

California Jurisprudence Exam: Study Guide

Disclaimer: This is not an all inclusive guide. Further resources such as what is listed below should be used in preparation:

1. [California Laws and Regulations Related to the Practice of Physical Therapy](#)
(pdf)
2. [Statues outside the Physical Therapy Practice Act](#)

NOTE: The **BOLDED** numbers listed represent where the information is obtained from. Any number **2000** or higher represents the CA physical therapy practice act. **1000-2000** represents the California code of regulations. Anything less than **1000** is the Business and Professions code. Some can be found in the PDF listed above containing the laws and regulations.

1. Legislative Intent and Definitions

- a. **Physical Therapy (2620):** The practice of physical therapy includes the promotion and maintenance of physical fitness through the use of physical therapy interventions in order to enhance the bodily movement as related to the health and wellness of individuals.
 - i. Interventions include the use of the properties associated with heat, light, water, electricity, as well as exercise based interventions. The implications of physical therapy upon mental conditions may be associated with exercises that affect areas such as stress and/or anxiety.
 - ii. "Physical therapist of record" - Physical therapist that completed the initial evaluation.
 1. Can transfer to another therapist, but it must be in writing. **(1398.44)**
 - iii. "Physiotherapy" is the same as "physical therapy." **(2601)**
 - iv. "Physical therapy aide" and "physical therapy technician" are interchangeable. **(2601)**

2. Administration: Board of Physical Therapy

- a. **Powers and Duties (2100)**
 - i. Physical Therapy Board of California (PTBC) **(2602):**
 1. Protection of the public is the highest priority and paramount above ALL else. **(2602.1)**
 2. Board shall do all of the following **(2605):**
 - a. Issue, suspend, revoke, and discipline physical therapy licensees within the state of California.
 - b. Administer a continuing competency program.
 3. Board members have the authority to inspect physical therapy facilities and patient records. **(2608.5)**

- a. A licensed physical therapist can be delegated by a board member to perform the task.
 - b. If the patient's written authorization has been provided, the release of records shall be given within 15 days or a penalty of \$1,000 will occur for every day starting on the 16th day. **(2660.4)**
 4. Board shall hear all matters, including, but not limited to, any contested case or petition for reinstatement, or modification of probation. **(2614)**
 5. Board can investigate each applicant to determine if the requirements for licensure have been met. **(2634)**
- ii. Board members
 1. Composition: **(2603 & 2603.5)**
 - a. One physical therapist involved in the education of physical therapist students.
 - b. Three physical therapists with \geq five years experience and currently licensed.
 - c. Three public members who are citizens of California and not licensed physical therapists nor licensed by any other medical board of California.
 - d. The Governor of California appoints the physical therapy members and one public member. **(2604)**
 - i. President and vice president of the board are determined by the elected board members.
 2. Terms: four years, expires 1st day of June
 - a. No person can serve more than two consecutive terms - eight years max. **(2604)**

3. Licensure and Examination

a. Qualifications; Requirements

- i. Qualifications required for licensure: **(2635)**
 1. >18 years of age, not addicted to any substance, completed education and training for physical therapists and/or physical therapy assistants (section **2650**), not committed any crimes. (section **480**)
- ii. Licensed Applicants **(2639)**
 1. Physical therapist licensed applicant (PTLA):
 - a. A graduate can work as a PTLA under DIRECT and IMMEDIATE supervision of a licensed physical therapist for 120 days pending results of the first licensing exam for which he/she is eligible. **(1398.44, 1399.10, 2636.5, 2639)**

1. State laws and regulations.
2. National physical therapy examination (NPTE)
 - a. An applicant is allowed to sit for the NPTE three times per application per 12-month time period. If the applicant has not passed the NPTE within one year from the date of original notice, a new application and application fee are required in addition to a re-examination fee. **(1398.21.1)**
 - b. If the required initial license fee following a pass of the NPTE has not been paid within five years, then the application will be determined as abandoned. **(1398.23)**
- iii. Physical Therapy Board of California is located in Sacramento **(1398.20)**
- iv. Applicant may be issued a license without written examination if ALL the following criteria are met: **(2636.5)**
 1. The applicant is licensed as a physical therapist or physical therapist assistant in a state, district, or territory of the United States and has met the requirements for licensing.
 2. The applicant is a graduate of a physical therapist or physical therapist assistant education program.
 3. The applicant files an application with the board.
- v. Any applicant who fails to pass the National Physical Therapy Exam may retake it and shall pay the re-examination fee. **(2638)**
- vi. Educational Standards for Physical Therapist and Physical Therapist Assistant: **(2650)**
 1. Graduate of an accredited post secondary institution that includes clinical internship and academic course work.
 - a. Subjects for educational requirements are determined by the Commission on Accreditation in Physical Therapy Education (CAPTE).
 - b. Clinical experiences are to be at least 18 weeks of full-time work for physical therapy students.
 - i. Physical therapist assistant students spend approximately 16 weeks of full-time clinical work experience.
 2. Board shall only approve education programs that prove to the satisfaction of the board that minimum educational requirements set forth are met and maintained. **(2651)**
- vii. Fees assessed with licenses: **(1399.50 & 1399.52)**
(Fees in this section are for both physical therapists and assistants unless specifically noted otherwise)
 1. Application fee: \$300 (domestic and foreign graduates)
 2. Examination fee is to be the actual cost to develop, grade, and administer the exam.

