

VOLUME 36 Part 1  
THIRD EDITION

# CAL JUR



**HABEAS CORPUS**  
to  
**HEALING ARTS AND**  
**INSTITUTIONS**  
**§§ 1-277**

**1997**

**BancroftWhitney** →

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30 days prior to the examination.<sup>20</sup> The application must be verified by the oath of the applicant and must contain the name, age, and address of the applicant and a statement of the previous examinations, if any, that he or she has taken and the dates of such examinations. It must also contain satisfactory information and evidence showing the eligibility of the applicant to take the examination.<sup>21</sup>

## 2. QUALIFICATIONS OF APPLICANTS [§§ 175-179]

(See General References preceding § 170.)

§ 175. In general

§ 176. Educational requirements

§ 177. Clinical internships or other experience

§ 178. Examination

§ 179. Grounds for denial

### Summary

The power of the state to regulate and control the practice of the healing arts includes the power to prescribe qualifications (§ 175). The provisions governing healing arts licensing generally set forth required degrees or courses of study (§ 176). Some healing arts license applicants are required to complete internships or other clinical experience before obtaining a license (§ 177). In order to obtain an license, healing arts practitioners often must pass an examination (§ 178). Even if other qualifications are met, provisions governing healing arts licenses frequently provide grounds for denial of a license based on specified conduct, often the same conduct that would result in discipline of a licensed practitioner (§ 179).

### § 175. In general

The power of the state to regulate and control the practice of the healing arts, either generally or in any of its limited branches, includes the power to prescribe qualifications for everyone who desires to engage in such practice.<sup>22</sup> Thus, the subjects required in

20. B & P C § 3044.

21. B & P C § 3045.

22. *Ex parte Whitley* (1904) 144 C 167, 77 P 879; *Arwine v Board of Medi-*

a qualifying examination for a license or certificate are proper matters for legislative regulation under the police power.<sup>23</sup>

Healing arts licensing boards or examining committees may not require applicants for licensure or certification to be a member of, to be certified by, or otherwise meet the standards of, any specified private voluntary association or professional society,<sup>24</sup> unless there is direct statutory authority or requirement that the board or examining committee utilize the standards of the specified private voluntary association or professional society.<sup>25</sup> Alternatively, the board or examining committee may require such certification if it specifies by regulation the amount of education, training, experience, examinations, or other requirements of the private association or professional society, which must be consistent with the provisions of law regulating licensees, and the board or examining committee adopts such standards in public hearing. However, the board or examining committee may, by regulation, require an applicant to successfully complete an examination conducted or created by a relevant national certification association, testing firm, private voluntary association, or professional society.<sup>26</sup>

### § 176. Educational requirements

The provisions governing healing arts licensing generally set forth required degrees or courses of study.<sup>27</sup> Thus in order to obtain a license, chiropractors must graduate from an approved chiropractic school or college, having completed at least 2,400 hours of course work in specified subjects;<sup>28</sup> dentists must graduate from a

*cal Examiners (1907) 151 C 499, 91 P 319.*

**Annotations:** Validity of legislation regulating, licensing, or prescribing for certification of psychologists, 81 ALR2d 791.

23. *Leo v Board of Medical Examiners (1940) 36 CA2d 490, 97 P2d 1046.*

24. B & P C § 850.

25. B & P C § 851(a).

26. B & P C § 850(b).

27. As to approval of educational institutions or courses, see § 100.

28. B & P C Appendix I § 5 (specifying anatomy, histology, chemistry, toxicology, physiology, bacteriology, hygiene and sanitation, pathology, diagnosis or analysis, chiropractic theory and practice, and obstetrics and gynecology).

reputable dental college;<sup>29</sup> physicians and surgeons must complete a medical curriculum at an approved medical school, with a minimum number of course hours of 4,000;<sup>30</sup> podiatrists must complete a medical curriculum in an approved college or school of podiatric medicine, with a minimum number of course hours of 1,000;<sup>31</sup> and licensed midwives complete a three-year post-secondary accredited midwifery education program.<sup>32</sup>

Similarly, speech-language pathologists and audiologists must obtain a master's degree in speech-language pathology or audiology from an approved educational institution;<sup>33</sup> occupational therapists must complete an accredited occupational therapy curriculum;<sup>34</sup> psychologists must obtain a doctorate in psychology, education psychology, education with a specialization in counseling psychology or educational psychology, or an equivalent degree;<sup>35</sup> and optometrists must graduate from an accredited school, college, or university.<sup>36</sup> Physician assistants must complete an approved program, or a resident course of professional instruction medical school;<sup>37</sup> respiratory care practitioners must graduate from high school and a respiratory therapy school;<sup>38</sup> and nursing home administrators must complete an approved general education course of study.<sup>39</sup> Psychiatric technicians must successfully complete an approved general education course of study through

29. B & P C § 1628(b).

30. B & P C § 2089(a).

There is no apparent distinction between a "recognized school" and an "approved school" as pertains to the educational requirements for physicians and surgeons. *Savelli v Board of Medical Examiners* (1964, 1st Dist) 229 CA2d 124, 40 Cal Rptr 171, cert den 380 US 934, 13 L Ed 2d 821, 85 S Ct 940 and (criticized on other grounds by *Carl S. v Commission for Teacher Preparation & Licensing* (2nd Dist) 126 CA3d 365, 178 Cal Rptr 753) and (criticized on other grounds as stated in *Frudden Enterprises, Inc. v Agricultural Labor Relations Bd.* (1st Dist) 153 CA3d 262, 201 Cal Rptr 371).

