

BOARD OF PHYSICAL THERAPY

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
Board Room #2, Second Floor
Friday, May 24, 2012

9:30 a.m.

AMENDED AGENDA

CALL TO ORDER

ORDERING OF AGENDA

ACCEPTANCE OF MINUTES – Tab 1

- Board Meeting – February 15, 2013
- Formal Hearing – February 15, 2013
- Legislative/Regulatory Meeting – February 15, 2013
- Legislative/Regulatory Meeting – March 21, 2013

INFORMAL CONFERENCES HELD

- (3) February 15, 2013

PUBLIC COMMENT

PRESENTATION – Healthcare Workforce Data – Liz Carter

EXECUTIVE DIRECTOR’S REPORT – Lisa R. Hahn - Tab 2

NEW BUSINESS

- Legislative/Regulatory Report – **Elaine Yeatts – Tab 3**
 - Committee Report & Recommendations
 - Adoption of fast-track action on regulations under Governor’s regulatory reform project
- Election of Officers

TAB 1

**UNAPPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Friday, February 15, 2013 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

The following members were present:

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

The following member was absent for the meeting:

George Maihafer, PT, Ph.D., President

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

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. Dianne Reynolds-Cane, Agency Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

Quorum:

With 6 members present, a quorum was established.

GUEST PRESENT

Leslie Adrian, PT, MS, MPA, Director of Professional Standards, FSBPT
Sharon Zirges, Sentara Home Care, Chesapeake, Virginia
Denise Robertson, Rehab Management Inc. (RMI)

CALLED TO ORDER

Peggy Belmont, Vice-President, called the board meeting to order at 10:14 a.m.

ORDERING OF THE AGENDA

The agenda was amended to include a report by Dr. Reynolds-Cane and then accepted by the members.

ACCEPTANCE OF MINUTES

- Upon a motion by Mr. Maroon and properly seconded by Mr. Locke, the Board voted to accept the minutes of the November 16, 2012 board meeting. The motion passed unanimously.

INFORMAL CONFERENCES HELD

Ms. Belmont 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:

- (1) November 15, 2012
- (2) November 16, 2012

PUBLIC COMMENT

There was no public comment

AGENCY DIRECTOR'S REPORT – Dr. Reynolds-Cane

Dr. Reynolds-Cane addressed the board by giving a brief overview of the 2013 General Assembly Session and the positive outcome the Agency had this year on the three bills DHP submitted.

Dr. Reynolds-Cane also shared that she had been appointed by Secretary William Hazel to Co-Chair the Virginia Health Innovation Plan Workforce Advisory Group along with VHCF Executive Director Debbie Oswalt. The group is charged with addressing healthcare and workforce issues.

PRESENTATION – Leslie Adrian, Federation of State Boards of Physical Therapy (FSBPT)

Leslie Adrian, Director of Professional Standards for FSBPT presented on the pilot program being developed for the Supervised Clinical Practice Performance Evaluation Tool. Ms. Adrian provided the rationale for the Tool, the process used in developing the Tool and the elements that will be included. Ms. Adrian indicated that a deadline of July 2013 is scheduled for the launch of the program but strongly emphasized that they will not release the Tool until FSBPT knows 100% that the product is ready.

Ms. Hahn expressed how pleased Virginia is to be one of the pilot states to participate in the Foreign Evaluation Tool and that our board is very anxious to test out the program.

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 \$729,790; the direct and allocated expenditures were \$291,162; the ending cash balance as of December 31, 2012 was \$736,992. Ms. Hahn stated that the cash will sustain the board for the next two years.

Ms. Hahn reported that there was an unintentional error made this year during renewals that resulted in the incorrect renewal fees being processed. She explained to the board that they had approved a one-time fee decrease in 2010 as required by law to stay within 10% of the board's over/under budget. During this renewal cycle, the decreased fee did not get changed back to the original fee and therefore licensees paid the reduced fee again in 2012. Ms. Hahn added that although this was unintentional, it will serve to keep the board within the 10% as required by law. She concluded that provisions have already been put in place for the next renewal cycle.

Discipline Statistics

Ms. Hahn reported that in addition to the statistics included in the agenda, as of February 12th there were 27 open cases; 8 were in Investigations; 14 were at the probable cause level; 4 cases were at the Informal Conference level; and 1 case was at the Formal level and was being heard following the board meeting.

Virginia Performs

Ms. Hahn reported the clearance rate for the 3rd Quarter ending March 31, 2012 was 133%. The age of our pending case load over 250 days was at 10%; the time to disposition is at 100% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. The customer satisfaction rating was 95.2% but the rating had not been updated since September 2011. Ms. Hahn concluded that in Quarter 3, the board received 6 cases and closed 8.

