NOTE: The language contained in this reference guide is thought to be accurate as of March 1, 2006. The questions that will appear on the examination are based on the text of the sections as they appear in this brochure. Full copies of the laws and regulations may be obtained from law libraries and bookstores.
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THE PHYSICAL THERAPY ACT

BUSINESS AND PROFESSIONS CODE SECTIONS 2600 - 2696
CHAPTER 5.7, PHYSICAL THERAPY
Article 1. Administration

2600. Citation of Chapter
This chapter may be cited as the Physical Therapy Practice Act.

2601. “Board” Defined
"Board" as used in this chapter means the Physical Therapy Board of California.

2602. Physical Therapy Board of California
The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

2603. Composition
The members of the board consist of the following: one physical therapist involved in the education of physical therapists, three physical therapists who shall have practiced physical therapy for five years and shall be licensed by the board, and three public members who shall not be licentiates of the board or of any other board under the Medical Board of California or of any board referred to in Sections 1000 and 3600.

2604. Terms; Removal of Members
The members of the board shall be appointed for a term of four years, expiring on the first day of June of each year.

The Governor shall appoint one of the public members and the four physical therapist members of the board qualified as provided in Section 2603. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

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

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

2604.5. Public Members: Qualifications
The public members shall be appointed from persons having all of the following qualifications:
(a) Be a citizen of California.
(b) Shall not be an officer or faculty member of any college, school or institution engaged in physical therapy education.
(c) Shall not be a licentiate of the Medical Board of California or of any board under this division or of any board referred to in Sections 1000 and 3600.

2605. Examination of Applicants
It shall be the duty of the board to examine applicants for a license as provided by this chapter, at those places and times as shall be designated by the board in its discretion. It may employ physical therapists licensed pursuant to
this chapter to aid it in that examination. The examination shall reasonably test the applicant's knowledge of physical therapy in areas such as: anatomy, pathology, kinesiology, physiology, psychology, physics, electrotherapy, radiation therapy, hydrotherapy, massage, therapeutic exercise, physical therapy as applied to medicine, neurology, orthopedics, surgery, psychiatry, procedures of evaluation, testing, measuring, and technical procedures in the practice of physical therapy, consultation, and program planning.

2606. Compensation
Each member of the board shall receive a per diem and expenses as provided in Section 103.

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

The board may as necessary select and contract with physical therapy consultants who are licensed physical therapists to assist it in its programs on an intermittent basis. Notwithstanding any other provision of law, the board may contract with these consultants on a sole source basis. For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee.

2607.5. Executive Officer
The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

2608. Disciplinary Proceedings
The procedure in all matters and proceedings relating to the denial, suspension, or revocation of licenses under this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

2608.5. Inspections; Report
Each member of the board, or any licensed physical therapist appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility providing physical therapy care, treatment or services and the physical therapy staff thereof, with respect to the physical therapy care, treatment, services, or facilities provided therein, and may inspect physical therapy patient records with respect to the care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the board to any person other than a physical therapist and shall be subject to the restrictions against disclosure described in Section 2263.

2609. Suspensions and Revocation of Licenses
The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

2611. Meetings
The board shall hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place as the board may designate.
2612. Meeting Notice
Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

2613. Commissioner on Examination
The board may appoint qualified persons to give the whole or any portion of any examination as provided in this chapter, who shall be designated as a commissioner on examination. A commissioner on examination need not be a member of the board but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he or she were a member of the board.

2614. Hearings
(a) The board shall hear all matters, including but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Except as otherwise provided in this chapter, all hearings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If a contested case is heard by the board the hearing officer who presided at the hearing shall be present during the board's consideration of the case and, if requested, shall assist and advise the board.
(b) At the conclusion of the hearing, the board shall deny an application for, or suspend or revoke, or impose probation conditions upon, a license or approval.

2615. Regulations
The board shall from time to time adopt regulations that may be necessary to effectuate this chapter. In adopting regulations the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 2. General Provisions

2620. Physical Therapy Defined
(a) Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.
(b) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.

2620.3. Topical Medications
A physical therapist licensed pursuant to this chapter may apply topical medications as part of the practice of physical therapy as defined in Section 2620 if he or she complies with regulations duly adopted by the board pursuant to this section and the Administrative Procedure Act. The board shall adopt regulations implementing this section after meeting and conferring with the Medical Board of California and the California State Board of Pharmacy specifying those topical medications applicable to the practice of physical therapy and protocols for their use. Nothing in this section shall be construed to authorize a physical therapist to prescribe medications.

2620.5. Certification to Penetrate Tissues for the Purpose of Neuromuscular Evaluation – Standard Procedures
A physical therapist may, upon specified authorization of a physician and surgeon, perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of the practice of physical therapy, as defined in Section 2620, provided the physical therapist is certified by the board to perform the tissue penetration and

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evaluation and provided the physical therapist does not develop or make diagnostic or prognostic interpretations of the data obtained. Any physical therapist who develops or makes a diagnostic or prognostic interpretation of this data is in violation of the Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2), and may be subject to all of the sanctions and penalties set forth in that act.

The board, after meeting and conferring with the Division of Licensing of the Medical Board of California, shall do all of the following:
(a) Adopt standards and procedures for tissue penetration for the purpose of evaluating neuromuscular performance by certified physical therapists.
(b) Establish standards for physical therapists to perform tissue penetration for the purpose of evaluating neuromuscular performance.
(c) Certify physical therapists meeting standards established by the board pursuant to this section.

2620.7. Patient Records
(a) A physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record.
(b) A physical therapist shall document the care actually provided to a patient in the patient record.
(c) A physical therapist shall sign the patient record legibly.
(d) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.

2621. Limitations
Nothing in this chapter shall be construed as authorizing a physical therapist to practice medicine, surgery, or any other form of healing except as authorized by Section 2620.

2622. Definitions
"Physical therapist," or "physiotherapist," or "physical therapy technician" means a person who practices physical therapy. For all purposes of this chapter the term "physical therapy" and "physiotherapy" shall be deemed identical and interchangeable.

Article 3. Licensing Of Practitioners

2630. License Required - Exceptions
It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500).

A physical therapist licensed pursuant to this chapter may utilize the services of one aide engaged in patient-related tasks to assist the physical therapist in his or her practice of physical therapy. "Patient-related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the orders, direction, and immediate supervision of an aide by a physical therapist. The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as, and in proximity to, the location where the aide is performing patient-related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical therapist shall, at some point during the treatment day, provide direct service to the patient as treatment for the
patient's condition, or to further evaluate and monitor the patient's progress, and shall correspondingly document the patient's record.

The administration of massage, external baths, or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.

2632. Applications and Licenses

All licenses for the practice of physical therapy in this state shall be issued by the board, and all applications for the licenses shall be filed with the board. Excepting as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a "physical therapist licensed by the Physical Therapy Board of California."

Each application shall be accompanied by the application fee prescribed by Section 2688, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

2633. Use of “P.T.”

A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.,” "R.P.T.,” or "P.T.". The license as a physical therapist shall not authorize the use of the prefix "Dr.,” the word "doctor,” or any suffix or affix indicating or implying that the licensed person is a doctor or a physician or surgeon.

Notwithstanding this section, a licentiate of this chapter may use an initial or other suffix indicating possession of a specific academic degree earned at, and issued by, an institution accredited by the Western Association of Schools and Colleges or any accrediting agency recognized by the National Commission on Accrediting or the United States Department of Education which the board determines is equivalent, except that the initials "M.D." shall not be used unless the licentiate is licensed as a physician and surgeon in this state.

2634. Investigation of Applicants

The board may investigate each and every applicant for a license, before a license is issued, in order to determine whether or not the applicant has in fact the qualifications required by this chapter.

2635. Applicants’ Qualifications

Every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, not addicted to alcohol or any controlled substance, have successfully completed the education and training required by Section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

2636. Examination Required

Except as otherwise provided in this chapter, no person shall receive a license under this chapter without first successfully passing an examination given under the direction of the board. The examination shall be in writing and shall be conducted by those persons and in the manner and under regulations as shall be prescribed by the board but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

Applicants for licensure as a physical therapist shall be required to demonstrate knowledge of the laws and regulations related to the practice of physical therapy in California. The examination shall reasonably test the applicant's knowledge of these laws and regulations.

2636.1. Uniform Examination

Examinations for a license as a physical therapist may be conducted by the board under a uniform examination system, and for that purpose the board may make any arrangements with organizations furnishing examination material as may in its discretion be desirable.
2636.5. Reciprocity Applicant

(a) An applicant may be issued a license without a written examination if he or she meets all of the following:
   (1) He or she is at the time of application licensed or registered as a physical therapist in a state, district, or territory of the United States having, in the opinion of the board, requirements for licensing or registration equal to or higher than those in California, and he or she has passed, to the satisfaction of the board, an examination for licensing or registration that is, in the opinion of the board, comparable to the examination used in this state.
   (2) He or she is a graduate of a physical therapist education program approved by the board, or has met the requirements of Section 2653.
   (3) He or she files an application as provided in Section 2632 and meets the requirements prescribed by Sections 2635 and 2650.

(b) An applicant for licensure under subdivision (a), whose application is based on a certificate issued by a physical therapy licensing authority of another state may be required to pass an oral examination given by the board and file a statement of past work activity.

(c) An applicant who has filed a physical therapy application under this section with the board for the first time may, between the date of receipt of notice that his or her application is on file and the date of receipt of his or her license, perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state. During this period the applicant shall identify himself or herself only as a "physical therapist license applicant."

If the applicant under this section does not qualify and receive a license as provided in this section and does not qualify under Section 2639 all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.

2637. Passing Grade

Every applicant who is otherwise qualified as provided in this chapter and who receives a passing grade as established by the board on the examination shall be granted a license.

2638. Failure to Pass

Any applicant for licensure as a physical therapist who fails to pass the examination required by the board may take another examination and shall pay the reexamination fee.

2639. Graduate Practice

Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist license applicant," perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state pending the results of the first licensing examination administered for which he or she is eligible following graduation from an approved physical therapist education program. During this period the applicant shall identify himself or herself only as a "physical therapist license applicant." If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board. If the applicant fails the licensing examination, or if he or she passes the examination but licensure is denied, the applicant shall be prohibited from performing as a physical therapist license applicant at any time in the future.

A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.

If the applicant fails to take the next succeeding examination without due cause or fails to pass the examination or receive a license, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.

2640. Computer Administered Testing/Physical Therapy License Applicant

(a) If the board uses computer administered testing for the administration of the licensing examination, this section shall apply and Section 2639 shall not apply.

(b) Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the board for the first time may, following receipt of a letter of authorization to take the licensing examination and perform as a "physical therapist license applicant," perform as a physical therapist under the direct
and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first licensing examination administered. During this period, the applicant shall identify himself or herself only as a "physical therapist license applicant." If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board.

(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.

(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive a license, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist license applicant.

Article 4. Educational Standards

2650. Educational Requirements

(a) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist shall be a graduate of a professional degree program of an accredited postsecondary institution or institutions approved by the board, and shall have completed a professional education including academic coursework and clinical internship in physical therapy.

(b) As referenced in the evaluative criteria of the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association, the curriculum shall consist of a combination of didactic, clinical, and research experiences in physical therapy using critical thinking and weighing of evidence, and shall include, at a minimum, all of the following:

1. The sciences basic to physical therapy including biomedical, physical, physiological, neurobiological, anatomical, social and behavioral sciences.
2. Clinical sciences including laboratory or other practical experiences involving quantitative and qualitative evaluation within the scope of physical therapy practice including kinesiology, neuroscience, pathology, human development, and gerontology.
3. Treatment that constitutes the practice of physical therapy.
4. Learning experiences provided in the areas of administration, education, and consultation.
5. Research methods including the review and critical analysis of research reports.
6. Ethical, legal, and economical concepts of physical therapy practice.
(c) Each applicant shall have at least 18 weeks of full-time clinical experience with a variety of patients.

2650.1. Physical Therapy Student

During the period of clinical practice referred to in Section 2650 or in any similar period of observation or related educational experience involving recipients of physical therapy, a person so engaged shall be identified only as a "physical therapy student," or as a "physical therapy intern" as authorized by the board in its regulations.

2650.2. Authorization for Performance of Physical Therapy Students

Nothing in this chapter shall be construed to prevent a regularly matriculated student undertaking a course of professional instruction in an approved physical therapist education program or a student enrolled in a program of supervised clinical training under the direction of an approved physical therapist education program pursuant to Section 2651, from performing physical therapy as a part of his or her course of study.

2651. Approved Schools

The board may approve only those physical therapist education programs that prove to the satisfaction of the board that they comply with the minimum physical therapy educational requirements set forth in this chapter and adopted by the board pursuant to this chapter. Physical therapist education programs that are accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association shall be deemed approved by the board unless the board determines otherwise.
2652. Schools: Approval Denied
All physical therapist education programs, whether situated in this state or not, furnishing courses of study meeting the standards required by Sections 2650 and 2651 and the regulations of the board adopted pursuant to this chapter shall be approved by the board and shall be entitled to compel this approval, if it is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2087.

2653. Applicants From Foreign Schools
(a) An applicant for a license as a physical therapist who was issued a diploma by a physical therapist education program that is not an approved program and is not located in the United States shall meet all of the following requirements in order to be licensed as a physical therapist:

(1) Furnish documentary evidence satisfactory to the board, that he or she has completed the equivalent professional degree to that issued by a United States accredited physical therapist education program in a physical therapist education program that entitles the applicant to practice as a physical therapist in the country where the diploma was issued. The physical therapy education received by the applicant shall meet the criteria set forth in subdivisions (b) and (c) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.

(2) Pass the written examination required by Section 2636. The requirements to pass the written examination shall not apply to an applicant who at the time of application has passed, to the satisfaction of the board, an examination for licensure in another state, district, or territory of the United States, that is, in the opinion of the board, comparable to the examination given in this state.

(3) Complete a period of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the board, in a manner satisfactory to the board. The applicant shall have passed the written examination required in subdivision (b) prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant."

(4) An applicant for licensure under this subdivision, whose application is based on a certificate issued by a physical therapist licensing authority of another state, may be required to pass an oral examination given by the board, and to file a statement of past work activity.

(b) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapist education program or from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required by this chapter. If the applicant does not qualify to take the physical therapist examination, his or her education may be evaluated and the applicant may be eligible to take the physical therapist assistant examination.

Article 4.5. Physical Therapist Assistant

2655. Definitions
As used in this article:
(a) "Physical therapist" means a physical therapist licensed by the board.
(b) "Physical therapist assistant" means a person who meets the qualifications stated in Section 2655.3 and who is approved by the board to assist in the provision of physical therapy under the supervision of a physical therapist who shall be responsible for the extent, kind, and quality of the services provided by the physical therapist assistant.
(c) "Physical therapist assistant" and "physical therapy assistant" shall be deemed identical and interchangeable.

2655.1. Regulations
The board shall adopt regulations that set forth standards and requirements for the adequate supervision of physical therapist assistants.
2655.11. Use of “P.T.A.”
A person holding an approval as a physical therapist assistant issued by the board may use the title "physical therapist assistant" or "physical therapy assistant" or the letters "P.T.A." or any other words, letters, or figures that indicate that the person is an approved physical therapist assistant. No other person shall be so designated or shall use the term "physical therapist assistant" or "P.T.A." The approval as a physical therapist assistant shall not authorize the use of the prefix "L.P.T.," "R.P.T.," "P.T.,” or "Dr." or the title "physical therapist," "doctor," or any suffix or affix indicating or implying that the physical therapist assistant is a physical therapist or a doctor.

2655.2. Number of Assistants Supervised
A physical therapist shall not supervise more physical therapist assistants at any one time than in the opinion of the board can be adequately supervised. Two physical therapist assistants shall be the maximum number of physical therapist assistants supervised by a physical therapist at any one time, but the board may permit the supervision of a greater number by a physical therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case, however, shall the total number of physical therapist assistants exceed twice the number of physical therapists regularly employed by a facility at any one time.

2655.3. Qualifications
A person seeking approval as a physical therapist assistant shall make application to the board for that approval. Every person applying for approval as a physical therapist assistant shall have all of the following qualifications:

(a) Have graduated from a physical therapist assistant education program approved by the board pursuant to Section 2655.9, or have training or experience or a combination of training and experience which in the opinion of the board is equivalent to that obtained in an approved physical therapist assistant education program.

(b) Successfully pass the examination required under this article.

(c) Not be addicted to alcohol or any controlled substance.

(d) Not have committed acts or crimes constituting grounds for denial of approval under Section 480.

2655.4. Examination
Except as otherwise provided in this chapter, no person shall receive approval as a physical therapist assistant without first successfully passing an examination given under the direction of the board. The examination shall be in writing and shall be conducted by those persons and in the manner and under regulations as shall be prescribed by the board, but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

Applicants for approval as a physical therapist assistant shall be required to demonstrate knowledge of the laws and regulations related to the practice of physical therapy in California by successfully passing an examination that reasonably tests the applicant's knowledge of these laws and regulations.

2655.5. Passing Grade
Every applicant for approval as a physical therapist assistant who is otherwise qualified as provided in this chapter, and who receives a passing grade, as established by the board, on the examination shall be issued a certificate of approval.

2655.6. Reexamination
Any applicant for approval as a physical therapist assistant who fails to pass the examination given by the board may take another examination and shall pay the reexamination fee.

2655.7. Practice Authorized
Notwithstanding Section 2630, a physical therapist assistant may assist in the provision of physical therapy service provided the assistance is rendered under the supervision of a physical therapist licensed by the board.

2655.71. Alternative Requirements
(a) An applicant may be issued an approval as a physical therapist assistant without written examination if he or she meets all of the following requirements:

Updated March 2006
(1) He or she is at the time of application approved, licensed, or registered as a physical therapist assistant in a state, district, or territory of the United States having, in the opinion of the board, requirements for approval, licensing, or registration equal to or higher than those in California, and he or she has passed, to the satisfaction of the board, an examination for that approval, licensing or registration that is, in the opinion of the board, comparable to the examination used in this state.

(2) He or she is a graduate of a physical therapist assistant education program approved by the board or has graduated from a program determined by the board to be equivalent, or as meeting the evaluative criteria for accreditation by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

(3) He or she files an application as provided in Section 2655.3.

(b) An applicant who has filed a physical therapist assistant application for the first time may assist in the provision of physical therapy in accordance with Section 2655.91.

2655.75. Authorization for Assistance in Physical Therapy by Student

Nothing in this chapter shall be construed to prevent a regularly matriculated student undertaking a course of instruction in an approved physical therapist assistant education program or a student enrolled in a program of supervised clinical training under the direction of an approved physical therapist assistant education program pursuant to Section 2655.9, as part of his or her course of study, from performing physical therapy techniques in preparing the student to be approved to assist a physical therapist in his or her practice of physical therapy.

2655.8. Violation a Misdemeanor

Any person, other than one who has been approved by the board, who holds himself or herself out as a "physical therapist assistant" or who uses any other term indicating or implying that he or she is a physical therapist assistant, is guilty of a misdemeanor.

2655.9. Approved Programs

(a) The board shall approve each physical therapist assistant education program that proves to the satisfaction of the board that it complies with criteria for approval of those programs set forth in this section and established by the board. These criteria may be based upon the standards and curriculum guidelines for a physical therapist assistant education program as promulgated by the American Physical Therapy Association or an essentially equivalent organization.

(b) Except as otherwise provided in this chapter, each applicant for approval as a physical therapist assistant shall be a graduate of an accredited postsecondary institution or institutions and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded the associate degree.

(c) The curriculum shall consist of a combination of basic sciences, applied clinical sciences, and progressive application through clinical experience. The curriculum shall reflect education in the skills and judgment required of the physical therapist assistant in the contemporary performance of physical therapy through an organized sequence of integrated learning experiences.

(1) The basic sciences shall include, at a minimum, human anatomy and physiology, physical or health sciences, and social or behavioral sciences.

(2) The applied clinical sciences shall include neurology, normal and pathological kinesiology, normal and abnormal growth and development, gerontology, orthopedic disorders, and fundamentals of physical therapy including the economic, legal, and ethical aspects of practice. Clinical studies shall also provide laboratory experiences in simulated patient treatment including the observation, measurement, and reporting of a patient's physiologic state and effectiveness of the treatment relative to the goals established by the physical therapist's evaluation.

(3) The clinical experience shall include physical therapy treatments of patients of varying ages, disabilities, and diseases. This experience shall occur in a variety of practice settings allowing for interaction with health care professionals. Clinical experience shall include daily written and verbal communication with the supervising physical therapist to report each patient's treatment program relative to the treatment goals and to discuss adjustments in the treatment program and discharge plan.
2655.91. Graduate Practice
Every graduate of an approved physical therapist assistant education program who has filed a complete physical therapist assistant application with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist assistant applicant" from the board, assist in the provision of physical therapy under the direct and immediate supervision of a licensed physical therapist pending the results of the first examination administered for which he or she is eligible following graduation from an approved physical therapist assistant education program. If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the board. If the applicant fails the examination, or if he or she passes the examination but approval is denied, the applicant shall be prohibited from performing as a physical therapist assistant applicant at any time in the future.

During this period the applicant shall identify himself or herself only as a "physical therapist assistant applicant."

If a person assisting in the provision of physical therapy pursuant to this section fails to take the next succeeding examination without due cause or fails to pass the examination or receive approval, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist assistant applicant.

A student is not eligible to work as a physical therapist assistant applicant until successful completion of the clinical experience required for graduation from the program.

2655.92. Regulations
The board may adopt regulations as reasonably necessary to carry out the purposes of this article. The board shall adopt a regulation formulating a definition of the term "adequate supervision" as used in this article.

2655.93. Physical Therapist Assistant Applicant
(a) If the committee uses computer administered testing for the administration of the examination, this section shall apply and Section 2655.91 shall not apply.

(b) Every graduate of an approved physical therapist assistant education program who has filed a complete application with the committee for the first time, may, following receipt of a letter of authorization to take the examination and perform as a "physical therapist assistant applicant," assist in the provision of physical therapy under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first examination administered. During this period, the applicant shall identify himself or herself only as a "physical therapist assistant applicant." If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the committee.

