

August 11, 2020

The Virginia Board of Physical Therapy convened virtually via WebEx for a full board meeting on Tuesday, August 11, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

BOARD MEMBERS PRESENT

Arkena L. Dailey, PT, DPT, President
Elizabeth Locke, PT, PhD, Vice-President
Tracey Adler, PT, DPT, CMTPT
Rebecca Duff, PTA, DHSc
Allen R. Jones, Jr., PT, DPT*
Mira H. Mariano, PT, PhD, OCS
Susan Palmer, MLS

BOARD MEMBERS ABSENT

None

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Assistant Attorney General, Board Counsel
David Brown, DC, DHP Director
Sarah Georgen, Licensing and Operations Manager
Laura Mueller, Program Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director
Matt Treacy, Media Productions Specialist

OTHER GUESTS PRESENT

Richard Grossman, Virginia Physical Therapy Association
Josh Bailey, American Physical Therapy Association, Virginia

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Dr. Dailey called the meeting to order at 9:30 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters

as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Dr. Dailey provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Dr. Dailey provided reminders to the Board and public regarding WebEx functions. She completed a roll call of the Board members and staff.

With all seven board members present at the meeting, a quorum was established.

Dr. Dailey read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINUTES

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Jones, the Board voted to accept the February 13, 2020 to August 7, 2020 minutes in block, including minutes from the Board meeting on February 13, 2020, Public Hearing on February 13, 2020, Telephonic Conference on June 2, 2020, Formal Hearing on July 16, 2020, and WebEx Training Session on August 7, 2020. The motion passed unanimously (7-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested a change to the agenda noting that Dr. Allison Bryan and Ms. Yeatts would not be in attendance at the meeting. Ms. Tillman Wolf stated that she would provide the Legislative/Regulatory report in Ms. Yeatts' absence. Additionally, she stated that Dr. Dailey would provide the Board of Health Professions report, if necessary, during the meeting.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Adler, the Board voted to accept the agenda as amended. The motion passed unanimously (7-0).

PUBLIC COMMENT

The Board did not receive any written public comment or request to provide verbal public comment.

AGENCY REPORT

Dr. Brown provided an update to DHP functions during the COVID-19 pandemic and stated that DHP had closed the building to the public and invested in telework options by purchasing laptop computers for employees. Dr. Brown reminded the Board of the restrictions on State travel for Board members and employees.

Dr. Brown reported on other actions taken in light of COVID, including waiver of certain regulations by DHP boards, as well as measures taken at DHP to resume disciplinary hearings and board meetings.

Dr. Brown reported that the Virginia Department of Health (VDH) is developing a state telehealth plan for additional flexibility required for reimbursement and the expanded use of telemedicine.

Dr. Brown provided an update on state-level workgroup activities related to adult and medical use of marijuana. He stated that the Joint Legislative Audit and Review Committee (JLARC) also has been tasked with the review of adult and medical use of marijuana.

Dr. Brown reported that the Board of Health Professions has been charged with a review of diagnostic medical sonographers and naturopathic doctors and will provide recommendations to the General Assembly.

Dr. Adler requested information on teleworking and stated that she has reported an increase in patient care related to work related pain due to teleworking. Dr. Brown stated that accommodations are provided as necessary.

With no further questions, Dr. Brown concluded his report.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Announcements

Ms. Tillman Wolf announced the passing of Jeffrey Vinzant, Administrator of the Alabama Board of Physical Therapy. She extended sympathy to the Alabama Board, as well as his friends and family.

COVID Response

Ms. Tillman Wolf provided an overview of actions taken in response to and consequences of the COVID-19 pandemic, including the continuance of hearings and meetings, the continuance of Board operations, and the cancellation and rescheduling of the April administration of the National Physical Therapy Examination (NPTE). She reported confusion and frustration from exam candidates related to communication surrounding the NPTE and the exam vendor, Prometric. Ms. Tillman Wolf reported that most of the issues that were reported were corrected for the July exam.

Ms. Tillman Wolf reported that the Board provided web and e-mail communication to physical therapy schools, licensees, and the public related to COVID-related issues, including updates on telehealth, the NPTE, and available CDC/VDH information.