Licensee Statistics

Ms. Hahn reported that in addition to the statistics included in the agenda, as of February 12th there were 6,085 active physical therapists; 2,454 active physical therapist assistants, and 667 with Direct Access Certification.

Ms. Hahn further reported that approximately 500 PT's had not renewed as well as many PTA's which initiated discussion about whether the board wanted to send an email reminder to expired licensees.

Upon a motion by J.R. Locke and properly seconded by Sarah Schmidt, the board voted to have staff issue an email notification to PT's and PTA's reminding them to renew their license if they are still practicing in Virginia. The motion passed unanimously.

NPTE Results

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

January 2013 – 53.8 passage rate (39 total took exam; 18 failed and 21 passed)

- **US Educated:** 29 took exam; 10 passed first attempt; 7 passed repeated attempt; 12 failed (5 first attempt and 7 repeated attempts).
- **Foreign Educated:** 10 took exam; 2 passed first attempt; 2 passed repeat; 6 failed repeat.

Ms. Hahn concluded that she will report the NPTE US Pass Rates at the next board meeting when they become available.

2013 PT/PTA Examination Schedule

Ms. Hahn stated that the exam schedule is available on the website.

Title Protection

Ms. Hahn reported she had been emailed regarding a concern about high school programs using the term "Physical Therapy" to describe pre-health career majors and whether or not the use of the term was title protected. Ms. Hahn shared that she consulted with Board Counsel Erin Barrett about the concern and wanted the members to know that the way the statute is written, the term "Physical Therapy" itself is not title protected. Ms. Hahn did remind the board that PT's and PTA's are title protected under the law.

Board Meeting Calendar

Ms. Hahn gave the following 2013 board meeting calendar dates; May 24th, August 23rd, and November 22nd.

NEW BUSINESS

Petition for Rule-Making (18VAC112-20-131)(B)(1) – Elaine Yeatts

Ms. Yeatts initiated discussion on the petition the board received requesting consideration for a change in continued competency requirements for renewal of an active license. After much discussion, a motion was made by Ms. Wolff-Burke and properly seconded by Ms. Schmidt to Fast-Track adding the following language to 18VAC112-20-131(B)(1):

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

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 of the contact hours required for physical therapists and 10 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)~~ a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation;
- f. The American Medical Association - Category I Continuing Medical Education course; and
- g. The National Athletic Trainers Association.

The motion passed by a majority vote of 5 members. J.R. Locke abstained from voting.

Regulatory Report – Elaine Yeatts

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

- Traineeship changes, continuing education – Final – Remain at Secretary's Office.

Ms. Yeatts concluded that the Legislative/Regulatory Committee will complete their review of regulations at another meeting to be scheduled sometime in March. At that time, the Committee will develop amended language for consideration by the full board at its meeting scheduled in May 2013.

ADJOURNMENT

With all business concluded the meeting was adjourned at 11:32 a.m.

Peggy Belmont, PT, Chair

Lisa R. Hahn, MPA, Executive Director

Date

Date

DRAFT

CLOSED SESSION:

Upon a motion by Michael Styron, and duly seconded by Melissa Wolff-Burke, the Board voted to convene a closed meeting at 1:05 p.m., pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Mary Rose Antonio, PT. Additionally, she moved that Ms. Hahn, Ms. Barrett and Ms. Helmick attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Melissa Wolff-Burke, and duly seconded by Michael Styron, the Board voted to re-convene at 1:24 p.m. and announced its decision.

CERTIFICATION:

Michael Styron certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, with the Board certifying unanimously.

DECISION:

Upon a motion by Sarah Schmidt, and duly seconded by Michael Styron, the Board made certain Findings of Fact and Conclusions of Law and voted to **REVOKE** the license Ms. Antonio.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 1:27 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.

J.R. Locke, Chair

Lisa R. Hahn, Executive Director

Date

Date

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.

**UNAPPROVED
BOARD OF PHYSICAL THERAPY
LEGISLATIVE/REGULATORY MEETING
MEETING MINUTES**

The Virginia Board of Physical Therapy Committee met on Friday, February 15, 2013 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Training Room #2, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT:

Robert Maroon, PT, Chair
Melissa Wolff-Burke, PT, EdD
J.R. Locke, Citizen Member

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager
Annie Artis, Licensing Operations Manager
Laura Mueller, Licensing Specialist

QUORUM:

With 3 members present, a quorum was established.

GUESTS PRESENT

None

CALLED TO ORDER

The committee meeting was called to order at 9:00 a.m.

REGULATORY REVIEW

The Committee discussed the following comments on the periodic review of regulations and issues relating to physical therapist responsibilities:

- 1) **Direct Access Certification** –The Committee felt this was burdensome. Ms. Hahn indicated this was required by law in 54.1-3482 (B) and that to make a change would

require going through a legislative process either through introduction of a bill requested by DHP or by a professional association. She concluded that a fee must be attached to all DHP applications and Direct Access is one of the lowest in the agency.

