

**APPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Friday, May 24, 2013 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

George Maihafer, PT, Ph.D., President
Peggy Belmont, PT, Vice-President
Melissa Wolff-Burke, PT, EdD
Robert Maroon, PT
Sarah Schmidt, P.T.A.
Michael Styron, PT, MBA
J.R. Locke, Citizen Member

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Charis Mitchell, Assistant Attorney General

Quorum:

With 7 members present, a quorum was established.

GUEST PRESENT

Mark Bouziane, Retreat Hospital
Shawne Soper

CALLED TO ORDER

Dr. Maihafer, President, thanked the board and staff for their kind thoughts and prayers for his recent loss and called the board meeting to order at 9:37 a.m.

ORDERING OF THE AGENDA

With the addition of the following two agenda items; Probable Cause Review and Questions, the agenda was accepted as amended.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Styron and properly seconded by Mr. Maroon, the Board voted to accept the minutes of the February 15, 2013 board meeting. The motion passed unanimously.

Upon a motion by Mr. Styron and properly seconded by Ms. Schmidt, the Board voted to accept the minutes of the February 15, 2013 formal hearing. The motion passed unanimously.

Upon a motion by Mr. Locke and properly seconded by Mr. Styron, the Board voted to accept the minutes of the February 15, 2013 Legislative/Regulatory Committee meeting. The motion passed unanimously.

Upon a motion by Mr. Maroon and properly seconded by Mr. Styron, the Board voted to accept the minutes of the March 21, 2013 Legislative/Regulatory Committee meeting. The motion passed unanimously.

INFORMAL CONFERENCES HELD

Dr. Maihafer shared that informal conferences were held on the following days and that the minutes are located on the board's website and on regulatory Townhall:

- (3) February 15, 2013

PUBLIC COMMENT

There was no public comment

PRESENTATION – Elizabeth Carter, Director, DHP Healthcare Workforce Data Center

Dr. Carter provided informative statistical information regarding Virginia survey results conducted by the Healthcare Workforce Data Center. She stated that they received an 89% response rate from the survey which gave an accurate picture of Virginia's Physical Therapy workforce. If the Workforce Center receives a grant, Dr. Carter plans on providing a regional analysis of the data. Dr. Carter concluded by thanking the board members and staff for their hard work and assistance with developing survey questions and stated their names would be included in the report.

Ms. Hahn thanked Dr. Carter for her presentation and added that FSBPT is working to obtain workforce information at a national level. She also told the board that we would be sure to add a link to the DHP workforce report on the Board of Physical Therapy website.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn

FY13 Budget

Ms. Hahn reported that the cash balance as of June 30, 2012 was \$298,364; the revenue for FY13 was \$800,405; the direct and allocated expenditures were \$436,291; the ending cash balance as of March 31, 2013 was \$662,479.

Discipline Statistics

Ms. Hahn reported that as of May 9th, there were 19 open cases; 7 were in Investigations; 9 were at the probable cause level; 2 cases were at the APD level; 1 case was at the Informal Conference level which would be heard following the meeting; and 0 cases were at the Formal level. Ms. Hahn added that the board has seen an increase in Standard of Care cases and a more significant increase in cases involving Fraud.

Ms. Hahn reported that 13 cases were being monitored for compliance.

Virginia Performs

Ms. Hahn reported the clearance rate for the 3rd Quarter ending March 31, 2013 was 78%. The age of our pending case load over 250 days was at 0%; the time to disposition is at 86% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. Ms. Hahn was pleased to report that the customer satisfaction rating was 100%. Ms. Hahn concluded that in Quarter 3, the board received 9 cases and closed 7.

J.R. Locke commented that the Staff should be highly commended for their great performance on receiving 100% satisfaction.

Licensee Statistics

Ms. Hahn reported that as of May 9th there were 6,218 active physical therapists; 2,529 active physical therapist assistants, and 722 with Direct Access Certification. She added that for the past 6 years, 8% on average of Licensees do not renew with most of them consisting of out of state applicants.

Ms. Hahn further reported that at the board's request, staff did issue an email notification to PT's and PTA's reminding them to renew their license if they were still practicing in Virginia.

NPTE Results

Ms. Hahn shared the most recent Virginia NPTE exam results for PT's:

April 30, 2013 – 79.1 passage rate (18 failed and 68 passed)

2013 NPTE Test Dates

Ms. Hahn gave the following remaining dates for candidates to take the examination:

PT – July 23rd, 24th & October 30th
PTA – July 10th & October 9th

Miscellaneous Board Business

Ms. Hahn was pleased to announce that as of May 1, 2013, the Board was accepting online applications and the process was going very smoothly.

