

September 12, 2019

Nonnie S. Ramsey, Executive Director
WV Board of Physical Therapy
2 Players Club Dr. Suite 102
Charleston, WV 25311

Dear Mrs. Ramsey,

I am writing to comment on the West Virginia Board of Physical Therapy's propose rule changes to 16-01. More specifically I would like to address the proposed addition of 16-1-8.7. As written this new sub-section would mandate that a physical therapist refer all patients to an appropriate health care provider if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of the practice of physical therapy. This mandate does not give the physical therapist any discretion to determine if a referral is necessary based on their evaluation and assessment. An example would be a patient who comes to the physical therapist with flu like symptoms. The symptoms and conditions are beyond the scope of PT practice, but a referral to another health care provider may not be medically necessary if the person has a common cold.

The second point I would like to make is that referral to an appropriate health care provider is covered in 16-1-8.6 which states that physical therapists shall adhere to the minimal standard of acceptable prevailing practice. One of those minimal standards is to refer the patient to an appropriate provider if the PT's evaluation and assessment reveals a problem outside the scope of PT practice.

Another problem with this proposed section is that referral is not defined. Is a referral a written prescription, a phone call, or just telling the patient they need to have additional work up. Without the definition of referral it would be difficult for the WVBOPT to determine if the appropriate steps were taken to fulfill this proposed section, and difficult for the practicing PT to know or understand how to meet the referral criteria.

These are just a couple of problems I see with this proposed section. I would offer a couple of solution alternatives.

First remove this new section as the rule is finalized as it duplicates the standard established in 16-1-8.6. Alternatively the language could be changed from "shall refer" to "may refer" which allows the physical therapist discretion to determine if this is a simple problem like a common cold that does not require another health care provider, or something that does require additional treatment such as a fracture. However this may require the addition of a definition for referral.

I hope this comment is helpful as the proposed rule moves forward, and I would ask the WVBOPT to remove this proposed section.

Sincerely,
J. Eric Shaw PT, License # 1157



WEST VIRGINIA BOARD OF PHYSICAL THERAPY

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September 30, 2019

J. Eric Shaw, PT
Jshaw52@comcast.net

Dear Mr. Shaw,

The Board has received your comment regarding the proposed rule changes to 16CSR1 during the public comment period. The Board is in agreement that the wording in §16-1-8.7 should be changed to "may refer" rather than "shall refer". The section will now read as follows:

8.7. A physical therapist may refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of the practice of physical therapy.

Your comment is appreciated and if you have any questions or comments please call 304-558-0367. Thank you for your time and attention to this matter.

Thank you,

A handwritten signature in cursive script that reads "Nonnie S. Ramsey".

Nonnie S. Ramsey
Executive Director