- 2) **Active Practice** – The Committee reviewed comments regarding a possible discrepancy in the active practice requirements throughout the regulations. After discussion, the rationale was explained why the regulations includes different requirements for active practice hours. The Committee wants to further discuss the impediments active practice presents for re-entry into the profession.
- 3) **Evaluation/Re-Evaluation/Periodic Evaluation (18VAC112-20-90 & 18VAC112-20-120)** – The Committee discussed at length and agreed to have staff work on language that would better define “re-evaluations” by providing more qualifiers in the definition. The Committee also discussed removing “Periodic” evaluations entirely from the regulations.

The Committee also recommended that “if the patient is discharged prior to documentation of his status by the physical therapist, the last notes in the patient record may serve as the discharge summary.”

- 4) **18VAC112-20-70 – Traineeship for unlicensed graduate scheduled to sit for the national exam** - The Committee would like to further review whether or not to allow a traineeship to continue for 2 days following notification of failure on the exam.
- 5) **18VAC112-20-60 – Requirements for licensure by examination** – The Committee would like to remove section B entirely from this section:

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.*

Following discussion, the Committee decided that the review of regulations will be continued at another meeting to be scheduled sometime in March. The Committee will then develop amended language for consideration by the full board at its meeting scheduled for May 24, 2013.

LEGISLATIVE REVIEW

The Committee did not review legislative topics.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:00 a.m.

Robert Maroon, PT., Chair

Lisa R. Hahn, Executive Director

Date

Date

DRAFT

**UNAPPROVED
BOARD OF PHYSICAL THERAPY
LEGISLATIVE/REGULATORY COMMITTEE
MEETING MINUTES**

The Virginia Board of Physical Therapy Committee met on Thursday, March 21, 2013 at the Department of Health Professions, 9960 Mayland Drive, 3rd Floor Meeting Room, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT:

Robert Maroon, PT, Chair
Melissa Wolff-Burke, PT, EdD

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager
Annie Artis, Licensing Manager
Laura Mueller, Licensing Specialist

QUORUM:

With 2 members present, a quorum was established.

GUESTS PRESENT

None

CALLED TO ORDER

The committee meeting was called to order at 9:02 a.m.

REGULATORY REVIEW

- 1) **Active Practice** - The Committee discussed the impediments that active practice requirements present for persons trying to re-enter into the profession. Following much discussion, a decision was made to make the hours for active practice and reinstatement requirements consistent with renewal requirements. The following changes were agreed by the Committee:

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.

18VAC112-20-135. 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 required 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.

- 2) **Evaluation/Re-Evaluation/Periodic Evaluation** – The Committee continued discussion from the February 15, 2013 meeting about better defining “Evaluation” and “Re-evaluation”. The following draft language was agreed by the Committee:

18VAC112-20-10. Definitions.

“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.

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.

18VAC112-20-120. Responsibilities to patients.

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.

3) **18VAC112-20-70 – Traineeship for unlicensed graduate scheduled to sit for the national exam** - The Committee further reviewed whether or not to allow a traineeship to continue for 2 days following notification of failure on the exam. The Committee agreed not to change the regulation at this time.

4) **18VAC112-20-60 – Requirements for licensure by examination** – The Committee agreed that to remove the entire section *B* as shown below:

~~*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.*~~

- 5) ***18VAC112-20-150. Fees*** - Upon Staff recommendation, the Committee agreed to repeal this section and replace with ***18VAC112-20-27. (Fees)***. Fees were not changed just the placement in the regulations as shown below:

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.*

- 6) **Traineeships in “Clinical Education Facilities”** – Following discussion about students enrolled in traineeships and where they can be conducted, the Committee agreed that clinical education facilities was too limiting and therefore made the decision to strike section (i) in the regulations as shown below:

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.

The Committee will make its recommendations to the full board at its meeting scheduled for May 24, 2013.

ADJOURNMENT

With no further business, the meeting was adjourned at 11:02 a.m.