3. Initial license fee: \$150
4. Biennial renewal fee: \$300
5. Delinquency fee: \$150 (50% of renewal fee)
6. Duplicate wall certificate and renewal receipt are each: \$50
7. Endorsement or letter of good standing fee: \$60

c. Foreign Educated Licensure

i. Foreign Education Requirements (2653)

1. Full transcript of professional instruction completed must be submitted directly from a proper official of the physical therapist education program that was attended. **(1398.26)**
2. Proficiency in English as assessed by the Test of English as a Foreign Language (TOEFL). **(1398.26.3)**
3. 9 months of clinical service with an APTA-certified CI at an approved location. **(1398.26.5)**
 - a. CI must have completed a Clinical Site Information Form and will perform two evaluations (a midterm and a final) of the physical therapist license applicant's skills. **(1398.38)**
 - b. Direct supervision is to be maintained by the CI at all times of patient care.
 - c. A month can be waived for every month of clinical service performed in a state outside of California (up to all nine months). **(1398.26.5)**
 - d. Three months can be waived if a course in law and ethics is completed at a post secondary institution. Three months can also be waived if four continuing-education-units-worth of ethics are completed. **(1398.26.5)**
 - e. Written NPTEs must be passed prior to participation in clinical service.
 - i. During the clinical service the individual will be identified as a "physical therapy licensed applicant".
4. If it is determined that the foreign education the applicant has had is not sufficient for sitting for the NPTE and if the education meets sufficient standards, the applicant can sit for the National Physical Therapy Assistant Examination (NPTAE). **(2654)**

d. Physical Therapist & Physical Therapist Assistant License Applicant Status

- i. See **2639** above.

e. License Renewal; Reinstatement

- i. Expiration of Licensee; Renewal of Unexpired License **(2644)**
 1. Licenses will expire at 12 a.m. on the last day of the birth month of the licensee during the second year of the two year term.
- ii. The PTBC will send a notice of the renewal requirements 60 days prior to the expiration date. **(2645)**

- iii. Exemption from Renewal Fees
 - 1. Military Training or Service: **(2648)**
 - a. While engaged in full-time training or active service the licensee is exempt from paying the renewal fee.
 - i. If exempt from the renewal payment then the licensee can only perform physical therapy related to their military service.
 - ii. Upon discharge from full-time active service in the military the licensee has 60 days to pay it.
 - iii. If discharged from active service within 60 days of the end of the renewal period then the licensee is exempt for that pay period.
 - 2. Retired licensee is exempt from the renewal payment.
 - iv. Fees: **1399.50 & 1399.52**
 - 1. Biennial renewal fee: \$300
 - 2. Delinquency fee: \$150 (50% of renewal fee)
- f. **Continuing Education: (1399.90-99)**
- i. Must complete 30 hours or three CEU's for every two years. **(1399.91)**
 - ii. License expires at midnight on the last day of the licensee's birth month.
 - iii. To renew: Apply for renewal on a board-approved form, pay the renewal fee, submit proof of completion of continuing education or competency, as required by the board.
 - iv. At least 60 days before the expiration of any license, the board shall send a notification to each licensee's address.
 - v. "Hour" is the unit of measurement, defined as at least 50 minutes of instruction.
 - vi. CEU: Continuing education unit (one CEU = 10 hours)
 - vii. 15 hours (½ of normal requirement) for **FIRST TIME** license renewals (must submit prior to expiration of license for this to apply).
 - viii. **REQUIRED:** two hours in ethics/laws/regs or some combination as well as four hours in life support for healthcare providers every renewal cycle. **(1399.93)**
 - 1. Life support classes must be comparable to or better than American Health Association's BLS course for healthcare providers.
 - ix. Licensees must keep a record of continuing education for at least five years.
 - x. Exemption: To apply for an exemption, licensee must be able to demonstrate: **(1399.99)**
 - 1. Evidence that during the renewal period prior to expiration the licensee was residing in another country for a year or longer.

2. Evidence of absence from California due to military service for a period of one year or longer.
 3. Health reasons including: total physical and/or mental disability for one year or more and inability to work as verified by a physician or psychologist.
 4. Total physical and/or mental disability of an immediate family member for whom the licensee has total responsibility, as verified by a physician or psychologist.
 5. Renewal fee can be waived if practice is solely in a voluntary manner. However, even in this instance continuing education requirements apply. **(2648.5)**
- xi. An exemption cannot be granted for two consecutive renewal periods. **(1399.99)**
1. Inactive status: Is used if exemption is needed for two or more renewal periods.
 - a. Inactive Status: This status has the same renewal time period as active status. The licensee is NOT allowed to engage in activity that requires an active physical therapy license. To return to an active license, the individual must pay the renewal fee and any continuing competency fees and complete continuing education equivalent to that required for a single renewal period (30 hours). Licensees with inactive licenses are still under the authority of the board for any disciplinary action or enforcement.
 - i. No continuing education is required to maintain a licensee's inactive status, only required if activating again. **(1399.98)**
- xii. A license that has expired may be renewed within five years upon payment of all accrued and unpaid renewal fees and satisfaction of continuing education. **(2646)**
- xiii. A person who fails to renew within five years after the license's expiration may not renew, reissue or reinstate thereafter, but may apply for and obtain a NEW license. A retake of the NPTE would be required as well. **(2647)**
- xiv. Alternate methods to obtain CEU's: **(1399.94)**

Description	Cap	Conversion
Publishing peer-reviewed journal article, case study, or book chapter	16 hours	5 hours per article, study or chapter