Ms. Tillman Wolf reported that the COVID pandemic also highlighted some areas for follow up and Board action, including review of continuing education requirements and questions received regarding an exemption or extension for the 2020 renewal. Additional review of the bylaws, as well as certain guidance documents and regulations may be necessary.

Expenditure and Revenue Summary as of June 30, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2020.

Cash Balance as of June 30, 2019	\$1,897,707
YTD FY20 Revenue	\$ 189,031
Prior Period Revenue Adjustment	\$ 25
<u>Less FY20 Direct & In-Direct Expenditures</u>	<u>\$ 590,159</u>
Cash Balance as of June 30, 2020	\$1,496,604

PT Compact Status – Virginia

Ms. Tillman Wolf stated that as of August 4, 2020, 117 compact privileges had been issued (103 Physical Therapists and 14 Physical Therapy Assistants) in Virginia. Ms. Tillman Wolf said that 74 Virginia home state licensees had obtained 93 Compact Privileges for other Compact states (54 Physical Therapists and 20 Physical Therapy Assistants) as of August 5, 2020. Ms. Tillman Wolf provided an overview of the Compact Privileges issued by month in 2020.

Ms. Tillman Wolf reported on the National PT Compact Enactment and Privileges. She reported that 1,015 Compact Privileges were issued in 2019, and over 1,200 Compact Privileges have been issued through June 2020.

PT Compact – Updates

Ms. Tillman Wolf provided an update on the PT Compact. She reported the following:

- A recent issue involving whether a compact privilege is viewed as the equivalent of a license by the Centers for Medicare and Medicaid Services (CMS) has been resolved.
- Virginia Senate Bill 422 was passed in order to clarify the Board’s disciplinary authority over Compact Privileges.
- Ms. Tillman Wolf was appointed to the Compact Commission Rules and Bylaws Committee and also serves on the PT Compact System User Task Force.
- The Compact Commission virtual meeting is scheduled for October 25, 2020.
- Overall implementation of the Compact in Virginia has been successful.

FSBPT Updates

Ms. Tillman Wolf provided updates related to the scheduling of virtual FSBPT meetings and trainings: the Leadership Issues Forum (LIF) meeting virtually took place on July 22, 2020; the virtual FSBPT Delegate Assembly will take place on October 24, 2020. She announced that additional Web Education Sessions provided by the FSBPT will take place throughout 2020.

Ms. Tillman Wolf stated that the FSBPT Membership Dues were reduced by 50% for 2021 and 2022.

Ms. Tillman Wolf reported that Dr. Dailey was appointed to the Ethics and Legislation Committee and the Boundary Violations Task Force, and that Dr. Dailey co-authored a published article on the website for the

FSBPT, “Leveraging Operational Metrics to Help Justify State Board Regulatory Decisions: A Comparison of Two Jurisdictions.”

Board Meeting Dates

Ms. Tillman Wolf announced the last 2020 Board meeting date and the tentative upcoming 2021 Board meeting dates.

2020 Board Meeting Dates

- November 17, 2020

Tentative 2021 Board Meeting Dates

- February 16, 2021
- May 25, 2021
- August 10, 2021
- November 9, 2021

Notes and Reminders

Ms. Tillman Wolf reminded the Board that out-of-state business travel for the Board is currently prohibited. She provided reminders about contact information and continuing education. She thanked the Board members for their continued hard work, dedication, and patience during the pandemic.

Dr. Dailey provided accolades to staff and board members on the successful implementation and transition of the Compact Privileges.

Dr. Dailey requested clarification on the Board’s budget regarding a fee related to a bad check. Ms. Tillman Wolf explained that a bad check fee may also apply to a bad electronic payment of application fees.

With no further questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of August 4, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 33 total cases
 - 0 in Administrative Proceedings Division
 - 0 in Formal Hearing
 - 6 in Informal Conferences
 - 3 in Investigation
 - 24 in Probable Cause

Ms. Palmatier reported the following Total Cases Received and Closed:

- Q3 2018 – 9/2
- Q4 2018 – 4/4
- Q1 2019 – 13/15
- Q2 2019 – 10/11
- Q3 2019 – 9/17
- Q4 2019 – 7/12

- Q1 2020 – 26/13
- Q2 2020 – 4/12
- Q3 2020 – 13/18

Ms. Palmatier reported the following Virginia Performs statistics for Q3 2020:

- Clearance Rate – 136% Received 11 patient cases and closed 15 cases
- Pending Caseload over 415 days at 3%. That represents 1 case.
- There were 12 cases closed within 415 days.