Robert Maroon, PT., Chair

Lisa R. Hahn, Executive Director

Date

Date

TAB 2

Virginia Department of Health Professions
Cash Balance
As of March 31, 2013

	<u>116- Physical Therapy</u>
Board Cash Balance as of June 30, 2012	\$ 298,364
YTD FY13 Revenue	800,405
Less: YTD FY13 Direct and In-Direct Expenditures	<u>436,291</u>
Cash Balance as of March 31, 2013	<u><u>662,479</u></u>

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through March 31, 2013

	116- Physical Therapy			
	<u>Jul '12 - Mar 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Revenue				
2400 · Fee Revenue				
2401 · Application Fee	95,870.00	104,700.00	-8,830.00	91.57%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	693,110.00	970,880.00	-277,770.00	71.39%
2407 · Dup. License Certificate Fee	715.00	550.00	165.00	130.0%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	5,690.00	5,900.00	-210.00	96.44%
2421 · Monetary Penalty & Late Fees	5,015.00	5,235.00	-220.00	95.8%
2430 · Board Changes Fee	0.00			
2432 · Misc. Fee (Bad Check Fee)	140.00	35.00	105.00	400.0%
Total 2400 · Fee Revenue	<u>800,540.00</u>	<u>1,087,300.00</u>	<u>-286,760.00</u>	<u>73.63%</u>
3000 · Sales of Prop. & Commodities				
3002 · Overpayments	0.00			
3007 · Sales of Goods/Svces to State	0.00			
3020 · Misc. Sales-Dishonored Payments	-135.00			
Total 3000 · Sales of Prop. & Commodities	<u>-135.00</u>			
9000 · Other Revenue				
9060 · Miscellaneous Revenue	0.00			
9084 · Refund- Prior Yr Disb	0.00			
Total 9000 · Other Revenue	<u>0.00</u>			
Total Revenue	<u>800,405.00</u>	<u>1,087,300.00</u>	<u>-286,895.00</u>	<u>73.61%</u>
Expenditures				
1100 · Personal Services				
1110 · Employee Benefits				
1111 · Employer Retirement Contrib.	6,575.28	8,931.00	-2,355.72	73.62%
1112 · Fed Old-Age Ins- Sal St Emp	5,581.37	7,970.00	-2,388.63	70.03%
1113 · Fed Old-Age Ins- Wage Earners	0.00	0.00	0.00	0.0%
1114 · Group Insurance	895.13	1,213.00	-317.87	73.8%
1115 · Medical/Hospitalization Ins.	20,931.45	28,375.00	-7,443.55	73.77%
1116 · Retiree Medical/Hospitalizatn	754.12	1,019.00	-264.88	74.01%
1117 · Long term Disability Ins	323.68	479.00	-155.32	67.57%
Total 1110 · Employee Benefits	<u>35,061.03</u>	<u>47,987.00</u>	<u>-12,925.97</u>	<u>73.06%</u>
1120 · Salaries				
1123 · Salaries, Classified	75,416.89	101,948.00	-26,531.11	73.98%
1125 · Salaries, Overtime	0.00			
Total 1120 · Salaries	<u>75,416.89</u>	<u>101,948.00</u>	<u>-26,531.11</u>	<u>73.98%</u>
1130 · Special Payments				

Virginia Dept. of Health Professions
Revenue and Expenditures Summary

July 1, 2012 through March 31, 2013

	116- Physical Therapy			
	Jul '12 - Mar 13	Budget	\$ Over Budget	% of Budget
1131 · Bonuses and Incentives	3,336.14	2,223.00	1,113.14	150.07%
1138 · Deferred Compnstrn Match Pmts	414.00	1,044.00	-630.00	39.66%
Total 1130 · Special Payments	3,750.14	3,267.00	483.14	114.79%
1140 · Wages				
1141 · Wages, General	0.00	0.00	0.00	0.0%
1143 · Wages, Overtime	0.00	0.00	0.00	0.0%
Total 1140 · Wages	0.00	0.00	0.00	0.0%
1150 · Disability Benefits				
1153 · Short-trm Disability Benefits	0.00	0.00	0.00	0.0%
Total 1150 · Disability Benefits	0.00	0.00	0.00	0.0%
1160 · Terminatn Personal Svce Costs				
1162 · Salaries, Annual Leave Balanc	0.00	0.00	0.00	0.0%
1165 · Employee Retirement Contributio	0.00	0.00	0.00	0.0%
Total 1160 · Terminatn Personal Svce Costs	0.00	0.00	0.00	0.0%
Total 1100 · Personal Services	114,228.06	153,202.00	-38,973.94	74.56%
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	172.08	5.00	167.08	3,441.6%
1212 · Outbound Freight Services	0.00	0.00	0.00	0.0%
1213 · Messenger Services	0.00	0.00	0.00	0.0%
1214 · Postal Services	8,838.03	7,000.00	1,838.03	126.26%
1215 · Printing Services	2.16	600.00	-597.84	0.36%
1216 · Telecommunications Svcs (DIT)	701.26	1,000.00	-298.74	70.13%
1219 · Inbound Freight Services	0.00	0.00	0.00	0.0%
Total 1210 · Communication Services	9,713.53	8,605.00	1,108.53	112.88%
1220 · Employee Development Services				
1221 · Organization Memberships	2,500.00	2,500.00	0.00	100.0%
1222 · Publication Subscriptions	0.00	0.00	0.00	0.0%
1224 · Emp Trning Courses, Wkshp & Cnf	0.00	1,000.00	-1,000.00	0.0%
1225 · Employee Tuition Reimbursement	0.00	0.00	0.00	0.0%
1227 · Emp Trning- Trns, Ldgng & Meals	0.00	0.00	0.00	0.0%
Total 1220 · Employee Development Services	2,500.00	3,500.00	-1,000.00	71.43%
1230 · Health Services				
1236 · X-ray and Laboratory Services	0.00	300.00	-300.00	0.0%
Total 1230 · Health Services	0.00	300.00	-300.00	0.0%
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	6,035.05	15,500.00	-9,464.95	38.94%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2012 through March 31, 2013