Ms. Hahn announced that George Maihafer's tenure on the board would expire on June 30, 2013, although he would continue to serve until his replacement is appointed by the Governor. Ms. Hahn added that Dr. Maihafer's knowledge and hard work will be greatly missed.

Ms. Hahn also thanked J.R. Locke for his continuing to serve as the pleasure of the governor since his official term had expired in June of 2012.

Board Meeting Calendar

Ms. Hahn gave the following 2013 board meeting calendar dates; August 9th, and November 22nd and reminded the board that a meeting may be cancelled if the agenda does not necessitate holding the meeting.

NEW BUSINESS

Regulatory Report – Elaine Yeatts

Ms. Yeatts reviewed the status of regulations pertaining to **18VAC112-20**:

- Traineeship changes, continuing education – Become effective on July 17, 2013. (**Attachment #2**)
- Change in list of CE providers – Fast-Track – At Governor's Office.

Ms. Hahn agreed to put an announcement on the website about the changes in CE requirements.

Committee Report & Recommendations:

Fast-Track Action on Regulations under Governor's Regulatory Reform Project (Attachment #1):

Ms. Yeatts reminded the board that as part of the Governor's Regulatory Reform Project, they were required to conduct a periodic review of **18 VAC 112-20-10**. Ms. Yeatts reported that no comment was received during the public comment period of November 5th thru December 5th, 2012.

Ms. Yeatts reviewed Committee recommendations made to **18 VAC 112-20-10** of the Regulations of the Board of Physical Therapy. Discussion was held, and the board agreed to accept the committee recommendations. The board also agreed that since **18VAC112-20-60 (B)** was being stricken from the regulations, a guidance document be written to assist applicants who fail the exam more than three times.

Upon a motion by Peggy Belmont and properly seconded by J.R. Locke, the board voted to adopt a Fast Track Action to accept all staff and committee recommendations to **18VAC112-20** of the Regulations of the Board of Physical Therapy and for staff to draft a guidance document as replacement of **18VAC112-20-60 (B)**. The motion passed unanimously.

BREAK

The Board took a recess at 11:20 a.m. and reconvened at 11:30 a.m.

Probable Cause Review – Lisa R. Hahn, Executive Director

Ms. Hahn provided guidance in the process involved when reviewing cases for Probable Cause and the elements involved in making sound decisions. Key points Ms. Hahn discussed in her review included:

- Probable Cause Determination
- Who Conducts the Review
- Review of the Probable Cause Form & How to Complete it
- 5 Probable Cause Elements
- Making Recommendations

Direct Access Renewals

Discussion was held regarding the elimination of the CE requirement specific to Direct Access for renewals. Upon a motion by Melissa Wolff-Burke, and properly seconded by Robert Maroon, the board voted to propose a legislative action to eliminate the CE renewal requirement for Direct Access according to § 54.1-3482.1 (iv) of the Code of Virginia.

The motion passed unanimously

Election of Officers

Upon a motion by Melissa Wolff-Burke and properly seconded by J.R. Locke, the board elected Peggy Belmont as President. The motion passed unanimously.

Upon a motion by J.R. Locke and properly seconded by Robert Maroon, the board elected Melissa Wolff-Burke as Vice-President. The motion passed unanimously.

CLOSING COMMENTS

Dr. Maihafer mentioned that the FSBPT Annual Meeting was scheduled for October in San Antonio, Texas and that he would be attending as a member of the FSBPT Educational Committee. It was decided that board members Peggy Belmont and Sarah Schmidt and Lisa Hahn would attend this year to represent the Virginia Board of Physical Therapy.

ADJOURNMENT

With all business concluded the meeting was adjourned at 12:30 p.m.

George Maihafer, PT, Ph.D., Chair

Lisa R. Hahn, MPA, Executive Director

Date

Date

ATTACHMENT #1
Project 3637
BOARD OF PHYSICAL THERAPY
Regulatory review changes

Part I
General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

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

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist or a physical therapist assistant is physically present and immediately available and is fully responsible for the physical therapy tasks or activities being performed.

"Discharge" means the discontinuation of interventions in an episode of care that have been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

"Evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to plan and implement a treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.

"Face-to-face" means learning activities or courses obtained in a group setting or through interactive, real-time technology.