(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.

(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive approval, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist assistant applicant.

Article 5. Suspension, Revocation And Reinstatement Of License

2660. Disciplinary Action
The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(a) Advertising in violation of Section 17500.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.
(f) Habitual intemperance.
(g) Addiction to the excessive use of any habit-forming drug.
(h) Gross negligence in his or her practice as a physical therapist or physical therapy assistant.
(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.
(j) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.
(k) The aiding or abetting of any person to engage in the unlawful practice of physical therapy.
(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.
(m) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Board of Dental Examiners of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency in the implementation of this subdivision.
    The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.
(n) The commission of verbal abuse or sexual harassment.

2660.1. Sexual Activity
A patient, client, or customer of a licentiate under this chapter is conclusively presumed to be incapable of giving free, full, and informed consent to any sexual activity which is a violation of Section 726.

2660.2. Issuance of Probationary License to Applicants
(a) The board may refuse a license to any applicant guilty of unprofessional conduct or sexual activity referred to in Section 2660.1. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:
    (1) Medical or psychiatric evaluation.
    (2) Continuing medical or psychiatric treatment.
    (3) Restriction of the type or circumstances of practice.
    (4) Continuing participation in a board-approved rehabilitation program.
    (5) Abstention from the use of alcohol or drugs.
    (6) Random fluid testing for alcohol or drugs.
    (7) Compliance with laws and regulations governing the practice of physical therapy.
(b) The applicant shall have the right to appeal the denial, or the issuance with terms and conditions, of any license in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

2661. Conviction of a Crime
A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may
decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

2661.5. Recovery of Investigation and Prosecution Costs
(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.
(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.
(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.
(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.
(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.
   (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.
(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

2661.6. Probation Monitoring Program
(a) The board shall establish a probation monitoring program to monitor probationary licenses.
(b) The program may employ nonpeace officer staff to perform its probation monitoring.
(c) The program shall be funded with moneys in the Physical Therapy Fund.

2661.7. License Reinstatement
(a) A person whose license or approval has been revoked or suspended, or who has been placed on probation, may petition the Physical Therapy Board of California for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:
   (1) At least three years for reinstatement of a license or approval revoked for unprofessional conduct, except that the board may, for good cause shown, specify in a revocation order that a petition for reinstatement may be filed after two years.
   (2) At least two years for early termination of probation of three years or more.
   (3) At least one year for modification of a condition, or reinstatement of a license or approval revoked for mental or physical illness, or termination of probation of less than three years.
   (b) The petition shall state any facts as may be required by the board. The petition shall be accompanied by at least two verified recommendations from physical therapists licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.
   (c) The petition may be heard by the board. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the committee that shall be acted upon in accordance with the Administrative Procedure Act.
   (d) The board or the administrative law judge hearing the petition, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, and the petitioner's rehabilitative efforts, general
reputation for truth, and professional ability. The hearing may be continued, as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

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

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

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

**Article 5.5 Diversion Program**

2662. Legislative Intent

It is the intent of the Legislature that the board shall seek ways and means to identify and rehabilitate physical therapists and physical therapist assistants whose competency is impaired due to abuse of dangerous drugs or alcohol so that they may be treated and returned to the practice of physical therapy in a manner which will not endanger the public health and safety.

2663. Diversion Evaluation Committee

The board shall establish and administer a diversion program for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. The board may contract with any other state agency or a private organization to perform its duties under this article. The board may establish one or more diversion evaluation committees to assist it in carrying out its duties under this article.

2664. Composition

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

(b) Appointments to a diversion evaluation committee shall be by the affirmative vote of a majority of members appointed to the board.

Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion, the board may stagger the terms of the initial members so appointed.

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

2665. Duties and Responsibilities

Each diversion evaluation committee has the following duties and responsibilities:

(a) The evaluation of physical therapists and physical therapist assistants who request participation in the program and the consideration of any recommendations from professional consultants on the admission of applicants to the diversion program.

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(b) The review and designation of treatment facilities to which physical therapists and physical therapist assistants in the diversion program may be referred.
(c) The receipt and review of information concerning physical therapists and physical therapist assistants participating in the program.
(d) Calling meetings as necessary to consider the requests of physical therapists and physical therapist assistants to participate in the diversion program, to consider reports regarding participants in the program, and to consider any other matters referred to it by the board.
(e) The consideration of whether each participant in the diversion program may with safety continue or resume the practice of physical therapy.
(f) Setting forth in writing a treatment program for each participant in the diversion program with requirements for supervision and surveillance.
(g) Holding a general meeting at least twice a year, which shall be open and public, to evaluate the diversion program's progress, to prepare reports to be submitted to the board, and to suggest proposals for changes in the diversion program.

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

2666. Criteria for Acceptance
(a) Criteria for acceptance into the diversion program shall include all of the following:
   (1) The applicant shall be licensed as a physical therapist or approved as a physical therapist assistant by the board and shall be a resident of California.
   (2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner which may affect his or her ability to practice physical therapy safely or competently.
   (3) The applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action.
   (4) The applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program.
   (5) The applicant shall cooperate with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program.
   (6) The applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her.

Any applicant may be denied participation in the program if the board, its designee, or a diversion evaluation committee, as the case may be, determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.

(b) A participant may be terminated from the program for any of the following reasons:
   (1) The participant has successfully completed the treatment program.
   (2) The participant has failed to comply with the treatment program designated for him or her.
   (3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).
   (4) It is determined that the participant has not substantially benefited from participation in the program or that his or her continued participation in the program creates too great a risk to the public health, safety, or welfare. Whenever an applicant is denied participation in the program or a participant is terminated from the program for any reason other than the successful completion of the program, and it is determined that the continued practice of physical therapy by that individual creates too great a risk to the public health, safety, and welfare, that fact shall be reported to the executive officer of the board and all documents and information pertaining to and supporting that conclusion shall be provided to the executive officer. The matter may be referred for investigation and disciplinary action by the board. Each physical therapist or physical therapy assistant who requests participation in a diversion program shall agree to cooperate with the recovery program designed for him or her. Any failure to comply with that program may result in termination of participation in the program.
The diversion evaluation committee shall inform each participant in the program of the procedures followed in the program, of the rights and responsibilities of a physical therapist or physical therapist assistant in the program, and the possible results of noncompliance with the program.

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

2667. Confidentiality of Records
All board and diversion evaluation committee records and records of proceedings and participation of a physical therapist or physical therapist assistant in a program shall be confidential and are not subject to discovery or subpoena.

2668. Participation Fee
(a) A fee not to exceed one hundred dollars ($100) may be charged for participation in the program.
(b) If the board contracts with any other entity to carry out this section, the executive officer of the board, or his or her designee, shall review the activities and performance of the contractor on a biennial basis. As part of this review, the board shall review files of participants in the program. However, the names of participants who entered the program voluntarily shall remain confidential, except when the review reveals misdiagnosis, case mismanagement, or noncompliance by the participant.

2669. Participation Not a Defense
Participation in a diversion program shall not be a defense to any disciplinary action which may be taken by the board. This section does not preclude the board from commencing disciplinary action against a physical therapist or physical therapist assistant who is terminated unsuccessfully from the program under this section.

That disciplinary action may not include as evidence any confidential information.

Article 6. Offenses And Enforcement

2670. Violations a Misdemeanor
Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment in a county jail not exceeding six months, or by both.

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

Article 7. Fiscal Administration

2680. Records
The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his or her last known place of residence, and the date and number of his or her license as a physical therapist. The board shall compile a list of physical therapists authorized to practice physical therapy in the state. Any interested person is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board which amount shall not exceed the cost of the list so furnished.

2681. Reports
Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made from persons licensed or seeking to be licensed under this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physical Therapy Fund.
2682. Fund
There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed or approved or seeking to be licensed or approved shall be paid by the board into the fund after reporting to the Controller at the beginning of each month the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

2683. Issuance, Expiration and Renewal of Licenses
Except as provided in Section 2684, the provisions of Article 19 (commencing with Section 2420) of Chapter 5 apply to the issuance and govern the expiration and renewal of licenses issued under this chapter.

2684. Expiration and Renewal of Licenses
(a) Notwithstanding Section 2422, any license or approval for the practice of physical therapy shall expire at 12 midnight on the last day of the birth month of the licensee or holder of the approval during the second year of a two-year term, if not renewed.
(b) To renew an unexpired license or approval, the licensee or the holder of the approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the prescribed renewal fee. The licensee shall disclose on his or her license renewal application any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.
(c) A license that has expired may be renewed within five years upon payment of all accrued and unpaid renewal fees.

2685. Notice to Licensee
At least 60 days before the expiration of any license or approval, the board shall mail to each licensee under this chapter, at the latest address furnished by the licensee to the executive officer, a notice stating the amount of the renewal fee and the date on which it is due, and that failure to pay it on or before the due date will result in expiration of the license.

2687. Fee, Fines and Forfeitures
All fees earned by the board and all fines and forfeitures of bail to which the board is entitled shall be reported at the beginning of each month, for the month preceding, to the State Controller. At the same time, the entire amount of these collections shall be paid into the State Treasury and shall be credited to the Physical Therapy Fund.
This fund shall be for the uses of the board and is continuously appropriated to the board to pay all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.

2688. Fee Schedule
The amount of fees provided in connection with licenses or approvals for the practice of physical therapy is as follows:
(a) The application fee for a physical therapist's license shall be established by the board at not more than seventy-five dollars ($75). The application fee for an applicant under Section 2653 shall be established by the committee at not more than one hundred twenty-five dollars ($125).
(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of, the examination, and grading of each written examination, plus the actual cost of administering each examination.
(c) The initial license fee for a physical therapist license shall be fixed by the examining board at not more than one hundred fifty dollars ($150).
(d) The renewal fee for a physical therapist license shall be fixed by the examining board at not more than one hundred fifty dollars ($150).
(e) A fee to be set by the board of not more than seventy-five dollars ($75) shall be charged for each application for approval as a physical therapist assistant.
(f) A fee to be set by the examining board of not more than one hundred fifty dollars ($150) shall be charged for the issuance of and for the renewal of each approval as a physical therapist assistant.
(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) The duplicate wall certificate fee shall not exceed twenty dollars ($20). The duplicate renewal receipt fee shall not exceed twenty dollars ($20).

(i) The endorsement or letter of good standing fee is thirty dollars ($30).

(j) The amount of any fee established by statute or by the board pursuant to statutory authority that is in effect when this section becomes operative on January 1, 1999, pursuant to subdivision (k), shall remain in effect after that operative date, unless the board establishes a fee amount that is less or greater than the previously established fee amount as permitted by law.

(k) This section shall become operative on January 1, 1999.

2688.5. Report to the Legislature
The board shall submit a report to the fiscal and appropriate policy committees of the legislature whenever the board increases any fee. The report shall specify the justification for the increase and the percentage of the fee increase to be used for enforcement purposes.

2689. Special Certification Fees
(a) The board may establish by regulation suitable application and renewal fees of not more than two hundred dollars ($200), for persons certified to perform electromyographical testing pursuant to Section 2620.5, based upon the cost of operating the certification program. The application fee shall be paid by the applicant at the time the application is filed and the renewal fee shall be paid as provided in Section 2683.

(b) The board shall charge an examination and reexamination fee of five hundred dollars ($500) to applicants who are examined and who have been found to otherwise meet the board's standards for certification.

Article 8. Physical Therapy Corporations

2690. Definition
A physical therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are physical therapists are in compliance with the Moscone-Knox Professional Corporation Act, this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a physical therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Physical Therapy Board of California.

2691. Unprofessional Conduct - Licensee
It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

2692. Unprofessional Conduct - Corporation
A physical therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation, now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a person holding a license under this chapter.

2693. Corporation Name
The name of a physical therapy corporation and any name or names under which it may render professional services shall contain the words "physical therapy" or "physical therapist", and wording or abbreviations denoting corporate existence.

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2694. Directors and Officers
Except as provided in Section 13403 of the Corporations Code, each shareholder, director and officer of a physical therapy corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

2695. Income
The income of a physical therapy corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder or his or her shares in the physical therapy corporation.

2696. Regulations
The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of a physical therapy corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time as the regulations may provide, and (b) that a physical therapy corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

CALIFORNIA CODE OF REGULATIONS TITLE 16, DIVISION 13.2
Physical Therapy Regulation Code Sections 1398 – 1399.85

1398. Citation.
This regulation may be cited and referred to as "Physical Therapy Regulations."
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code. History: (1.) Repealer of Subchapter 13.2 (Sections 1398-1399.73, not consecutive) and new Subchapter 13.2 (Sections 1398-1399.52, not consecutive) filed 5-20-77; Register 77, No. 21. (2.) Amendment of Note filed 4-16-79; Register 79 No. 16. (3.) Amendment filed 6-29-83; Register 83, No. 27. (4.) Change without regulatory effect amending division heading filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1398.1. Location of Office.
The principal office of the Physical Therapy Board of California is located at 1418 Howe Avenue, Suite 16, Sacramento, California, 95825-3204.
Note: Authority cited: Sections 2615, 2635.11, Business and Professions Code. Reference: Section 2602, Business and Professions Code. History: (1.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (2.) Amendment of section and Note filed 3-8-2000; Register 2000, No. 10.

1398.2. Tenses, Gender and Number
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615 Business and Professions Code. History: (1.) Repealer filed 6-29-83; Register 83, No. 27.

1398.3. Definitions.
Unless the context otherwise requires, for the purpose of the regulations contained in this chapter,
(a) "Board" means the Physical Therapy Board of California;
(b) "Code" means the Business and Professions Code;
(c) "The Physical Therapy Practice Act" consists of Chapter 5.7, of Division 2, of the Business and Professions Code;
(d) “License” as used in these regulations includes a license, or approval issued by the Board.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code. History: (1.) Amendment filed 6-29-83; Register 83, No. 27. (2.) Change without regulatory effect amending subsection (a), repealing subsection (b) and (c), and renumbering subsections filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment filed 12-19-2002; operative 1-18-2003; Register 2002, No. 51.

1398.4. Delegation of Functions.
Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board, or in his or her absence, the president of the board, or in his or her absence, the vice-president of the board,
all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2608 and 2614, Business and Professions Code; and Section 11500, Government Code. History: (1.) Amendment filed 6-29-83; Register 83, No. 27. (2.) Amendment filed 11-16-92; Register 92, No. 47. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) Amendment filed 3-8-2000, Register 2000, No. 10.

1398.5. Continuation of Existing Regulations.
Note: Authority cited: Section 2615, Business and Professions Code. History: (1.) Repealer filed 6-29-83; Register 83, No. 27.

1398.6. Filing of Addresses.
(a) Each licensee shall report to the board each and every change of residence address within 30 days after each change, giving both the old and new address. In addition to the address of residence, a licensee may provide the board with an alternate address of record. If an alternate address is the licensee's address of record, he or she may request that the residence address not be disclosed to the public.
(b) Each licensee shall report to the board each and every change of name within 30 days after each change, giving both the old and new names.
(c) For purposes of this section, "licensee" includes any holder of an active, delinquent, suspended or expired license, approval, certification or other authorization issued by the board to practice physical therapy or electromyography which is not canceled or revoked.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.12, 2683 and 2685, Business and Professions Code. History: (1.) Amendment of Note filed 4-16-79; Register 79, No. 16. (2.) Amendments filed 6-29-83; Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) Repealer and new section and amendment of Note filed 12-4-97; Register 97, No. 49.

1398.10. Advertising.
A physical therapist may advertise the provision of any services authorized to be provided by a physical therapy license. Such advertising shall be in a manner authorized by Section 651 of the Code so long as such advertising does not promote the excessive or unnecessary use of such services.

Note: Authority cited: Sections 651 and 2615, Business and Professions Code. Reference: Sections 651 and 2660, Business and Professions Code. History: (1.) New section filed 2-28-80, Register 80, No. 9. (2) Amendment filed 6-29-83, Register 83, No. 27.

1398.11. Physical Therapy Aide, Applicant, Student and Intern Identification.
Pursuant to Section 680 of the code, each supervising licensed physical therapist shall require all physical therapy aides, applicants, students and interns performing patient related tasks under his or her supervision to display while working his or her name and working title on a name tag in at least 18-point type.


Article 2. Applications And Examinations

1398.20. Place of Filing.
Completed applications for all licenses and certifications shall be filed in the office of the board in Sacramento.


1398.21. Abandonment of Applications.
An application shall be denied without prejudice when, in the discretion of the board, an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents requested in or in the payment of any required fees.

Note: Specific reference: Sections 2602, 2632, 2634, 2635, 2636, 2639 and 2655.75, Business and Professions Code. History: (1.) New section filed 3-20-78, Register 78, No. 12. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.
1398.21.1. Failure to Pass the Examination.
An application for licensure shall be deemed denied without prejudice when an applicant fails to pass the examination within one year from the date of the original notice to appear for the examination. To reapply, the applicant is then required to file a new application for licensure, to pay the application fee specified in Section 1399.50(a), 1399.50(b) or 1399.52(a) as applicable, and to comply with all laws and regulations in effect at the time of filing. In addition the applicant is required to apply for reexamination and to pay the applicable reexamination fee specified in Section 1399.50(c) or 1399.52(b).

1398.22. Failure to Appear for Examination—Withdrawal of Application.
Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2588, 2602, 2636, 2659 and 2655.4, Business and Professions Code. History: (1.) New section filed 3-20-78, Register 78, No. 12. (2.) Amendment filed 6-29-83, Register 83, No. 27. (3.) Repealer filed 3-8-2000; Register 2000, No. 10

1398.23. Failure to Pay Initial License Fee.
An application shall be deemed to have been abandoned and any examination taken not passed if an applicant fails to pay the initial license fee within five years after notification by the board. An applicant whose application has been deemed abandoned may again be eligible for licensure upon re-examination and the filing of an updated application with the current application fee.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.4 and 2688, Business and Professions Code. History: (1.) New section filed 3-20-78, Register 78, No. 12. (2.) Amendment filed 6-29-83, Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1398.24. Review of Physical Therapist Applications; Processing Time.
(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapist education program within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.
(b) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapist education program within 60 days after completion of the application, of its decision whether the applicant meets the requirements for examination. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.
(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from an approved physical therapist education program from the time of receipt of the initial application until the board makes a final decision on the application are:
(1) Minimum -46 days
(2) Median -88 days
(3) Maximum -365 days
These processing times apply to those applicants who take and pass the examination within 60 days of the date of the authorization to test.
Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code. History: (1.) Renumbering of former section 1398.24 to Section 1398.26 and new section 1398.24 filed 9-8-83, Register 83, No. 37. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment filed 3-8-2000, Register 2000, No. 10.

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:
(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.
(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.
(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

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

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed. Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code. History: (1.) New section filed 8-22-77, Register 77, No. 35. (2.) Repealer filed 6-29-83, Register 83, No. 27. (3.) New section filed 8-31-84, Register 84, No. 35. (4.) New subsections (c) – (e) filed 9-9-94, Register 94, No. 36. (5.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

(a) Persons applying under Section 2653 of the code shall cause to be submitted to an evaluation service, which meets the Boards requirements in Section 1398.25, a complete transcript of the resident course of professional instruction completed which has been authenticated by the proper official of the physical therapist education program, and submitted directly by the physical therapist education program to the evaluation service. Credentials submitted in a language other than English shall be accompanied by an original translation certified by a qualified translator other than the applicant.
(b) Where because of circumstances beyond his or her control an applicant is unable to furnish any of the credentials required under subsection (a) above, the board may in its discretion accept other documents which it deems sufficient to establish the applicant's eligibility.
(c) Within fifteen (15) days after completion of each three (3) months of such period of clinical service required by Section 2653 of the Code the supervisor shall submit to the board on a form provided by it a quarterly report and evaluation of the applicant's performance during the preceding three months. In the report the supervisor may recommend that the remaining period of clinical service be waived as to the applicant. The supervisor's recommendation shall not be binding upon the board. Such recommendations shall be supported by sufficient information as to the applicant's performance as will enable the board to determine whether the remaining period of clinical service may be waived.
(d) The board may waive all or part of the required period of clinical service if it finds the applicant has completed a period of clinical service equivalent to that required by Section 2653 of the code. Such clinical service shall be certified by at least one supervisor who is a physical therapist licensed by the board, or by a physical therapy licensing authority in another jurisdiction, who is accepted by the board. The board may also waive the required period of clinical service if it finds the applicant is licensed and has been practicing in another state for a sufficient period of time to demonstrate the clinical competence required for practice in this state.

Note: Authority cited: Section 2615 and 2653, Business and Professions Code. Reference: Section 2653, Business and Professions Code. History 1. Amendment of subsection (g) filed 5-10-78; effective thirtieth day thereafter (Register 78, No. 19). 2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27). 3. Renumbering of former Section 1398.24 to Section 1398.26 filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37). 4. Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37). 5. Amendment of section heading and section filed 3-8-2000; operative 4-7-2000 (Register 2000, No. 10). 6. Repealer of subsections (c)-(d) filed 12-9-2004; operative 1-8-2005 (Register 2004, No. 50).

1398.26.5 Clinical Service Requirements for Foreign Educated Applicants
(a) The period of clinical service required by Section 2653 of the Code shall be certified by at least one supervising physical therapist (the supervising physical therapist is the Center Coordinator of Clinical Education and/or the Clinical Instructor) licensed by the board, or by a physical therapy licensing authority in another jurisdiction which is accepted by the board.
(b) For the purposes of this regulation, supervision means the supervising physical therapist must be onsite in the same facility and available to the physical therapist licensure applicant to provide assistance with any patient care.
(c) Effective January 1, 2008, the center coordinator of clinical education (CCCE) must be an American Physical Therapy Association (APTA) certified clinical instructor. Effective January 1, 2010, all clinical instructors must be APTA certified.
(d) The certification shall be submitted in a report to the board and shall document the supervising physical therapist’s determination that the physical therapist licensure applicant possesses the skills necessary to perform any physical therapy evaluation or any physical therapy procedure of patient care within the California healthcare system. The supervising physical therapist’s evaluation of the physical therapist licensure applicant shall be prepared utilizing the Physical Therapist Clinical Performance Instrument issued by the American Physical
Therapy Association in December of 1997. The certification shall include two evaluations of the physical therapist licensure applicant’s skills. One evaluation shall determine the skill level mid-way through the period of clinical service and the other evaluation shall determine the skill level at the end of the clinical service. Both evaluations shall be reported at the end of the period of clinical service.