	116- Physical Therapy			
	<u>Jul '12 - Mar 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1243 · Attorney Services	0.00			
1244 · Management Services	1,834.91	4,000.00	-2,165.09	45.87%
1246 · Public Infrmtl & Relation Svcs	10.33			
1247 · Legal Services	0.00	300.00	-300.00	0.0%
1248 · Media Services	0.00			
1249 · Recruitment Services	104.76			
Total 1240 · Mgmt and Informational Svcs	7,985.05	19,800.00	-11,814.95	40.33%
1250 · Repair and Maintenance Svcs				
1252 · Electrical Rep & Maintenance	0.00	25.00	-25.00	0.0%
1253 · Equip Repair & Maintenance	0.00			
1256 · Mechanical Rep & Maint Svcs	0.00			
1257 · Plant Rep & Maintenance Svcs	0.00			
Total 1250 · Repair and Maintenance Svcs	0.00	25.00	-25.00	0.0%
1260 · Support Services				
1263 · Clerical Services	8,527.42	4,919.00	3,608.42	173.36%
1264 · Food & Dietary Services	0.00	750.00	-750.00	0.0%
1266 · Manual Labor Services	158.83	700.00	-541.17	22.69%
1267 · Production Services	531.68	2,245.00	-1,713.32	23.68%
1268 · Skilled Services	11,355.61	11,930.00	-574.39	95.19%
Total 1260 · Support Services	20,573.54	20,544.00	29.54	100.14%
1280 · Transportation Services				
1282 · Travel, Personal Vehicle	1,823.14	3,000.00	-1,176.86	60.77%
1283 · Travel, Public Carriers	0.00	0.00	0.00	0.0%
1284 · Travel, State Vehicles	0.00	1,500.00	-1,500.00	0.0%
1285 · Travel, Subsistence & Lodging	407.93	1,500.00	-1,092.07	27.2%
1288 · Trvl, Meal Reimb- Not Rprtble	229.50	300.00	-70.50	76.5%
Total 1280 · Transportation Services	2,460.57	6,300.00	-3,839.43	39.06%
1297 · Late Payment Penalties	0.00			
Total 1200 · Contractual Services	43,232.69	59,074.00	-15,841.31	73.18%
1300 · Supplies And Materials				
Personal Care Supplies	0.00			
1310 · Administrative Supplies				
1311 · Apparel Supplies	4.78			
1312 · Office Supplies	531.09	1,000.00	-468.91	53.11%
1313 · Stationery and Forms	13.66	0.00	13.66	100.0%
Total 1310 · Administrative Supplies	549.53	1,000.00	-450.47	54.95%
1320 · Energy Supplies				
1323 · Gasoline	0.00			
Total 1320 · Energy Supplies	0.00			