Developing or presenting approved CEU course	16 hours	4 hours each course
Participating as subject matter expert in the exam process for the Board, FSBPT, or ABPTS	16 hours	6 hours per experience
Serving on task for appointed by Board	16 hours	6 hours per experience
Acting as clinical instructor. CI must be credentialed by APTA or hold substantially similar credentials.	12 hours (student must be full time and rotation must be at least 4 weeks)	1 hour per week
Attending a conference relating to the practice of physical PT	8 hours	2 hours per conference
Attending conference offered by FSBPT, APTA	8 hours	4 hours per conference
Attending a Board meeting	8 hours	2 hours per meeting
Completing a FSBPT practice review tool	6 hours	6 hours per experience
Successfully passing an American Board of Physical Therapy Specialist exams (includes re-certification)	6 hours	6 hours per examination
Completing training as an expert	6 hours	6 hours per training

consultation for the Board		
Passing the CA Law exam	2 hours	2 hours per examination

- xv. Continuing education approval agencies (**1399.95**):
 1. These are the entities that are able to review a proposed continuing education course and approve it in order for the participants to receive continuing education credit.
 2. Once approved, the agency must conduct internal audits on 10% of its approved providers' courses.
 3. The agency must have a procedure to respond to complaints.
 4. If the agency itself provides continuing education, then a procedure to avoid a conflict of interest shall be in place.
- xvi. Standards for approved= providers: (**1399.96**)
 1. Course providers shall have appropriate training or certification to teach the subject matter that is pertinent to the practice of physical therapy.
 2. Each course will have a syllabus that has learning objectives, bibliography, and a course schedule or outline.
 3. Education goals and learning objectives are to be included.
 4. If more than one party creates the course, then delineation and specification of both parties shall occur.
 5. Periodic review of course material is required.
 6. Participants shall have a way to provide feedback.
 7. A procedure to respond to complaints is required.
 8. Course providers must maintain records for **seven years** following the class date.
 9. Disclosure of any financial interest in products sold during the course is recommended.
 10. Certificate of completion is required to allow the participants to maintain the certificate in their personal records for the mandatory **five years**

4. Patient Care Management

a. General provisions

- i. **License required:** Practitioners must have a valid, unrestricted, unexpired, unrevoked license when performing any physical therapy for compensation. (**2630, 2630.3**)
 1. All licenses are issued and filed by the PTBC.
 - a. A license can be denied if the board determines that improper handling of examination information occurs.

- ii. Certification to penetrate tissues for neuromuscular evaluation: **(2620.5, 1399.61)**
 - 1. With specified authorization of MDs or surgeons, physical therapists can penetrate tissue for the purpose of evaluating neuromuscular performance. They CANNOT make **diagnostic/prognostic** interpretations.
 - a. Electroneuromyography: **(1399.60, 1399.64)**
 - i. Performance of tissue penetration for the purpose of evaluating neuromuscular performance. This DOES include the evaluation of specific abnormal potentials and evoked responses.
 - b. Certification: 400 hours of training under a licensed physical therapist or a physician authorized to perform electroneuromyography AND 200 electroneuromyography examinations.
 - 2. Kinesiological Electromyography: **(1399.65)**
 - a. 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.
 - b. Certification: 200 hours of training under a licensed physical therapist or a physician authorized to perform kinesiological electromyography AND 50 kinesiologic electromyographic examinations.
 - 3. Physical therapists will pass an initial examination for the certification process. Certificates are renewed with the physical therapist's license (every two years). **(1399.68)**
 - 4. The Exam/reexamination is \$500; the application fee is \$100; and the renewal fee is \$50.
 - 5. With relation to tissue penetration, there must be a patient hand-out and a posted sign reading: This study has been performed in accordance with the Physical Therapy Practice Act. The findings in this report do not represent diagnostic interpretations or medical diagnoses. The results of electromyographic examination by the certified examiner 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. **(1399.70)**
- iii. **Titles (2633)**
 - 1. Physical Therapist:
 - a. Only a licensed physical therapist can use the titles “physiotherapist”, “licensed physical therapist” or

- “registered physiotherapist/physical therapist” and the corresponding initials “PT”, “LPT”, and “RPT”.
- b. In written communication a physical therapist can use the title “Doctor” or “Dr.” before a name if immediately followed by an UNABBREVIATED specification of the degree held by the licensee.
 - i. Example: Dr. John Doe, Doctorate of physical therapy
 - c. In spoken communication a physical therapist can use the title “Doctor” if it is followed with a specification of being a physical therapist.
 - i. Example: “Hi my name is Dr. John Doe, I will be your physical therapist today.”
2. Physical Therapy Assistant:
- a. A physical therapy assistant may use the title “physical therapist assistant” or “physical therapy assistant” or “PTA”. **(2633.5)**
3. Students:
- a. During rotations a physical therapist student is identified as either a “PT student” (not finished with coursework) or a “PT intern” (finished with coursework). **(2633.7)**
 - i. Physical therapist Assistant students are to include “assistant” in their title.

iv. Physical Therapy Corporations

1. A corporation that is authorized to render professional services.
 - a. The name of the corporation shall contain the words “physical therapy” or “physical therapist”. **(2693)**
2. Must be in compliance with **Moscone-Knox Professional Corporation Act. (2690)**
 - a. Moscone-Knox Professional Corporation Act states that a corporation will render a professional service in a single profession.
 - b. The governmental agency referred to in Moscone-Knox Professional Corporation Act is the Physical Therapy Board of California.
3. Directors and Officers **(2694)**
 - a. Each shareholder, director, and officer of a physical therapy corporation (excluding assistance secretaries and assistant treasurers) shall be a licensed person.
4. Income **(2695)**
 - a. A disqualified shareholder who is not able to provide services at the professional corporation shall not, in any