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

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

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code. History 1. Amendment filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16). 2. Repealer of subsection (c) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27). 3. Amendment of subsections (a) and (b) filed 4-20-90; operative 5-20-90 (Register 90, No. 21). 4. Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 37). 5. Amendment filed 3-8-2000; operative 4-7-2000 (Register 2000, No. 10). 6. Amendment of subsection (b) filed 12-19-2002; operative 1-18-2003 (Register 2002, No. 51).

1398.27. Review of Foreign-Educated Physical Therapist Applications; Processing Time.

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

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

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

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

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

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code. History: (1.) New section 9-8-83, Register 83, No. 37. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment of section heading and section filed 3-8-2000, Register 2000, No. 10.

1398.28. Written Examination.

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

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

Note: Authority cited: Sections 851 and 2615, Business and Professions Code. Reference: Sections 851, 2605, 2636, 2636.1 and 2655.4, Business and Professions Code. History: (1.) Amendment filed 4-16-79; Register 79, No.16. (2.) Repealer of subsection (c) filed 6-29-83, Register 83, No. 27. (3.) Amendment of subsections (a) and (b) filed 4-20-90, Register 90, No. 21. (4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (5.) Amendment filed 3-8-2000, Register 2000, No. 10. (6.) Amendment of subsection (b) filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

Article 3. Physical Therapy Schools

1398.30. Approved Physical Therapist Education Programs.
Only those education programs which meet the requirements set forth in Section 1398.31 shall be approved by the board for professional education in physical therapy. The executive officer shall maintain on file at the board's Sacramento office a list of approved education programs.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code. History: (1.) Amendment filed 6-29-83, Register 83, No. 27. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment of section heading and section filed 3-8-2000, Register 2000, No. 10.

1398.31. Criteria for Approval of Physical Therapy Schools.  
(a) Physical therapy educational programs shall be established in post-secondary educational institutions accredited by a national association or agency recognized by the Council on Post Secondary Accreditation and/or the U.S. Department of Education.  
(b) The physical therapy educational program shall be accredited by the agency or organization recognized by the Council on Post Secondary Accreditation or the U.S Department of Education.  
(c) Teaching programs of not less than 1400 hours duration also may be established in hospitals for students whose preliminary education meets the requirements of Section 2650 of the code, providing the physical therapy education program is accredited as set forth in subsection (b).  
(d) Nothing in this section shall be construed to prevent the board from approving a school or training program which is not approved or from not approving a school or training program which is approved by one of the above mentioned entities.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code. (1.) Amendment filed 6-29-83, Register 83, No. 27. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1398.32. Services and Facilities.  
Note: Authority cited: Section 2615, Business and Professions Code. History: (1.) Repealer filed 6-29-83, Register 83, No. 27.

1398.33. Faculty.  
Note: Authority cited: Section 2615, Business and Professions Code. History: (1.) Repealer filed 6-29-83, Register 83, No. 27.

1398.34. Curriculum.  
Note: Authority cited: Section 2615, Business and Professions Code. (1.) Repealer filed 6-29-83, Register 83, No. 27.

1398.37. Identification and Supervision of Physical Therapist Students and Interns Defined.  
(a) When rendering physical therapy services as part of academic training, a physical therapy student shall only be identified as a "physical therapist student." A person who has completed the required academic coursework may be identified as a "physical therapist intern" when rendering physical therapy services. When rendering physical therapy services, the required identification shall be clearly visible and include his or her name and working title in at least 18-point type.  
(b) The “clinical instructor” or the “supervisor” shall be the physical therapist supervising the physical therapist student or intern while practicing physical therapy.  
(c ) The supervising physical therapist shall provide on site supervision of the assigned patient care rendered by the physical therapist student or intern.  
(d) The physical therapist student or intern shall document each treatment in the patient record, along with his or her signature. The clinical instructor or supervising physical therapist shall countersign with his or her first initial and last name all entries in the patient’s record on the same day as patient related tasks were provided by the physical therapist student or intern.


1398.38. Criteria for Approval of Physical Therapy Facilities to Supervise the Clinical Service of Foreign Educated Applicants.  
Pursuant to Section 2653 of the code in order to be approved as a facility for completing a period of clinical service for the foreign educated physical therapist graduates, each physical therapy facility shall maintain:  
(a) An established physical therapy department with a licensed physical therapist in charge thereof;  
(b) A staff adequate in size and experience to provide a minimum of one supervisor to each applicant;
Space, equipment and patient load adequate to provide suitable experience in and demonstration of clinical applications of the procedures and physical therapy subjects specified in Section 2650, subsection (b), of the code; and

(d) Adequate patient records and additional documentation to reflect the applicant's clinical experience and training in patient management and educational experience.

Article 4. Physical Therapist Assistant

1398.40. Definitions.

Note: Authority cited: Sections 2625 and 2655.11, Business and Professions Code. Reference: Section 2655, Business and Professions Code. History: (1.) Amendment filed 10-19-83, Register 83, No. 43. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment of section heading and first paragraph of subsection (a), filed 9-1-2000, Register 2000, No. 38.

1398.41. Applications for Approval as an Assistant.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. History: (1.) Amendment filed 6-29-93, Register 83, No. 27.

1398.42. Review of Physical Therapist Assistant Applications; Processing Time.

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

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

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

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

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


1398.43. Qualifications of Supervisor.


1398.44. Adequate Supervision Defined.

A licensed physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant. The supervising physical therapist has continuing responsibility to follow the progress of each patient, provide direct care to the patient and to assure that the physical therapist assistant does not function autonomously. Adequate supervision shall include all of the following:

(a) The supervising physical therapist shall be readily available in person or by telecommunication to the physical therapist assistant at all times while the physical therapist assistant is treating patients. The supervising physical therapist shall provide periodic on site supervision and observation of the assigned patient care rendered by the physical therapist assistant.

(b) The supervising physical therapist shall initially evaluate each patient and document in the patient record, along with his or her signature, the evaluation and when the patient is to be reevaluated.

(c) The supervising physical therapist shall formulate and document in each patient's record, along with his or her signature, the treatment program goals and plan based upon the evaluation and any other information available to

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the supervising physical therapist. This information shall be communicated verbally, or in writing by the supervising physical therapist to the physical therapist assistant prior to initiation of treatment by the physical therapist assistant. The supervising physical therapist shall determine which elements of the treatment plan may be assigned to the physical therapist assistant. Assignment of these responsibilities must be commensurate with the qualifications, including experience, education and training, of the physical therapist assistant.

(d) The supervising physical therapist shall reevaluate the patient as previously determined, or more often if necessary, and modify the treatment, goals and plan as needed. The reevaluation shall include treatment to the patient by the supervising physical therapist. The reevaluation shall be documented and signed by the supervising physical therapist in the patient's record and shall reflect the patient's progress toward the treatment goals and when the next reevaluation shall be performed.

(e) The physical therapist assistant shall document each treatment in the patient record, along with his or her signature. The physical therapist assistant shall document in the patient record and notify the supervising physical therapist of any change in the patient's condition not consistent with planned progress or treatment goals. The change in condition necessitates a reevaluation by a supervising physical therapist before further treatment by the physical therapist assistant.

(f) Within seven (7) days of the care being provided by the physical therapist assistant, the supervising physical therapist shall review, cosign and date all documentation by the physical therapist assistant or conduct a weekly case conference and document it in the patient record. Cosigning by the supervising physical therapist indicates that the supervising physical therapist has read the documentation, and unless the supervising physical therapist indicates otherwise, he or she is in agreement with the contents of the documentation.

(g) There shall be a regularly scheduled and documented case conference between the supervising physical therapist and physical therapist assistant regarding the patient. The frequency of the conferences is to be determined by the supervising physical therapist based on the needs of the patient, the supervisory needs of the physical therapist assistant and shall be at least every thirty calendar days.

(h) The supervising physical therapist shall establish a discharge plan. At the time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist shall document in the patient's record, along with his or her signature, the patient's response to treatment in the form of a reevaluation or discharge summary.

Note: Authority cited: Sections 2615, 2655.1 and 2655.92, Business and Professions Code. Reference: Section 2655.92, Business and Professions Code. History: (1.) Repealer of subsection (f) filed 6-29-83, Register 83, No. 27. (2.) Amendment of section and Note filed 9-18-93, operative pursuant to Government Code section 11343.4(d), Register 96, No. 38.

1398.45. Withdrawal of Approval as a Physical Therapist Assistant.
Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. History: (1.) Repealer filed 6-29-83, Register 83, No. 27.

1398.46. Withdrawal of Approval as a Supervisor.
Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. History: (1.) Repealer filed 6-29-83, Register 83, No. 27.

1398.47. Equivalent Training or Experience.
(a) Training and experience considered equivalent to that obtained in an approved physical therapist assistant school shall be acquired in one of the following ways:

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

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

(3) Sixty (60) months of full-time work experience in physical therapy described in subsection (b). Thirty (30) months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility. In addition, the applicant shall complete the general education requirements described in subsection (c). This paragraph (a) (3) shall become inoperative on July 1, 2001, and, as of July 1, 2001, is repealed.

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

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

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

(1) Natural Sciences.
(2) Social or Behavioral Sciences.
(3) Humanities.
(4) English, Speech, or Mathematics.
(5) English Composition which meets the Associate or Baccalaureate degree requirement of the college at which the course is taken. The applicant shall have obtained a grade of "c" or better in English Composition to be accepted for licensure as a physical therapist assistant.

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

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.3 and 2655.11, Business and Professions Code. History: (1.) Amendment filed 6-29-83, Register 83, No. 27. (2.) Amendment of subsection (a) filed 5-15-91, Register 91, No. 26. (3.) Editorial correction of printing error in subsection (c ) (4), Register 91, No. 26. (4.) Amendment of subsections (a) (1) – (a) (3) and (b) filed 10-21-94, Register 94, No. 42. (5.) Change without regulatory effect amending subsection (b) filed 9-11-97, pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (6.) Amendment filed 1-24-2001; Register 2001, No. 4. (7.) Amendment of subsections (a) (2), (b) and (c ) (5) and amendment of Note filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

Article 5. Physical Therapist Assistant Schools

1398.50. Approved Physical Therapist Assistant Education Programs.

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

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code. History: (1.) Repealer of Article 5(Sections 1398.50-1398.54) and new Article 5 (Sections 1398.50 and 1398.51) filed 6-29-83, register 83, No. 27. (2.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (3.) Amendment of section heading, section and Note filed 3-8-2000, Register 2000, No. 10.

1398.51. Criteria for Approval of Physical Therapist Assistant Schools.

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

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

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1398.52. Identification and Supervision of Physical Therapist Assistant Students and Interns Defined.

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

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

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

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

1399. Requirements for Use of Aides.

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

(a) As used in these regulations:

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

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

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

(1) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide. The evaluation shall be documented in the patient's record.

(2) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide. The patient's record shall reflect those patient related tasks that were rendered by the aide, including the signature of the aide who performed those tasks.

(3) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The supervising physical therapist shall be responsible at all times for the conduct of the aide while he or she is on duty.

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

(5) The physical therapist shall perform periodic re-evaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.
(6) The supervising physical therapist shall countersign with their first initial and last name, and date all entries in the patient’s record, on the same day as patient related tasks were provided by the aide.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code. History: (1.) Amendment of subsection (b) filed 3-20-78, Register 78, No. 12. (2.) Amendment filed 8-13-81, Register 81, No. 33. (3.) Amendment of subsections (b)(1), (b)(2), (b)(4) and (b)(5) and new subsection (b)(6) filed 10-21-94, Register 94, No. 42.

1399.1. Limitation on Aides Utilized.


Article 7. Practice By Applicants

1399.10. Supervision of Physical Therapists License Applicants.

Pursuant to Section 2639 of the code, a physical therapist license applicant whose application for licensure has been filed and reviewed by the board may perform as a physical therapist if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate supervision" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the physical therapist license applicant and shall be in close proximity to the location where the physical therapist license applicant is rendering physical therapy treatment. The physical therapist license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient’s record on the same day as patient related tasks were provided by the physical therapist license applicant.

A supervising physical therapist shall document receipt of the letter authorizing physical therapist license applicant status and record the expiration date of such status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist license applicant status. If the applicant fails to pass the licensing examination all privileges to work as a physical therapist license applicant shall terminate. Authorizing the physical therapist license applicant to work after the conclusion of physical therapist applicant status constitutes unprofessional conduct.


1399.11. Notification of Examination Results.

Note: Authority cited: Sections 2655 and 2655.11, Business and Professions Code. History: (1.) Amendment filed 3-20-78, Register 78, No. 12. (2.) Repealer filed 6-29-83, Register 83, No. 27.


Pursuant to Section 2655.91 of the code, a physical therapist assistant license applicant whose application for licensure has been filed and reviewed by the board may assist in the provision of physical therapy services if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the applicant and shall be in close proximity to the location where the applicant is assisting in the provision of physical therapy treatment. The physical therapist assistant license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient’s record on the same day as patient related tasks were provided by the physical therapist assistant license applicant. A supervising physical therapist will conduct a weekly case conference and document it in the patient record.

A supervising physical therapist shall document receipt of the letter authorizing physical therapist assistant license applicant status and record the expiration date of such status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist assistant license applicant status. If the applicant fails to pass the licensing examination all privileges to work as a physical therapist assistant license applicant shall terminate. Authorizing the physical therapist assistant license applicant to work after the conclusion of physical therapist assistant license applicant status constitutes unprofessional conduct.

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Article 8. Discipline And Reinstatement Of License

1399.15. Disciplinary Guidelines
In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (Revised January 31, 1997), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrants such a deviation - for example: The presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 2615 Business and Professions Code; and Section 11400.21, Government Code. Reference: Sections 2660, 2660.1, 2661 and 2661.5, Business and Professions Code; and Section 11425.50(e), Government Code. History: (1.) New section filed 6-25-97, operative 7-1-97 pursuant to Government Code section 11343.4(d), Register 97, No. 26.

1399.16 Issuance of Initial Probationary License
a) The authority to issue an initial probationary license is delegated to the executive officer of the Board. In the absence of the executive officer the authority is delegated to the board president or in his or her absence the vice-president.

b) When the executive officer finds that the issuance of an initial probationary license is necessary in accordance with section 2660.2 of the Act, the Board’s Disciplinary Guidelines specified in section 1399.15 of these regulations shall serve as guidelines for the issuance of an initial probationary license.


1399.20. Substantial Relationship Criteria.
For the purposes of denial, suspension or revocation of a license, pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.

(b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.

(c) Violating or attempting to violate any provision or term of the Medical Practice Act.


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

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).
(d) The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code. History: (1.) Amendment of Note filed 4-16-79, Register 79, No. 16. (2.) Amendment filed 6-29-83, Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) Amendment of first paragraph filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

1399.22. Rehabilitation Criteria for Suspensions or Revocations.

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

(a) The nature and severity of the act(s) or offense(s).

(b) The total criminal record.

(c) The time that has elapsed since commission of the act(s) or offense(s).

(d) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.

(e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(f) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code. History: (1.) Amendment of Note filed 4-16-79, Register 79, No. 16. (2.) Amendment filed 6-29-83, Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) Amendment of first paragraph and subsections (d) and (f) filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.

1399.25. Administrative Citations.

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed physical therapist or physical therapist assistant of the statutes referred to in section 1399.26.

(b) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(c) Every citation issued pursuant to this article shall be disclosed to an inquiring member of the public. It shall be purged seven (7) years from the date of issuance. A citation that has been withdrawn or dismissed shall be purged immediately upon being withdrawn or dismissed.

Note: Authority cited: Sections 125.9 and 2615, Business and Professions Code. Reference: Section 125.9, Business and Professions Code. History: (1.) New section filed 4-26-90, Register 90, No. 21. (2.) Amendment of section heading filed 6-25-97, Register 97, No. 26. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) New subsection (c ) and amendment of Note filed 12-24-2002, operative 1-23-2003, Register 2002, No. 52.


The amount of any fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the range set forth below.

(a) The fine for a violation of the following provisions shall be from $100 to $2500:

(1) Business and Professions Code section 490.5
(2) Business and Professions Code section 650
(3) Business and Professions Code section 651
(4) Business and Professions Code section 725
(5) Business and Professions Code section 2068
(6) Business and Professions Code section 2261
(7) Business and Professions Code section 2263
(8) Business and Professions Code section 2264
(9) Business and Professions Code section 2273
(10) Business and Professions Code section 2286
(11) Business and Professions Code section 2620.3
(12) Business and Professions Code section 2620.7
(13) Business and Professions Code section 2622
(14) Business and Professions Code section 2630
(15) Business and Professions Code section 2633
(16) Business and Professions Code section 2636.5
(17) Business and Professions Code section 2639
(18) Business and Professions Code section 2640
(19) Business and Professions Code section 2650.1
(20) Business and Professions Code section 2653
(21) Business and Professions Code section 2655.2
(22) Business and Professions Code section 2655.7
(23) Business and Professions Code section 2655.11
(24) Business and Professions Code section 2655.91
(25) Business and Professions Code section 2655.93
(26) Business and Professions Code section 2660(a)
(27) Business and Professions Code section 2660(d)
(28) Business and Professions Code section 2660(i)
(29) Business and Professions Code section 2660(j)
(30) Business and Professions Code section 2660(k)
(31) Business and Professions Code section 2660(l)
(32) Business and Professions Code section 2660(m)
(33) Business and Professions Code section 2660(n)
(34) Business and Professions Code section 2684
(35) Business and Professions Code section 2691
(36) Business and Professions Code section 2692
(37) Title 16, California Code of Regulations section 1398.6
(38) Title 16, California Code of Regulations section 1398.10
(39) Title 16, California Code of Regulations section 1398.11
(40) Title 16, California Code of Regulations section 1398.26
(41) Title 16, California Code of Regulations section 1398.37
(42) Title 16, California Code of Regulations section 1398.44
(43) Title 16, California Code of Regulations section 1398.52
(44) Title 16, California Code of Regulations section 1399
(45) Title 16, California Code of Regulations section 1399.10
(46) Title 16, California Code of Regulations section 1399.12
(47) Title 16, California Code of Regulations section 1399.61
(48) Title 16, California Code of Regulations section 1399.77
(49) Title 16, California Code of Regulations section 1399.78
(50) Title 16, California Code of Regulations section 1399.79
(51) Title 16, California Code of Regulations section 1399.85

(b) In her or his discretion, the executive officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in subsection (a).

Note: Authority cited: Sections 125.9 and 2615, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.
History: (1.) New section filed 4-25-90, Register 90, No. 21. (2.) Amendment filed 6-25-97, Register 97, No. 26. (3.) New subsections (a)(7)+(8), (a)(11)-(13), (a)(15)-(18), (a)(22)-(27), and (a)(29)-(33), subsection renumbering, amendment of subsection (b) and amendment of Note filed 12-24-2002, operative 1-23-2003, Register 2002, No. 52. Amendment filed 09/08/04, operative 10/07/04, Register 2004.

1399.27. Compliance with Orders of Abatement.
(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.
(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return

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1399.28. Citations for Unlicensed Practice.
The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a physical therapist or a physical therapist assistant is required under the Physical Therapy Practice Act. Each citation issued shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the code. The provisions of sections 1399.25 and 1399.27 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.


1399.29. Contest of Citations.
(a) In addition to requesting a hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.
(b) The executive officer shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (b) of section 1399.27, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.
(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9 of the code.


Article 9. Physical Therapy Professional Corporations

1399.30. Citation.
These regulations may be cited and referred to as "Physical Therapy Professional Corporation Regulations."

Note: Authority and reference cited: Sections 2615 and 2696, Business and Professions Code; and Section 13410, Corporations Code. History: (1.) New Article 9. (Sections 1399.30-1399.41) filed 8-31-77, Register 77, No. 36. (2.) Amendment filed 8-13-81, Register 81, No. 33. (3.) Amendment filed 6-29-83, Register 83, No. 27.

1399.31. Professional Relationships and Responsibilities Not Affected.

Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Amendment filed 8-13-81, Register 81, No. 33. (2.) Repealer filed 6-29-83, Register 83, No. 27.

1399.32. Office for Filing.

Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Repealer filed 8-13-81, Register 81, No. 33.
1399.33. Application.
Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Repealer filed 8-13-81, Register 81, No. 33.

1399.34. Approval and Issuance of Certificates.
Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Repealer filed 8-13-81, Register 81, No. 33.

1399.35. Requirements for Professional Corporations.
A professional corporation shall comply with the following provisions:
(a) The corporation is organized and exists pursuant to the general corporation law and is a professional corporation within the meaning of Moscone-Knox Professional Corporations Act (Section 13400 et seq. of the Corporations Code).
(b) Each shareholder, director and officer (except as provided in Section 13403 of the Corporations Code and Section 2694 of the code) holds a valid physical therapist license. A physical therapist may be a shareholder in more than one professional corporation.
(c) Each professional employee of the corporation who will practice physical therapy, whether or not a director, officer or shareholder, holds a valid physical therapist license.
Note: Authority cited: Sections 2615 and 2696, Business and Professions Code. Reference: Sections 2690 and 2694, Business and Professions Code; and Sections 13401, 13403, 13404, 13405, 13406 and 13407, Corporations Code. History: (1.) Amendment filed 8-13-81, Register 81, No. 33. (2.) Amendment filed 10-19-83, Register 83, No. 43.

1399.36. Namestyle.
Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Repealer and new section filed 8-2-79, Register 79, No. 31. (2.) Repealer filed 8-13-81, Register 81, No. 33.