31. B & P C § 2483.

32. B & P C §§ 2512.5(a), 2513.

33. B & P C § 2532.2(a).

34. B & P C § 2570(1).

35. B & P C § 2914(b).

36. B & P C § 3047.

See B & P C § 3041.2 (additional requirements for use of therapeutic pharmaceutical agents).

37. B & P C § 3519(a) (referring to B & P C §§ 2088, 2089).

38. B & P C § 3740.

39. B & P C § 3920.

the twelfth grade or the equivalent, and successfully complete one of the following: a prescribed course of study and training in an accredited school; a course of study and training that, together with previously acquired training or experience, is determined by an accredited school to be equivalent; or a course of study and training that is equivalent to the minimum requirements of an accredited program for psychiatric technicians.<sup>40</sup> Veterinarians must have a diploma from a recognized veterinary college,<sup>41</sup> and acupuncturists must complete an approved education and training program or a tutorial in the practice of an acupuncturist.<sup>42</sup> Marriage, family, and child counselors must obtain a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work, from an accredited school, college, or university,<sup>43</sup> and licensed clinical social workers must obtain a master's degree from an accredited school of social work.<sup>44</sup>

There are also educational requirements for dietitians,<sup>45</sup> perfusionists,<sup>46</sup> registered nurses,<sup>47</sup> and vocational nurses.<sup>48</sup>

Frequently, the statutory provisions specify particular courses that must be included in degree programs. For example, physical therapists must complete a curriculum consisting of a combination of didactic, clinical, and research experiences in physical therapy using critical thinking and weighing of evidence, and must include, at a minimum, all of the following:<sup>49</sup> the sciences basic to physical therapy including biomedical, physical, physiological, neurobiological, anatomical, social and behavioral sciences;<sup>50</sup> clinical sciences, including laboratory or other practical experiences involving

40. B & P C § 4511(b), 4511(c).

45. B & P C § 2585(a)(2), 2585(b).

41. B & P C § 4846.

46. B & P C §§ 2590(e), 2592.

42. B & P C §§ 4938, 4939, 4940.

47. B & P C § 2736.

43. B & P C § 4980.40.

48. B & P C § 2866.

See B & P C §§ 4980.37-4980.39, 4980.41 (further requirements).

49. B & P C § 2650(b).

44. B & P C § 4996.2(b).

50. B & P C § 2650(b)(1).

quantitative and qualitative evaluation within the scope of physical therapy practice, including kinesiology, neuroscience, pathology, human development, and gerontology;<sup>51</sup> treatment that constitutes the practice of physical therapy;<sup>52</sup> learning experiences provided in the areas of administration, education, and consultation;<sup>53</sup> research methods including the review and critical analysis of research reports;<sup>54</sup> and the ethical, legal, and economical concepts of physical therapy practice.<sup>55</sup>

### § 177. Clinical internships or other experience

Applicants for some healing arts licenses are required to complete internships or other clinical experience. Physicians and surgeons must complete one year of postgraduate training at an approved training program, including at least four months of general medicine.<sup>56</sup> Similarly, podiatrists must complete one year of approved postgraduate podiatric medical and podiatric surgical training in a general acute care hospital.<sup>57</sup> Speech-language pathologists and audiologists must complete 300 clock hours of supervised clinical practice, as well as either 9 months of professional full-time supervised experience or 18 months of part-time professional supervised experience.<sup>58</sup> Midwives are required to obtain clinical experience as part of their education program.<sup>59</sup>

Occupational therapists must be eligible for certification by the American Occupational Therapy Certification board, or complete two years of appropriate experience and pass a proficiency exam.<sup>60</sup> Physical therapists must complete at least 18 weeks full-time clinical experience with a variety of patients.<sup>61</sup> Psychologists must complete at least two years of supervised professional experience, at least one year of which must be completed after receiving the

51. B & P C § 2650(b)(2).

57. B & P C § 2484.

52. B & P C § 2650(b)(3).

58. B & P C § 2532(d).

53. B & P C § 2650(b)(4).

59. B & P C §§ 2512.5(a), 2513.

54. B & P C § 2650(b)(5).

60. B & P C § 2570(2).

55. B & P C § 2650(b)(6).

61. B & P C § 2650(c).

56. B & P C § 2096.