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

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

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

"Re-evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to determine a patient's response to the treatment plan and care provided.

"Support personnel" means a person who is performing designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.

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

"Trainee" means a person seeking licensure as a physical therapist or physical therapist assistant who is undergoing a traineeship.

"Traineeship" means a period of active clinical practice during which an applicant for licensure as a physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means face-to face continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning.

18VAC112-20-27. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due by December 31 in each even-numbered year.

2. The fee for an inactive license renewal for a physical therapist shall be \$70 and for a physical therapist assistant shall be \$35 and shall be due by December 31 in each even-numbered year.

3. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

4. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000; the fee for an application for reinstatement of a license that has been suspended shall be \$500.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$35.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.

F. Direct access certification fees.

1. The application fee shall be \$75 for a physical therapist to obtain certification to provide services without a referral.

2. The fee for renewal on a direct access certification shall be \$35 and shall be due by December 31 in each even-numbered year.

3. A fee of \$15 for processing a late renewal of certification within one renewal cycle shall be paid in addition to the renewal fee.

18VAC112-20-60. Requirements for licensure by examination.

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

1. Documentation of having met the educational requirements specified in 18VAC112-20-40 or 18VAC112-20-50;

2. The required application, fees and credentials to the board; and

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

~~B. If an applicant fails the national examination three times, he shall apply for approval to sit for any subsequent examination by submission of evidence satisfactory to the board of having successfully completed the following requirements:~~

- ~~1. Provide the board with a copy of the deficiency report from the examination;~~
- ~~2. Review areas of deficiency with the applicant's physical therapy educational program and develop a plan, which may include additional clinical training or coursework, to address deficiency areas; and~~
- ~~3. Take an examination review course and the practice examination.~~

18VAC112-20-65. Requirements for licensure by endorsement.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice consisting of at least 2,500 hours of patient care during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction;
2. The required application, fees, and credentials to the board;
3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB) and a current report from the National Practitioner Data Bank (NPDB);
4. Evidence of completion of 15 hours of continuing education for each year in which the applicant held a license in another U.S. jurisdiction, or 60 hours obtained within the past four years; and
5. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state ~~and active, clinical practice with a current, unrestricted license for at least five years prior to applying for licensure in Virginia.~~

~~For the purpose of this subsection, active, clinical practice shall mean at least 2,500 hours of patient care over a five-year period.~~

C. A physical therapist ~~or physical therapist assistant~~ seeking licensure by endorsement who has not actively practiced physical therapy in another state for at least ~~320~~ 160 hours within the ~~four~~ two years immediately preceding his application for licensure shall first successfully

complete 480 hours in a traineeship in accordance with requirements in 18VAC112-20-140 that is equal to the number of hours of active practice that were required for renewal of an active license in Virginia during the period in which the licensee has not actively practiced in another state, not to exceed 480 hours. If the applicant can document that he has met the PRT standard within the two years preceding application for reinstatement, he shall be credited with 160 hours towards required traineeship hours.

D. A physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy in another state for at least 160 hours within the two years immediately preceding his application for licensure shall first successfully complete a traineeship in accordance with 18VAC112-20-140 that is equal to the number of hours of active practice required for renewal of an active license in Virginia during the period in which the licensee has not actively practiced in another state, not to exceed 320 hours.

18VAC112-20-90. General responsibilities.

A. The physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient and shall provide:

1. The initial evaluation for each patient and its documentation in the patient record; ~~and~~
2. Periodic ~~evaluations~~ re-evaluation, including documentation of the patient's response to therapeutic intervention; ~~and~~
3. The documented status of the patient at the time of discharge, including the response to therapeutic intervention. If a patient is discharged from a health care facility without the opportunity for the physical therapist to re-evaluate the patient, the final note in the patient record may document patient status.

B. The physical therapist shall communicate the overall plan of care to the patient or his legally authorized representative and shall also communicate with a referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, nurse practitioner or physician assistant to the extent required by § 54.1-3482 of the Code of Virginia.

C. A physical therapist assistant may assist the physical therapist in performing selected components of physical therapy intervention to include treatment, measurement and data collection, but not to include the performance of an evaluation as defined in 18VAC112-20-10.

D. A physical therapist assistant's visits to a patient may be made under general supervision.

E. A physical therapist providing services with a direct access certification as specified in § 54.1-3482 of the Code of Virginia shall utilize the Direct Access Patient Attestation and Medical Release Form prescribed by the board or otherwise include in the patient record the information, attestation and written consent required by subsection B of § 54.1-3482 of the Code of Virginia.