1399.37. Shares: Ownership and Transfer.
(a) Where there are two or more shareholders in a professional corporation and one of the shareholders:
(1) Dies; or
(2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to the corporation, its shareholders or other eligible licensed persons on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder becomes a disqualified person. The requirements of this subsection shall be set forth in the professional corporation's articles of incorporation or bylaws.
(b) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again becomes an eligible shareholder.
(c) The share certificates of a professional corporation shall contain an appropriate legend setting forth the restrictions of subsection (b), where applicable.
(d) Nothing in these regulations shall be construed to prohibit a professional corporation from owning shares in a nonprofessional corporation.
Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13401, 13403, 13406 and 13407, Corporations Code. History: (1.) Amendment of subsection (f) filed 8-13-81, Register 81, No. 33. (2.) Amendment filed 6-29-83, Register 83, No. 27.

1399.38. Certificates of Registration: Continuing Validity and Reports.
Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Amendment of subsections (b), (c), and (d) filed 4-16-79, Register 79, No. 16. (2.) Repealer filed 8-13-81, Register 81, No. 33.

1399.39. Corporate Activities.
(a) A professional corporation may perform any act authorized in its articles of incorporation or bylaws so long as that act is not in conflict with or prohibited by these regulations, the Physical Therapy Practice Act or the regulations adopted pursuant thereto.
(b) A professional corporation may enter into partnership agreements with other physical therapists practicing individually or in a group or with other physical therapy professional corporations.
Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13403, 13408 and 13410, Corporations Code. History: (1.) Amendment of subsection (a) filed 8-13-81, Register 81, No. 33.
1399.40. Trusts.
The restrictions on the ownership of the shares of professional corporations shall apply to both the legal and equitable title to such shares.
History: (1.) Amendment filed 8-13-81, Register 81, No. 33.

1399.41. Effect of Surrendered or Revoked Certificates; Probate.
Note: Authority cited: Section 2696, Business and Professions Code. History: (1.) Repealer filed 8-13-81, Register 81, No. 33.

Article 10. Fees

1399.50. Physical Therapist Fees.
Pursuant to section 2688 of the code physical therapist fees are fixed as follows:
(a) The application fee shall be $50.00.
(b) The application fee for foreign graduates under section 2653 of the code shall be $100.00.
(c) The examination and re-examination fees for taking the national examination shall be $280.00 for those applications postmarked on or before April 30, 2000. For those applications postmarked on or after May 1, 2000, the examination and re-examination fees for taking the national examination shall be $380.00.
(d) The examination and re-examination fees for taking the law and regulation examination shall be $85.00.
(e) The initial license fee shall be $120.00.
(f) The biennial renewal fee shall be $120.00.
(g) The delinquency fee is $60.00.
History: (1.) Amendment filed 3-20-78, Register 78, No. 12. (2.) Amendment filed 10-27-78, Register 78, No. 43. (3.) Certificate of Compliance filed 12-20-78, Register 78, No. 51. (4.) New subsection (c) and renumbering of subsection (c) to (d) filed 4-16-79, Register 79, No. 16. (5.) Amendment of subsections (c) and (d) filed 8-2-79, Register 79, No. 31. (6.) Amendment filed 2-8-80 Register 80, No. 6. (7.) Amendment filed 1-25-82, Register 82, No. 5. (8.) Amendment of subsections (a), (b) and (c) filed 5-15-91, Register 91, No. 26. (9.) Amendment of subsections (d) filed 12-30-91, Register 92, No. 11. (10.) Amendment of subsections (c) filed 11-19-92, Register 92, No. 47. (11.) Amendment of subsections (c) filed 12-6-94.

1399.51. Initial License Fee Waiver.
History: (1.) Repealer filed 2-10-2000, Register 2000, No. 6.

1399.52. Physical Therapist Assistant Fees.
Pursuant to section 2688 of the code physical therapist assistant fees are fixed as follows:
(a) The application fee a physical therapist assistant shall be $50.00.
(b) The examination and re-examination fees for taking the physical therapist assistant national examination shall be $265.00 for those applications postmarked on or before April 30, 2000. For those applications postmarked on or after May 1, 2000, the examination and re-examination fees for taking the national examination shall be $365.00.
(c) The examination and re-examination fees for taking the law and regulation examination shall be $85.00.
(d) The biennial renewal fee for a physical therapist assistant shall be $120.00.
(e) The delinquency fee for a physical therapist assistant shall be $60.00.
(f) The initial license fee for a physical therapist assistant shall be $120.00.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.6 and 2688, Business and Professions Code.
History: (1.) Amendment of subsection (a) filed 1-30-79, Register 79, No. 5. (2.) New subsection (b), and renumbering of subsections (b), (c), (d) and (e) filed 4-16-79, Register 79, No. 16. (3.) Amendment filed 8-2-79, Register 79, No. 31. (4.) Amendment filed 2-8-80, Register 80, No. 6. (5.) Amendment of subsections (e)(g) filed 8-13-81, Register 81, No. 33. (6.) Amendment filed 1-25-82, Register 82, No. 5. (7.) Repealer filed 12-30-91, Register 92, No. 11. (8.) Amendment of subsections (a) and (b) filed 4-16-82, Register 82, No. 33. (9.) Amendment of subsections (a) and (b) filed 5-15-91, Register 91, No. 26. (10.) Amendment of subsections (c) and (d) filed 1-6-92, Register 92, No. 11. (11.) Amendment of subsections (a)(b) and new subsection (c) filed 11-19-92, Register 92, No. 47. (12.) Amendment of subsections (a) and (b) filed 12-6-94, operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations, Register 94, No. 49. (13.) Amendment of subsections (a) and (b) filed 12-6-94, operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations, Register 94, No. 49. (14.) Amendment of subsection (a) filed 5-15-96, Register 96, No. 20. (15.) Amendment of subsection (c), new section (d), subsection relettering, and amendment of newly designated subsections (e)(g) filed 6-2-97, operative 6-2-97 pursuant to Government Code section 11343.4(d), Register 97, No. 23. (16.) Amendment of subsections (a) and (f) filed 12-19-2002, operative 1-18-2003, Register 2002, No. 51.
Note: Authority cited: Sections 2615 and 2696, Business and Professions Code. History: (1.) New section filed 8-31-77, Register 77, No. 36. (2.) Amendment of subsection (b) filed 3-20-78, Register 78, No. 12. (3.) Amendment of subsections (b) and (c), and new subsections (d) and (e) filed 4-16-79, Register 79, No. 16. (4.) Editorial correction of subsection (c), Register 79, No. 29. (5.) Repealer filed 8-13-81, Register 81, No. 33.

1399.54. Electromyography Certification Fees.
Pursuant to section 2689 of the code, fees for physical therapists certified to perform electromyography are fixed as follows:
(a) The application fee shall be $100.00.
(b) The biennial renewal fee shall be $50.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2689, Business and Professions Code. History: (1.) New section filed 11-17-78; Register 78, No. 46. (2.) Amendment filed 8-2-79; Register 79, No. 31. (3.) Amendment filed 12-17-80; Register 80, No. 51. (4.) Amendment filed 6-29-83; Register 83, No. 27. (5.) Amendment of subsection (a) filed 5-15-91; Register 91, No. 26.

1399.55. Conversion Renewal Schedule.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2684 and 2688, Business and Professions Code. History: (1.) New Section filed 1-26-84; Register 84, No. 4. (2.) Repealer filed 9-16-88; Register 88, No. 40.

Article 11. Electromyography Certification

1399.60. Definitions.
As used in these regulations:
(a) "Electroneuromyography" means the performance of tissue penetration for the purpose of evaluating neuromuscular performance, and includes the evaluation of specific abnormal potentials and evoked responses.
(b) "Kinesiological electromyography" means the study, including tissue penetration, of the phasic activity of individual or multiple muscles in relation to another physical or physiological event or exercise and does not include the evaluation of specific abnormal potentials or evoked responses.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) New Article 11 (Sections 1399.60-1399.69, not consecutive) filed 11-17-78; Register 78, No. 46. (2.) Amendment of NOTE filed 4-16-79; Register 79, No. 16. (3.) Amendment filed 12-17-80; Register 80, No. 51. (4.) Amendment filed 6-29-83; Register 83, No. 27.

1399.61. Certification Required.
(a) No physical therapist shall perform tissue penetration for the purpose of making an electromyographical evaluation unless he or she is certified by the board to perform such tests or such practice is appropriately supervised pursuant to Sections 1399.63 or 1399.64 in order to meet the experience requirements for examination by the board for certification.
(b) No physical therapist who is certified to perform kinesiological electromyography shall perform electroneuromyographical evaluations without additional authorization from the board as indicated on his or her certification.
(c) No physical therapist who is certified to perform electroneuromyographical evaluations shall perform kinesiological electromyography without additional authorization from the board as indicated on his or her certification.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Amendment filed 12-17-80; Register 80, No. 51. (2.) New subsection (c) filed 8-29-94; Register 94, No. 35. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1399.62. Application Required.
All applications for certification by the board in electromyography shall be on a form provided by the board which is accompanied by whatever documentation is required therein and the certification fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Amendment filed 12-17-80; Register 80, No. 51. (2.) Amendment filed 6-29-83; Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1399.63. Requirements for Kinesiological Electromyography Certification.
In order to be examined by the board for certification in kinesiological electromyography an applicant shall meet the following requirements:

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

3199.64. Requirements for Electroneuromyography Authorization.
In order to be examined by the board for additional authorization to perform electroneuromyographical examinations an applicant shall meet the following requirements:
(a) Comply with Section 1399.63, subsections (a) and (b).
(b) Education. Provide evidence of one of the following education requirements:
(1) In addition to that course work required in Section 1399.63, subsection (c)(1), completion of the following additional course work which meets the requirements of that section in the following subject areas:
(A) Neuroanatomy which also emphasizes the course of peripheral nerves and patterns of innervation.
(B) Clinical neurology, myology and pathology - identification of clinical characteristics of neurogenic and myogenic disorders.

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(C) Physical science of electroneuromyography -basic electrophysiology and the identification and recording of bioelectric signals.

(D) Clinical science of electroneuromyography -knowledge and procedures of patient evaluation and examination, including electromyographic and nerve conduction velocity studies, and training in tissue penetration.

(2) Completion of a period of self-study which prepares the applicant to pass a supplemental examination for additional certification to perform electroneuromyographical examination. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electroneuromyography and any materials studied on that subject and the name and statements, of any proctors who may have supervised the applicant in electroneuromyography.

(3) Authorization to perform electroneuromyographical examinations issued by another state with similar requirements.

c) Experience. Provide evidence of the following experience requirements:

(1) Completion of not less than 400 clock hours in electroneuromyography, satisfactory to the board which provides a progressive level of training under (A) a physical therapist authorized to perform electroneuromyography, in this state or, (B) under a licensed physical therapist in another state which has similar requirements for certification, who is authorized to perform electroneuromyography or who is certified by the American Board of Physical Therapy Specialists as an electrophysiological clinical specialist, or (C) under a licensed physician who is similarly qualified to perform and who performs electroneuromyography, as part of his or her practice of medicine.

(2) Documentation of completion of 200 electroneuromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Repealer and new section filed 12-17-80; Register 80, No. 51. (2.) Amendment of subsections (b)(2) and (c)(2) filed 12-31-81; Register 82, No. 1. (3.) Amendment of subsection (c)(1) filed 6-29-83; Register 83, No. 27. (4.) Amendment of subsections (b)(2) and (c)(2) filed 5-20-85; Register 85, No. 21. (5.) Amendment of subsections (c)-c)(1), repealer of designation of subsections (c)(1)(A)+B with textual amendments, repealer of designation of subsection (d)(2)(A) with textual amendment and repealer of subsection (d)(2)(B) filed 8- 29-94; Register 94, No. 35. (6.) Change without regulatory effect amending first paragraph and subsection (c)(1) filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1399.65. Examination Required.

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

(b) All physical therapists applying for certification to perform electroneuromyography shall take and pass the examination referred in Section 1399.67, which will be administered by the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Amendment filed 12-17-80; Register 80, No. 51. (2.) Amendment of subsection (a) filed 6-29-83; Register 83, No. 27. (3.) Repealer and new subsections (a) and (b) filed 8-29-94; Register 94, No. 35. (4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (5.) Amendment filed 3-8-2000, Register 2000, No. 10.

1399.66. Examination Subject Areas -Kinesiological Electromyography.

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

(a) Basic science as related to kinesiological electromyography:

(1) Anatomy

(2) Electrophysiology

(b) Clinical science as related to kinesiological electromyography:

(1) Pre-examination patient evaluation

(2) Instrumentation

(3) Kinesiological examination procedure and process.

(c) Practical application of kinesiological electromyography:

(1) Needle/wire examination of muscles

(2) Handling of equipment

(3) Patient preparation and management

(4) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Repealer and new section filed 12-17-80; Register 80, No. 51. (2.) Repealer of subsection (a)(2) and subsection redesignation, amendment of subsections (b)(1) and (c)-(c)(1) filed 8-29-94; Register 94, No. 35.

1399.67. Examination Subject Areas - Electroneuromyography.

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The examination for certification in electroneuromyography shall test applicants in the following subject areas:
(a) Basic science as related to electroneuromyography:
   (1) Anatomy
   (2) Electrophysiology
   (3) Neuromuscular pathology.
(b) Clinical science as related to electroneuromyography:
   (1) Instrumentation
   (2) Pre-examination patient evaluation
   (3) Examination procedure and process
   (4) Interpretation and recording of examination records and data.
   (c) Practical application of electroneuromyography:
      (1) Needle examination of muscles
      (2) Motor and sensory nerve conduction velocity examinations.
      (3) Handling of equipment
      (4) Patient preparation and management
      (5) Data collection, presentation and summarization.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) New section filed 12-17-80; Register 80, No. 51. (2.) Amendment filed 8-29-94; Register 94, No. 35.

1399.68. Certification Renewal.
All certificates to perform electromyography shall be renewed concurrently with each holder's physical therapist license.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Amendment filed 12-17-80; Register 80, No. 51. (2.) Amendment filed 6-29-83; Register 83, No. 27. (3.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37. (4.) Amendment filed 3-8-2000, Register 2000, No. 10.

1399.69. Suspension or Revocation of Certificates.
(a) Any certificate to perform electromyography may be suspended or revoked or have probationary conditions imposed thereon by the board as directed by the board after proceedings held in accordance to the Administrative Procedure Act (Section 11500 et seq. of the Government Code) for any violation of this article, the Physical Therapy Regulations or Section 2660 of the code.
(b) It shall constitute unprofessional conduct and a violation of these rules for a physical therapist certified to perform kinesiological electromyography only to perform electroneuromyography without additional authorization obtained from the board, unless such practice is appropriately supervised pursuant to Section 1399.64 in order to meet the experience requirements for examination by the board for such additional authorization.
Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History: (1.) Amendment of NOTE filed 4-16-79; Register 79, No. 16. (2.) Amendment filed 12-17-80; Register 80, No. 51. (3.) Amendment filed 6-29-83; Register 83, No. 27. (4.) Change without regulatory effect amending section filed 9-11-97 pursuant to section 100, title 1, California Code of Regulations; Register 97, No. 37.

1399.70. Electromyography Reports
The findings reported to the patient’s physician shall include the following statement:
“Such study has been performed in accordance with the Physical Therapy Practice Act (Chapter 5.7 of Division 2 of the Business and Professions Code) and with the Physical Therapy Regulations (Title 16, California Code of Regulations, Division 13.2). The findings in this report do not represent diagnostic interpretations or medical diagnoses. The results of the electromyographic examination by the certified electromyographer are intended for integration by the physician and surgeon with the patient’s history, clinical examination, and the results of any other tests performed in establishing a medical diagnosis.”

Article 12. Topical Medications

1399.75. Compliance with Regulations.
A physical therapist may apply or administer topical medications to a patient as set forth in this article.

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1399.76. Topical Medications Defined.
As used in this article "topical medications" means medications applied locally to the skin or underlying tissue where there is a break in or absence of the skin where such medications require a prescription or order under federal or state law.


1399.77. Administration of Medications.
Topical medications may be administered by a physical therapist by:
(a) Direct application;
(b) Iontophoresis; or
(c) Phonophoresis.


1399.78. Authorization and Protocols Required.
Topical medications shall be applied or administered by a physical therapist in accordance with this section.
(a) Any topical medication applied or administered shall be ordered on a specific or standing basis by a practitioner legally authorized to order or prescribe such medication.
(b) Written protocols shall be prepared for the administration or application of each of the groups of medications listed in Section 1399.79 for which a prescription is required under Federal or State law, which shall include a description of the medication, its actions, its indications and contraindications, and the proper procedure and technique for the application or administration of medication.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code. History: (1.) Amendment of Note filed 3-8-2000; Register 2000, No. 10.

1399.79. Authorized Topical Medications.
A physical therapist may apply or administer those topical medications listed in this section in accordance with the provisions of this article:
(a) Bacteriocidal agents;
(b) Debriding agents;
(c) Topical anesthetic agents;
(d) Anti-inflammatory agents;
(e) Antispasmodic agents; and
(f) Adrenocortico-steroids.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code. History: (1.) Amendment of subsection (f) and Note filed 3-8-2000; Register 2000, No. 10.

1399.85. Patient Records.
A physical therapist shall document in the patient record the following:
(1) Examination and re-examination
(2) Evaluation, when the patient is to be reevaluated and the reevaluation
(3) Diagnosis
(4) Prognosis and intervention
(5) Treatment plan and modification of the plan of care
(6) Each treatment provided
(7) Discharge Summary

Each entry shall be dated and signed by the treating physical therapist. Adjacent to the treating physical therapist’s signature or at least on every page if there are multiple entries on a single page shall be the printed or stamped name of the treating physical therapist.

Related Laws and Regulations

Business and Professions Code of California

General Provisions

5. Rights of License or Certificate
   No rights given by any license or certificate under any act repealed by this code are affected by the enactment of this code or by such repeal, but such rights shall hereafter be exercised according to the provisions of this code.

6. Certificate Entitlement
   All persons who, at the time this code goes into effect, are entitled to a certificate under any act repealed by this code, are thereby entitled to a certificate under the provisions of this code so far as the provisions of this code are applicable.

7. Conviction of a Crime
   Any conviction for a crime under any act repealed by this code, which crime is continued as a public offense by this code, constitutes a conviction under this code for any purpose for which it constituted a conviction under the act repealed.

7.5. Meaning of a Conviction
   A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.
   Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

10. Power or Duty Delegation Authority
    Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

12.5. Code Authority for Citations
    Whenever in any provision of this code authority is granted to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code.

22. Definition of “Board”
   (a) "Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."
   (b) Whenever the regulatory program of a board that is subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2 (commencing with Section 473), is taken over by the department, that program shall be designated as a "bureau."

23. Definition of “Department”
    "Department," unless otherwise defined, refers to the Department of Consumer Affairs. Wherever the laws of this state refer to the Department of Professional and Vocational Standards, the reference shall be construed to be to the Department of Consumer Affairs.

23.5. Definition of “Director”

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"Director," unless otherwise defined, refers to the Director of Consumer Affairs. Wherever the laws of this state refer to the Director of Professional and Vocational Standards, the reference shall be construed to be to the Director of Consumer Affairs.

23.6. Appointing Power
"Appointing power," unless otherwise defined, refers to the Director of Consumer Affairs.

23.7. Definition of “License”
Unless otherwise expressly provided, "license" means license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

23.8. Definition of “Licentiate”
"Licentiate" means any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600.

23.9. Career Training Received in Prison
Notwithstanding any other provision of this code, any individual who, while imprisoned in a state prison or other correctional institution, is trained, in the course of a rehabilitation program approved by the particular licensing agency concerned and provided by the prison or other correctional institution, in a particular skill, occupation, or profession for which a state license, certificate, or other evidence of proficiency is required by this code shall not, when released from the prison or institution, be denied the right to take the next regularly scheduled state examination or any examination thereafter required to obtain the license, certificate, or other evidence of proficiency and shall not be denied such license, certificate, or other evidence of proficiency, because of his imprisonment or the conviction from which the imprisonment resulted, or because he obtained his training in prison or in the correctional institution, if the licensing agency, upon recommendation of the Adult Authority or the Department of the Youth Authority, as the case may be, finds that he is a fit person to be licensed.

29.5. Compliance with the Child Support Provisions of the Family Code
In addition to other qualifications for licensure prescribed by the various acts of boards under the department, applicants for licensure and licensees renewing their licenses shall also comply with Section 17520 of the Family Code.

30. Requirement to Provide Federal Employer Identification Number or Social Security Number
(a) Notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance or renewal of the license require that any licensee provide its federal employer identification number if the licensee is a partnership or his or her social security number for all others.

(b) Any licensee failing to provide the federal identification number or social security number shall be reported by the licensing board to the Franchise Tax Board and, if failing to provide after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process any application for an original license or for renewal of a license unless the applicant or licensee provides its federal employer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.
(2) Address or addresses of record.
(3) Federal employer identification number if the entity is a partnership or social security number for all others.
(4) Type of license.
(5) Effective date of license or a renewal.
(6) Expiration date of license.

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(7) Whether license is active or inactive, if known.
(8) Whether license is new or a renewal.
(e) For the purposes of this section:
(1) "Licensee" means any entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.
(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.
(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Department of Real Estate.
(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.
(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.
(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the social security number and federal employer identification number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.
(i) Any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a), or any former officer or employee or other individual who in the course of his or her employment or duty has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).
(j) It is the intent of the Legislature in enacting this section to utilize the social security account number or federal employer identification number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.
(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release a social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.
(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance or renewal of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means any entity that is issued a license by any board, as defined in Section 22, the State Bar, the Department of Real Estate, and the Department of Motor Vehicles.

31. Requirement to Comply with a Judgment or Order to Support
(a) As used in this section, "board" means any entity listed in Section 101, the entities referred to in Sections 1000 and 3600, the State Bar, the Department of Real Estate, and any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.
(b) Each applicant for the issuance or renewal of a license, certificate, registration, or other means to engage in a business or profession regulated by a board who is not in compliance with a judgment or order for support shall be subject to Section 11350.6 of the Welfare and Institutions Code.
(c) "Compliance with a judgment or order for support," has the meaning given in paragraph (4) of subdivision (a) of Section 11350.6 of the Welfare and Institutions Code.

