

Form #2

OFFICE OF THE ATTORNEY GENERAL
SECRET - VIRGINIA
1960

\$4.00



JOHN F. DEBLASIS
Chairman of the Board

**WEST VIRGINIA
BOARD OF PHYSICAL THERAPY**

FRANKIE S. CAYTON
Executive Secretary

June 22, 1999

TO: Secretary of State's Office
Legislative Rule-Making Review Committee (LRMRC)
FROM: Frankie S. Cayton, Board Administrator
RE: Proposed Rule

A handwritten signature in cursive script, reading "Frankie S. Cayton", written in dark ink.

We are hereby submitting for review and approval Title 16, Series 1, Legislative Rule, General Provisions for the WV Board of Physical Therapy.

H.B. 2802 which passed this past Legislative Session and went into effect June 12, 1999, mandated that the Board promulgate Rules by July 1, 1999, to compliment and define the wording as it appears in what is now our Statutory Law.

The proposed Rule defines "supervision", specifically mentions fees that are to be charged for services performed by this office; lists definitions of commonly used terminology; and describes requirements for licensure for Physical Therapists educated in the United States as well as outside the United States; and lists the requirements for licensure for Physical Therapist Assistants.

§16-1-1. General.

1.1. Scope. – This legislative rule provides for the procedures of the West Virginia Board of Physical Therapy.

1.2. Authority. – WV Code §30-20-1, et. seq.

1.3. Filing Date. –

1.4. Effective Date. –

1.5. Repeal and Replace – This Rule repeals and replaces Title 16, Series 1, which became effective April 5, 1994.

§16-1-2. Definitions.

The following words and phrases as used in these rules shall have the following meanings, unless the context otherwise requires:

2.1. "Board" means the West Virginia Board of Physical Therapy.

2.2. "Physical Therapy" means the care and services provided by or under the direction and supervision of a Physical Therapist licensed by this State.

2.3. The "Practice of Physical Therapy" means:

a. Examining, evaluating and test-

ing individuals with mechanical, physiological and developmental impairments, functional limitations, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to access the ongoing effects of intervention.

b. Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to therapeutic exercise; functional training in self care and in home, community or work reintegration; manual therapy including soft tissue and joint mobilization and other manual therapy techniques; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive devices and equipment; broncho-pulmonary hygiene, debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction.

c. Reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations.

d. Engaging in administration, consultation, education and research.

2.4. "Physical Therapist", means a per-

son who meets all the requirements under WV Code §30-20-1, et. seq., and these Rules and is licensed to practice Physical Therapy by the West Virginia Board of Physical Therapy. An individual who possesses a temporary permit issued by the Board to practice Physical Therapy is not fully licensed to practice Physical Therapy, and as such is subject to the conditions set forth in WV Code §30-20-9 (a) and Section 7 of this Rule.

2.5. "Physical Therapist Assistant" means a person who meets all the requirements under WV Code §30-20-1, et. seq. and these Rules and is licensed to practice by the West Virginia Board of Physical Therapy. The Physical Therapist Assistant performs Physical Therapy procedures and related tasks that have been selected and delegated only by the supervising Physical Therapist. An individual who possesses a temporary permit as a Physical Therapist Assistant is not fully licensed to practice as a Physical Therapist Assistant, and as such is subject to the conditions set forth in WV Code §30-20-9 (b)(1) and (2) and its accompanying Rules and Regulations.

2.6. "Physical Therapy Aide" means a person trained under the direction of a Physical Therapist who performs designated and supervised routine Physical Therapy tasks.

2.7. "Other Assistive Personnel" means other trained or educated health care

personnel, not defined in 2.5 or 2.6 of this section, who perform specific designated tasks related to Physical Therapy under the supervision of a Physical Therapist. At the discretion of the supervising Physical Therapist, and if properly credentialed and not prohibited by any other law, "other assistive personnel" may be identified by the title specific to their training or education.

2.8. Supervision of a Physical Therapist Assistant.

a. When the Physical Therapist and the Physical Therapist Assistant are not within the same physical setting, the performance of the delegated functions by the Physical Therapist Assistant must be consistent with safe and legal Physical Therapy practice as set forth in WV Code §30-20-1, et. seq., accompanying Legislative Rules and Regulations, and established policies of the Board. Said performance shall be predicated on the following factors:

1. Complexity and activity of the patient's needs;
2. Proximity and accessibility to the Physical Therapist;
3. Supervision available in the event of emergencies or critical events; and
4. Type of setting in which the service is rendered.

b. The Physical Therapist Assistant shall not perform the following Physical Therapy activities:

1. Interpretation of referrals;
2. Physical Therapy initial evaluation and re-evaluation;
3. Identification, determination, or modification of plans of care (including goals and treatment programs);
4. Final discharge assessment/evaluation or establishment of the discharge plan; or
5. Therapeutic techniques beyond the education, skill and knowledge of the Physical Therapist Assistant.

c. As contained in this section, the term "supervision" shall mean authoritative procedural guidance by a licensed Physical Therapist for the accomplishment of a function or activity, with initial direction and periodic inspection on a regular basis by a Physical Therapist of the actual act of accomplishing the function or activity. The supervising Physical Therapist is responsible for and as such must participate in the patient's care to the degree specified below depending upon the practice setting.

d. Supervision requirements of a Physical Therapist Assistant depend upon the practice setting in which the care is delivered:

1. When care is delivered in a hospital or other acute-care center, free-standing, or independent practice setting, a Physical Therapist must be on premises at all times.

