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## Periodic Review Report of Findings

<b>Agency name</b>	Board of Physical Therapy, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VAC112-20
<b>Regulation title</b>	Regulations Governing the Practice of Physical Therapy
<b>Date this document prepared</b>	2/20/19

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

*Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

FSBPT = Federation of State Boards of Physical Therapy

PT = physical therapist

PTA = physical therapist assistant

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

**18VAC112-20-10 et seq. Regulations Governing the Practice of Physical Therapy** are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section

54.1-2400 (6) provides the Board of Physical Therapy the authority to promulgate regulations to administer the regulatory system:

**§ 54.1-2400 -General powers and duties of health regulatory boards**

*The general powers and duties of health regulatory boards shall be:*

...  
6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

Specific authority to promulgate regulations for initial and continuing licensure in physical therapy is found in § 54.1-3474 and all of Chapter 34.1 of Title 54.1 of the Code of Virginia.

### Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no alternatives to the purpose of the regulation, which is to ensure minimal competency by practitioners and protect public health and safety in the provision of physical therapy services.

### Public Comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

A Notice of Periodic Review was posted on Townhall and published in the Register of Regulations with comment requested from January 7, 2019, to February 6, 2019. There were no comments.

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

The Legislative/Regulatory thoroughly reviewed the regulations, noted that they are mandated by the law and necessary for public health, welfare and safety, and recommended several amendments for greater clarity and patient protection.

### Decision

*Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

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The Committee recommended amendments to ensure more clarity in supervision of students and trainees, facilitate renewal or return to practice for some PTs with inactive or lapsed licenses, coordinate rules for foreign-trained applicants with requirements of FSBPT for approval to sit for the licensing examination, recognize PT licensure in Canada as qualification for endorsement and expand the approval of entities that may offer or accredit continuing education.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

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- (1) The regulation is necessary for public protection since there is a statutory mandate for licensure in: § 54.1-3474. *Unlawful to practice without license; continuing competency requirements. A. It shall be unlawful for any person to practice physical therapy or as a physical therapist assistant in the Commonwealth without a valid unrevoked license issued by the Board.*
- (2) There have been no complaints and no comments on the periodic review.
- (3) The regulation was reviewed and amended in 2009 and again in 2014 for clarity and for ease of understanding. Some additional clarifications are recommended.
- (4) These regulations do not overlap, duplicate, or conflict with state or federal law.
- (5) Amendments to this chapter have been promulgated 12 times from in the last 10 years to update or eliminate unnecessary requirements, including a reduction in renewal fees in 2010.