32. (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have or intend to have significant contact with patients who have, or are at risk to be exposed to, acquired immune deficiency syndrome (AIDS) are provided with training in the form of continuing education regarding the characteristics and methods of assessment and treatment of the condition.
(b) A board vested with the responsibility of regulating the following licensees shall consider including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) in any continuing education or training requirements for those licensees: chiropractors, medical laboratory
technicians, dentists, dental hygienists, dental assistants, physicians and surgeons, podiatrists, registered nurses, licensed vocational nurses, psychologists, physician assistants, respiratory therapists, acupuncturists, marriage and family therapists, licensed educational psychologists, and clinical social workers.

35. It is the policy of this state that, consistent with the provision of high-quality services, persons with skills, knowledge, and experience obtained in the armed services of the United States should be permitted to apply this learning and contribute to the employment needs of the state at the maximum level of responsibility and skill for which they are qualified. To this end, rules and regulations of boards provided for in this code shall provide for methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the business, occupation, or profession regulated. These rules and regulations shall also specify how this education, training, and experience may be used to meet the licensure requirements for the particular business, occupation, or profession regulated. Each board shall consult with the Department of Veterans Affairs before adopting these rules and regulations. Each board shall perform the duties required by this section within existing budgetary resources of the agency within which the board operates.

DIVISION 1, DEPARTMENT OF CONSUMER AFFAIRS
Chapter 1, The Department

100. Department of Consumer Affairs
There is in the state government, in the State and Consumer Services Agency, a Department of Consumer Affairs.

101. Entities Within the Department
The department is comprised of:
(a) The Dental Board of California.
(b) The Medical Board of California.
(c) The State Board of Optometry.
(d) The California State Board of Pharmacy.
(e) The Veterinary Medical Board.
(f) The California Board of Accountancy.
(g) The California Architects Board.
(h) The Bureau of Barbering and Cosmetology.
(i) The Board for Professional Engineers and Land Surveyors.
(j) The Contractors' State License Board.
(k) The Bureau for Private Postsecondary and Vocational Education.
(l) The Structural Pest Control Board.
(m) The Bureau of Home Furnishings and Thermal Insulation.
(n) The Board of Registered Nursing.
(o) The Board of Behavioral Sciences.
(p) The State Athletic Commission.
(q) The Cemetery and Funeral Bureau.
(r) The State Board of Guide Dogs for the Blind.
(s) The Bureau of Security and Investigative Services.
(t) The Court Reporters Board of California.
(u) The Board of Vocational Nursing and Psychiatric Technicians.
(v) The Landscape Architects Technical Committee.
(w) The Bureau of Electronic and Appliance Repair.
(x) The Division of Investigation.
(y) The Bureau of Automotive Repair.
(z) The State Board of Registration for Geologists and Geophysicists.
(aa) The Respiratory Care Board of California.
(ab) The Acupuncture Board.
(ac) The Board of Psychology.
(ad) The California Board of Podiatric Medicine.

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(ae) The Physical Therapy Board of California.  
(af) The Arbitration Review Program.  
(ag) The Committee on Dental Auxiliaries.  
(ah) The Hearing Aid Dispensers Bureau.  
(ai) The Physician Assistant Committee.  
(aj) The Speech-Language Pathology and Audiology Board.  
(ak) The California Board of Occupational Therapy.  
(al) The Osteopathic Medical Board of California.  
(am) The Bureau of Naturopathic Medicine.  
(an) Any other boards, offices, or officers subject to its jurisdiction by law.

101.6. Responsibilities of the Boards, Bureaus, and Commissions Within the Department  
The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.  
To this end, they establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations they regulate upon determining that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise certify persons in order to identify practitioners and ensure performance according to set and accepted professional standards. They provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. In addition, they conduct periodic checks of licensees, registrants, or otherwise certified persons in order to ensure compliance with the relevant sections of this code.

103. Board, Commission, or Committee Member Per Diem  
Each member of a board, commission, or committee created in the various chapters of Division 2 commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions. Each such member shall receive a per diem of one hundred dollars ($100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.  
The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.  
Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

104. Display of Licenses and Consumer Information  
All boards or other regulatory entities within the department's jurisdiction that the department determines to be health-related may adopt regulations to require licensees to display their licenses or registrations in the locality in which they are treating patients, and to inform patients as to the identity of the regulatory agency they may contact if they have any questions or complaints regarding the licensee. In complying with this requirement, those boards may take into consideration the particular settings in which licensees practice, or other circumstances which may make the displaying or providing of information to the consumer extremely difficult for the licensee in their particular type of practice.

105. Oath of Office  
Members of boards in the department shall take an oath of office as provided in the Constitution and the Government Code.

105.5. Terms of Office
Notwithstanding any other provision of this code, each member of a board, commission, examining committee, or other similarly constituted agency within the department shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

106. Removal from Office for Incompetence, or Unprofessional or Dishonorable Conduct

The Governor has power to remove from office at any time, any member of any board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor, conferred on him by any other provision of law, to remove any member of any board.

106.5. Removal from Office for Compromising Licensing Examinations

Notwithstanding any other provision of law, the Governor may remove from office a member of a board or other licensing entity in the department if it is shown that such member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant for that examination.

The proceedings for removal shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the Governor shall have all the powers granted therein.

107. Authority to Appoint an Executive Officer

Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service and may fix his or her salary, with the approval of the Department of Personnel Administration pursuant to Section 19825 of the Government Code, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar.

107.5. Use of an Official Seal

If any board in the department uses an official seal pursuant to any provision of this code, the seal shall contain the words "State of California" and "Department of Consumer Affairs" in addition to the title of the board, and shall be in a form approved by the director.

108. Functions of the Boards

Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following such hearings, in so far as these powers are given by statute to each respective board.

108.5. Witness Fees

In any investigation, proceeding or hearing which any board, commission or officer in the department is empowered to institute, conduct, or hold, any witness appearing at such investigation, proceeding or hearing whether upon a subpoena or voluntarily, may be paid the sum of twelve dollars ($12) per day for every day in actual attendance at such investigation, proceeding or hearing and for his actual, necessary and reasonable expenses and such sums shall be a legal charge against the funds of the respective board, commission or officer; provided further, that no witness appearing other than at the instance of the board, commission or officer may be compensated out of such fund.

The board, commission or officer will determine the sums due any such witness and enter the amount on its minutes.

109. Department of Consumer Affairs’ Director’s Review

(a) The decisions of any of the boards comprising the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the director, but are final within the limits provided by this code which are applicable to the particular board, except as provided in this section.

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(b) The director may initiate an investigation of any allegations of misconduct in the preparation, administration, or scoring of an examination which is administered by a board, or in the review of qualifications which are a part of the licensing process of any board. A request for investigation shall be made by the director to the Division of Investigation through the chief of the division or to any law enforcement agency in the jurisdiction where the alleged misconduct occurred.

(c) The director may intervene in any matter of any board where an investigation by the Division of Investigation discloses probable cause to believe that the conduct or activity of a board, or its members or employees constitutes a violation of criminal law.

The term "intervene," as used in paragraph (c) of this section may include, but is not limited to, an application for a restraining order or injunctive relief as specified in Section 123.5, or a referral or request for criminal prosecution. For purposes of this section, the director shall be deemed to have standing under Section 123.5 and shall seek representation of the Attorney General, or other appropriate counsel in the event of a conflict in pursuing that action.

110. Title to all Property of the State

The department shall have possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations, land and other property--real or personal--now or hereafter held for the benefit or use of all of the bodies, offices or officers comprising the department. The title to all property held by any of these bodies, offices or officers for the use and benefit of the state, is vested in the State of California to be held in the possession of the department. Except as authorized by a board, the department shall not have the possession and control of examination questions prior to submission to applicants at scheduled examinations.

111. Examination Commissioners

Unless otherwise expressly provided, any board may, with the approval of the appointing power, appoint qualified persons, who shall be designated as commissioners on examination, to give the whole or any portion of any examination. A commissioner on examination need not be a member of the board but he shall have the same qualifications as one and shall be subject to the same rules.

112. Directories

Notwithstanding any other provision of this code, no agency in the department, with the exception of the Board for Professional Engineers and Land Surveyors, shall be required to compile, publish, sell, or otherwise distribute a directory. When an agency deems it necessary to compile and publish a directory, the agency shall cooperate with the director in determining its form and content, the time and frequency of its publication, the persons to whom it is to be sold or otherwise distributed, and its price if it is sold. Any agency that requires the approval of the director for the compilation, publication, or distribution of a directory, under the law in effect at the time the amendment made to this section at the 1970 Regular Session of the Legislature becomes effective, shall continue to require that approval. As used in this section, "directory" means a directory, roster, register, or similar compilation of the names of persons who hold a license, certificate, permit, registration, or similar indicia of authority from the agency.

113. Out of State Travel

Upon recommendation of the director, officers, and employees of the department, and the officers, members, and employees of the boards, committees, and commissions comprising it or subject to its jurisdiction may confer, in this state or elsewhere, with officers or employees of this state, its political subdivisions, other states, or the United States, or with other persons, associations, or organizations as may be of assistance to the department, board, committee, or commission in the conduct of its work. The officers, members, and employees shall be entitled to their actual traveling expenses incurred in pursuance hereof, but when these expenses are incurred with respect to travel outside of the state, they shall be subject to the approval of the Governor and the Director of Finance.

114. Reinstatement of Licensure

(a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department, who permitted his license or registration to expire while serving in any branch of the
armed services of the United States during a period of war as defined in Section 114.5 of this code may, upon application, reinstate his license or registration without examination or penalty; provided,

1. His license or registration was valid at the time he entered the armed services.
2. That application for reinstatement is made while serving in the armed services, or not later than one year from the date of discharge from active service or return to inactive military status.
3. The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in the service, or date of discharge, and the renewal fee for the current renewal period in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this State the profession or vocation for which he is licensed or registered shall be required to maintain his license in good standing even though he is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans' facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

114.5. Definition of “War”
As used in Section 114 of this code, "war" means:
(a) Whenever Congress has declared war and peace has not formally been restored.
(b) Whenever the United States is engaged in active military operations against any foreign power, whether or not war has formally been declared.
(c) Whenever the United States is assisting the United Nations, in actions involving the use of armed force, to restore international peace and security.

115. Licenses Obtained While in the Armed Services
The provisions of Section 114 of this code are also applicable to a licensee or registrant whose license or registration was obtained while in the armed services.

116. Director’s Authority to Review Inquiries and Complaints
(a) The director may audit and review, upon his or her own initiative, or upon the request of a consumer or licensee, inquiries and complaints regarding licensees, dismissals of disciplinary cases, the opening, conduct, or closure of investigations, informal conferences, and discipline short of formal accusation by the Medical Board of California, the allied health professional boards, and the California Board of Podiatric Medicine. The director may make recommendations for changes to the disciplinary system to the appropriate board, the Legislature, or both.
(b) The director shall report to the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee annually, commencing March 1, 1995, regarding his or her findings from any audit, review, or monitoring and evaluation conducted pursuant to this section.

118. Withdrawal of an Application for Licensure
(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.
(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.
(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

119. Misdemeanors

Updated March 2006
Any person who does any of the following is guilty of a misdemeanor:
(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:
   (1) A canceled, revoked, suspended, or fraudulently altered license.
   (2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license.
(b) Lends his or her license to any other person or knowingly permits the use thereof by another.
(c) Displays or represents any license not issued to him or her as being his or her license.
(d) Fails or refuses to surrender to the issuing authority upon its lawful written demand any license, registration, permit, or certificate which has been suspended, revoked, or canceled.
(e) Knowingly permits any unlawful use of a license issued to him or her.
(f) Photographs, photostats, duplicates, manufactures, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken for a valid license, or displays or has in his or her possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by this code.
(g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it is fraudulent, forged, or counterfeited. For purposes of this subdivision, "fraudulent" means containing any misrepresentation of fact.
   As used in this section, "license" includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

121. Practice During Renewal and Receipt of Evidence of Renewal
   No licensee who has complied with the provisions of this code relating to the renewal of his or her license prior to expiration of such license shall be deemed to be engaged illegally in the practice of his or her business or profession during any period between such renewal and receipt of evidence of such renewal which may occur due to delay not the fault of the applicant.
   As used in this section, "license" includes "certificate," "permit," "authorization," and "registration," or any other indicia giving authorization, by any agency, board, bureau, commission, committee, or entity within the Department of Consumer Affairs, to engage in a business or profession regulated by this code or by the board referred to in the Chiropractic Act or the Osteopathic Act.

121.5. Inactive or Retired Licenses
   Except as otherwise provided in this code, the application of delinquency fees or accrued and unpaid renewal fees for the renewal of expired licenses or registrations shall not apply to licenses or registrations that have lawfully been designated as inactive or retired.

122. Duplicate License Fee
   Except as otherwise provided by law, the department and each of the boards, bureaus, committees, and commissions within the department may charge a fee for the processing and issuance of a duplicate copy of any certificate of licensure or other form evidencing licensure or renewal of licensure. The fee shall be in an amount sufficient to cover all costs incident to the issuance of the duplicate certificate or other form but shall not exceed twenty-five dollars ($25).

123. Subversion of Licensing Examinations
   It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:
   (a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.
(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars ($10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

123.5. Consequence for Examination Subversion
Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

124. Last Known Address
Notwithstanding subdivision (c) of Section 11505 of the Government Code, whenever written notice, including a notice, order, or document served pursuant to Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), or Chapter 5 (commencing with Section 11500), of Part 1 of Division 3 of Title 2 of the Government Code, is required to be given by any board in the department, the notice may be given by regular mail addressed to the last known address of the licentiate or by personal service, at the option of the board.

125. Aiding and Abetting
Any person, licensed under Division 1 (commencing with Section 100), Division 2 (commencing with Section 500), or Division 3 (commencing with Section 5000) is guilty of a misdemeanor and subject to the disciplinary provisions of this code applicable to him or her, who conspires with a person not so licensed to violate any provision of this code, or who, with intent to aid or assist that person in violating those provisions does either of the following:

(a) Allows his or her license to be used by that person.
(b) Acts as his or her agent or partner.

125.5. Court Ordered Restitution
(a) The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. As used in this section, "board" includes commission, bureau, division, agency and a medical quality review committee.

(b) The superior court for the county in which any person has engaged in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, order such person to make restitution to persons injured as a result of such violation.
(c) The court may order a person subject to an injunction or restraining order, provided for in subdivision (a) of this section, or subject to an order requiring restitution pursuant to subdivision (b), to reimburse the petitioning board for expenses incurred by the board in its investigation related to its petition.

(d) The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code.

125.6. Unprofessional Conduct - Discrimination

Every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to such person if, because of the applicant's race, color, sex, religion, ancestry, disability, marital status, or national origin, he or she refuses to perform the licensed activity or aids or incites the refusal to perform such licensed activity by another licensee, or if, because of the applicant's race, color, sex, religion, ancestry, disability, marital status, or national origin, he or she makes any discrimination, or restriction in the performance of the licensed activity. Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy. The presence of architectural barriers to an individual with physical disabilities which conform to applicable state or local building codes and regulations shall not constitute discrimination under this section. Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to permit an individual to participate in, or benefit from, the licensed activity of the licensee where that individual poses a direct threat to the health or safety of others. For this purpose, the term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids and services.

"License," as used in this section, includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code.

"Applicant," as used in this section means a person applying for licensed services provided by a person licensed under this code.

"Disability" means any of the following with respect to an individual:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual.

(b) A record of such an impairment.

(c) Being regarded as having such an impairment.

125.7. Temporary Restraining Orders

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 2 (commencing with Section 500), or any initiative act referred to in that division, has engaged or is about to engage in any act that constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 2 (commencing with Section 500), may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he or she is licensed.

(b) The order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code or, in the case of a licensee of the State Department of Health Services, with that department pursuant to Section 100171 of the Health and Safety Code. The
acquisation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. However, if the licensee requests a hearing on the accusation, the board shall provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date the decision is received from the administrative law judge, or the court may nullify the restraining order previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at the time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) The remedy provided for in this section shall be in addition to, and not a limitation upon, the authority provided by any other provision of this code.

125.8. Temporary Restraining Order Process

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) or Chapter 3 (commencing with Section 19000) of Division 8 has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) or Chapter 3 (commencing with Section 19000) of Division 8 may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with the provisions of this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he is licensed.

(b) Such order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code. The accusation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code; however, if the licensee requests a hearing on the accusation, the board must provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date of the conclusion of the hearing, or the court may nullify the restraining order previously issued.

Any restraining order issued pursuant to this section shall be dissolved by operation of law at such time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

125.9. Citations

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), and Chapter 11.6 (commencing with Section 7590) of Division 3, any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

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(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed two thousand five hundred dollars ($2,500) for each inspection or each investigation made with respect to the violation, or two thousand five hundred dollars ($2,500) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

126. Report Submission Requirement Withdrawn
Notwithstanding any other provision of this code, any board, commission, examining committee, or other similarly constituted agency within the department required prior to the effective date of this section to submit reports to the Governor under any provision of this code shall not be required to submit such reports.

127. Director’s Authority to Require Reports
Notwithstanding any other provision of this code, the director may require such reports from any board, commission, examining committee, or other similarly constituted agency within the department as he deems reasonably necessary on any phase of their operations.

128. Unlawful Sale of Goods or Services
Notwithstanding any other provision of law, it is a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing requirements of this code. The provisions of this section shall not be applicable to cash sales of less than one hundred dollars ($100). For the purposes of this section, "person" includes, but is not limited to, a company, partnership, limited liability company, firm, or corporation. For the purposes of this section, "license" includes certificate or registration. A violation of this section shall be punishable by a fine of not less than one thousand dollars ($1,000) and by imprisonment in the county jail not exceeding six months.

128.5. Reduction of License or Other Fees
(a) Notwithstanding any other provision of law, if at the end of any fiscal year, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.
129. Complaint Tracking Requirement

(a) As used in this section, "board" means every board, bureau, commission, committee and similarly constituted agency in the department which issues licenses.

(b) Each board shall, upon receipt of any complaint respecting a licentiate thereof, notify the complainant of the initial administrative action taken on his complaint within 10 days of receipt. Each board shall thereafter notify the complainant of the final action taken on his complaint. There shall be a notification made in every case in which the complainant is known. If the complaint is not within the jurisdiction of the board or if the board is unable to dispose satisfactorily of the complaint, the board shall transmit the complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the board will provide the most effective means to secure the relief sought. The board shall notify the complainant of such action and of any other means which may be available to the complainant to secure relief.

(c) The board shall, when the board deems it appropriate, notify the person against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the licentiate in order to mediate the complaint. Nothing in this subdivision shall be construed as authorizing or requiring any board to set or to modify any fee charged by a licentiate.

(d) It shall be the continuing duty of the board to ascertain patterns of complaints and to report on all actions taken with respect to such patterns of complaints to the director and to the Legislature at least once a year. The board shall evaluate those complaints dismissed for lack of jurisdiction or no violation and recommend to the director and to the Legislature at least once a year such statutory changes as it deems necessary to implement the board's functions and responsibilities under this section.

(e) It shall be the continuing duty of the board to take whatever action it deems necessary, with the approval of the director, to inform the public of its functions under this section.

130. Four Year Term of Office

(a) Notwithstanding any other provision of law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

1. The Medical Board of California.
2. The California Board of Podiatric Medicine.
3. The Physical Therapy Board of California.
4. The Board of Registered Nursing.
5. The Board of Vocational Nursing and Psychiatric Technicians.
6. The State Board of Optometry.
7. The California State Board of Pharmacy.
8. The Veterinary Medical Board.
11. The Board for Professional Engineers and Land Surveyors.
12. The Contractors' State License Board.
14. The Board of Behavioral Sciences.
15. The Structural Pest Control Board.
16. The Bureau of Electronic and Appliance Repair.
17. The Court Reporters Board of California.
18. The State Board for Geologists and Geophysicists.
20. The Osteopathic Medical Board of California.
21. The Respiratory Care Board of California.
22. The Acupuncture Board.
23. The Board of Psychology.
131. Number of Terms of Office
Notwithstanding any other provision of law, no member of an agency designated in subdivision (b) of Section 130 or member of a board, commission, committee, or similarly constituted agency in the department shall serve more than two consecutive full terms.

132. Authority to Pursue Legal Action Against Another State or Federal Agency
No board, commission, examining committee, or any other agency within the department may institute or join any legal action against any other agency within the state or federal government without the permission of the director.

Prior to instituting or joining in a legal action against an agency of the state or federal government, a board, commission, examining committee, or any other agency within the department shall present a written request to the director to do so.

Within 30 days of receipt of the request, the director shall communicate his or her approval or denial of the request and his or her reasons for approval or denial to the requesting agency in writing. If the director does not act within 30 days, the request shall be deemed approved.

A requesting agency within the department may override the director's denial of its request to institute or join a legal action against a state or federal agency by a two-thirds vote of the members of the board, commission, examining committee, or other agency, which vote shall include the vote of at least one public member of that board, commission, examining committee, or other agency.

134. Prorated License Fees
When the term of any license issued by any agency in the department exceeds one year, initial license fees for licenses which are issued during a current license term shall be prorated on a yearly basis.

135. Failure to Successfully Complete Licensing Examinations
No agency in the department shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations except that any examining agency which allows an applicant conditional credit for successfully completing a divisible part of an examination may require that an applicant be reexamined in those parts successfully completed if such applicant has not successfully completed all parts of the examination within a required period of time established by the examining agency. Nothing in this section, however, requires the exemption of such applicant from the regular fees and requirements normally associated with examinations.

136. Change of Address Reporting Requirement
(a) Each person holding a license, certificate, registration, permit, or other authority to engage in a profession or occupation issued by a board within the department shall notify the issuing board at its principal office of any change in his or her mailing address within 30 days after the change, unless the board has specified by regulations a shorter time period.
(b) Except as otherwise provided by law, failure of a licentiate to comply with the requirement in subdivision (a) constitutes grounds for the issuance of a citation and administrative fine, if the board has the authority to issue citations and administrative fines.

137. Inclusion of License Numbers in Public Presentations
Any agency within the department may promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or other presentments to the public.