2. When care is delivered in a skilled/unskilled nursing facility, home health, or school system setting, the following requirements must be observed and documented in the patient records:

- A. A Physical Therapist must be accessible by telecommunications to the Physical Therapist Assistant at all times that the Physical Therapist Assistant is treating patients; and available to make a site visit jointly with the Physical Therapist Assistant within twenty-four (24) hours as prudent practice indicates.

- B. An initial visit must be made by a Physical Therapist for evaluation of the patient and establishment of a plan of care.

- C. A joint visit by the Physical Therapist and the Physical Therapist Assistant must be made on the Physical Therapist Assistant's first visit to the patient.

- D. At least once every ten (10) Physical Therapist Assistant visits, or within twenty-one (21) calendar days, whichever occurs first, there must be a joint on-site visit by the licensed Physical Therapist Assistant and the licensed

Physical Therapist. In the event that the supervising Physical Therapist changes, then that Physical Therapist must evaluate the patient with the Physical Therapist Assistant before the next Physical Therapist Assistant visit is made.

E. The Physical Therapist must make the final visit to terminate the plan of care.

F. No more than two (2) persons, Physical Therapist Assistants, foreign-educated Physical Therapists, or other assistive personnel, or any combination thereof, can be supervised by a Physical Therapist at any one time.

§16-1-3. Fees.

The applicant shall pay to the Board the fees established by statute and determined by the Board. In addition, the Board may charge fees reasonably related to the cost of providing services to applicants or interested parties. The services for which fees may be collected include, but are not limited to, verification of licensure to another State; duplication of license cards or wall certificates; copying; postage expenses; mailing lists; and processing of returned checks.

a. Physical Therapist Application

.....\$ 25.00

b. Physical Therapist License

.....\$110.00

c. Physical Therapist Temporary Permit.....\$ 35.00

d. Physical Therapist Biennial Renewal.....\$120.00

e. Physical Therapist Lapsed License\$250.00

f. Physical Therapist Assistant Application.....\$ 25.00

g. Physical Therapist Assistant
License.....\$ 70.00

h. Physical Therapist Assistant
Temporary Permit.....\$ 20.00

i. Physical Therapist Assistant
Biennial Renewal.....\$ 80.00

j. Physical Therapist Assistant
Lapsed License.....\$170.00

k. Permanent License Verification
.....\$ 25.00

l. Duplicate Wallet Card/License
.....\$ 5.00

m. Duplicate Wall Certificate
.....\$ 15.00

n. Name Change Requiring New
Card/License (Outside of Renewal Season)
.....\$ 5.00

o. Exam Processing Fee.....\$ 25.00

p. Copy of Statutory & Regulatory
Law.....\$ 20.00

q. Mailing List/Directory

1. Label-ready List.....
Rate @ 10 cents/name and address

2. Hard-copy Directory.....
Rate @ 15 cents/name and address

3. Labels.....
Rate @ 30 cents/name and address

r. Continuing Education Course
Review (for Company or Facility).....\$ 50.00

s. Continuing Education Course
Review (for WV Licensed PT or PTA)\$5.00

t. Continuing Education Course Re-
certification (in subsequent yrs.).....\$15.00

u. Bounced Check Fee.....\$10.00

v. Two-Day Priority Mail.....\$ 3.20
(All special requests for specific mail
services are performed on an even exchange
basis.)

w. Copying Charges.....\$.20/page

x. All fees not paid by the due date
shall be assessed a penalty to be determined

by the Board not to exceed 25% of the original fee required.

§16-1-4. Licensing individuals outside the United States.

4.1. A Physical Therapist candidate for licensure in West Virginia who was educated outside of the United States must meet the following criteria in order to be eligible for licensure by the Board:

a. Credentials:

1. The foreign-educated applicant must present a certificate issued by a Board-approved prescreening certification agency.

b. Education.

1. The applicant is to be a Physical Therapy graduate of a foreign institution of higher learning with at least the equivalent of a B. S. Degree in Physical Therapy as determined by the Board.