Ms. Palmatier reported on the percentage of all cases closed in one year and on average days to close a case for the last six quarters.

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	August 4, 2020	February 10, 2020	Change +/-
Physical Therapist	9,167	8,765	402
Physical Therapist Assistant	3,791	3,708	83
Total PT's and PTA's	12,958	12,473	485
Direct Access Certification	1,302	1,270	32

Ms. Georgen presented the PT and PTA exam statistics from the May/June administrations of the exams.

Recent Accreditation Actions – CAPTE

Ms. Georgen reported on the recent accreditation actions of the Commission on Accreditation in Physical Therapy Education (CAPTE).

Application Updates

Ms. Georgen announced updates to the licensure applications including an update to the military questions in response to the House Bill 967, change of facsimile number, and a change to include a personal and public email address.

2020 Biennial Licensure Renewals

Ms. Georgen reported that the upcoming renewal notices will be sent to licensees in October 2020. She reported that the 2020 renewal will be the last paper license received. She also reported that the Board will need to consider an exemption or extension for continuing education later in the agenda.

Licensure Statistics – Customer Satisfaction

Ms. Georgen provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q1 2020 – 100% (11/11 responses)
- Q2 2020 – 97.7% (43/44 responses)
- Q3 2020 – 97.4% (38/39 responses)
- Q4 2020 – 89.6% (48/53 responses)

Ms. Georgen stated that the drop in Quarter 4 was due to the COVID-19 pandemic and testing restrictions during that time. Ms. Georgen thanked Ms. Mueller for her continued hard work with the Board.

Ms. Georgen reported on the customer satisfaction through the FSBPT from January 1 to June 30, 2020 and stated that Virginia’s customer satisfaction was 85.2% compared to the overall national satisfaction of 84.4%.

Ms. Georgen noted that the overall survey results for the NPTE administration related candidates’ concerns regarding communication from the exam vendor, Prometric, about site closures and rescheduling difficulties.

Dr. Dailey noted that there was a distinction between the months prior to the pandemic and the decline does not reflect on the work of the board staff.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

Board President Report – Arkena L. Dailey, PT, DPT

Dr. Dailey reported that served as delegate for Virginia and that she participated in the virtual Leadership Issues Forum held on July 22, 2020. She provided to the Board Forum highlights, as well as helpful takeaways from the meeting.

Dr. Dailey discussed the FSBPT article, “FSBPT Forum, Leveraging Operational Metrics to Help Justify State Board Regulatory Decisions: A Comparison of Two Jurisdictions” and how Virginia’s successful processes and strengths were emphasized in the article.

Dr. Dailey announced that she serves on the Ethics and Legislation Committee and was appointed to the Boundaries Violations Task Force. Dr. Dailey provided the Boundaries Violations Task force update during the Leadership LIF Forum.

Dr. Dailey also encouraged board members to take advantage of the upcoming FSBPT webinar series and noted the next topic is Exam Craziiness and it is scheduled for today, August 11, 2020 at 3:00 pm.

Dr. Dailey also participated in the Candidates Forum which profiled running officers for FSBPT delegates and the nominating committee.

With no questions, Dr. Dailey concluded her report.

Dr. Adler loss communication with the meeting at 10:36 a.m. and resumed communication at 10:41 a.m.

Board of Health Professions Report – Allen R. Jones, PT, DPT

Dr. Jones thanked Dr. Dailey for her leadership to the Board.

Dr. Jones stated that the Board of Health Professions met on June 25, 2020 and that the meeting minutes from the meeting are included in the agenda packet.

BREAK

The Board took a break at 10:41 a.m. and returned at 10:52 a.m.

LEGISLATION AND REGULATORY ACTIONS

Policy Updates – Electronic Meeting Policy (Emergency and Statutory)

Ms. Tillman Wolf provided an overview of the Electronic Meeting Policy (Emergency and Statutory).

Legislation/Regulatory Updates

Ms. Tillman Wolf provided an update regarding the current status of pending Board regulations, including the Periodic Review of the Practice Regulations (18VAC112-20-10 et seq.), proposed regulations related to the PT Compact, and final regulations for the practice of dry needling.