18VAC112-20-120. Responsibilities to patients.

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 such communication shall be made in the patient's record.

C. Documentation of physical therapy interventions shall be recorded on a patient's record by the physical therapist or physical therapist assistant providing the care.

D. The physical therapist shall reevaluate the patient as needed, but not less than according to the following schedules:

1. For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, it shall be not less than once every seven consecutive days.
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 from the last ~~evaluation~~ re-evaluation, whichever occurs first.
3. For patients who have been receiving physical therapy care for the same condition or injury for six months or longer, it shall be at least every 90 days from the last re-evaluation.

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.

E. The physical therapist shall be responsible for ongoing involvement in the care of the patient to include regular communication with a physical therapist assistant regarding the patient's plan of treatment.

18VAC112-20-135. 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 therapist assistant, be issued an inactive license. ~~The fee for the renewal of an inactive license due December 31, 2010, shall be \$60 for a physical therapist and \$30 for a physical therapist assistant.~~

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:
 - ~~a. Active~~ 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.

a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 and that is equal to the number of hours of active practice requires for renewal of an active license in Virginia during the period in which the license was inactive, not to exceed 480 hours. If the applicant can document that he has met the standard of the PRT within the two years preceding application for reactivation in Virginia, he shall be credited with 160 hours towards required traineeship hours.

b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing a traineeship that meets the requirements prescribed in 18VAC112-20-140 and that is equal to the number of hours of active practice required for renewal of an active license in Virginia during the period in which the license was inactive, not to exceed 320 hours; and

~~b. Completion of~~ 3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate his license by meeting the requirements for renewal and payment of the renewal and late fees fee as set forth in 18VAC112-20-150 18VAC112-20-27 and completion of continued competency requirements as set forth in 18VAC112-20-131.

B. A physical therapist or physical therapist assistant whose Virginia license is lapsed for more than two years and who is seeking reinstatement shall:

1. ~~Practice physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement or successfully complete 480 hours as specified in 18VAC112-20-140; and~~ Apply for reinstatement and pay the fee specified in 18VAC112-20-27;
2. Complete the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years; and

3. Have actively practiced physical therapy in another jurisdiction for at least 160 hours within the two years immediately preceding applying for reinstatement.

a. If the physical therapist applicant does not meet the requirement for active practice, the license may be reactivated by completing hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 and that is equal to the number of hours of active practice required for renewal of an active license in Virginia during the period in which the license was expired, not to exceed 480 hours. If the applicant can document that he has met the PRT standard within the two years preceding application for reinstatement, he shall be credited with 160 hours towards required traineeship hours.

b. If the physical therapist assistant applicant does not meet the requirement for active practice, the license may be reinstated by completing a traineeship that meets the requirements prescribed in 18VAC112-20-140 and that is equal to the number of hours of active practice required for renewal of an active license in Virginia during the period in which the license was expired, not to exceed 320 hours.

18VAC112-20-140. Traineeship requirements.

The traineeship: ~~(i) shall be in a facility that serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the board, and (iii)~~(ii) 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 required number of hours on forms supplied by the board.

2. If the traineeship is not successfully completed at the end of the required hours, as determined by the supervising physical therapist, the president of the board or his designee shall determine if a new traineeship shall commence. If the president of the 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.

18VAC112-20-150. Fees. (Repealed.)

~~A. Unless otherwise provided, fees listed in this section shall not be refundable.~~

~~B. Licensure by examination.~~

~~1. The application fee shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.~~

~~2. The fees for taking all required examinations shall be paid directly to the examination services.~~

~~C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.~~

~~D. Licensure renewal and reinstatement.~~

~~1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due by December 31 in each even-numbered year. The fee for renewal of an active license due December 31, 2010, shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.~~

~~2. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.~~

~~3. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.~~

~~E. Other fees.~~

~~1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000; the fee for an application for reinstatement of a license that has been suspended shall be \$500.~~

~~2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.~~

~~3. The fee for a returned check shall be \$35.~~

~~4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.~~

~~F. Direct access certification fees.~~

~~1. The application fee shall be \$75 for a physical therapist to obtain certification to provide services without a referral.~~

~~2. The fee for renewal on a direct access certification shall be \$35 and shall be due by December 31 in each even-numbered year. The fee for direct access certification due December 31, 2010, shall be \$30.~~

~~3. A fee of \$15 for processing a late renewal of certification within one renewal cycle shall be paid in addition to the renewal fee.~~

ATTACHMENT #2

Project 1926 – Final regulations

BOARD OF PHYSICAL THERAPY

Traineeship changes; continuing education

Part I

General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

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

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist or a physical therapist assistant is physically present and immediately available and is fully responsible for the physical therapy tasks or activities being performed.