Virginia Dept. of Health Professions
Revenue and Expenditures Summary

July 1, 2012 through March 31, 2013

	116- Physical Therapy			
	<u>Jul '12 - Mar 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1330 · Manufctrng and Merch Supplies				
1335 · Packaging and Shipping Suppl	3.64	50.00	-46.36	7.28%
Total 1330 · Manufctrng and Merch Supplies	<u>3.64</u>	<u>50.00</u>	<u>-46.36</u>	<u>7.28%</u>
1350 · Repair and Maint. Supplies				
1352 · Custodial Rep & Maint Mat'ls	0.00			
1353 · Electrical Repair and Maint	0.00	15.00	-15.00	0.0%
Total 1350 · Repair and Maint. Supplies	<u>0.00</u>	<u>15.00</u>	<u>-15.00</u>	<u>0.0%</u>
1360 · Residential Supplies				
1362 · Food and Dietary Supplies	80.12	200.00	-119.88	40.06%
1363 · Food Service Supplies	0.73			
1364 · Laundry and Linen Supplies	0.00			
Total 1360 · Residential Supplies	<u>80.85</u>	<u>200.00</u>	<u>-119.15</u>	<u>40.43%</u>
1370 · Specific Use Supplies				
1373 · Computer Operating Supplies	5.25	10.00	-4.75	52.5%
Total 1370 · Specific Use Supplies	<u>5.25</u>	<u>10.00</u>	<u>-4.75</u>	<u>52.5%</u>
Total 1300 · Supplies And Materials	639.27	1,275.00	-635.73	50.14%
1400 · Transfer Payments				
1410 · Awards, Contrib., and Claims				
1413 · Premiums	0.00	0.00	0.00	0.0%
1415 · Unemployment Compnsatn Reimb	0.00			
Total 1410 · Awards, Contrib., and Claims	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total 1400 · Transfer Payments	0.00	0.00	0.00	0.0%
1500 · Continuous Charges				
S Purch Ch. Card Check Fee	0.00			
1510 · Insurance-Fixed Assets				
1512 · Automobile Liability	0.00			
1516 · Property Insurance	28.38	0.00	28.38	100.0%
Total 1510 · Insurance-Fixed Assets	<u>28.38</u>	<u>0.00</u>	<u>28.38</u>	<u>100.0%</u>
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00			
1535 · Building Rentals	0.00			
1539 · Building Rentals - Non State	4,358.45	5,881.00	-1,522.55	74.11%
Total 1530 · Operating Lease Payments	<u>4,358.45</u>	<u>5,881.00</u>	<u>-1,522.55</u>	<u>74.11%</u>
1550 · Insurance-Operations				
1551 · General Liability Insurance	101.83	0.00	101.83	100.0%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through March 31, 2013

	116- Physical Therapy			
	Jul '12 - Mar 13	Budget	\$ Over Budget	% of Budget
1554 · Surety Bonds	6.01	0.00	6.01	100.0%
Total 1550 · Insurance-Operations	107.84	0.00	107.84	100.0%
Total 1500 · Continuous Charges	4,494.67	5,881.00	-1,386.33	76.43%
2200 · Equipment Expenditures				
Educational & Cultural Equip Im	0.00			
Electronic & Photo Equip Impr	0.00			
2210 · Computer Equipment				
2217 · Other Computer Equipment	1.68			
2218 · Computer Software Purchases	0.00			
Total 2210 · Computer Equipment	1.68			
2220 · Educational & Cultural Equip				
2224 · Reference Equipment	0.00	60.00	-60.00	0.0%
Total 2220 · Educational & Cultural Equip	0.00	60.00	-60.00	0.0%
2230 · Electrnc & Photographic Equip				
2233 · Voice & Data Transmissn Equip	0.00			
Total 2230 · Electrnc & Photographic Equip	0.00			
2260 · Office Equipment				
2261 · Office Appurtenances	0.00	35.00	-35.00	0.0%
2262 · Office Furniture	116.50			
2263 · Office Incidentals	0.31	0.00	0.31	100.0%
2264 · Office Machines	0.00	0.00	0.00	0.0%
2268 · Office Equipment Improvements	0.00			
Total 2260 · Office Equipment	116.81	35.00	81.81	333.74%
2270 · Specific Use Equipment				
2271 · Household Equipment	0.00			
Total 2270 · Specific Use Equipment	0.00			
Total 2200 · Equipment Expenditures	118.49	95.00	23.49	124.73%
Total Expenditures	162,713.18	219,527.00	-56,813.82	74.12%
9001 · Allocated Expenditures				
9201 · Behavioral Science Exec	-0.02			
9202 · OptVM\IASLP Exec Dir	0.02			
9204 · Nursing / Nurse Aid	0.00			
9206 · Funeral\LTCAIPT	71,273.75	91,801.18	-20,527.43	77.64%
9301 · DP Operations & Equipment	52,946.81	103,996.68	-51,049.87	50.91%
9302 · Human Resources	10,971.88	12,362.40	-1,390.52	88.75%
9303 · Finance	31,732.64	36,457.32	-4,724.68	87.04%
9304 · Director's Office	17,030.17	21,043.92	-4,013.75	80.93%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through March 31, 2013

116- Physical Therapy				
	<u>Jul '12 - Mar 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
9305 · Enforcement	50,140.93	42,102.00	8,038.93	119.09%
9306 · Administrative Proceedings	18,728.88	11,016.84	7,712.04	170.0%
9307 · Impaired Practitioners	857.86	477.00	380.86	179.85%
9308 · Attorney General	744.57	8,361.84	-7,617.27	8.9%
9309 · Board of Health Professions	11,488.43	14,961.00	-3,472.57	76.79%
9310 · SRTA	0.00			
9311 · Maintenance and Repairs	0.00	393.60	-393.60	0.0%
9313 · Emp. Recognition Program	61.61	359.04	-297.43	17.16%
9314 · Conference Center	93.15	254.88	-161.73	36.55%
9315 · Pgm Devlpmt & Implmntn	7,362.85	8,858.40	-1,495.55	83.12%
987900 · Cash Trsfr Out- Appr Act Pt. 3	143.81	1,513.56	-1,369.75	9.5%
Total 9001 · Allocated Expenditures	<u>273,577.34</u>	<u>353,959.66</u>	<u>-80,382.32</u>	<u>77.29%</u>
Total Direct and Allocated Expenditures	<u>436,290.52</u>	<u>573,486.66</u>	<u>-137,196.14</u>	<u>76.08%</u>
Net Cash Surplus\Shortfall	<u>364,114.48</u>	<u>513,813.34</u>	<u>-149,698.86</u>	<u>70.87%</u>