However, nothing in this section shall be construed to authorize regulation of any person not a licensee who engages in advertising, solicitation, or who makes any other presentment to the public on behalf of a licensee. Such a person shall incur no liability pursuant to this section for communicating in any advertising, soliciting, or other presentment to the public a licensee's license number exactly as provided to him by the licensee or for failure to communicate such number if none is provided to him by the licensee.

138. Consumer Notice of Practitioner's License by the State
Every board in the department, as defined in Section 22, shall initiate the process of adopting regulations on or before June 30, 1999, to require its licentiates, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. A board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, in statute or regulation, a requirement that provides for consumer notice of a practitioner's status as a licensee of this state.

139. Occupational Analyses and Examination Validation Studies

(a) The Legislature finds and declares that occupational analyses and examination validation studies are fundamental components of licensure programs. It is the intent of the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy, and sunset review committees of the Legislature in their annual reviews of these boards, programs, and bureaus.

(b) Notwithstanding any other provision of law, the department shall develop, in consultation with the boards, programs, bureaus, and divisions under its jurisdiction, and the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners, a policy regarding examination development and validation, and occupational analysis. The department shall finalze and distribute this policy by September 30, 1999, to each of the boards, programs, bureaus, and divisions under its jurisdiction and to the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. This policy shall be submitted in draft form at least 30 days prior to that date to the appropriate fiscal, policy, and sunset review committees of the Legislature for review. This policy shall address, but shall not be limited to, the following issues:

1. An appropriate schedule for examination validation and occupational analyses, and circumstances under which more frequent reviews are appropriate.

2. Minimum requirements for psychometrically sound examination validation, examination development, and occupational analyses, including standards for sufficient number of test items.

3. Standards for review of state and national examinations.

4. Setting of passing standards.

5. Appropriate funding sources for examination validations and occupational analyses.

6. Conditions under which boards, programs, and bureaus should use internal and external entities to conduct these reviews.

7. Standards for determining appropriate costs of reviews of different types of examinations, measured in terms of hours required.

8. Conditions under which it is appropriate to fund permanent and limited term positions within a board, program, or bureau to manage these reviews.

(c) Every regulatory board and bureau, as defined in Section 22, and every program and bureau administered by the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners, shall submit to the director on or before December 1, 1999, and on or before December 1 of each subsequent year, its method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation. The evaluation shall include (1) a description of the occupational analysis serving as the basis for the examination; (2) sufficient item analysis data to permit a psychometric evaluation of the items; (3) an assessment of the appropriateness of prerequisites for admittance to the examination; and (4) an estimate of the costs and personnel required to perform these functions. The evaluation shall be revised and a new evaluation submitted to the director whenever, in the judgment of the board, program, or bureau, there is a substantial change in the examination or the prerequisites for admittance to the examination.

(d) The evaluation may be conducted by the board, program, or bureau, the Office of Examination Resources of the department, the Osteopathic Medical Board of California, or the State Board of Chiropractic Examiners or pursuant to a contract with a qualified private testing firm. A board, program, or bureau that provides for development or administration of a licensing examination pursuant to contract with a public or private entity may rely on an occupational analysis or item analysis conducted by that entity. The department shall compile this information, along with a schedule specifying when examination validations and occupational analyses shall be performed, and submit it to the appropriate fiscal, policy, and sunset review committees of the Legislature by September 30 of each year. It is the intent of the Legislature that the method specified in this report be consistent with the policy developed by the department pursuant to subdivision (b).
140. Grounds for Discipline, Failure to Retain Records
Any board, as defined in Section 22, which is authorized under this code to take disciplinary action against a person who holds a license may take disciplinary action upon the ground that the licensee has failed to record and preserve for not less than three years, any and all cash transactions involved in the payment of employee wages by a licensee. Failure to make these records available to an authorized representative of the board may be made grounds for disciplinary action. In any action brought and sustained by the board which involves a violation of this section and any regulation adopted thereto, the board may assess the licensee with the actual investigative costs incurred, not to exceed two thousand five hundred dollars ($2,500). Failure to pay those costs may result in revocation of the license. Any moneys collected pursuant to this section shall be deposited in the respective fund of the board.

141. Grounds for Discipline, Prior Action by Another Entity
(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

143. Collection of Compensation
(a) No person engaged in any business or profession for which a license is required under this code governing the department or any board, bureau, commission, committee, or program within the department, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract for which a license is required without alleging and proving that he or she was duly licensed at all times during the performance of that act or contract, regardless of the merits of the cause of action brought by the person.

(b) The judicial doctrine of substantial compliance shall not apply to this section.

(c) This section shall not apply to an act or contract that is considered to qualify as lawful practice of a licensed occupation or profession pursuant to Section 121.

144. Fingerprint Requirement
(a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:
   (1) California Board of Accountancy.
   (2) State Athletic Commission.
   (3) Board of Behavioral Sciences.
   (4) Court Reporters Board of California.
   (5) State Board of Guide Dogs for the Blind.
   (6) California State Board of Pharmacy.
   (7) Board of Registered Nursing.
   (8) Veterinary Medical Board.
   (9) Registered Veterinary Technician Committee.
   (10) Board of Vocational Nursing and Psychiatric Technicians.
   (11) Respiratory Care Board of California.
   (12) Hearing Aid Dispensers Advisory Commission.
   (13) Physical Therapy Board of California.
   (14) Physician Assistant Committee of the Medical Board of California.
   (15) Speech-Language Pathology and Audiology Board.
(16) Medical Board of California.
(17) State Board of Optometry.
(18) Acupuncture Board.
(19) Cemetery and Funeral Bureau.
(20) Bureau of Security and Investigative Services.
(21) Division of Investigation.
(22) Board of Psychology.
(23) The California Board of Occupational Therapy.
(24) Structural Pest Control Board.
(25) Contractors’ State License Board.
(26) Bureau of Naturopathic Medicine.
(c) The provisions of paragraphs (24) and (25) of subdivision (b) shall become operative on July 1, 2004.

Chapter 1.5, Unlicensed Activity Enforcement

145. Legislative Intent
The Legislature finds and declares that:
(a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare, and safety of the people of the State of California.
(b) The law enforcement agencies of the state should have sufficient, effective, and responsible means available to enforce the licensing laws of the state.
(c) The criminal sanction for unlicensed activity should be swift, effective, appropriate, and create a strong incentive to obtain a license.

DIVISION 1.5, DENIAL, SUSPENSION AND REVOCATION OF LICENSES
Chapter 3, Suspension And Revocation Of Licenses

490.5. Compliance with Child Support Orders and Judgments
A board may suspend a license pursuant to Section 11350.6 of the Welfare and Institutions Code if a licensee is not in compliance with a child support order or judgment.

Chapter 4, Public Reprovals

495. Public Approval Authority
Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproof, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

DIVISION 2, HEALING ARTS
CHAPTER 1, GENERAL PROVISIONS
Article 6. Unearned Rebates, Refunds And Discounts

650. Consideration for Referral Prohibited
Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person licensed under this division or the Chiropractic Initiative Act of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or co-ownership in or with any person to whom these patients, clients, or customers are referred is unlawful.

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The payment or receipt of consideration for services other than the referral of patients which is based on a percentage of gross revenue or similar type of contractual arrangement shall not be unlawful if the consideration is commensurate with the value of the services furnished or with the fair rental value of any premises or equipment leased or provided by the recipient to the payer.

Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Sections 654.1 and 654.2, it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic (including entities exempt from licensure pursuant to Section 1206 of the Health and Safety Code), or health care facility solely because the licensee has a proprietary interest or co-ownership in the laboratory, pharmacy, clinic, or health care facility; provided, however, that the licensee's return on investment for that proprietary interest or co-ownership shall be based upon the amount of the capital investment or proportional ownership of the licensee which ownership interest is not based on the number or value of any patients referred. Any referral excepted under this section shall be unlawful if the prosecutor proves that there was no valid medical need for the referral.

"Health care facility" means a general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, and any other health facility licensed by the State Department of Health Services under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding fifty thousand dollars ($50,000), or by both that imprisonment and fine. A second or subsequent conviction is punishable by imprisonment in the state prison or by imprisonment in the state prison and a fine of fifty thousand dollars ($50,000).

**PHYSICIAN OWNERSHIP AND REFERRAL ACT OF 1993**

(a) This act shall be known and may be cited as the “Physician Ownership and Referral Act of 1993.”
(b) It is recognized by the Legislature that the referral of a patient by a health care provider to a provider of health care services in which the referring health care provider has an investment interest represents a potential conflict of interest.
(c) The Legislature finds these referral practices may limit or eliminate competitive alternatives in the health care services market, may result in over utilization of health care services, may increase costs to the health care system, and may adversely affect the quality of health care.
(d) The Legislature also recognizes, however, that it may be appropriate for providers to own entities providing health care services, and to refer patients to those entities, as long as certain safeguards are present in the arrangement.
(e) It is the intent of the Legislature to provide guidance to health care providers regarding prohibited patient referrals between health care providers and entities providing health care services and to protect the citizens of California from unnecessary and costly health care expenditures.

**651. Advertising: Fraudulent, Misleading, or Deceptive**

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:
   1. Contains a misrepresentation of fact.
   2. Is likely to mislead or deceive because of a failure to disclose material facts.
   3. (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.
(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents "before" and "after" views of a patient, without specifying in a prominent location in easily readable type what procedures were performed on that patient is a violation of subdivision (a). Any "before" and "after" views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same "before" and "after" results may not occur for all patients.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.

(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.

(8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

(e) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, "as low as," "and up," "lowest prices," or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.

(g) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

(1) A statement of the name of the practitioner.

(2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.

(3) A statement of office hours regularly maintained by the practitioner.

(4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office.

(5) (A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields. For the purposes of this section, the statement of a practitioner licensed under Chapter 4 (commencing with Section 1600) who limits his or her practice to a specific field or fields shall only include a statement that he or she is certified or is eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board. A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board.
(B) A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but shall not include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, unless that board or association is (i) an American Board of Medical Specialties member board, (ii) a board or association with equivalent requirements approved by that physician and surgeon's licensing board, or (iii) a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that specialty or subspecialty. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" in reference to that certification, unless the physician and surgeon is also licensed under Chapter 4 (commencing with Section 1600) and the use of the term "board certified" in reference to that certification is in accordance with subparagraph (A). A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" unless the full name of the certifying board is also used and given comparable prominence with the term "board certified" in the statement.

For purposes of this subparagraph, a "multidisciplinary board or association" means an educational certifying body that has a psychometrically valid testing process, as determined by the Medical Board of California, for certifying medical doctors and other health care professionals that is based on the applicant's education, training, and experience.

For purposes of the term "board certified," as used in this subparagraph, the terms "board" and "association" mean an organization that is an American Board of Medical Specialties member board, an organization with equivalent requirements approved by a physician and surgeon's licensing board, or an organization with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in a specialty or subspecialty.

The Medical Board of California shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph. The fee shall not exceed the cost of administering this subparagraph. Notwithstanding Section 2 of Chapter 1660 of the Statutes of 1990, this subparagraph shall become operative July 1, 1993. However, an administrative agency or accrediting organization may take any action contemplated by this subparagraph relating to the establishment or approval of specialist requirements on and after January 1, 1991.

(C) A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, if that board or association meets one of the following requirements: (i) is approved by the Council on Podiatric Medical Education, (ii) is a board or association with equivalent requirements approved by the California Board of Podiatric Medicine, or (iii) is a board or association with the Council on Podiatric Medical Education approved postgraduate training programs that provide training in podiatric medicine and podiatric surgery. A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" unless the full name of the certifying board is also used and given comparable prominence with the term "board certified" in the statement. A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" in reference to that certification. For purposes of this subparagraph, a "multidisciplinary board or association" means an educational certifying body that has a psychometrically valid testing process, as determined by the California Board of Podiatric Medicine, for certifying doctors of podiatric medicine that is based on the applicant's education, training, and experience. For purposes of the term "board certified," as used in this subparagraph, the terms "board" and "association" mean an organization that is a Council on Podiatric Medical Education approved board, an organization with equivalent requirements approved by the California Board of Podiatric Medicine, or an organization with a Council on Podiatric Medical Education approved postgraduate training program that provides training in podiatric medicine and podiatric surgery.

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The California Board of Podiatric Medicine shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph, to be deposited in the State Treasury in the Podiatry Fund, pursuant to Section 2499. The fee shall not exceed the cost of administering this subparagraph.

(6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.

(7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.

(8) A statement of publications authored by the practitioner.

(9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.

(10) A statement of his or her affiliations with hospitals or clinics.

(11) A statement of the charges or fees for services or commodities offered by the practitioner.

(12) A statement that the practitioner regularly accepts installment payments of fees.

(13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.

(14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.

(15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (14), inclusive, provided that any statement shall not violate subdivision (a), (b), (c), or (e) or any other section of this code.

(16) A statement, or statements, providing public health information encouraging preventative or corrective care.

(17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

(i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by businesses or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, non-deceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

(k) A physician and surgeon or doctor of podiatric medicine licensed pursuant to Chapter 5 (commencing with Section 2000) by the Medical Board of California who knowingly and intentionally violates this section may be cited and assessed an administrative fine not to exceed ten thousand dollars ($10,000) per event. Section 125.9 shall govern the issuance of this citation and fine except that the fine limitations prescribed in paragraph (3) of subdivision (b) of Section 125.9 shall not apply to a fine under this subdivision.

654.2. Referrals to organization in which licensee or family has significant beneficial interest; Required disclosure statement.

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to charge, bill, or otherwise solicit payment from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, unless the licensee first
discloses in writing to the patient, that there is such an interest and advises the patient that the patient may choose any organization for the purpose of obtaining the services ordered or requested by the licensee.

(b) The disclosure requirements of subdivision (a) may be met by posting a conspicuous sign in an area which is likely to be seen by all patients who use the facility or by providing those patients with a written disclosure statement. Where referrals, billings, or other solicitations are between licensees who contract with multispecialty clinics pursuant to subdivision (l) of Section 1206 of the Health and Safety Code or who conduct their practice as members of the same professional corporation or partnership, and the services are rendered on the same physical premises, or under the same professional corporation or partnership name, the requirements of subdivision (a) may be met by posting a conspicuous disclosure statement at a single location which is a common area or registration area or by providing those patients with a written disclosure statement.

(c) On and after July 1, 1987, persons licensed under this division or under any initiative act referred to in this division shall disclose in writing to any third-party payer for the patient, when requested by the payer, organizations in which the licensee, or any member of the licensee's immediate family, has a significant beneficial interest and to which patients are referred. The third-party payer shall not request this information from the provider more than once a year.

Nothing in this section shall be construed to serve as the sole basis for the denial or delay of payment of claims by third party payers.

(d) For the purposes of this section, the following terms have the following meanings:

1) "Immediate family" includes the spouse and children of the licensee, the parents of the licensee and licensee's spouse, and the spouses of the children of the licensee.

2) "Significant beneficial interest" means any financial interest that is equal to or greater than the lesser of the following:

   A) Five percent of the whole.

   B) Five thousand dollars ($5,000).

   C) A third-party payer includes any health care service plan, self-insured employee welfare benefit plan, disability insurer, nonprofit hospital service plan, or private group or indemnification insurance program.

   A third party payer does not include a prepaid capitated plan licensed under the Knox-Keene Health Care Service Plan Act of 1975 or Chapter 11a (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.

   e) This section shall not apply to a "significant beneficial interest" which is limited to ownership of a building where the space is leased to the organization at the prevailing rate under a straight lease agreement or to any interest held in publicly traded stocks.

   f) (1) This section does not prohibit the acceptance of evaluation specimens for proficiency testing or referral of specimens or assignment from one clinical laboratory to another clinical laboratory, either licensed or exempt under this chapter, if the report indicates clearly the name of the laboratory performing the test.

   (2) This section shall not apply to relationships governed by other provisions of this article nor is this section to be construed as permitting relationships or interests that are prohibited by existing law on the effective date of this section.

   (3) The disclosure requirements of this section shall not be required to be given to any patient, customer, or his or her representative, if the licensee, organization, or entity is providing or arranging for health care services pursuant to a prepaid capitated contract with the State Department of Health Services.

657. Legislative findings and declarations; Discounts for prompt payment of health or medical claims.

(a) The Legislature finds and declares all of the following:

   1) Californians spend more than one hundred billion dollars ($100,000,000,000) annually on health care.

   2) In 1994, an estimated 6.6 million of California's 32 million residents did not have any health insurance and were ineligible for Medi-Cal.

   3) Many of California's uninsured cannot afford basic, preventative health care resulting in these residents relying on emergency rooms for urgent health care, thus driving up health care costs.

   4) Health care should be affordable and accessible to all Californians.

   5) The public interest dictates that uninsured Californians have access to basic, preventative health care at affordable prices.
(b) To encourage the prompt payment of health or medical care claims, health care providers are hereby expressly authorized to grant discounts in health or medical care claims when payment is made promptly within time limits prescribed by the health care providers or institutions rendering the service or treatment.

(c) Notwithstanding any provision in any health care service plan contract or insurance contract to the contrary, health care providers are hereby expressly authorized to grant discounts for health or medical care provided to any patient the health care provider has reasonable cause to believe is not eligible for, or is not entitled to, insurance reimbursement, coverage under the Medi-Cal program, or coverage by a health care service plan for the health or medical care provided. Any discounted fee granted pursuant to this section shall not be deemed to be the health care provider's usual, customary, or reasonable fee for any other purposes, including, but not limited to, any health care service plan contract or insurance contract.

(d) "Health care provider," as used in this section, means any person licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; and any clinic, health dispensary, or health facility, licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

Article 10.5, Unprofessional Conduct

725. Excessive Prescribing or Treatment
Repeated acts of clearly excessive prescribing or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the community of licensees is unprofessional conduct for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor, or optometrist. However, pursuant to Section 2241.5, no physician and surgeon in compliance with the California Intractable Pain Treatment Act shall be subject to disciplinary action for lawfully prescribing or administering controlled substances in the course of treatment of a person for intractable pain.

Any person who engages in repeated acts of clearly excessive prescribing or administering of drugs or treatment is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than six hundred dollars ($600), or by imprisonment for a term of not less than 60 days nor more than 180 days, or by both the fine and imprisonment.

726. Sexual Relations with Patients
The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

Article 12. Insurance Fraud

810. Unprofessional Conduct
(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

1. Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

2. Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

(b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.4 of the Insurance Code or Section 550 of the Penal Code.

(c) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

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CHAPTER 5, MEDICINE
Article 3, License Required And Exemptions

2068. Exemption: Nutritional Advice—Notice Required
This chapter shall not be construed to prohibit any person from providing nutritional advice or giving advice concerning proper nutrition. However, this section confers no authority to practice medicine or surgery or to undertake the prevention, treatment, or cure of disease, pain, injury, deformity, or physical or mental conditions or to state that any product might cure any disease, disorder, or condition in violation of any provision of law.

For purposes of this section the terms "providing nutritional advice or giving advice concerning proper nutrition" means the giving of information as to the use and role of food and food ingredients, including dietary supplements.

Any person in commercial practice providing nutritional advice or giving advice concerning proper nutrition shall post in an easily visible and prominent place the following statement in his or her place of business:

"NOTICE"

"State law allows any person to provide nutritional advice or give advice concerning proper nutrition—which is the giving of advice as to the role of food and food ingredients, including dietary supplements. This state law does NOT confer authority to practice medicine or to undertake the diagnosis, prevention, treatment, or cure of any disease, pain, deformity, injury, or physical or mental condition and specifically does not authorize any person other than one who is a licensed health practitioner to state that any product might cure any disease, disorder, or condition."

The notice required by this section shall not be smaller than 81/2 inches by 11 inches and shall be legibly printed with lettering no smaller than 1/2 inch in length, except the lettering of the word "NOTICE" shall not be smaller than 1 inch in length.

2069. Medical Assistants
(a) (1) Notwithstanding any other provision of law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist. A medical assistant may also perform all these tasks and services in a clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code upon the specific authorization of a physician assistant, a nurse practitioner, or a nurse-midwife.

(2) The supervising physician and surgeon at a clinic described in paragraph (1) may, at his or her discretion, in consultation with the nurse practitioner, nurse-midwife, or physician assistant provide written instructions to be followed by a medical assistant in the performance of tasks or supportive services. These written instructions may provide that the supervisory function for the medical assistant for these tasks or supportive services may be delegated to the nurse practitioner, nurse-midwife, or physician assistant within the standardized procedures or protocol, and that tasks may be performed when the supervising physician and surgeon is not onsite, so long as the following apply:

(A) The nurse practitioner or nurse-midwife is functioning pursuant to standardized procedures, as defined by Section 2725, or protocol. The standardized procedures or protocol shall be developed and approved by the supervising physician and surgeon, the nurse practitioner or nurse-midwife, and the facility administrator or his or her designee.

(B) The physician assistant is functioning pursuant to regulated services defined in Section 3502 and is approved to do so by the supervising physician or surgeon.

(b) As used in this section and Sections 2070 and 2071, the following definitions shall apply:

(1) "Medical assistant" means a person who may be unlicensed, who performs basic administrative, clerical, and technical supportive services in compliance with this section and Section 2070 for a licensed physician and surgeon or a licensed podiatrist, or group thereof, for a medical or podiatry corporation, for a physician assistant, a nurse practitioner, or a nurse-midwife as provided in subdivision (a), or for a health care service plan, who is at least 18 years of age, and who has had at least the minimum amount of hours of appropriate training pursuant to standards established by the Division of Licensing. The medical assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training. A copy of the certificate shall be retained as a record by each employer of the medical assistant.
(2) "Specific authorization" means a specific written order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed on a patient, which shall be placed in the patient's medical record, or a standing order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed, the duration of which shall be consistent with accepted medical practice. A notation of the standing order shall be placed on the patient's medical record.

(3) "Supervision" means the supervision of procedures authorized by this section by the following practitioners, within the scope of their respective practices, who shall be physically present in the treatment facility during the performance of those procedures:

(A) A licensed physician and surgeon.
(B) A licensed podiatrist.
(C) A physician assistant, nurse practitioner, or nurse-midwife as provided in subdivision (a).