"Discharge" means the discontinuation of interventions in an episode of care that have been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

"Evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to plan and implement a treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.

~~"Face-to-face" means learning activities or courses obtained in a group setting or through interactive, real-time technology.~~

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

[“FSBPT” means the Federation of State Boards of Physical Therapy.]

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

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

"PRT" means the Practice Review Tool for competency assessment [given by the Federation of State Boards of Physical Therapy developed and administered by FSBPT] .

"Support personnel" means a person who is performing designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.

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

"Trainee" means a person seeking licensure as a physical therapist or physical therapist assistant who is undergoing a traineeship.

"Traineeship" means a period of active clinical practice during which an applicant for licensure as a physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means ~~face-to-face~~ continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning.

18VAC112-20-50. Education requirements: graduates of schools not approved by an accrediting agency approved by the board.

A. An applicant for initial licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency approved by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by a report from the FCCPT or of the physical therapist eligibility for licensure as verified by a report from any other credentialing agency approved by the board that substantiates that the physical therapist has been evaluated in accordance with requirements of subsection B of this section.

B. The board shall only approve a credentialing agency that:

1. Utilizes the [FSBPT] Coursework Evaluation Tool for Foreign Educated Physical Therapists [~~of the Federation of State Boards of Physical Therapy~~ , based on the year of

graduation,] and utilizes original source documents to establish substantial equivalency to an approved physical therapy program;

2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted or was unrestricted at the time it expired or was lapsed; and

3. Verifies English language proficiency by passage of the TOEFL and TSE examination or the TOEFL iBT, the Internet-based tests of listening, reading, speaking and writing or by review of evidence that the applicant's physical therapy program was taught in English or that the native tongue of the applicant's nationality is English.

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

1. Proof of proficiency in the English language by passing TOEFL and TSE or the TOEFL iBT, the Internet-based tests of listening, reading, speaking, and writing by a score determined by the board or an equivalent examination approved by the board. TOEFL iBT or TOEFL and TSE may be waived upon evidence that the applicant's physical therapist assistant program was taught in English or that the native tongue of the applicant's nationality is English.

2. A copy of the original certificate or diploma that has been certified as a true copy of the original by a notary public, verifying his graduation from a physical therapy curriculum. 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 educational requirements of an approved program for physical therapist assistants from a scholastic credentials service approved by the board.

D. An applicant for initial licensure as a physical therapist or a physical therapist assistant who is not a graduate of an approved program shall also submit verification of having successfully completed a ~~full-time~~ 1,000-hour traineeship within a two-year period under the direct supervision of a licensed physical therapist. The board may grant an extension beyond two years for circumstances beyond the control of the applicant, such as temporary disability or mandatory military service.

1. The traineeship shall be in accordance with requirements in 18VAC112-20-140.

2. 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.

18VAC112-20-65. Requirements for licensure by endorsement.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction;
2. The required application, fees, and credentials to the board;
3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB) and a current report from the National Practitioner Data Bank (NPDB);
4. Evidence of completion of 15 hours of continuing education for each year in which the applicant held a license in another U.S. jurisdiction, or 60 hours obtained within the past four years; and
5. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state and active, clinical practice with a current, unrestricted license for at least five years prior to applying for licensure in Virginia.

For the purpose of this subsection, active, clinical practice shall mean at least 2,500 hours of patient care over a five-year period.

C. A physical therapist ~~or physical therapist assistant~~ seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall ~~first successfully~~:

1. Successfully complete 480 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or

2. Document [~~passage of~~ that he meets the standard on] the PRT within the two years preceding application for licensure in Virginia and successfully complete 320 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.

D. A physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall successfully complete 320 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.

18VAC112-20-70. Traineeship for unlicensed graduate scheduled to sit for the national examination.

A. Upon approval of the president of the board or his designee, an unlicensed graduate who is registered with the Federation of State Boards of Physical Therapy to sit for the national examination may be employed as a trainee under the direct supervision of a licensed physical therapist until the results of the national examination are received.