Discipline Statistics

As of May 9, 2013:

Investigations	7
Probable Cause	9
APD	2
Informal Stage	1
Formal Stage	0
Total	19

Monitoring:

PT Compliance Cases	13
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Licensure Count Report

As of May 9, 2013:

Physical Therapists	6,218
Physical Therapist Assistants	2,529
Direct Access Certification	722

Virginia Department of Health Professions

Patient Care Disciplinary Case Processing Times:

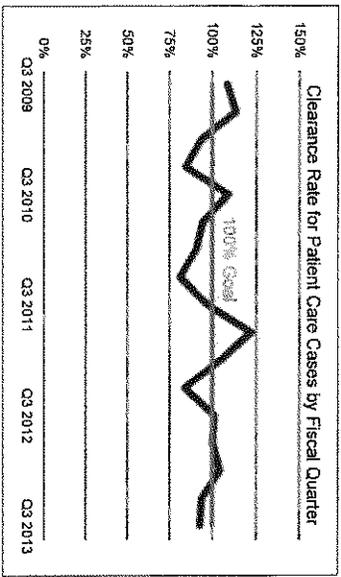
Quarterly Performance Measurement, Q3 2009 - Q3 2013

Dianne Reynolds-Cane, M.D.
Director

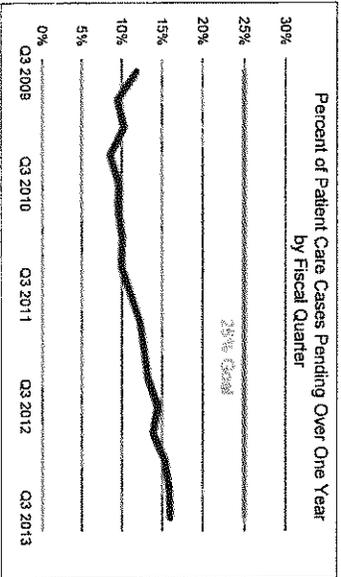
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website. In biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs), KPMs offer a concise, balanced, and data-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, in order to accommodate varying degrees of data fluctuation.

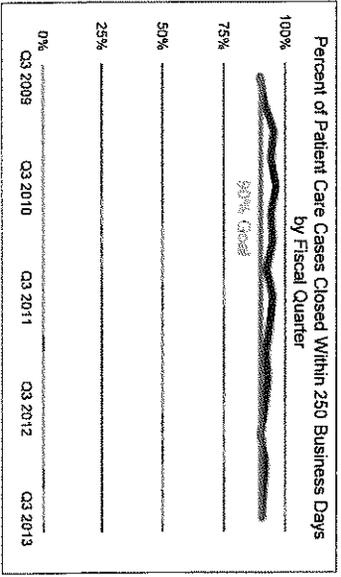
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2012. The current quarter's clearance rate is 93%, with 935 patient care cases received and 869 closed.



Age of Pending Caseload - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal is to maintain the percentage of open patient care cases older than 250 business days at no more than 25% through the end of FY 2012. That goal continues to be achieved with the percent of cases pending over 250 business days maintaining an average of 12% for the past 4 years. For the last quarter shown, there were 2,019 patient care cases pending, with 324 pending over 250 business days.



Time to Disposition - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal is to resolve 80% of patient care cases within 250 business days through the end of FY 2012. That goal continues to be achieved with 91% percent of patient care cases being resolved within 250 business days this past quarter. During the last quarter, there were 865 patient care cases closed, with 783 closed within 250 business days.

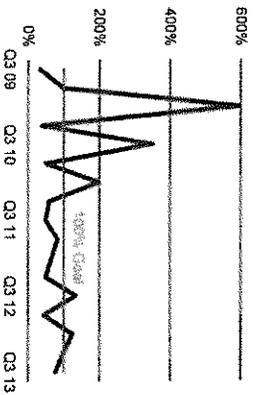


Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

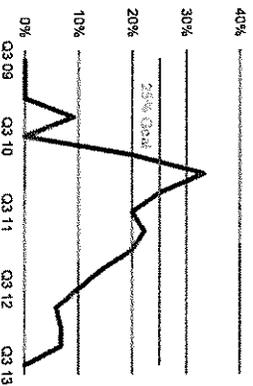
Clearance Rate

Physical Therapy - In Q3 2013, the clearance rate was 78%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 86%.