- way, receive benefit from the income of a physical therapy corporation.
5. Regulations **(2696)**
 - a. The shares of a disqualified or deceased shareholder shall be sold to the corporation or to the remaining shareholders.
 6. Shareholders in a physical therapy corporation do not need to be all physical therapists, as long as the total number of shares given to non-physical therapists does not exceed 49%. In other words physical therapists should own at least 51% of the shares in a physical therapy corporation. **(13401.5)**
 - a. Other professionals who can own shares in a physical therapy corporation are:
 - i. Medical doctors, including naturopathic physicians and psychologists,
 - ii. Acupuncturists,
 - iii. Occupational therapists,
 - iv. Speech pathologists,
 - v. Registered nurses, and
 - vi. Physician's assistants.
 7. If a professional corporation has one shareholder, then that individual shall be the president and treasurer of the corporation. **(13403)**
 8. If two shareholders are present, then the positions of president, vice president, secretary and treasurer shall be filled. **(13403)**
 9. Physical therapists can own shares in more than one corporation. **(1399.35)**
 10. When there are two or more shareholders and one dies or becomes disqualified, the shares shall be sold and transferred to the company no later than: **(2696, 1399.37)**
 - a. Six months following the death of the shareholder.
 - b. 90 days after the date that the shareholder becomes disqualified.
 11. Professional corporations may enter into agreements (partnerships) with other physical therapists practicing individually, in a group, or other corporations. **(1399.39)**
- v. **Topical medications: (2620.3)**
1. Topical medications may be administered by a physical therapist through: Direct application, Iontophoresis (electrical), or Phonophoresis (ultrasound). **(1399.77)**

2. All topical medications applied shall be ordered on a specific basis by a practitioner legally authorized to order or prescribe such medications.
 - a. Physical therapists can **NOT** prescribe medications.
 3. Written protocols shall be prepared for the administration of each of the groups of medications for which a prescription is required. They shall include: Description of the medications, actions, indications/contraindications, and proper procedure/technique for application. **(1399.78)**
 4. Physical therapist-approved topical medications are: Bactericidal agents, debriding agents, topical anesthetic agents, anti-inflammatory agents, antispasmodic agents, and adrenocortical-steroids. **(1399.79)**
- b. Supervision and delegation**
- i. A physical therapist can supervise a maximum of two physical therapist assistants. **(2622)**
 1. The physical therapist does not need to be at the same location for adequate supervision of a physical therapist assistant, as telephone communication is sufficient. **(1398.44)**
 - a. Example: A physical therapist assistant's performing home health services.
 2. The physical therapist is responsible for patient care as well as documentation of the physical therapist assistant. **(2630.3)**
 - ii. A physical therapist assistant shall NOT: **(1398.44)**
 1. Perform measurements, data collection or care **prior** to the evaluation of a patient by a physical therapist.
 2. Document patient evaluation/reevaluation.
 3. Write a discharge summary.
 4. Establish or change a plan of care.
 5. Write progress reports to another health care professional.
 6. Be the sole physical therapy representative in any meeting with other healthcare professionals.
 7. Supervise a physical therapist aide performing patient-related tasks.
 8. Provide treatment if the physical therapist assistant holds a management position (if a physical therapist assistant can hire or fire, it is a management position).
 - iii. Physical therapist assistants can be clinical instructors but all clinical performance occurs under the supervision of a licensed physical therapist. **(1398.52)**
 1. Supervision **MUST** occur on site.

2. The supervising physical therapist will conduct a weekly case review of the patients that the physical therapist assistant student has seen and document that the review has occurred.
 - a. A physical therapist assistant clinical instructor can countersign for a physical therapist assistant student's patient documentation, but this must occur on the SAME day.
- iv. Physical therapist licensed applicants cannot supervise a physical therapist assistant or an aide providing patient related tasks. **(2630.4)**
- v. Physical therapy aides: A physical therapist can supervise ONE aide engaged in patient-related tasks. **(2622, 1399)**
 1. Aides must be at least 18 years old to be employed at a physical therapy facility.
 2. Physical therapists must evaluate and document aide's competency for each task they will perform PRIOR to an aide performing it on a patient.
 3. Physical therapists shall evaluate every patient prior to aide performing any patient related tasks on that patient.
 4. **Patient related tasks** - physical therapy service delivered **directly** to the patient.
 - a. Example: Therapeutic exercise.
 - b. Patient-related tasks can be performed only after a physical therapist has performed an initial evaluation.
 - c. Prior to providing patient care, the physical therapist MUST evaluate and document the aide's competency in such a way that the documentation is available to a member of the PTBC or another physical therapist upon request.
 5. **Non-patient-related tasks** - tasks related to the **observation** of the patient. This includes but is not limited to transport of the patient, providing only physical support of the patient during gait or transfer training, housekeeping, and clerical duties.
 6. **Immediate supervision** - AT ALL TIMES the physical therapist is in the same facility and within close proximity, immediately available as needed. **(1398.37)**
 - a. The physical therapist must perform direct care with the patient on the same day if an aide provides direct patient-related tasks.
 - b. The physical therapist is responsible for all patient-related and non-patient-related tasks that the aide performs.
- c. **Documentation; Medical records**
 - i. Patient medical records: **(2620.7)**
 1. Patient medical records are kept for at least seven years after patient discharge.