(4) "Technical supportive services" means simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician and surgeon or a licensed podiatrist, or a physician assistant, a nurse practitioner, or a nurse-midwife as provided in subdivision (a).

(c) Nothing in this section shall be construed as authorizing the licensure of medical assistants. Nothing in this section shall be construed as authorizing the administration of local anesthetic agents by a medical assistant. Nothing in this section shall be construed as authorizing the division to adopt any regulations that violate the prohibitions on diagnosis or treatment in Section 2052.

(d) Notwithstanding any other provision of law, a medical assistant may not be employed for inpatient care in a licensed general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code.

Article 17. Exemptions From Liability

2395. Emergency Care; Scene of an Emergency

No licensee, who in good faith renders emergency care at the scene of an emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

"The scene of an emergency" as used in this section shall include, but not be limited to, the emergency rooms of hospitals in the event of a medical disaster. "Medical disaster" means a duly proclaimed state of emergency or local emergency declared pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

Acts or omissions exempted from liability pursuant to this section shall include those acts or omissions which occur after the declaration of a medical disaster and those which occurred prior to such declaration but after the commencement of such medical disaster.

The immunity granted in this section shall not apply in the event of a willful act or omission.

Article 19. Renewal Of License

2420. Applicability of Article

The provisions of this article apply to, determine the expiration of, and govern the renewal of, each of the following certificates, licenses, registrations, and permits issued by or under the Medical Board of California: physician's and surgeon's certificates, certificates to practice podiatric medicine, physical therapy licenses and approvals, registrations of research psychoanalysts, registrations of dispensing opticians, registrations of nonresident contact lens sellers, registrations of spectacle lens dispensers, registrations of contact lens dispensers, certificates of drugless practitioners, certificates to practice midwifery, and fictitious-name permits.

2428. Failure to Renew License Within Five Years

(a) A person who fails to renew his or her license within five years after its expiration may not renew it, and it may not be reissued, reinstated, or restored thereafter, but that person may apply for and obtain a new license if he or she:

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(1) Has not committed any acts or crimes constituting grounds for denial of licensure under Division 1.5 (commencing with Section 475).
(2) Takes and passes the examination, if any, which would be required of him or her if application for licensure was being made for the first time, or otherwise establishes to the satisfaction of the licensing authority that passes on the qualifications of applicants for the license that, with due regard for the public interest, he or she is qualified to practice the profession or activity for which the applicant was originally licensed.
(3) Pays all of the fees that would be required if application for licensure was being made for the first time.

The licensing authority may provide for the waiver or refund of all or any part of an examination fee in those cases in which a license is issued without an examination pursuant to this section.

Nothing in this section shall be construed to authorize the issuance of a license for a professional activity or system or mode of healing for which licenses are no longer required.

(b) In addition to the requirements set forth in subdivision (a), an applicant shall establish that he or she meets one of the following requirements: (1) satisfactory completion of at least two years of approved postgraduate training; (2) certification by a specialty board approved by the American Board of Medical Specialties or approved by the Division of Licensing pursuant to subdivision (h) of Section 651; or (3) passing of the clinical competency written examination.

(c) Subdivision (a) shall apply to persons who held licenses to practice pediatric medicine except that those persons who failed to renew their licenses within three years after its expiration may not renew it, and it may not be reissued, reinstated, or restored, except in accordance with subdivision (a).

2429. Renewal of Suspended or Revoked License
(a) A license which is suspended for unprofessional conduct is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.
(b) A license which is revoked for unprofessional conduct is subject to expiration as provided in this article, but it shall not be renewed. If it is reinstated by the licensing authority after its expiration, the licensee, as a condition precedent to reinstatement or restoration of licensure, shall pay a reinstatement fee which is an amount equal to the current renewal fee, plus the delinquency fee, if any.

CALIFORNIA CONSTITUTION
Article 7, Public Officers And Employees

SEC. 4. Civil Service Exemption
The following are exempt from civil service:
(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.
(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.
(c) Officers elected by the people and a deputy and an employee selected by each elected officer.
(d) Members of boards and commissions.
(e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute. (f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.
(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).
(h) Officers and employees of the University of California and the California State Colleges.
(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.
(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.
(k) Members of the militia while engaged in military service.
(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

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(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

**CODE OF CIVIL PROCEDURE**

**TITLE 7, OTHER PROVISIONAL REMEDIES IN CIVIL ACTION**

**Chapter 3, Injunctions**

**525. Injunctions**

An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, or by a judge thereof; and when granted by a judge, it may be enforced as an order of the court.

**CORPORATIONS CODE OF CALIFORNIA**

**DIVISION 3, CORPORATIONS FOR SPECIFIC PURPOSES**

**Part 4 Professional Corporations**

**13400. Title Cited.**

This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act."

**13401. Definitions.**

As used in this part:

(a) "Professional services" means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the Osteopathic Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the California Architects Board, the Court Reporters Board of California, the Board of Behavioral Sciences, or the Board of Registered Nursing shall not be required to obtain a certificate of registration in order to render those professional services.

(c) "Foreign professional corporation" means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a foreign professional corporation.

(d) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.
17520. Definitions

(a) As used in this section:

(1) "Applicant" means any person applying for issuance or renewal of a license.

(2) "Board" means any entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Department of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Game, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency from this term.

(3) "Certified list" means a list provided by the local child support agency to the Department of Child Support Services in which the local child support agency verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act.

(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(5) "License" includes membership in the State Bar, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. "License" also includes any driver's license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, any license used for recreational purposes. This term includes all licenses, certificates, credentials, permits, registrations, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession. The failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board that allows a person to engage in a business, occupation, or profession, does not exclude that license, certificate, credential, permit, registration, or other authorization from this term.

(6) "Licensee" means any person holding a license, certificate, credential, permit, registration, or other authorization issued by a board, to engage in a business, occupation, or profession, or a commercial driver's license as defined in Section 15210 of the Vehicle Code, including an appointment and commission by the Secretary of State as a notary public. "Licensee" also means any person holding a driver's license issued by the Department of Motor Vehicles, any person holding a commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, any person holding a license used for recreational purposes. This term includes all persons holding a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, and the failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board does not exclude that person from this term. For licenses issued to an entity that is not an individual person, "licensee" includes any individual who is either listed on the license or who qualifies for the license.
(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

(d) On or before November 1, 1992, or as soon thereafter as economically feasible, as determined by the department, all boards subject to this section shall implement procedures to accept and process the list provided by the department, in accordance with this section. Notwithstanding any other law, all boards shall collect social security numbers from all applicants for the purposes of matching the names of the certified list provided by the department to applicants and licensees and of responding to requests for this information made by child support agencies.

(e) (1) Promptly after receiving the certified consolidated list from the department, and prior to the issuance or renewal of a license, each board shall determine whether the applicant is on the most recent certified consolidated list provided by the department. The board shall have the authority to withhold issuance or renewal of the license of any applicant on the list.

(2) If an applicant is on the list, the board shall immediately serve notice as specified in subdivision (f) on the applicant of the board's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(A) The board shall issue a temporary license valid for a period of 150 days to any applicant whose name is on the certified list if the applicant is otherwise eligible for a license.

(B) Except as provided in subparagraph (D), the 150-day time period for a temporary license shall not be extended. Except as provided in subparagraph (D), only one temporary license shall be issued during a regular license term and it shall coincide with the first 150 days of that license term. As this paragraph applies to commercial driver's licenses, "license term" shall be deemed to be 12 months from the date the application fee is received by the Department of Motor Vehicles. A license for the full or remainder of the license term shall be issued or renewed only upon compliance with this section.

(C) In the event that a license or application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board.

(D) This paragraph shall apply only in the case of a driver's license, other than a commercial driver's license. Upon the request of the local child support agency or by order of the court upon a showing of good cause, the board shall extend a 150-day temporary license for a period not to exceed 150 extra days.

(3) (A) The department may, when it is economically feasible for the department and the boards to do so as determined by the department, in cases where the department is aware that certain child support obligors listed on the certified lists have been out of compliance with a judgment or order for support for more than four months, provide a supplemental list of these obligors to each board with which the department has an interagency agreement to implement this paragraph. Upon request by the department, the licenses of these obligors shall be subject to suspension, provided that the licenses would not otherwise be eligible for renewal within six months from the date of the request by the department. The board shall have the authority to suspend the license of any licensee on this supplemental list.

(B) If a licensee is on a supplemental list, the board shall immediately serve notice as specified in subdivision (f) on the licensee that his or her license will be automatically suspended 150 days after notice is served, unless compliance with this section is achieved. The notice shall be made personally or by mail to the licensee's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(C) The 150-day notice period shall not be extended.
(D) In the event that any license is suspended pursuant to this section, any funds paid by the licensee shall not be refunded by the board.

(E) This paragraph shall not apply to licenses subject to annual renewal or annual fee.

(f) Notices shall be developed by each board in accordance with guidelines provided by the department and subject to approval by the department. The notice shall include the address and telephone number of the local child support agency that submitted the name on the certified list, and shall emphasize the necessity of obtaining a release from that local child support agency as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) In the case of applicants not subject to paragraph (3) of subdivision (e), the notice shall inform the applicant that the board shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 150 calendar days if the applicant is otherwise eligible and that upon expiration of that time period the license will be denied unless the board has received a release from the local child support agency that submitted the name on the certified list.

(2) In the case of licensees named on a supplemental list, the notice shall inform the licensee that his or her license will continue in its existing status for no more than 150 calendar days from the date of mailing or service of the notice and thereafter will be suspended indefinitely unless, during the 150-day notice period, the board has received a release from the local child support agency that submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board. The Department of Child Support Services shall also develop a form that the applicant shall use to request a review by the local child support agency. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(g) (1) Each local child support agency shall maintain review procedures consistent with this section to allow an applicant to have the underlying arrearage and any relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances so warrant.

(2) It is the intent of the Legislature that a court or local child support agency, when determining an appropriate payment schedule for arrearages, base its decision on the facts of the particular case and the priority of payment of child support over other debts. The payment schedule shall also recognize that certain expenses may be essential to enable an obligor to be employed. Therefore, in reaching its decision, the court or the local child support agency shall consider both of these goals in setting a payment schedule for arrearages.

(h) If the applicant wishes to challenge the submission of his or her name on the certified list, the applicant shall make a timely written request for review to the local child support agency who certified the applicant's name. A request for review pursuant to this section shall be resolved in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The local child support agency shall immediately send a release to the appropriate board and the applicant, if any of the following conditions are met:

(1) The applicant is found to be in compliance or negotiates an agreement with the local child support agency for a payment schedule on arrearages or reimbursement.

(2) The applicant has submitted a request for review, but the local child support agency will be unable to complete the review and send notice of its findings to the applicant within the time specified in Section 17800.

(3) The applicant has filed and served a request for judicial review pursuant to this section, but a resolution of that review will not be made within 150 days of the date of service of notice pursuant to subdivision (f). This paragraph applies only if the delay in completing the judicial review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the local child support agency's notice of findings.

(4) The applicant has obtained a judicial finding of compliance as defined in this section.

(i) An applicant is required to act with diligence in responding to notices from the board and the local child support agency with the recognition that the temporary license will lapse or the license suspension will go into effect after 150 days and that the local child support agency and, where appropriate, the court must have time to act within that period. An applicant's delay in acting, without good cause, which directly results in the inability of the local child support agency to complete a review of the applicant's request or the court to hear the request for judicial
review within the 150-day period shall not constitute the diligence required under this section which would justify the issuance of a release.

(j) Except as otherwise provided in this section, the local child support agency shall not issue a release if the applicant is not in compliance with the judgment or order for support. The local child support agency shall notify the applicant in writing that the applicant may, by filing an order to show cause or notice of motion, request any or all of the following:

1. Judicial review of the local child support agency's decision not to issue a release.
2. A judicial determination of compliance.
3. A modification of the support judgment or order.

The notice shall also contain the name and address of the court in which the applicant shall file the order to show cause or notice of motion and inform the applicant that his or her name shall remain on the certified list if the applicant does not timely request judicial review. The applicant shall comply with all statutes and rules of court regarding orders to show cause and notices of motion.

Nothing in this section shall be deemed to limit an applicant from filing an order to show cause or notice of motion to modify a support judgment or order or to fix a payment schedule on arrearages accruing under a support judgment or order or to obtain a court finding of compliance with a judgment or order for support.

(k) The request for judicial review of the local child support agency's decision shall state the grounds for which review is requested and judicial review shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of the request for review. Judicial review of the local child support agency's decision shall be limited to a determination of each of the following issues:

1. Whether there is a support judgment, order, or payment schedule on arrearages or reimbursement.
2. Whether the petitioner is the obligor covered by the support judgment or order.
3. Whether the support obligor is or is not in compliance with the judgment or order of support.
4. (A) The extent to which the needs of the obligor, taking into account the obligor's payment history and the current circumstances of both the obligor and the obligee, warrant a conditional release as described in this subdivision.

(B) The request for judicial review shall be served by the applicant upon the local child support agency that submitted the applicant's name on the certified list within seven calendar days of the filing of the petition. The court has the authority to uphold the action, unconditionally release the license, or conditionally release the license.

(C) If the judicial review results in a finding by the court that the obligor is in compliance with the judgment or order for support, the local child support agency shall immediately send a release in accordance with subdivision (l) to the appropriate board and the applicant. If the judicial review results in a finding by the court that the needs of the obligor warrant a conditional release, the court shall make findings of fact stating the basis for the release and the payment necessary to satisfy the unrestricted issuance or renewal of the license without prejudice to a later judicial determination of the amount of support arrearages, including interest, and shall specify payment terms, compliance with which are necessary to allow the release to remain in effect.

(l) The department shall prescribe release forms for use by local child support agencies. When the obligor is in compliance, the local child support agency shall mail to the applicant and the appropriate board a release stating that the applicant is in compliance. The receipt of a release shall serve to notify the applicant and the board that, for the purposes of this section, the applicant is in compliance with the judgment or order for support. Any board that has received a release from the local child support agency pursuant to this subdivision shall process the release within five business days of its receipt.

If the local child support agency determines subsequent to the issuance of a release that the applicant is once again not in compliance with a judgment or order for support, or with the terms of repayment as described in this subdivision, the local child support agency may notify the board, the obligor, and the department in a format prescribed by the department that the obligor is not in compliance.

The department may, when it is economically feasible for the department and the boards to develop an automated process for complying with this subdivision, notify the boards in a manner prescribed by the department, that the obligor is once again not in compliance. Upon receipt of this notice, the board shall immediately notify the obligor on a form prescribed by the department that the obligor's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The obligor shall be further notified that the license will remain suspended until a new release is issued in accordance with subdivision (h). Nothing in this
section shall be deemed to limit the obligor from seeking judicial review of suspension pursuant to the procedures described in subdivision (k).

(m) The department may enter into interagency agreements with the state agencies that have responsibility for the administration of boards necessary to implement this section, to the extent that it is cost-effective to implement this section. These agreements shall provide for the receipt by the other state agencies and boards of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and boards in implementing this section. Notwithstanding any other provision of law, revenue generated by a board or state agency shall be used to fund the nonfederal share of costs incurred pursuant to this section.

These agreements shall provide that boards shall reimburse the department for the nonfederal share of costs incurred by the department in implementing this section. The boards shall reimburse the department for the nonfederal share of costs incurred pursuant to this section from moneys collected from applicants and licensees.

(n) Notwithstanding any other provision of law, in order for the boards subject to this section to be reimbursed for the costs incurred in administering its provisions, the boards may, with the approval of the appropriate department director, levy on all licensees and applicants a surcharge on any fee or fees collected pursuant to law, or, alternatively, with the approval of the appropriate department director, levy on the applicants or licensees named on a certified list or supplemental list, a special fee.

(o) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

The procedures specified in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial, suspension, or failure to issue or renew a license or the issuance of a temporary license pursuant to this section.

(p) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1995, the State Department of Social Services shall make a report to the Legislature and the Governor based on data collected by the boards and the district attorneys in a format prescribed by the State Department of Social Services. The report shall contain all of the following:

1. The number of delinquent obligors certified by district attorneys under this section.
2. The number of support obligors who also were applicants or licensees subject to this section.
3. The number of new licenses and renewals that were delayed, temporary licenses issued, and licenses suspended subject to this section and the number of new licenses and renewals granted and licenses reinstated following board receipt of releases as provided by subdivision (h) by May 1, 1995.
4. The costs incurred in the implementation and enforcement of this section.
5. Any board receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or has been granted a temporary license under this section shall respond only that the license was denied or suspended or the temporary license was issued pursuant to this section. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
6. Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.
7. The department and boards, as appropriate, shall adopt regulations necessary to implement this section.
8. The Judicial Council shall develop the forms necessary to implement this section, except as provided in subdivisions (f) and (l).
9. The release or other use of information received by a board pursuant to this section, except as authorized by this section, is punishable as a misdemeanor.
10. The State Board of Equalization shall enter into interagency agreements with the department and the Franchise Tax Board that will require the department and the Franchise Tax Board to maximize the use of information collected by the State Board of Equalization, for child support enforcement purposes, to the extent it is cost-effective and permitted by the Revenue and Taxation Code.
(w) (1) The suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to vehicle impoundment pursuant to Section 14602.6 of the Vehicle Code.

(2) Notwithstanding any other provision of law, the suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to increased costs for vehicle liability insurance.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.

GOVERNMENT CODE
DIVISION 3, EXECUTIVE DEPARTMENT
PART 1, STATE DEPARTMENTS AND AGENCIES
CHAPTER 3.5, ADMINISTRATIVE REGULATIONS AND RULEMAKING
Article 1, General

11340. Administrative Regulations
The Legislature finds and declares as follows:
(a) There has been an unprecedented growth in the number of administrative regulations in recent years.
(b) The language of many regulations is frequently unclear and unnecessarily complex, even when the complicated and technical nature of the subject matter is taken into account. The language is often confusing to the persons who must comply with the regulations.
(c) Substantial time and public funds have been spent in adopting regulations, the necessity for which has not been established.
(d) The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals.
(e) There exists no central office in state government with the power and duty to review regulations to ensure that they are written in a comprehensible manner, are authorized by statute, and are consistent with other law.
(f) Correcting the problems that have been caused by the unprecedented growth of regulations in California requires the direct involvement of the Legislature as well as that of the executive branch of state government.
(g) The complexity and lack of clarity in many regulations put small businesses, which do not have the resources to hire experts to assist them, at a distinct disadvantage.

CHAPTER 4, OFFICE OF ADMINISTRATIVE HEARINGS
Article 1, General Provisions

11370. Administrative Procedure Act
Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) constitute, and may be cited as, the Administrative Procedure Act.

11370.1. Definition of “Director”
As used in the Administrative Procedure Act "director" means the executive officer of the Office of Administrative Hearings.

11370.2. Office of Administrative Hearings
(a) There is in the Department of General Services the Office of Administrative Hearings which is under the direction and control of an executive officer who shall be known as the director.
(b) The director shall have the same qualifications as administrative law judges, and shall be appointed by the Governor subject to the confirmation of the Senate.

(c) Any and all references in any law to the Office of Administrative Procedure shall be deemed to be the Office of Administrative Hearings.

11370.3. Administrative Law Judge

The director shall appoint and maintain a staff of full-time, and may appoint pro tempore part-time, administrative law judges qualified under Section 11502 which is sufficient to fill the needs of the various state agencies. The director shall also appoint any other technical and clerical personnel as may be required to perform the duties of the office. The director shall assign an administrative law judge for any proceeding arising under Chapter 5 (commencing with Section 11500) and, upon request from any agency, may assign an administrative law judge to conduct other administrative proceedings not arising under that chapter and shall assign hearing reporters as required. Any administrative law judge or other employee so assigned shall be deemed an employee of the office and not of the agency to which he or she is assigned. When not engaged in hearing cases, administrative law judges may be assigned by the director to perform other duties vested in or required of the office, including those provided for in Section 11370.5.

11370.4. Cost for Services Rendered

The total cost to the state of maintaining and operating the Office of Administrative Hearings shall be determined by, and collected by the Department of General Services in advance or upon such other basis as it may determine from the state or other public agencies for which services are provided by the office.

11370.5. Access to Departmental and Agency Records

(a) The office is authorized and directed to study the subject of administrative adjudication in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature. All departments, agencies, officers, and employees of the state shall give the office ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control. Nothing in this section authorizes an agency to provide access to records required by statute to be kept confidential.

(b) The office may adopt rules and regulations to carry out the functions and duties of the office under the Administrative Procedure Act. The regulations are subject to Chapter 3.5 (commencing with Section 11340).

Chapter 5, Administrative Adjudication On Formal Hearings

11500. Definitions

In this chapter unless the context or subject matter otherwise requires:

(a) "Agency" includes the state boards, commissions, and officers to which this chapter is made applicable by law, except that wherever the word "agency" alone is used the power to act may be delegated by the agency, and wherever the words "agency itself" are used the power to act shall not be delegated unless the statutes relating to the particular agency authorize the delegation of the agency's power to hear and decide.

(b) "Party" includes the agency, the respondent, and any person, other than an officer or an employee of the agency in his or her official capacity, who has been allowed to appear or participate in the proceeding.

(c) "Respondent" means any person against whom an accusation is filed pursuant to Section 11503 or against whom a statement of issues is filed pursuant to Section 11504.

(d) "Administrative law judge" means an individual qualified under Section 11502.

(e) "Agency member" means any person who is a member of any agency to which this chapter is applicable and includes any person who himself or herself constitutes an agency.

11501. Adjudicative Proceeding

(a) This chapter applies to any agency as determined by the statutes relating to that agency.

(b) This chapter applies to an adjudicative proceeding of an agency created on or after July 1, 1997, unless the statutes relating to the proceeding provide otherwise.
(c) Chapter 4.5 (commencing with Section 11400) applies to an adjudicative proceeding required to be conducted under this chapter, unless the statutes relating to the proceeding provide otherwise.