Ms. Tillman Wolf reviewed Senate Bill 422 related to the clarification of the meaning of “license” as used by the Board of Physical Therapy to include a Compact privilege.

Ms. Tillman Wolf reviewed Senate Bill 981 related to the expediting the issuance of credentials to spouses of military service members who are (i) ordered to federal active duty or (ii) veterans who have left active duty service within one year of the submission of an application if the spouse accompanies the service member to the Commonwealth or an adjoining state or the District of Columbia.

Adoption of Final Regulations from Periodic Review – Regulations Governing the Practice of Physical Therapy (18VAC112-20-10 et seq.)

Ms. Tillman Wolf provided an overview of the changes associated with the periodic review conducted by the Board of the Regulations Governing the Practice of Physical Therapy (18VAC112-20-10 et seq.) and discussed the one public comment received from the Virginia Physical Therapy Association.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Locke, the Board voted to adopt the final regulations from the Periodic Review for the Regulations Governing the Practice of Physical Therapy under 18 VAC 112-20-10 et seq. as presented. The motion passed unanimously (7-0). (Attachment A)

BOARD DISCUSSIONS AND ACTIONS

Consideration of Revisions to Guidance Document 112-13, Approval of a Traineeship

The Board discussed proposed revisions to Guidance Document 112-13, Approval of Traineeship.

Upon a **MOTION** by Dr. Jones, and properly seconded by Dr. Locke, the Board voted to adopt the revisions to Guidance Document 112-13, Approval of a Traineeship as presented. The motion passed unanimously (7-0). (Attachment B)

Consideration of Revisions to Guidance Document 112-21, Guidance on Telehealth

The Board discussed possible revisions to Guidance Document 112-21, Guidance on Telehealth, in light of issues that have been identified during the COVID pandemic.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Ms. Adler, the Board voted to forward further consideration of revisions of Guidance Document 112-21, Guidance on Telehealth, to the Legislative/Regulatory Committee for further review. The motion passed unanimously (7-0).

Consideration of Fee Reduction for 2020 Renewals

The Board discussed the projected cash balances of the Board for Fiscal Years 2020-2024 and the fee reduction options presented to the Board.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Adler, the Board voted to approve a 50% one-time renewal fee reduction for the 2020 renewal period. The motion passed unanimously.

Consideration of Continuing Education Exemption/Extension for 2020 Renewals

The Board discussed the continued competency requirements for renewal of an active license.

Upon a **MOTION** by Dr. Jones, and properly seconded by Dr. Locke, the Board voted to approve an exemption for all continuing education hours required for the 2020 renewal period. The motion passed unanimously (7-0).

Questions from Licensees – Scope of Practice

Ms. Tillman Wolf asked the Board members to consider deferring further discussion on scope of practice issues at this time and to consider referral to the Legislative/Regulatory Committee.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Duff, the Board voted to refer the questions to the Legislative/Regulatory Committee for consideration. The motion passed unanimously (7-0).

Dr. Jones temporarily left the call.

Consideration of Alternate Approval Pathway

Ms. Tillman Wolf provided an overview of the Alternate Approval Pathway for consideration by the Board.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Duff, the Board voted to approve the Alternate Approval Pathway through FSBPT for Physical Therapy and Physical Therapy Assistants. The motion passed 6-0 (Dr. Jones absent).

OLD BUSINESS

Imaging Referrals by Physical Therapists – Arkena L. Dailey, PT, DPT

Upon a **MOTION** by Dr. Adler, and properly seconded by Dr. Mariano, the Board voted to table the discussion of Imaging Referrals until a later date. The motion passed with five votes in favor (Dr. Locke, Dr. Adler, Dr. Duff, Dr. Mariano, and Ms. Palmer) and one vote against (Dr. Dailey); (Dr. Jones absent).

NEW BUSINESS

Board Assessment Tool (BAR) from FSBPT – Corie Tillman Wolf, JD

Ms. Tillman Wolf provided information to the Board regarding the Board Assessment Tool (BAR) from the FSBPT.

Reordering of Agenda requested by Board Chair, Dr. Dailey.

Upon a **MOTION** by Dr. Duff, and properly seconded by Dr. Mariano, the Board voted to reorder the agenda with Board Announcements following the Election of Officers. The motion passed unanimously (6-0) (Dr. Jones absent).