2. Unemancipated minors' records are kept for at least one year after the patient turns 18 years and **not in any case** less than seven years.
 - ii. Physical therapy student documentation (**1398.13, 1398.37[d]**)
 1. Clinical instructor or supervising physical therapist must countersign with first initial and last name on ALL entries in the patient's record on the SAME DAY as treatment was provided.
 - iii. Physical therapist assistants shall notify the physical therapist of record and document in the patient chart any change in patient's condition not within the planned progress or treatment goals, and any change in patient's general condition. (**1398.13, 1398.44[e]**)
 - iv. Physical therapy assistant student documentation (**1398.13, 1398.52[d]**)
 1. Clinical instructor or supervising physical therapist must countersign with first initial and last name on ALL entries in the patient's record on the SAME DAY as treatment was provided.
 2. Supervising physical therapists shall conduct a weekly case conference and document it in the patient record.
 - v. Physical therapy licensed applicant documentation (**1398.13, 1399.10**)
 1. Supervising physical therapist shall countersign with first initial and last name in the patient's record on the same day treatment was provided.
 - vi. Physical therapy assistant licensed applicant documentation (**1398.13, 1399.12**)
 1. Supervising physical therapist shall countersign with first initial and last name in the patient's record on the same day treatment was provided. Supervising physical therapists will conduct a weekly case conference and document it in the patient record.
 - vii. If an aide provides treatment the name and title of the individual must be included in the documentation.
- d. **Referral**
- i. Direct access physical therapy: (**2620.1**)
 1. A person may initiate physical therapy treatment directly from a physical therapist IF it is within the scope of physical therapy.
 2. If, at any time, the physical therapist believes the patient has a condition out of the scope of physical therapy or the patient is not progressing toward treatment goals the therapist must refer to a physician, dentist, podiatrist, or a chiropractor appropriately.
 3. Written authorization from the patient needed in order to contact the physician of the direct access care.
 4. If within the scope of physical therapy, the physical therapist has 45 calendar days (NOT business days) or 12 visits (whichever comes first) for treatment of the patient. A notice stating this

information shall be provided for the patient both orally and in writing.

- a. At this time a **signature** and **date** upon the physical therapist's plan of care **MUST** occur by an individual licensed by the Medical Board of California, the Osteopathic Medical Board of California, or from an individual licensed to practice podiatry.
 - i. For approval of the therapist's plan of care, an in-person or telehealth patient examination by the licensed practitioner of the entities listed above shall occur.
- ii. Patient referrals: **(650.01)**
 1. Generally, referrals **cannot** be to individuals, institutions, or family members where a financial interest is present for the practitioner who is referring the patient.
 - a. Considered unlawful if the financial interest is equal to or greater than:
 - i. 5% of the whole of the services provided
or
 - ii. \$5,000
 - b. Immediate family is considered:
 - i. Spouse of licensee,
 - ii. Children of licensee,
 - iii. Parents of licensee and licensee's spouse, and
 - iv. Spouses of the children of the licensee.
 - c. **Exception:** A referral can be given for a good or service if there is no alternative provider within 25 miles or 40 minutes traveling time of the patient's home. **(Business and Professions code 650.02)**
 - i. Written disclosure of financial interest shall be present in this instance.
 - ii. If another facility becomes available, then a referral to this facility shall occur within six months from the time that the licensee becomes aware of the alternative provider, or should have reasonably become aware of the alternative provider.
 2. Referrals to a facility owned by a university can occur from an employee who works at the university as long as no compensation for the referral occurs. **(Business and Professions code 650.02)**

5. Disciplinary Actions; Unlawful Practice; Ethical Conduct

a. Grounds for disciplinary action

- i. License required: Practitioners (physical therapists and assistants) must have a valid, unrestricted, unexpired, unrevoked license when performing any physical therapy practice for compensation. **(2630, 2630.3)**
 1. All licenses are issued and filed by the PTBC.
 - a. A license can be denied if the board determines that improper handling of examination information occurs.
- ii. Physical Therapist Assistants: **(2630.3)**
 1. Are to be under the supervision of a licensed physical therapist.
 2. **CANNOT** perform evaluations or prepare discharge summaries for patients.
 3. Supervising physical therapist is responsible for the type, quality, amount, and documentation of all physical therapy services rendered by the assistant.
 4. Physical therapy licensed applicants **CANNOT** independently supervise a physical therapist assistant.
- iii. Cheating - Subversion of Licensing exam **(2660.7, 123)**
 1. It is a misdemeanor for anyone attempting to or successfully subverting or undermining the integrity of a physical therapy exam. See examples below (the following does not represent a complete list):
 - a. sharing information that was on the examination,
 - b. Copying answers,
 - c. Allowing your answers to be copied, and
 - d. Using professional examination-takers.
 2. The board can disqualify the applicant from taking an exam, deny the application for licensure, or revoke license of the licensee. **(2660.7)**
 3. The parties involved are liable for the cost of the damages sustained by entities administering the exam not to exceed \$10,000 plus litigation fees.
- iv. Suspension, Revocation and Reinstatement of License
 1. Disciplinary Action: For unprofessional conduct a license can receive a citation, denial, or be on probation as well as suspended (for not more than 12 months) if one or a combination of the following occurs (the following does not represent a complete list): **(2660, 1399.24)**
 - a. Advertising violation (See Section 17, "Advertising/False Advertising" below),
 - b. Fraudulent license,
 - c. Aid in or procuring criminal abortion,
 - d. Conviction of crime relating to physical therapy even if pleading nolo contendere (plea of not contest), **(2661)**
 - e. Habitual intemperance,

