

PROPOSED REGULATIONS

Title of Regulations: 18 VAC 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et. seq.) of Title 54.1 of the Code of Virginia

Effective Date:

Summary: The Board has repealed existing regulations and adopted new regulations governing the practice of physical therapy. These regulations protect the health, safety and welfare of the citizens of the Commonwealth by establishing educational and examination requirements, renewal and reinstatement requirements, and practice standards.

PART I.

General Provisions.

18 VAC 85-31-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"*Advisory Board*" means the Advisory Board on Physical Therapy.

"*Approved program*" means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

"*Board*" means the Virginia Board of Medicine.

"*CLEP*" means the College Level Examination Program.

"*Direct supervision*" means a physical therapist is present and is fully responsible for the activities performed by the non-licensed physical therapy personnel.

"*Evaluation*" means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and appropriate documentation.

"*FCCPT*" means the Foreign Credentialing Commission on Physical Therapy.

"*General supervision*" means a physical therapist shall be available for consultation.

"*Non-licensed personnel*" means any individual not licensed or certified by a health regulatory board within the Department of Health Professions who is performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.

"*Physical therapist*" means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

"*Physical therapist assistant*" means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

~~"*Physical therapy aide*" means any non-licensed personnel performing patient care function at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.~~

"*Referral and direction*" means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor.

"*TOEFL*" means the Test of English as a Foreign Language.

"*Trainee*" means a person undergoing a traineeship.

1. "*Foreign educated trainee*" means a physical therapist or physical therapist assistant who graduated from a school not approved by an accrediting agency recognized by the board, and who is seeking licensure to practice in Virginia.
2. "*Inactive practice trainee*" means a physical therapist or physical therapist assistant who has previously been licensed and has ~~been inactive~~ not practiced for at least 320 hours within the past ~~for four years or more~~ and who is seeking licensure or relicensure in Virginia.
3. "*Unlicensed graduate trainee*" means a graduate of an approved physical therapist or physical therapist assistant program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

"*Traineeship*" means a period of full time activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

18 VAC 85-31-20. Public participation.

Board regulations, 18 VAC 85-10-10 et seq., provide for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

18 VAC 85-31-25. Current name and address.

Each licensee shall furnish the board his current name and address. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when mailed to the latest address provided or when served to the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.

PART II.

Licensure: General Requirements.

18 VAC 85-31-40. Education requirements: graduates of approved programs

A. An applicant for licensure who is a graduate of a ~~an approved~~ program ~~approved by an accrediting agency recognized by the board~~ shall submit with the required application and fee documented evidence of his graduation from such a program.

B. If an applicant is a graduate of an approved program located outside of the United States or Canada, he shall provide proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL, or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.

18 VAC 85-31-50. Education requirements: graduates of schools not approved by an accrediting agency recognized by the board.

A. An applicant for licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency recognized by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by the FCCPT.

B. An applicant for licensure as a physical therapy assistant who is a graduate of a school not approved by the board shall submit with the required application and fee:

1. Proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL, or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.
2. A photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.

If the certificate or diploma is not in the English language, submit either:

- a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or
- b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education ~~to the following standards~~ from a scholastic credentials service approved by the advisory board of at least 65 semester hours to include:

~~a. The minimum educational requirements for licensure as a physical therapist shall be 120 semester hours as follows:~~

~~(1) General education requirements. A minimum of 40 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.~~

~~(2) Professional education requirements. A minimum of 60 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.~~

~~(3) CLEP semester hours or credits, shall be accepted for general education hours only.~~

~~b. The minimum educational requirements for licensure as a physical therapist assistant shall be 65 semester hours as follows:~~

~~(4) a. General education requirements. A minimum of 20 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.~~

~~(2)~~ b. Professional educational requirements. A minimum of 45 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.

~~(3)~~ c. CLEP semester hours or credits, shall be accepted for general education hours only.

C. 4. An applicant for licensure as a physical therapist or a physical therapy assistant shall also submit verification of having successfully completed a full-time 1000-hour traineeship as a "foreign educated trainee" under the direct supervision of a licensed physical therapist. The traineeship shall be in a facility that serves as a education facility for students enrolled in an accredited program educating physical therapists in Virginia and is approved by the advisory board.

~~a.~~1. It shall be the responsibility of the foreign educated trainee to make the necessary arrangements for his training with the director of physical therapy or the director's designee at the facility selected by the trainee.

~~b.~~2. The physical therapist supervising the foreign educated trainee shall submit a progress report to the board at the end of the 1000 hours. This report shall be submitted on forms supplied by the advisory board.

~~e.~~3. If the traineeship is not successfully completed at the end of 1000 hours as determined by the supervising physical therapist, the chairman of the advisory board or his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

~~e.4.~~ The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

~~e.5.~~ The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

PART III.

Licensure by Examination.

18 VAC 85-31-60. Examination Application requirements.

~~A.~~ Every applicant for initial board licensure by examination shall submit:

1. ~~Meet~~ Documentation of having met the educational requirements specified in 18 VAC 85-31-40 or 18 VAC 85-31-50; ~~and~~
2. ~~Submit~~ The required application and credentials to the board ~~not less than 35 days prior to the date of examination or traineeship.~~ ; and

3. Documentation of passage of the national examination as prescribed by the board.

~~B. Every applicant shall take the examination prescribed by the board.~~

18 VAC 85-31-65. Requirements for the examination.

~~C. A.~~ The minimum passing ~~score~~ score shall be a scale score of 600 or as established by the advisory board.