Election of Officers – Arkena L. Dailey, PT, DPT

Dr. Dailey stated that in accordance with the Bylaws, at the first regularly scheduled meeting of the organizational year, the board shall elect its officers.

She announced that one written nomination form for President was received, and one written nomination form for Vice-President was received. The written nomination forms were distributed to the Board members prior to the meeting.

Dr. Dailey stated that one nomination from Dr. Jones had been received for the office of President. Dr. Dailey opened the floor for additional nominations for President of the Board of Physical Therapy. No additional nominations were made.

Dr. Dailey called for a motion for the election of the one nominee, Dr. Jones, for the position of President of the Board of Physical Therapy.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Mariano, the Board voted to elect Dr. Jones for the position of President of the Board of Physical Therapy.

By unanimous vote of 6-0, Dr. Jones was elected as President of the Board of Physical Therapy. (Dr. Jones absent).

Dr. Dailey stated that one nomination from Dr. Mariano had been received for the office of Vice-President.

Dr. Dailey opened the floor for additional nominations for Vice-President of the Board of Physical Therapy. No additional nominations were made.

Dr. Dailey called for a motion for the election of the one nominee, Dr. Mariano, for the position of Vice-President of the Board of Physical Therapy.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Adler, the Board voted to elect Dr. Mariano for the position of Vice-President of the Board of Physical Therapy.

By unanimous vote of 6-0, (Dr. Jones absent). Dr. Mariano was elected as Vice President of the Board of Physical Therapy.

Board Announcements – Arkena L. Dailey, PT, DPT

Dr. Dailey thanked the Board for the opportunity to serve as both Vice-President and President of the Board the past four years. Dr. Dailey offered comments regarding the goals of the Board and stated that she looks forward to continuing as a Board member and serving in her current leadership roles with FSBPT representing the Virginia Physical Therapy Board.

Dr. Dailey welcomed announcements from Dr. Locke.

Dr. Locke thanked the Board for the opportunity to serve as Vice-President of the Board. She thanked the Board for the opportunity to serve as a delegate, and to serve on Committees with the FSBPT during her time with the Board. Dr. Locke announced her resignation from the Board of Physical Therapy. Dr. Locke thanked the Board staff for their contributions and support to the Board.

Dr. Dailey and Dr. Mariano expressed their best wishes and appreciation for Dr. Locke’s service to the Board.

Dr. Jones returned to the call at 12:59 p.m. Dr. Jones thanked Board members for electing him as President of the Board.

NEXT MEETING

The next meeting date is November 17, 2020.

CONTINUING EDUCATION CREDIT:

Dr. Dailey provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 112-20-131. She announced that continuing education would be awarded to those participants who provided their first name, last name, license number, and the meeting code by email to ptboard@dhp.virginia.gov by August 18, 2020.

ADJOURNMENT

With all business concluded, the meeting adjourned at 1:05 p.m.

Arkena L. Dailey, PT, DPT, President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

Project 5968 - NOIRA

BOARD OF PHYSICAL THERAPY

Periodic review

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 ~~460~~ 320 hours of professional practice as a physical therapist or physical therapist assistant within the ~~24-month~~ 48-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~~ CAPTE.

~~"Assessment tool" means aPTion or any other self-directed assessment tool approved by FSBPT.~~

"CAPTE" means 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.

"Encounter" means an interaction between a patient and a physical therapist or physical therapist assistant for the purpose of providing healthcare services or assessing the health and therapeutic status of a patient.

"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.

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

"FSBPT" means the Federation of State Boards of Physical Therapy.

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

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

"Reevaluation" 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 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.

18VAC112-20-25. Current name and address.

Each licensee shall furnish the board his current name and address of record. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when ~~mailed~~ sent to the latest address of record provided or when served to the licensee. Any

change of name or change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

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

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

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

1. Utilizes the FSBPT Coursework Evaluation Tool for Foreign Educated Physical Therapists, ~~based on the year of graduation~~ as required to sit for FSBPT examination, and utilizes original source documents to establish substantial equivalency to an approved physical therapy program;
2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted or was unrestricted at the time it expired or was lapsed; and
3. Verifies English language proficiency by passage of the TOEFL and TSE examination or the TOEFL iBT, the Internet-based tests of listening, reading, speaking and writing or by review of evidence that the applicant's physical therapy program was taught in English or that the native tongue of the applicant's nationality is English.