- f. Addiction to habit-forming drug,
 - g. Gross negligence in physical therapy practice,
 - h. Conviction of a violation of Practice Act or Medical Practice Act,
 - i. Aiding or abetting someone to violate this act or perform unlawful physical therapy,
 - j. Failure to protect a patient's privacy (unless for good cause),
 - k. Failure to follow infection control guidelines (except for good cause),
 - l. Commission of verbal abuse or sexual harassment,
 - m. Charging a fee for services not performed,
 - n. Taking longer than 15 days to provide documents legally requested by the board, or
 - o. Practicing without a physical therapy license where licensure is required. **(1399.28)**
- 2. Any licensed physical therapist guilty of unprofessional conduct can be liable for the costs of the investigation and prosecution associated with the disciplinary action. **(2661.5)**
 - 3. **Sexual Activity:** The patient or client is **NOT** able to give free, full, or informed consent to any sexual activity. **(2660.1, 726)**
 - a. If a physical therapist is charged as a registered sex offender, his/her license will be immediately revoked without potential for reissue.
 - 4. A licensee's license can be suspended if the licensee is not in compliance with a child support order. **(490.5, Family code 17520)**
 - 5. Automatic suspension of license shall occur for a licensee convicted of fraud related to worker's compensation or medical. **(810)**
 - a. Fraud constitutes unprofessional conduct and is served with suspension and/or revocation of license.
- v. Patient referrals:
 - 1. It is unlawful to receive a rebate in any form for a patient referral.
 - a. Misdemeanor with up to 6 months imprisonment and/or up to \$2500 fine. **(650 and 652)**
 - 2. Repeated excessive prescription of treatment is guilty of a misdemeanor which carries a fine up to \$600 and or imprisonment up to 180 days. **(725)**
- b. **Disciplinary violation action and proceedings:**
 - i. Board can investigate each applicant to determine if the requirements for licensure have been met. **(2634)**
 - ii. License reinstatement: **(2661.7)**

1. When evaluating the rehabilitation of an applicant the board will consider the following: **(1399.21)**
 - a. Nature and severity of the act(s) under consideration;
 - b. Evidence of any of the act(s);
 - c. Elapsed time since the act(s);
 - d. Extent to which applicant has complied with probation, restitution or any sanctions imposed against them; and
 - e. Evidence of rehabilitation submitted by the applicant.
 2. A person who has had his/her license revoked or suspended may petition the PTBC for reinstatement after a period of not less than the following minimum periods: **(2661.7)**
 - a. Three years for unprofessional conduct.
 - i. Can be reduced to two years at the discretion of the board.
 - b. Two years for early termination
 - c. One year for modification of a probation sentence of three years or more.
 - d. One year for modification of a mental or physical condition or reinstatement of a license that was initially revoked for a mental or physical illness or on probation for a period of less than three years.
 3. No petition is considered while a practitioner is under sentence for any criminal offense.
 4. Each petition must have at least two recommendations by physical therapists who know the individual and are aware of the disciplinary actions that the licensee has received. **(2661.7)**
 5. A license may be issued on a probationary basis and require adherence to abstention from substances that were previously abused as well as psychiatric or medical evaluation. **(2660.2)**
 - a. The board shall establish a probation monitoring with funds present in the Physical Therapy Fund. **(2661.6)**
 - b. The executive officer of the board issues the probationary licenses. **(1399.16)**
 6. If a letter of reprimand is issued, then the licensee has 15 days to accept or refute. **(2660.4, 1399.24)**
 7. Expedited licensure reinstatement can occur for licensees who were honorably discharged from the military as well as licensees who are military spouses.
- iii. Issuance of Public Letter of Reprimand: **(2660.3)**
1. Instead of filing or prosecuting a formal accusation the board may, upon agreement by the licensee, issue a public letter of reprimand.

- a. May include requirements for training or education and cost recovery for the investigation.
 - b. Board will notify the licensee 30 days prior to the intended issuance of the letter.
 - c. Licensee must indicate in writing at least 15 days prior to the intended issuance date whether or not they agree to issuance of the letter.
- iv. Board shall deny any physical therapist or assistant license to an applicant who is required to register as a sex offender. **(2660.5)**
- v. Licensee whose matter has been heard by Medical Quality Hearing Panel may:
 1. Have the license revoked or surrendered upon order of the board.
 2. Have their right to practice suspended (not to exceed one year).
 3. Be placed on probation and required to pay probation monitoring costs.
 4. Be publicly reprimanded by the board.
 5. Have other action taken in relation to discipline as part of an order of probation.
- vi. Substance abuse rehabilitation program (Diversion program)
 1. Intent of the Legislature for the board is to rehabilitate physical therapists and assistants with impaired competency due to substance abuse in order to return to the practice of physical therapy. **(2662)**
 2. Board is to establish and administer a substance abuse rehabilitation program. **(2663)**
 3. PTBC establishes a rehabilitation evaluation committee that has three members.
 - a. It can consist of members who have been free from substance abuse for three years prior to appointment on the committee. **(2664)**
 - b. The members serve for a term of four years.
 - c. This committee determines if safe return to practice can occur as well as what treatment facilities should be used for the program for participants. **(2665)**
 - i. The committee also decides what facility the licensee will attend for rehabilitation.
 4. Program acceptance criteria: **(2666)**
 - a. **VOLUNTARY** admission by clinician.
 - i. Must be present initially unless the program is assigned as a result of a disciplinary action. If it is not assigned and the individual has not volunteered a forceful participation is not allowed.