~~D. B.~~ An applicant who fails the examination after six attempts shall be denied licensure.

~~E. C.~~ A person not taking the licensure examination within four years after graduation shall successfully complete a full-time 480-hour traineeship ~~before taking the licensure examination.~~

18 VAC 85-31-70. Traineeship for unlicensed graduate scheduled to sit for the board's licensure examination.

A. Upon approval of the chairman of the advisory board or his designee, an unlicensed graduate trainee in Virginia, may be employed under the direct supervision of a licensed physical therapist until the results of the licensure examination are received.

B. The traineeship shall terminate two working days following receipt by the candidate of the licensure examination results.

- C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination.

PART IV.

Licensure by Endorsement.

18 VAC 85-31-80. Endorsement requirements.

- A. A physical therapist or physical therapist assistant who has been licensed in the United States, its territories, the District of Columbia, or Canada, by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the advisory board to the board, be licensed in Virginia by endorsement.
- B. An applicant for licensure by endorsement shall submit:
1. ~~Meet~~ Documentation of having met the educational requirements prescribed in 18 VAC 85-31-40 or 18 VAC 85-31-50; and
 2. ~~Submit~~ The required application, fees, and credentials to the board ~~not less than 31 days prior to the date of endorsement or traineeship.~~
 3. Documentation of passage of the national examination as prescribed by the board.

- C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has ~~been inactive for a period of~~ not actively practiced physical therapy for at least 320 hours within the four years or more immediately preceding his application for licensure shall first successfully complete a 480-hour traineeship as ~~required~~ specified by subsection B of 18 VAC 85-31-140.

PART V.

Practice of Physical Therapists.

18 VAC 85-31-90. Individual responsibilities to patients ~~and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.~~

The physical therapist's responsibilities are to evaluate a patient, plan the treatment program, administer and document treatment within the limit of his professional knowledge, judgment and skills and communicate with the referring ~~practitioner~~ doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

18 VAC 85-31-100. Supervisory responsibilities.

- A. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.
- B. Supervision of a ~~physical therapy aide~~ non-licensed personnel means that a licensed physical therapist or licensed physical therapist assistant must be within a facility to give direct supervision and instruction

when procedures or activities are performed. Such non-licensed personnel shall not perform those patient care functions that require professional judgment or discretion.

- C. For patients assigned to a physical therapist assistant, the physical therapist shall make on-site visits to such patients at the frequency prescribed in 18 VAC 85-31-120.
- D. When providing direct supervision to trainees, a physical therapist shall not supervise ~~no~~ more than three individual trainees at any one time.

PART VI.

Practice of Physical Therapist Assistants.

18 VAC 85-31-120. Individual responsibilities to patients and to physical therapists.

- A. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.
- B. The physical therapist assistant's first visit with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of the communication, and supervised visits, shall be made in the patient's record.
- C. The physical therapist assistant's visits to the patient shall be made under general supervision.

D. The ~~physical therapist assistant shall be provided direct supervision by a physical therapist who shall re-~~ evaluate the patient according to the following schedules:

1. ~~Not less than once a week for~~ For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, it shall be not less than once a week.
2. For patients in other settings, it shall be not less than one of 12 visits made to the patient during a 30-day period, or once every 30 days, whichever occurs first,~~in other settings.~~
3. Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

PART VII.

Renewal of Licensure: Relicensure.

18 VAC 85-31-130. Biennial renewal of license.

- A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even numbered year and pay to the board the renewal fee prescribed in 18 VAC 85-31-160.

- ~~B. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required shall be dropped from the registration roll. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18 VAC 85-31-160.~~
- ~~C. An additional fee to cover administrative costs for processing a late application shall be imposed by the board.~~
- ~~D. C. A minimum of 320 hours of practice in the preceding four years shall be required for licensure renewal.~~

18 VAC 85-31-135. Inactive license.

- A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapy assistant, be issued an inactive license.
1. The holder of an inactive license shall not be required to meet active practice requirements.
 2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.
- B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license

by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and
2. Providing proof of active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by meeting the traineeship requirements prescribed in subsection B of 18 VAC 85-31-140.

18 VAC 85-31-140. Traineeship required for ~~relicensure~~.

- A. A physical therapist or physical therapist assistant seeking ~~relicensure~~ reinstatement who does not hold a license in Virginia and who has been inactive not practiced physical therapy in another jurisdiction for at least 320 hours for a period of within the four years or more immediately preceding applying for licensure and who wishes to resume practice shall apply for reinstatement and shall first successfully complete 480 hours as an inactive practice trainee.
- B. The 480 hours of traineeship shall be in a facility that (i) serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the Advisory Board, and (iii) is under the direction and supervision of a licensed physical therapist.
 1. The physical therapist supervising the inactive practice trainee shall submit a report to the board at the end of the 480 hours on forms supplied by the advisory board.

2. If the traineeship is not successfully completed at the end of the 480 hours, as determined by the supervising physical therapist, the chairman of the advisory board or his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

~~C.—Any physical therapist or physical therapist assistant seeking licensure who has been inactive for seven years or more shall take and pass the examination approved by the board. If a trainee fails the examination three times, the trainee must appear before the advisory board prior to additional attempts.~~