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

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

2. A copy of the original certificate or diploma that has been certified as a true copy of the original by a notary public, verifying his graduation from a physical therapy curriculum. If the certificate or diploma is not in the English language, submit either:

a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or

b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education to the educational requirements of an approved program for physical therapist assistants from a scholastic credentials service approved by the board and based upon the FSBPT coursework tool for physical therapist assistants.

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

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

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

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

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

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice 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 or Canadian province;
2. The required application, fees, and credentials to the board;
3. A current report from the ~~Healthcare Integrity and Protection Data Bank (HIPDB)~~ 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 Canada, or 60 hours obtained within the past four years;
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 or Canadian province at the time of initial licensure in that state or province;
and

6. Documentation of active practice in physical therapy in another U.S. jurisdiction or Canada for at least 320 hours within the four years immediately preceding his application for licensure. A physical therapist who does not meet the active practice requirement shall:

a. ~~Successfully~~ successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140; ~~or~~

b. ~~Document that he attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully complete 160 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.~~

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

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

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

B. The traineeship, which shall be in accordance with requirements in 18VAC112-20-140, shall terminate ~~two~~ five working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination, provided he has registered to retake the examination. A new traineeship shall not be approved ~~for~~ if more than one year has passed following the receipt of the first examination results. An unlicensed graduate who has passed the examination may be granted a new traineeship for the period between passage of the examination and granting of a license. An unlicensed graduate shall not be granted more than three traineeships within the one year following the receipt of the first examination results.

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;
2. Periodic reevaluation, 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 reevaluate 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~~ encounters with 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.

18VAC112-20-100. Supervisory responsibilities.

A. A physical therapist shall be fully responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

B. Support personnel shall only perform routine assigned physical therapy tasks under the direct supervision of a licensed physical therapist or a licensed physical therapist assistant, who shall only assign those tasks or activities that are nondiscretionary and do not require the exercise of professional judgment.

C. A physical therapist shall provide direct supervision to no more than three individual trainees or students at any one time.

D. A physical therapist shall provide direct supervision to a student in an approved program who is satisfying clinical educational requirements in physical therapy. A physical therapist or a physical therapist assistant shall provide direct supervision to a student in an approved program for physical therapist assistants.

E. A physical therapist shall provide direct supervision to a student who is satisfying clinical educational requirements in physical therapy in a non-approved physical therapist program that has been granted the Candidate for Accreditation status from CAPTE. Either a physical therapist or physical therapist assistant shall provide direct supervision to a student who is satisfying clinical

education requirements in a non-approved physical therapist assistant program that has been granted the Candidate for Accreditation status from CAPTE.

18VAC112-20-120. Responsibilities to patients.

A. The initial patient ~~visit~~ encounter 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~~ encounter 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 reevaluation, 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 reevaluation.

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.

18VAC112-20-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially by December 31 in each even-numbered year and pay to the board the renewal fee prescribed in 18VAC112-20-27.

B. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18VAC112-20-27.

C. In order to renew an active license, a licensee shall be required to:

1. Complete a minimum of ~~460~~ 320 hours of active practice in the preceding ~~two~~ four years; and
2. Comply with continuing competency requirements set forth in 18VAC112-20-131.

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

E. The board may grant an exemption to the active practice requirement for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disaster, upon a written request from the licensee prior to the renewal date.

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

A. In order to renew an active license biennially, a physical therapist or a physical therapist assistant shall complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. In choosing continuing learning activities or courses, the

licensee shall consider the following: (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

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

1. A minimum of 20 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants shall be in Type 1 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 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;
- g. The National Athletic Trainers' Association; ~~or~~
- h. The Federation of State Boards of Physical Therapy;

i. The National Strength and Conditioning Association; or

j. Providers approved by other state licensing boards for physical therapy.

One credit hour of a college course shall be considered the equivalent of 15 contact hours of Type 1 continuing education.