- b. Use of dangerous substances that impacts the ability to deliver care safely to patients.
 - c. Applicant's agreement to medical and/or psychiatric evaluation as well as release of medical information and liability.
 - d. Agreement in writing by the applicant to participate in the program.
 - e. Participation fee is covered by participants. **(2668)**
 - 5. Participation is **NOT** a defense to any disciplinary action that the PTBC may administer. **(2669)**
 - 6. Record of participation in substance abuse rehabilitation is confidential. **(2667)**
 - 7. Termination of the program criteria:
 - a. Completion of the program.
 - b. Participants do not comply with any of the criteria listed above in the program acceptance criteria.
 - c. If it is determined by the committee that the participant has not benefited from participation in the program.
 - d. If participation in the program is to the detriment of the safety of the public.
 - i. If termination occurs for anything other than completion, then the PTBC executive officer further investigates and, if necessary, proceeds with disciplinary action.
 - vii. Any person who holds himself/herself as a physical therapist assistant without appropriate licensing by the PTBC is guilty of a misdemeanor. This can be with a up to a \$1000 fine and/or imprisonment for up to 6 months. **(2670)**
 - viii. Citations: **(1399.25)**
 - 1. Can be administered for violations of the Physical Therapy Practice Act as well as a regulation or statute adopted by the board.
 - 2. It will be five years before a citation is wiped from the individual's record. If multiple citations occur within a five year window, all citations remain until the most recent citation has been present for five years.
 - 3. Administrative fines:
 - a. Typically not less than \$100, no more than \$2,500: Amount is based on good/bad faith of cited person, nature/severity of violation, history of similar violations, intent of cooperation with board, attempts of the cited individual to minimize damages from violation.

- b. May increase up to \$5,000 if the board determines at least one of the following circumstances apply:
 - i. Involves present/immediate threat to health and safety of another person.
 - ii. Multiple violations or willful disregard of the law.
 - iii. Violations perpetrated against a senior citizen or disabled person.
 - iv. History of two or more prior citations for the same or similar violations.
- 4. Disputing citation: **(1399.29)**
 - a. Formal meeting to be held within 30 days of being notified of the citation.
 - i. Within 10 days of receipt, cited individuals can ask for an informal conference with the board's executive officer to discuss charges.
 - b. If an informal conference does not dismiss the charges, then a formal hearing 30 days from the date of the informal conference will occur.
 - c. Order of abatement (cease and desist aka stop/modify what you are doing): **(1399.27)**
 - i. If unable to complete correction within the time frame, the cited individual may request, in writing, an extension within the time set forth for abatement.
 - d. If an order of abatement (removal of a problem) cannot be completed in the timeline specified then an extension can be requested of the executive officer of the board.
(1399.27)
 - i. Failure to comply with an order will result in disciplinary action.
- c. **Reporting (11160, 11165.9, 11166 Penal code)**
 - i. Mandated reporters: A person who has regular contact with vulnerable individuals is legally required to report when abuse is observed or suspected.
 - 1. Physical therapists are mandated reporters in the state of California for areas such as: Self-harm, injury from firearm, elder abuse, child abuse and spousal abuse.
 - a. Neglect is a form of abuse.

- b. What is needed is a reasonable suspicion to report an incident of abuse or neglect. Certainty is not required.
 2. Licensed physical therapists **MUST** make an initial report by **telephone immediately** or as soon as possible AND fax or send/transmit a written follow-up report within two working days for an injury and 36 hours for suspected child abuse upon receiving the information concerning the event.
 - a. Telephone calls can be to local authorities, such as police or agencies such as child protective services.
 - b. Written follow-up shall be on a form adopted by the office of emergency services or an organization similar in nature to meet requirements for injuries, and/or by the department of justice for abuse.
 - i. Written follow-up still needs to occur even if the person who suffered the injury or abuse is deceased.
 - ii. The type of form is important so as to make it clearly identifiable from other forms in order for quicker action to be taken.
 3. **Multiple reporters:** When two or more reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement; and a single report may be made and signed by the selected member of the reporting team.
 - a. Any member who has knowledge that the designated reporter of the group has failed to do so shall thereafter make the reports.
 4. Report should include:
 - a. Name of victim,
 - b. Location of victim,
 - c. Character/extent of injury, and
 - d. Identity of alleged abuser.
 5. Mandated reporters have immunity, and their identity is confidential.
 6. Failure to report is a **MISDEMEANOR**.
 - a. Can have up to six months confinement in a county jail and/or
 - b. Fine of \$1,000.00
- ii. **Violations:** Failure to report to the board the following within 30 days for any of the following is considered unprofessional conduct: **(1399.24)**
 1. Bringing of an indictment or information charging a felony against a licensee,

2. Arrest of a licensee,
3. Conviction of a licensee,
4. Any disciplinary action taken by another licensing entity, and
5. Any report required to be made pursuant to Business and Professions Code section 802.

6. Consumer Advocacy

a. Advertising and Solicitation Practices

i. Advertising/False Advertising (1398.10, 651)

1. **DO** (any advertising by a licensed physical therapist **MAY** include):
(1) Name of the practitioner (2) Addresses and telephone numbers of the offices maintained by the practitioners (3) Statement of languages other than English fluently spoken in office by personnel/physical therapists (4) Statement of office hours regularly maintained by the practitioner (5) Statement that the practitioner is certified by a private or public board or agency or statement that the practitioner limits his/her practice to specific fields.
2. **DO NOT** (false advertising examples): (1) Using a model or before/after pictures without stating in a prominent location that the image is a model and what specific procedures were performed during/before/after timeframe (2) Fees: Price advertisement shall be exact without the phrases of "as low as", "and up to", "lowest prices", etc. (3) Make a claim of professional superiority without substantiating claim with objective scientific evidence (4) Make a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies (5) Give anything of value to a member of the press in return for positive professional publicity, unless the compensation is made publicly known.