B. The traineeship, which shall be in accordance with requirements in 18VAC112-20-140, 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. A new traineeship shall not be approved for more than one year following the receipt of the first examination results.

18VAC112-20-131. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially, a physical therapist or a physical therapist assistant shall complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. In choosing continuing learning activities or courses, the licensee shall consider the following: (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

B. To document the required hours, the licensee shall maintain the Continued Competency Activity and Assessment Form that is provided by the board and that shall indicate completion of the following:

1. A minimum of ~~15~~ 20 of the contact hours required for physical therapists and ~~10~~ 15 of the contact hours required for physical therapist assistants shall be in Type 1 ~~face-to-face~~ courses. For the purpose of this section, "course" means an organized program of study, classroom experience or similar educational experience that is directly related to the clinical practice of physical therapy and approved or provided by one of the following organizations or any of its components:

a. The Virginia Physical Therapy Association;

- b. The American Physical Therapy Association;
 - c. Local, state or federal government agencies;
 - d. Regionally accredited colleges and universities;
 - e. Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);
 - f. The American Medical Association - Category I Continuing Medical Education course; [~~and~~]
 - g. The National Athletic Trainers Association [;and
 - h. The FSBPT] .
2. No more than ~~45~~ 10 of the contact hours required for physical therapists and ~~20~~ 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses, which may or may not be offered by an approved organization but which shall be related to the clinical practice of physical therapy. Type 2 activities may include but not be limited to consultation with colleagues, independent study, and research or writing on subjects related to practice.
3. Documentation of specialty certification by the American Physical Therapy Association may be provided as evidence of completion of continuing competency requirements for the biennium in which initial certification or recertification occurs.
4. Documentation of graduation from a transitional doctor of physical therapy program may be provided as evidence of completion of continuing competency requirements for the biennium in which the physical therapist was awarded the degree.
5. A physical therapist who can document that he has taken the PRT may receive 10 hours of Type 1 credit for the biennium in which the assessment [~~examination tool~~] was taken. A physical therapist who can document that he has [~~passed~~ met the standard of] the PRT may receive 20 hours of Type 1 credit for the biennium in which the assessment [~~examination was passed~~ tool was taken] .
- C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure by examination in Virginia.
- D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.
- E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

F. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

G. The board may grant an extension of the deadline for continuing competency requirements for up to one year for good cause shown upon a written request from the licensee prior to the renewal date.

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

I. Physical therapists holding certification to provide direct access without a referral shall include four contact hours as part of the required 30 contact hours of continuing education in courses related to clinical practice in a direct access setting.

18VAC112-20-135. 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 therapist assistant, be issued an inactive license. The fee for the renewal of an inactive license due December 31, 2010, shall be \$60 for a physical therapist and \$30 for a physical therapist assistant.

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: ~~a. Active~~ 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.

a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting [passage that he has met the standard] of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and

~~b. Completion of~~ 3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate his license by payment of the renewal and late fees as set forth in 18VAC112-20-150 and completion of continued competency requirements as set forth in 18VAC112-20-131.

B. A physical therapist or physical therapist assistant whose Virginia license is lapsed for more than two years and who is seeking reinstatement shall:

1. Apply for reinstatement and pay the fee specified in 18VAC112-20-150; Practice physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement or successfully complete 480 hours as specified in 18VAC112-20-140; and

2. Complete the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years; and

3. Have actively practiced physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement.

a. If a physical therapist licensee does not meet the requirement for active practice, the license may be reinstated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting [passage that he has met the standard] of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If a physical therapist assistant licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140.

18VAC112-20-140. Traineeship requirements.

A. The traineeship: shall be (i) ~~shall be~~ in a facility that serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the board, and (iii) is under the direction and supervision of a licensed physical therapist.

B. Supervision and identification of trainees:

1. There shall be a limit of two physical therapists assigned to provide supervision for each trainee.
2. The supervising physical therapist shall countersign patient documentation (i.e., notes, records, charts) for services provided by a trainee.
3. The trainee shall wear identification designating them as a "physical therapist trainee" or a "physical therapist assistant trainee."

C. Completion of traineeship.

1. The physical therapist supervising the ~~inactive practice~~ trainee shall submit a report to the board at the end of the required number of hours on forms supplied by the board.
2. If the traineeship is not successfully completed at the end of the required hours, as determined by the supervising physical therapist, the president of the board or his designee shall determine if a new traineeship shall commence. If the president of the 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.