2. No more than 10 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses, which may or may not be offered by an approved organization but which shall be related to the clinical practice of physical therapy. For the purposes of this subdivision, Type 2 activities may include:

a. ~~consultation~~ Consultation with colleagues, independent study, and research or writing on subjects related to practice.

b. ~~Up to two of the Type 2 continuing education hours may be satisfied through delivery~~ Delivery of physical therapy services, without compensation, to low-income individuals receiving services through a local health department or a free clinic organized in whole or primarily for the delivery of health services for up to two of the Type 2 hours.

c. ~~Up to two of the Type 2 continuing education hours may be satisfied by attendance~~ Attendance at a meeting of the board or disciplinary proceeding conducted by the board for up to two of the Type 2 hours.

d. Classroom instruction of workshops or courses.

d. Clinical supervision of students and research and preparation for the clinical supervision experience.

Forty hours of clinical supervision or instruction shall be considered the equivalent of one contact hour of Type 2 activity.

3. Documentation of specialty certification by the American Physical Therapy Association may be provided as evidence of completion of continuing competency requirements for the biennium in which initial certification or recertification occurs.

4. Documentation of graduation from a transitional doctor of physical therapy program may be provided as evidence of completion of continuing competency requirements for the biennium in which the physical therapist was awarded the degree.

~~5. A physical therapist who can document that he attained at least Level 2 on the FSBPT assessment tool may receive five hours of Type 1 credit for the biennium in which the assessment tool was taken. A physical therapist who can document that he attained at least Level 3 or 4 on the FSBPT assessment tool may receive 10 hours of Type 1 credit for the biennium in which the assessment tool was taken. Continuing competency credit shall only be granted for the FSBPT assessment tool once every four years.~~

C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure by examination in Virginia.

D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.

E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

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

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

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters, upon a written request from the licensee prior to the renewal date.

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, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated;
2. Providing proof of 320 active practice hours in ~~another~~ any jurisdiction in which the physical therapist or physical therapist assistant was licensed for active practice within the four years immediately preceding application for reactivation.

~~a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting that he has attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for reactivation of licensure in Virginia and successfully completing 160 hours in a traineeship in accordance with requirements in 18VAC112-20-140.~~

- ~~b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and~~
3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate his license by payment of the renewal and late fees as set forth in 18VAC112-20-27 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. 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~~ any jurisdiction in which the physical therapist or physical therapist assistant was licensed for active practice for at least 320 hours within the four years immediately preceding applying for reinstatement.

~~a. If a physical therapist licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting that he has attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully completing 160 hours in a traineeship in accordance with requirements in 18VAC112-20-140.~~

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

18VAC112-20-140. Traineeship requirements.

A. The traineeship shall be approved by the board and served under the direction and supervision of a licensed physical therapist.

B. Supervision and identification of trainees:

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

C. Completion of traineeship.

1. The physical therapist supervising the 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.

BOARD OF PHYSICAL THERAPY

Approval of a Traineeship

Section 18VAC112-20-70 in *Regulations Governing the Practice of Physical Therapy* provides the following requirements for a traineeship for an unlicensed graduate who is scheduled to sit for the national examination.

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

B. The traineeship, which shall be in accordance with requirements of 18VAC112-20-140, shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination. A new traineeship shall not be approved for more than one year following the receipt of the first examination results.

The Board provides guidance for applicants in the following circumstances:

- An applicant who has graduated from an accredited physical therapy program and has registered to sit for the national examination may be approved for a traineeship even if the degree is to be awarded at a later date. Evidence of graduation would be required for approval.
- An unlicensed graduate who has taken and passed the national examination may be granted an additional traineeship after the termination required in subsection B until licensure is granted or for one year, whichever comes first.
- An unlicensed graduate who is awaiting official degree conferral and who has taken and passed the national examination may be granted a traineeship until licensure is granted or for one year, whichever comes first. Evidence that the graduate has met all degree requirements would be required for approval.
- An unlicensed graduate who has taken and failed the national examination may be granted an additional traineeship after the termination required in subsection B, provided he has registered to retake the examination. The new traineeship may only be approved until he has passed the examination and been granted a license or for one year from the receipt of the first examination results, whichever comes first.
- Another new traineeship shall not be granted to an unlicensed graduate after termination of the one additional traineeship.
- A traineeship may be approved for a foreign-trained graduate upon evidence that his degree is equivalent to an accredited physical therapy program and that he is registered to sit for the national examination.