

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 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.

- 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