2. Equivalent education is to be reported to the Board through a Board approved credentialing agency.

c. English Proficiency:

1. Unless the native language is English, the applicant must demonstrate proficiency in English by passing the Test of English as a Foreign Language (TOEFL) with a grade of at least six hundred (600) on the Paper-based Test or at least two hundred

fifty (250) on the Computer-based Test; and Test of Spoken English (TSE) with a total score of at least fifty-five (55), and the Test of Written English (TWE) with a score of at least five (5). These scores will be reviewed periodically and determined by the Board.

§16-1-5. Scores.

The applicant must take the examination and obtain a passing score as determined by the Board.

§16-1-6. Issuance, Renewal or Reinstatement of License.

6.1. The Board reserves the right to evaluate the applicant according to the testing, licensure, and procedural requirements as initiated by the agency responsible for the ownership and development of the exam.

§16-1-7. Temporary Permit.

7.1. An individual possessing a temporary permit issued by the Board to practice Physical Therapy in the State of West Virginia shall practice under the direct supervision of a Physical Therapist.

7.2. While the Physical Therapist is practicing under a temporary permit, a Physical Therapist must be on the premises at all times. All progress notes written by the Physical Therapist with a temporary permit shall be cosigned by a Physical

Therapist supervisor within twenty-four (24) hours.

7.3. A temporary permit may be issued in the following instances only to individuals who have met the eligibility criteria set forth in WV Code §30-20-6, and who have submitted proper application and identification as determined by the Board:

a. Pending examinations, to any Physical Therapist applicant who is a new graduate of a program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE). Said temporary permit shall be valid for a period of ninety (90) consecutive days and said permit may not be renewed or reissued in the same calendar year.

b. To a person who possesses an unencumbered license in another state or territory or possession of the United States and who is a graduate of a program approved by CAPTE. Said temporary permit shall be valid only for a period of ninety (90) consecutive days and said permit may not be renewed or reissued in the same the calendar year.

§16-1-8. Temporary Permits for Physical Therapy Assistants.

8.1. Upon proper application and identification as determined by the Board, and the payment of the applicable nonrefundable fee, the Board may issue, without examination, a temporary permit to

act as a Physical Therapy Assistant in this State.

8.2. While the Physical Therapist Assistant is practicing under a temporary permit, a Physical Therapist must be on the premises at all times. All progress notes written by the Physical Therapist Assistant with a temporary permit shall be cosigned by a Physical Therapist supervisor within twenty-four (24) hours.

8.3. Said temporary permit may be issued:

a. Pending examinations, to any Physical Therapist Assistant who meets the requirements of WV Code §30-20-6 (b)(1) and (2). Said temporary permit shall be valid for a period of ninety (90) consecutive days and said permit may not be renewed or reissued in the same calendar year.

b. To a person who possesses an unencumbered license in another state or territory or possession of the United States and who is a graduate of a program approved by CAPTE. Said temporary permit shall be valid only for a period of ninety (90) consecutive days and said permit may not be renewed or reissued in the same calendar year.

§16-1-9. Applications.

9.1. The applicant must complete the application form provided by the Board and supply the following:

- a. Personal information;
- b. Educational information;
- c. History of previous work experience, if applicable;
- d. License verification (s) from other State Licensing Boards that have already issued the applicant temporary permits or permanent licenses to practice Physical Therapy in their respective States.
- e. Written responses to questions regarding criminal offenses;
- f. Written responses to questions regarding child support obligations;
- g. Name and address of prospective employer in West Virginia if known;
- h. Photo identification; and
- i. Applicable fee (s).

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: TITLE 16, Series 1, General Provisions

Type of Rule: X Legislative Interpretive Procedural

Agency WV Board of Physical Therapy

Address 153 W. Main St., Suite #103
Clarksburg, WV 26301

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	5,512	N/A	54,998	SAME	SAME
CURRENT EXPENSE	105,512	N/A	100,000	SAME	SAME
REPAIRS & ALTERATIONS	N/A	N/A	N/A	N/A	N/A
EQUIPMENT	N/A	N/A	N/A	N/A	N/A
OTHER					

2. Explanation of above estimates:

We have expended funds to refurbish office space, purchase furniture and computer equipment. We have added fire-proof file cabinets, leased copying machine and FAX machine. Two full-time employees are overdue for salary increases. Services performed by the office for licensed professionals or interested parties could be charged for which would offset the cost of the service plus allow our account to be replenished.

3. Objectives of these rules:

Allows for the charge of fees for services to be performed by this office; lists definitions of commonly used terminology; describes requirements for the licensure of Physical Therapists and Physical Therapist Assistants educated in the United States as well as outside the United States.

Rule Title: TITLE 16, Series 1, General Provisions

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Licensed professionals and interested parties procuring services from the office will be assessed applicable fees for those goods and services to enable that the office will be adequately equipped and staffed.

C. Economic Impact on Citizens/Public at Large.

NONE

Date: June 22, 1999

Signature of Agency Head or Authorized Representative

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Frankie S. Cayton
Board Administrator