist

1 or physical therapist assistant in the program, and the possible  
2 results of noncompliance with the program.

3 (c) In addition to the criteria and causes set forth in subdivision  
4 (a), the board may set forth in its regulations additional criteria for  
5 admission to the program or causes for termination from the  
6 program.

7 ~~SEC. 69.~~

8 *SEC. 67.* Section 2667 of the Business and Professions Code  
9 is amended to read:

10 2667. All board and rehabilitation evaluation committee records  
11 and records of proceedings and participation of a physical therapist  
12 or physical therapist assistant in a program shall be confidential  
13 and are not subject to discovery or subpoena.

14 ~~SEC. 70.~~

15 *SEC. 68.* Section 2668 of the Business and Professions Code  
16 is amended to read:

17 2668. (a) A fee to cover the actual cost of administering the  
18 program shall be charged for participation in the program. If the  
19 board contracts with any other entity to carry out this article, at  
20 the discretion of the board, the fee may be collected and retained  
21 by that entity.

22 (b) If the board contracts with any other entity to carry out this  
23 section, the executive officer of the board, or his or her designee,  
24 shall review the activities and performance of the contractor on a  
25 biennial basis. As part of this review, the board shall review files  
26 of participants in the program. However, the names of participants  
27 who entered the program voluntarily shall remain confidential,  
28 except when the review reveals misdiagnosis, case  
29 mismanagement, or noncompliance by the participant.

30 (c) Subdivision (a) shall apply to all new participants entering  
31 into the board's rehabilitation program on or after January 1, 2007.  
32 Subdivision (a) shall apply on and after January 1, 2008, to  
33 participants currently enrolled as of December 31, 2007.

34 ~~SEC. 71.~~

35 *SEC. 69.* Section 2669 of the Business and Professions Code  
36 is amended to read:

37 2669. Participation in a rehabilitation program shall not be a  
38 defense to any disciplinary action that may be taken by the board.  
39 This section does not preclude the board from commencing  
40 disciplinary action against a physical therapist or physical therapist

1 assistant who is terminated unsuccessfully from the program. That  
2 disciplinary action may not include as evidence any confidential  
3 information.

4 ~~SEC. 72.~~

5 *SEC. 70.* The heading of Article 6 (commencing with Section  
6 2670) of Chapter 5.7 of Division 2 of the Business and Professions  
7 Code is amended and renumbered to read:

8  
9 Article 8. Offenses Against this Chapter

10  
11 ~~SEC. 73.~~

12 *SEC. 71.* Section 2672 of the Business and Professions Code  
13 is amended to read:

14 2672. Whenever any person has engaged or is about to engage  
15 in any acts or practices that constitute or will constitute an offense  
16 against this chapter, the superior court of any county, on application  
17 of the board, or 10 or more persons holding physical therapist  
18 licenses issued under this chapter, may issue an injunction or other  
19 appropriate order restraining the conduct. Proceedings under this  
20 section shall be governed by Chapter 3 (commencing with Section  
21 525) of Title 7 of Part 2 of the Code of Civil Procedure.

22 ~~SEC. 74.~~

23 *SEC. 72.* The heading of Article 6.5 (commencing with Section  
24 2676) of Chapter 5.7 of Division 2 of the Business and Professions  
25 Code is repealed.

26 ~~SEC. 75.~~

27 *SEC. 73.* Section 2676 of the Business and Professions Code  
28 is amended and renumbered to read:

29 2649. (a) A person renewing his or her license shall submit  
30 proof satisfactory to the board that, during the preceding two years,  
31 he or she has completed the required number of continuing  
32 education hours established by regulation by the board, or such  
33 other proof of continuing competency as the board may establish  
34 by regulation. Required continuing education shall not exceed 30  
35 hours every two years.

36 (b) The board shall adopt and administer regulations including,  
37 but not limited to, continuing education intended to ensure the  
38 continuing competency of persons licensed pursuant to this chapter.  
39 The board may establish different requirements for physical  
40 therapists and physical therapist assistants. The board may not

1 require the completion of an additional postsecondary degree or  
2 successful completion of an examination as a condition of renewal,  
3 but may recognize these as demonstrative of continuing  
4 competency. This program shall include provisions requiring  
5 random audits of licensees in order to ensure compliance.

6 (c) The administration of this section may be funded through  
7 professional license fees, continuing education provider fees, and  
8 recognized approval agency fees. The fees shall not exceed the  
9 amounts necessary to cover the actual costs of administering this  
10 section.