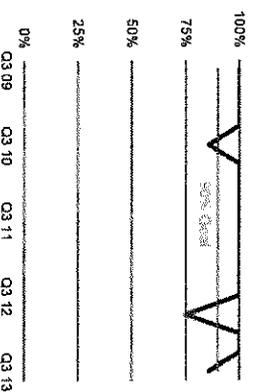
Q3 2013 Caseloads:
 Received=9, Closed=7
 Pending over 250 days=0
 Closed within 250 days=6



Age of Pending Caseload (Percent of Cases pending over one year)

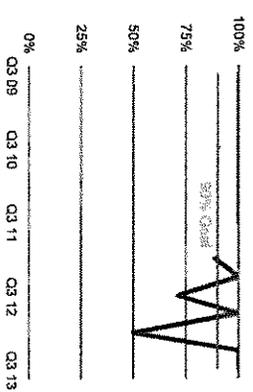
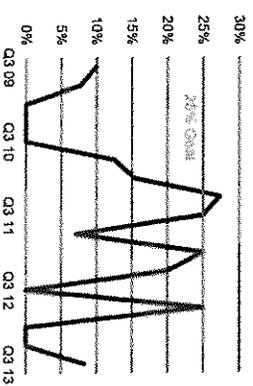
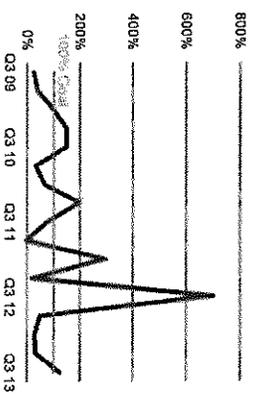


Percent Closed in 250 Business Days



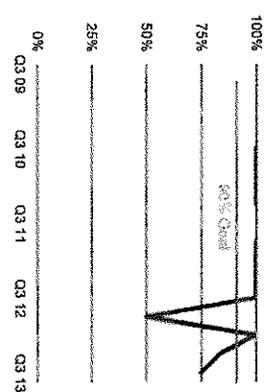
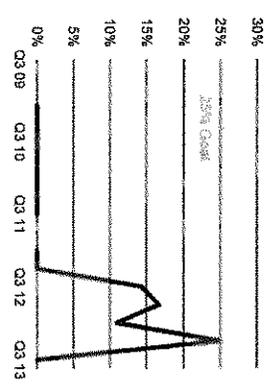
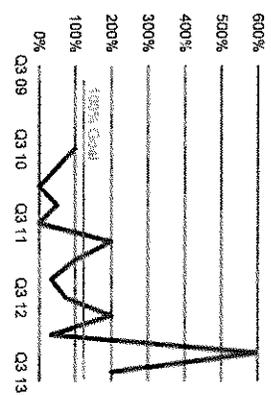
Funeral - In Q3 2013, the clearance rate was 125%, the Pending Caseload older than 250 business days was 8% and the percent closed within 250 business days was 100%.

Q3 2013 Caseloads:
 Received=4, Closed=5
 Pending over 250 days=1
 Closed within 250 days=5



Audiology - In Q3 2013, the clearance rate was 200%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 75%.

Q3 2013 Caseloads:
 Received=2, Closed=4
 Pending over 250 days=0
 Closed within 250 days=3



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

TAB 3

Notice of Periodic Review

Board of Physical Therapy

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Physical Therapy is conducting a periodic review of:

18VAC112-20	Regulations Governing the Practice of Physical Therapy
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The review is part of the **Governor's Regulatory Reform Project with the goal of:**

- a. Repealing regulations that are unnecessary or no longer in use;
- b. Reducing unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and
- c. Identifying statutes that require unnecessary or overly burdensome regulations.

Further, the Board is seeking comment on whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins November 5, 2012 and ends on December 5, 2012.

Comments may be submitted online to the Virginia Regulatory Town Hall at:

<http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233 or faxed to (804) 527-4434 or emailed to elaine.yeatts@dhp.virginia.gov.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

Workplan and Timeline for Review

	Board of Physical Therapy Regulations
10/17/12	Notice of Periodic Review submitted & sent to constituent groups
11/5/12	Publication of Notice in Register and posting on Townhall – open for comment
12/5/12	Close of comment on Periodic Review for all regulations
1/25/13	Internal (staff) review of each regulation and comment to determine whether any can be repealed or amended as part of the regulatory reform initiative
2/15/13	Board action on any regulation that can be reformed or repealed by a fast-track process Board referral to a Board Committee any recommendations for other amendments that will need to go through the full APA process (not to be included in repeal/reform initiative).

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 required 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 18VAC112-20-134.~~

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.~~