- a. Any licensed individual violating these rules is guilty of a misdemeanor.

ii. Name tags shall have 18 point font (1398.11, 1398.37)

1. Must write out title of employee
 - a. Example: "Physical therapist assistant student" (1398.52)

iii. Requirement of notice to consumers (NTC): (1398.15)

1. A practicing physical therapist shall provide form NTC 12-01.
 - a. Can be given directly to the patient or prominently posted.
 - i. If given then it needs to be signed and dated by either the patient or their representative and stored in the patient's medical records.
 - b. This form informs the consumers on:
 - i. Treatment expectations,

- ii. Patient rights,
- iii. How to file a complaint, and
- iv. How to verify a license.

7. Important Numbers

- a. Change of address/residence: Must report a new address to the board within **30 days**. Failure to do so results in a citation and fine. **(1398.6, 136)**
 - i. Changes of email address must also be reported within **30 days**. **(1398.6)**
- b. Change of name: Must report the new name to the board within **30 days**. Failure to do so results in a citation and fine. **(1398.6)**
- c. Name tags of all personnel performing patient-related tasks must have at least size **18-point font**. **(680, 1398.11, 1398.37, 1398.52)**
- d. An application for licensure shall be denied when an applicant fails to pass the examination within **one year** from the date of the original notice to appear for the examination. A new application has to be submitted. **(1398.21.1)**
- e. The board has **30 days** from submission of an application for licensure to inform an applicant if the application is complete or deficient and, if deficient, what specific information is required. The board has **60 total days** after completion of the application to report a decision for approving an applicant.
- f. The earliest date an applicant can re-apply for a license after being revoked due to conviction of a felony shall be **one year** from the effective date of the decision.
- g. The physical therapy license application fee is **\$300**. The initial license fee is **\$150**. The fee to renew a license is **\$300**. **(2688)**
- h. The physical therapist assistant initial license and application fee is **\$300**. The fee to renew a license is **\$300**. **(2688)**
- i. A delinquency fee for late renewal is **\$150**; a duplicate wall certificate shall be **\$50**

SAMPLE QUESTIONS:

(Answers and rationale on following pages)

1. A licensee completed a continuing education course in 2018. What is the earliest year that the record of attendance can be discarded?

- A. 2020
- B. 2021
- C. 2022
- D. 2023

2. Which of the following statements with regards to physical therapist license applicant status is true?

- A. Attainment of the status occurs prior to clinical experiences following completion of didactic coursework
 - B. Following graduation from an accredited program the status can be maintained for 90 days
 - C. A supervising physical therapist shall keep a letter verifying the status of an applicant during clinical practice
 - D. The status is to be used for a duration of six months following renewal of an expired license
3. Which of the following statements is true regarding a physical therapist who is going to be in a drug diversion program?
- A. Record of participation in the program is to be given to any future employer
 - B. Denial of a psychiatric evaluation can occur as long as consent is given to undergo a medical evaluation
 - C. Completion of the program will lessen the disciplinary actions that the board will take for the offense
 - D. The participant shall be responsible for the fee associated with the program

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(Answers and rationale on following pages)

ANSWERS AND RATIONALE:

1. A licensee completed a continuing education course in 2025. What is the earliest year that the record of attendance can be discarded?
- A. 2027
 - B. 2028
 - C. 2029
 - D. **2030**

CORRECT ANSWER: D

A licensee is to maintain a record of a completed continuing education course for a duration of no less than five years from the date of completion.

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2. Which of the following statements with regards to physical therapist license applicant status is true?

- A. Attainment of the status occurs prior to clinical experiences following completion of didactic coursework
- B. Following graduation from an accredited program the status can be maintained for 90 days
- C. **A supervising physical therapist shall keep a letter verifying the status of an applicant during clinical practice**
- D. The status is to be used for a duration of six months following renewal of an expired license

CORRECT ANSWER: C

When a recent graduate is practicing under the status of physical therapist license applicant a written record of the status should be kept by the supervising physical therapist. The information should also include the expiration date of the applicant status.

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INCORRECT ANSWERS:

A. The physical therapist license applicant status is obtained following completion of an accredited physical therapy program. This includes completing the didactic and clinical coursework.

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B. The status can be maintained for a duration of 120 days pending the results of the first National Physical Therapy Exam administered.

Law reference guide page 36

D. Renewal of an expired license will result in the individual receiving the status of physical therapist. The physical therapist license applicant status is only granted in two scenarios. One is following graduation from an accredited national program. The other is following completion of the National Physical Therapy Exam for a graduate from a foreign school who is seeking licensure in California and is fulfilling the clinical rotation requirement.

Law reference guide page 36 and 40

3. Which of the following statements is true regarding a physical therapist who is going to be in a drug diversion program?

- A. Records of participation in the program is to be given to any future employer

- B. Denial of a psychiatric evaluation can occur as long as consent is given to undergo a medical evaluation
- C. Completion of the program will lessen the disciplinary actions that the board will take for the offense
- D. **The participant shall be responsible for the fee associated with the program**

CORRECT ANSWER: D

A diversion program is typically voluntary and therefore the participant bears the cost and will pay the fee.

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INCORRECT ANSWERS:

A. Confidentiality of all records of participation in the program shall be granted. Therefore, it is not a requirement to provide records to a future supervisor.

Law reference guide page 49

B. In order to be accepted into a diversion program, agreement is to be given by the participant to undergo all medical and/or psychiatric evaluations deemed necessary.

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C) Participation in a diversion program is not a defense to any disciplinary action that may be taken by the board.

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