11502. Administrative Hearings of All State Agencies

(a) All hearings of state agencies required to be conducted under this chapter shall be conducted by administrative law judges on the staff of the Office of Administrative Hearings. This subdivision applies to a hearing required to be conducted under this chapter that is conducted under the informal hearing or emergency decision procedure provided in Chapter 4.5 (commencing with Section 11400).

(b) The Director of the Office of Administrative Hearings has power to appoint a staff of administrative law judges for the office as provided in Section 11370.3. Each administrative law judge shall have been admitted to practice law in this state for at least five years immediately preceding his or her appointment and shall possess any additional qualifications established by the State Personnel Board for the particular class of position involved.

11503. A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

11504. Statement of Issues

A hearing to determine whether a right, authority, license, or privilege should be granted, issued, or renewed shall be initiated by filing a statement of issues. The statement of issues shall be a written statement specifying the statutes and rules with which the respondent must show compliance by producing proof at the hearing and, in addition, any particular matters that have come to the attention of the initiating party and that would authorize a denial of the agency action sought. The statement of issues shall be verified unless made by a public officer acting in his or her official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief. The statement of issues shall be served in the same manner as an accusation, except that, if the hearing is held at the request of the respondent, Sections 11505 and 11506 shall not apply and the statement of issues together with the notice of hearing shall be delivered or mailed to the parties as provided in Section 11509. Unless a statement to respondent is served pursuant to Section 11505, a copy of Sections 11507.5, 11507.6, and 11507.7, and the name and address of the person to whom requests permitted by Section 11505 may be made, shall be served with the statement of issues.

11504.5. Accusations

In the following sections of this chapter, all references to accusations shall be deemed to be applicable to statements of issues except in those cases mentioned in subdivision (a) of Section 11505 and Section 11506 where compliance is not required.

11505. Filing of Accusations

(a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the accusation shall include or be accompanied by (1) a statement that the respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (2) copies of Sections 11507.5, 11507.6, and 11507.7.

(b) The statement to respondent shall be substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, (here insert name of agency) may proceed upon the accusation without a hearing.

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The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: (here insert name and address of agency). You may, but need not, be represented by counsel at any or all stages of these proceedings.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code in the possession, custody or control of the agency, you may contact: (here insert name and address of appropriate person).

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the agency or, if an administrative law judge has been assigned to the hearing, the Office of Administrative Hearings, within 10 working days after you discover the good cause. Failure to give notice within 10 days will deprive you of a postponement.

(c) The accusation and all accompanying information may be sent to the respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires the respondent to file the respondent's address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to the respondent at the latest address on file with the agency.

**PENAL CODE OF CALIFORNIA**

**PART 4, PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS**

**TITLE 1, INVESTIGATIONS AND CONTROL OF CRIMES AND CRIMINALS**

**CHAPTER 2, CONTROL OF CRIMES AND CRIMINALS**

**Article 2, Reports Of Injuries**

11160. Reports of Injuries

(a) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b):

1. Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm.

2. Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

(b) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department shall make a report regarding persons described in subdivision (a) to a local law enforcement agency as follows:

1. A report by telephone shall be made immediately or as soon as practically possible.

2. A written report shall be prepared and sent to a local law enforcement agency within two working days of receiving the information regarding the person.

3. A local law enforcement agency shall be notified and a written report shall be prepared and sent pursuant to paragraphs (1) and (2) even if the person who suffered the wound, other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

4. The report shall include, but shall not be limited to, the following:

   (A) The name of the injured person, if known.
   (B) The injured person's whereabouts.
   (C) The character and extent of the person's injuries.
(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

(c) For the purposes of this section, "injury" shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

(d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:

1. Murder, in violation of Section 187.
2. Manslaughter, in violation of Section 192 or 192.5.
3. Mayhem, in violation of Section 203.
4. Aggravated mayhem, in violation of Section 205.
5. Torture, in violation of Section 206.
6. Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
7. Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.
8. Battery, in violation of Section 242.
9. Sexual battery, in violation of Section 243.4.
10. Incest, in violation of Section 285.
11. Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.
12. Assault with a stun gun or taser, in violation of Section 244.5.
13. Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.
14. Rape, in violation of Section 261.
15. Spousal rape, in violation of Section 262.
16. Procuring any female to have sex with another man, in violation of Section 266, 266a, 266b, or 266c.
17. Child abuse or endangerment, in violation of Section 273a or 273d.
18. Abuse of spouse or cohabitant, in violation of Section 273.5.
19. Sodomy, in violation of Section 286.
20. Lewd and lascivious acts with a child, in violation of Section 288.
22. Sexual penetration, in violation of Section 289.
23. Elder abuse, in violation of Section 368.
24. An attempt to commit any crime specified in paragraphs (1) to (23), inclusive.

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported pursuant to this section, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a member of the team to make a report by telephone and a single written report, as required by subdivision (b). The written report shall be signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(f) The reporting duties under this section are individual, except as provided in subdivision (e).

(g) No supervisor or administrator shall impede or inhibit the reporting duties required under this section and no person making a report pursuant to this section shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, except that these procedures shall not be inconsistent with this article. The internal procedures shall not require any employee required to make a report under this article to disclose his or her identity to the employer.

(h) For the purposes of this section, it is the Legislature's intent to avoid duplication of information.

Failure to comply with the requirements of this Penal Code requirement is a misdemeanor, punishable by up to six months in jail or by a fine of one thousand dollars ($1,000) or both.

11161.9. Civil or Criminal Liability

(a) A health practitioner who makes a report in accordance with this article shall not incur civil or criminal liability as a result of any report required or authorized by this article.

(b) (1) No person required or authorized to report pursuant to this article, or designated by a person required or authorized to report pursuant to this article, who takes photographs of a person suspected of being a person

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described in this article about whom a report is required or authorized shall incur any civil or criminal liability for taking the photographs, causing the photographs to be taken, or disseminating the photographs to local law enforcement with the reports required by this article in accordance with this article. However, this subdivision shall not be deemed to grant immunity from civil or criminal liability with respect to any other use of the photographs.

(2) A court may award attorney's fees to a commercial film and photographic print processor when a suit is brought against the processor because of a disclosure mandated by this article and the court finds that the suit is frivolous.

(c) A health practitioner who, pursuant to a request from an adult protective services agency or a local law enforcement agency, provides the requesting agency with access to the victim of a known or suspected instance of abuse shall not incur civil or criminal liability as a result of providing that access.

(d) No employee shall be discharged, suspended, disciplined, or harassed for making a report pursuant to this section.

(e) This section does not apply to mandated reporting of child abuse, as provided for in Article 2.5 (commencing with Section 11164).

11162. Violation of Article, Misdemeanor

A violation of this article is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

11162.5. Definitions

As used in this article, the following definitions shall apply:

(a) "Health practitioner" has the same meaning as provided in Section 11165.8.

(b) "Clinic" is limited to include any clinic specified in Sections 1204 and 1204.3 of the Health and Safety Code.

(c) "Health facility" has the same meaning as provided in Section 1250 of the Health and Safety Code.

(d) "Reasonably suspects" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect.

Article 2.5, Child Abuse And Neglect Reporting Act

11164. Child Abuse and Neglect Reporting Act

(a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.

(b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

11165. Definition of Child

As used in this article "child" means a person under the age of 18 years.

11165.1. Definitions of Sexual Assault

As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:

(1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.
(4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
(5) The intentional masturbation of the perpetrator's genitals in the presence of a child.
(c) "Sexual exploitation" refers to any of the following:
(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).
(2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.
(3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

11165.2. Definition of Neglect
As used in this article, "neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.
(a) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.
(b) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.
For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

11165.3. Definition of Willful Cruelty or Unjustifiable Punishment
As used in this article, "willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

11165.4. Definition of Unlawful Corporal Punishment or Injury
As used in this article, "unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, as authorized by Section 49001 of the Education Code. It also does not include the exercise of the degree of physical

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control authorized by Section 44807 of the Education Code. It also does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.5. Definition of Abuse or Neglect in Out-of-Home Care

As used in this article, the term "abuse or neglect in out-of-home care" includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful cruelty or unjustifiable punishment of a child, as defined in Section 11165.3, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse or neglect in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.6. Definition of Child Abuse

As used in this article, the term "child abuse or neglect" includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, willful cruelty or unjustifiable punishment as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. "Child abuse or neglect" does not include a mutual affray between minors. "Child abuse or neglect" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.7. Definition of Mandated Reporter

(a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.
(2) An instructional aide.
(3) A teacher's aide or teacher's assistant employed by any public or private school.
(4) A classified employee of any public school.
(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
(6) An administrator of a public or private day camp.
(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
(9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
(11) A headstart teacher.
(12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
(13) A public assistance worker.
(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
(15) A social worker, probation officer, or parole officer.
(16) An employee of a school district police or security department.
(17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
(18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
(20) A firefighter, except for volunteer firefighters.
(21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.4 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner, or any other person who performs autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166.

(34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.

(36) A custodial officer as defined in Section 831.5. (b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

11165.9. Where to Report
Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person,

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or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

WELFARE AND INSTITUTIONS CODE
PART 3, AID AND MEDICAL ASSISTANCE
CHAPTER 2, CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITIES TO KIDS ACT
Article 4, Relative’s Responsibility

11350.6. Definitions
(a) As used in this section:
(1) "Applicant" means any person applying for issuance or renewal of a license.
(2) "Board" means any entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Department of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Game, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession does not exclude that board, commission, department, committee, examiner, entity, or agency from this term.
(3) "Certified list" means a list provided by the district attorney to the State Department of Social Services in which the district attorney verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act.
(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the district attorney, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the district attorney, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The district attorney is authorized to use this section to enforce orders for spousal support only when the district attorney is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 11475.1 and 11475.2.
(5) "License" includes membership in the State Bar, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. "License" also includes any driver's license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, any license used for recreational purposes. This term includes all licenses, certificates, credentials, permits, registrations, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession. The failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board that allows a person to engage in a business, occupation, or profession, does not exclude that license, certificate, credential, permit, registration, or other authorization from this term.
(6) "Licensee" means any person holding a license, certificate, credential, permit, registration, or other authorization issued by a board, to engage in a business, occupation, or profession, or a commercial driver's license as defined in Section 15210 of the Vehicle Code, including an appointment and commission by the Secretary of State as a notary public. "Licensee" also means any person holding a driver's license issued by the Department of

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Motor Vehicles, any person holding a commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, any person holding a license used for recreational purposes. This term includes all persons holding a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, and the failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board does not exclude that person from this term.

(b) The district attorney shall maintain a list of those persons included in a case being enforced under Title IV-D of the Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The district attorney shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the district attorney who certified the list to the State Department of Social Services. The district attorney shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The district attorney shall submit to the State Department of Social Services an updated certified list on a monthly basis.

(c) The State Department of Social Services shall consolidate the certified lists received from the district attorneys and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board which is responsible for the regulation of licenses, as specified in this section.

(d) On or before November 1, 1992, or as soon thereafter as economically feasible, as determined by the State Department of Social Services, all boards subject to this section shall implement procedures to accept and process the list provided by the State Department of Social Services, in accordance with this section. Notwithstanding any other provision of law, all boards shall collect social security numbers from all applicants for the purposes of matching the names of the certified list provided by the State Department of Social Services to applicants and licensees and of responding to requests for this information made by child support agencies.

(e) (1) Promptly after receiving the certified consolidated list from the State Department of Social Services, and prior to the issuance or renewal of a license, each board shall determine whether the applicant is on the most recent certified consolidated list provided by the State Department of Social Services. The board shall have the authority to withhold issuance or renewal of the license of any applicant on the list.

(2) If an applicant is on the list, the board shall immediately serve notice as specified in subdivision (f) on the applicant of the board's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(A) The board shall issue a temporary license valid for a period of 150 days to any applicant whose name is on the certified list if the applicant is otherwise eligible for a license.

(B) Except as provided in subparagraph (D), the 150-day time period for a temporary license shall not be extended. Except as provided in subparagraph (D), only one temporary license shall be issued during a regular license term and it shall coincide with the first 150 days of that license term. As this paragraph applies to commercial driver's licenses, "license term" shall be deemed to be 12 months from the date the application fee is received by the Department of Motor Vehicles. A license for the full or remainder of the license term shall be issued or renewed only upon compliance with this section.

(C) In the event that a license or application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board.

(D) This paragraph shall apply only in the case of a driver's license, other than a commercial driver's license. Upon the request of the district attorney or by order of the court upon a showing of good cause, the board shall extend a 150-day temporary license for a period not to exceed 150 extra days.

(3) (A) The State Department of Social Services may, when it is economically feasible for the department and the boards to do so as determined by the department, in cases where the department is aware that certain child support obligors listed on the certified lists have been out of compliance with a judgment or order for support for more than four months, provide a supplemental list of these obligors to each board with which the department has an interagency agreement to implement this paragraph. Upon request by the department, the licenses of these obligors shall be subject to suspension, provided that the licenses would not otherwise be eligible for renewal within six months from the date of the request by the department. The board shall have the authority to suspend the license of any licensee on this supplemental list.

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(B) If a licensee is on a supplemental list, the board shall immediately serve notice as specified in subdivision (f) on the licensee that his or her license will be automatically suspended 150 days after notice is served, unless compliance with this section is achieved. The notice shall be made personally or by mail to the licensee's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(C) The 150-day notice period shall not be extended.

(D) In the event that any license is suspended pursuant to this section, any funds paid by the licensee shall not be refunded by the board.

(E) This paragraph shall not apply to licenses subject to annual renewal or annual fee.

(f) Notices shall be developed by each board in accordance with guidelines provided by the State Department of Social Services and subject to approval by the State Department of Social Services. The notice shall include the address and telephone number of the district attorney who submitted the name on the certified list, and shall emphasize the necessity of obtaining a release from that district attorney's office as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) In the case of applicants not subject to paragraph (3) of subdivision (e), the notice shall inform the applicant that the board shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 150 calendar days if the applicant is otherwise eligible and that upon expiration of that time period the license will be denied unless the board has received a release from the district attorney who submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(2) In the case of licensees named on a supplemental list, the notice shall inform the licensee that his or her license will continue in its existing status for no more than 150 calendar days from the date of mailing or service of the notice and thereafter will be suspended indefinitely unless, during the 150-day notice period, the board has received a release from the district attorney who submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board. The State Department of Social Services shall also develop a form that the applicant shall use to request a review by the district attorney. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(g) (1) Each district attorney shall maintain review procedures consistent with this section to allow an applicant to have the underlying arrearage and any relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances so warrant.

(2) It is the intent of the Legislature that a court or district attorney, when determining an appropriate payment schedule for arrearages, base its decision on the facts of the particular case and the priority of payment of child support over other debts. The payment schedule shall also recognize that certain expenses may be essential to enable an obligor to be employed. Therefore, in reaching its decision, the court or the district attorney shall consider both of these goals in setting a payment schedule for arrearages.

(h) If the applicant wishes to challenge the submission of his or her name on the certified list, the applicant shall make a timely written request for review on the form specified in subdivision (f) to the district attorney who certified the applicant's name. The district attorney shall, within 75 days of receipt of the written request, inform the applicant in writing of his or her findings upon completion of the review. The district attorney shall immediately send a release to the appropriate board and the applicant, if any of the following conditions are met:

(1) The applicant is found to be in compliance or negotiates an agreement with the district attorney for a payment schedule on arrearages or reimbursement.

(2) The applicant has submitted a request for review, but the district attorney will be unable to complete the review and send notice of his or her findings to the applicant within 75 days. This paragraph applies only if the delay in completing the review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving notice from the board that his or her name is on the list.

(3) The applicant has filed and served a request for judicial review pursuant to this section, but a resolution of that review will not be made within 150 days of the date of service of notice pursuant to subdivision (f). This paragraph...
applies only if the delay in completing the judicial review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the district attorney's notice of his or her findings.

(4) The applicant has obtained a judicial finding of compliance as defined in this section.

(i) An applicant is required to act with diligence in responding to notices from the board and the district attorney with the recognition that the temporary license will lapse or the license suspension will go into effect after 150 days and that the district attorney and, where appropriate, the court must have time to act within that period. An applicant's delay in acting, without good cause, which directly results in the inability of the district attorney to complete a review of the applicant's request or the court to hear the request for judicial review within the 150-day period shall not constitute the diligence required under this section which would justify the issuance of a release.

(j) Except as otherwise provided in this section, the district attorney shall not issue a release if the applicant is not in compliance with the judgment or order for support. The district attorney shall notify the applicant in writing that the applicant may, by filing an order to show cause or notice of motion, request any or all of the following:

(1) Judicial review of the district attorney's decision not to issue a release.
(2) A judicial determination of compliance.
(3) A modification of the support judgment or order.

The notice shall also contain the name and address of the court in which the applicant shall file the order to show cause or notice of motion and inform the applicant that his or her name shall remain on the certified list if the applicant does not timely request judicial review. The applicant shall comply with all statutes and rules of court regarding orders to show cause and notices of motion.

Nothing in this section shall be deemed to limit an applicant from filing an order to show cause or notice of motion to modify a support judgment or order or to fix a payment schedule on arrears accruing under a support judgment or order or to obtain a court finding of compliance with a judgment or order for support.

(k) The request for judicial review of the district attorney's decision shall state the grounds for which review is requested and judicial review shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of the request for review. Judicial review of the district attorney's decision shall be limited to a determination of each of the following issues:

(1) Whether there is a support judgment, order, or payment schedule on arrears or reimbursement.
(2) Whether the petitioner is the obligor covered by the support judgment or order.
(3) Whether the support obligor is or is not in compliance with the judgment or order of support.
(4) The extent to which the needs of the obligor, taking into account the obligor's payment history and the current circumstances of both the obligor and the obligee, warrant a conditional release as described in this subdivision.

The request for judicial review shall be served by the applicant upon the district attorney who submitted the applicant's name on the certified list within seven calendar days of the filing of the petition. The court has the authority to uphold the action, unconditionally release the license, or conditionally release the license.

If the judicial review results in a finding by the court that the obligor is in compliance with the judgment or order for support, the district attorney shall immediately send a release in accordance with subdivision (h) to the appropriate board and the applicant. If the judicial review results in a finding by the court that the needs of the obligor warrant a conditional release, the court shall make findings of fact stating the basis for the release and the payment necessary to satisfy the unrestricted issuance or renewal of the license without prejudice to a later judicial determination of the amount of support arrears, including interest, and shall specify payment terms, compliance with which are necessary to allow the release to remain in effect.

(l) The State Department of Social Services shall prescribe release forms for use by district attorneys. When the obligor is in compliance, the district attorney shall mail to the applicant and the appropriate board a release stating that the applicant is in compliance. The receipt of a release shall serve to notify the applicant and the board that, for the purposes of this section, the applicant is in compliance with the judgment or order for support. Any board that has received a release from the district attorney pursuant to this subdivision shall process the release within five business days of its receipt.

If the district attorney determines subsequent to the issuance of a release that the applicant is once again not in compliance with a judgment or order for support, or with the terms of repayment as described in this subdivision, the district attorney may notify the board, the obligor, and the State Department of Social Services in a format prescribed by the State Department of Social Services that the obligor is not in compliance.

The State Department of Social Services may, when it is economically feasible for the department and the boards to develop an automated process for complying with this subdivision, notify the boards in a manner prescribed by
the department, that the obligor is once again not in compliance. Upon receipt of this notice, the board shall immediately notify the obligor on a form prescribed by the department that the obligor's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The obligor shall be further notified that the license will remain suspended until a new release is issued in accordance with subdivision (h). Nothing in this section shall be deemed to limit the obligor from seeking judicial review of suspension pursuant to the procedures described in subdivision (k).

(m) The State Department of Social Services may enter into interagency agreements with the state agencies that have responsibility for the administration of boards necessary to implement this section, to the extent that it is cost-effective to implement this section. These agreements shall provide for the receipt by the other state agencies and boards of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and boards in implementing this section. Notwithstanding any other provision of law, revenue generated by a board or state agency shall be used to fund the nonfederal share of costs incurred pursuant to this section. These agreements shall provide that boards shall reimburse the State Department of Social Services for the nonfederal share of costs incurred by the department in implementing this section. The boards shall reimburse the State Department of Social Services for the nonfederal share of costs incurred pursuant to this section from moneys collected from applicants and licensees.

(n) Notwithstanding any other provision of law, in order for the boards subject to this section to be reimbursed for the costs incurred in administering its provisions, the boards may, with the approval of the appropriate department director, levy on all licensees and applicants a surcharge on any fee or fees collected pursuant to law, or, alternatively, with the approval of the appropriate department director, levy on the applicants or licensees named on a certified list or supplemental list, a special fee.

(o) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

The procedures specified in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial, suspension, or failure to issue or renew a license or the issuance of a temporary license pursuant to this section.

(p) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1995, the State Department of Social Services shall make a report to the Legislature and the Governor based on data collected by the boards and the district attorneys in a format prescribed by the State Department of Social Services. The report shall contain all of the following:

1. The number of delinquent obligors certified by district attorneys under this section.
2. The number of support obligors who also were applicants or licensees subject to this section.
3. The number of new licenses and renewals that were delayed, temporary licenses issued, and licenses suspended subject to this section and the number of new licenses and renewals granted and licenses reinstated following board receipt of releases as provided by subdivision (h) by May 1, 1995.
4. The costs incurred in the implementation and enforcement of this section.

(q) Any board receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or has been granted a temporary license under this section shall respond only that the license was denied or suspended or the temporary license was issued pursuant to this section. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(r) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(s) The State Department of Social Services and boards, as appropriate, shall adopt regulations necessary to implement this section.

(t) The Judicial Council shall develop the forms necessary to implement this section, except as provided in subdivisions (f) and (l).
(u) The release or other use of information received by a board pursuant to this section, except as authorized by this section, is punishable as a misdemeanor.

(v) The State Board of Equalization shall enter into interagency agreements with the State Department of Social Services and the Franchise Tax Board that will require the State Department of Social Services and the Franchise Tax Board to maximize the use of information collected by the State Board of Equalization, for child support enforcement purposes, to the extent it is cost-effective and permitted by the Revenue and Taxation Code.

(w) The suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to vehicle impoundment pursuant to Section 14602.6 of the Vehicle Code.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.