11 ~~SEC. 76.~~

12 *SEC. 74.* The heading of Article 7 (commencing with Section  
13 2680) of Chapter 5.7 of Division 2 of the Business and Professions  
14 Code is amended and renumbered to read:

15  
16 Article 9. Fiscal Administration

17  
18 ~~SEC. 77.~~

19 *SEC. 75.* Section 2682 of the Business and Professions Code  
20 is amended to read:

21 2682. There is in the State Treasury the Physical Therapy Fund.  
22 All collections from persons licensed or seeking to be licensed  
23 shall be paid by the board into the fund after reporting to the  
24 Controller at the beginning of each month the amount and source  
25 of the collections. All money in the Physical Therapy Fund is  
26 appropriated for the exclusive purpose of executing this chapter.

27 ~~SEC. 78.~~

28 *SEC. 76.* Section 2683 of the Business and Professions Code  
29 is repealed.

30 ~~SEC. 79.~~

31 *SEC. 77.* Section 2684 of the Business and Professions Code  
32 is repealed.

33 ~~SEC. 80.~~

34 *SEC. 78.* Section 2685 of the Business and Professions Code  
35 is repealed.

36 ~~SEC. 81.~~

37 *SEC. 79.* The heading of Article 8 (commencing with Section  
38 2690) of Chapter 5.7 of Division 2 of the Business and Professions  
39 Code is amended and renumbered to read:

Article 10. Physical Therapy Corporations

~~SEC. 82.~~

SEC. 80. Section 12529 of the Government Code, as amended by Section 113 of Chapter 332 of the Statutes of 2012, is amended to read:

12529. (a) There is in the Department of Justice the Health Quality Enforcement Section. The primary responsibility of the section is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions, as provided in subdivision (b) of Section 12529.5.

(b) The Attorney General shall appoint a Senior Assistant Attorney General of the Health Quality Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement Section shall be an attorney in good standing licensed to practice in the State of California, experienced in prosecutorial or administrative disciplinary proceedings and competent in the management and supervision of attorneys performing those functions.

(c) The Attorney General shall ensure that the Health Quality Enforcement Section is staffed with a sufficient number of experienced and able employees that are capable of handling the most complex and varied types of disciplinary actions against the licensees of the boards.

(d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with the Attorney General from the special funds financing the operations of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California, and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

(e) This section shall become operative January 1, 2014.

1     ~~SEC. 83.~~

2     *SEC. 81.* Section 12529.5 of the Government Code, as amended  
3 by Section 115 of Chapter 332 of the Statutes of 2012, is amended  
4 to read:

5     12529.5. (a) All complaints or relevant information concerning  
6 licensees that are within the jurisdiction of the Medical Board of  
7 California, the California Board of Podiatric Medicine, or the  
8 Board of Psychology, or the Physical Therapy Board of California,  
9 shall be made available to the Health Quality Enforcement Section.

10    (b) The Senior Assistant Attorney General of the Health Quality  
11 Enforcement Section shall assign attorneys to assist the boards in  
12 intake and investigations and to direct discipline-related  
13 prosecutions. Attorneys shall be assigned to work closely with  
14 each major intake and investigatory unit of the boards, to assist in  
15 the evaluation and screening of complaints from receipt through  
16 disposition and to assist in developing uniform standards and  
17 procedures for the handling of complaints and investigations.

18    A deputy attorney general of the Health Quality Enforcement  
19 Section shall frequently be available on location at each of the  
20 working offices at the major investigation centers of the boards,  
21 to provide consultation and related services and engage in case  
22 review with the boards' investigative, medical advisory, and intake  
23 staff. The Senior Assistant Attorney General and deputy attorneys  
24 general working at his or her direction shall consult as appropriate  
25 with the investigators of the boards, medical advisors, and  
26 executive staff in the investigation and prosecution of disciplinary  
27 cases.

28    (c) The Senior Assistant Attorney General or his or her deputy  
29 attorneys general shall assist the boards in designing and providing  
30 initial and in-service training programs for staff of the boards,  
31 including, but not limited to, information collection and  
32 investigation.

33    (d) The determination to bring a disciplinary proceeding against  
34 a licensee of the boards shall be made by the executive officer of  
35 the boards as appropriate in consultation with the senior assistant.

36    (e) This section shall become operative January 1, 2014.

37     ~~SEC. 84.~~

38     *SEC. 82.* No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

O