

On Sat, Mar 1, 2025 at 8:36 AM Davis, Scott <davis1090@marshall.edu> wrote:

Nonnie,

Please see attached my comment related to the W. Va Code R. 16-1-9 Supervision of a Physical Therapist Assistant emergency rule change.

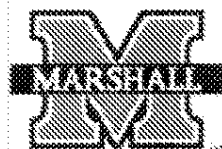
I hope this comment advances the conversation related to the protect of West Virginia citizens.

Scott

D. Scott Davis PT, MS, EdD, OCS

Chair/Program Director/Professor

School of Physical Therapy



From: BOPT, WV <wvbopt@wv.gov>

Sent: Tuesday, February 25, 2025 12:04 PM

To: WV BOPT <wvbopt@wv.gov>

Subject: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Hello,

The **West Virginia Board of Physical Therapy** has submitted an **emergency rule change** for **Title 16, Series 1 – General Provisions for Physical Therapists and Physical Therapist Assistants**.

This update revises **W. Va. Code R. § 16-1-9 – Supervision of a Physical Therapist Assistant** to align with new **federal Medicare guidelines**, shifting from **direct supervision to general supervision in all practice settings**.

To review the emergency rule change, click here: [Rule View](#).

The **public comment period begins today and ends on March 28, 2025, at 10:00 a.m.**

To provide comments or feedback, email the Board at wvbopt@wv.gov or nonnie.s.holcomb@wv.gov.

Sincerely,

March 1, 2025

West Virginia Board of Physical Therapy
300 Capitol Street, Suite 400
Charleston, WV 25301

Re: Public Comment on Emergency Rule Change – Title 16, Series 1

Dear Members of the West Virginia Board of Physical Therapy,

I respectfully submit this letter in response to the open comment period regarding the emergency rule change to Title 16, Series 1 – General Provisions for Physical Therapists and Physical Therapist Assistants. I urge the Board to carefully consider the following two points of concern:

1. Supervision and Oversight Considerations

While recognizing the authority of federal regulations, including those promulgated by the Centers for Medicare & Medicaid Services (CMS), and acknowledging the American Physical Therapy Association's (APTA) endorsement of general supervision, I have significant concerns regarding the potential for abuse under this emergency rule. The relaxation of supervisory requirements may create an environment susceptible to exploitation, thereby compromising patient safety and the integrity of the profession.

Although the emergency rule change may facilitate a pro-business environment, allow for the financial viability of some facilities, and improve access to physical therapy services in rural areas, it is imperative that the Board ensure a robust, continuous monitoring system to assess the efficacy of existing reporting mechanisms for professional and public complaints. In the event of an increase in reported abuses, I urge the Board to commit to an immediate reassessment of the rule.

Furthermore, I recommend that the Board collaborate with APTA-WV to establish best practices for PTA supervision, participate in the development of educational resources, and share anonymized case studies where supervision-related abuses have been identified. While the primary responsibility for professional education rests with APTA-WV, the Board should actively engage in such partnerships as a matter of public safety.

2. Clarification of W. Va. Code R. § Title 16-2.17

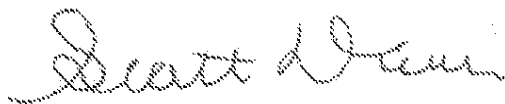
I formally request clarification and review of the definition and scope of supervision outlined in W. Va. Code R. § Title 16-2.17. This provision defines a "physical therapy aide" as "a person trained under the direction of a physical therapist who performs designated and routine tasks related to physical therapy services under the direction supervision of a physical therapist." Specifically, Title 16-2.17.1 states: "A physical therapy aide works under the direct supervision of a physical therapist; provided that a physical therapist

assistant may directly supervise a physical therapy aide in emergency situations necessary to provide patient safety."

- Section 2.17.1 contains a typographical error. The phrase "direction supervision" is grammatically incorrect and should be revised to "direct supervision" to maintain consistency with statutory intent and industry standards. As defined by 16-1.2.2.5, "Direct supervision means the actual physical presence of the physical therapist in the immediate treatment area where the treatment is being rendered."
- According to APTA guidelines, aides/technicians should remain under the direct supervision of a physical therapist. Given the existing regulation and the emergency rule change, there appears to be a regulatory gap that could expose patients to significant risk. Specifically, the current language could be misinterpreted to allow an aide to provide patient care under the supervision of a physical therapist assistant (PTA) in non-emergency situations when the physical therapist is not on the premises and in the immediate treatment area. While a business may employ personnel to perform non-patient care tasks (e.g., laundry, cleaning, organizing), an aide (tech) should not provide any patient care services unless the physical therapist is on the premises and in the immediate treatment area.
- The Board should unambiguously clarify whether, under the emergency rule change, a physical therapy aide may be supervised by a PTA in the absence of a licensed physical therapist on the premises. "Emergency situation" should be clarified to be an exceedingly rare event when the physical therapist is temporarily unavailable to be onsite. Any ambiguity on this matter presents a substantial risk to patient welfare and weakens the intended structure of clinical oversight within physical therapy practice. Without explicit clarification reinforcing the requirement for direct (onsite) supervision, this rule could be exploited, exposing the public to unnecessary risk.

Given the Board's mandate to protect public safety, I strongly urge careful consideration of these concerns and request that appropriate clarifications and safeguards be incorporated into the final rule.

Sincerely,



D. Scott Davis, PT, MS, EdD, OCS
West Virginia License No. 000824



BOPT, WV <wvbopt@wv.gov>

Re: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

1 message

BOPT, WV <wvbopt@wv.gov>

Tue, Apr 1, 2025 at 12:51 PM

To: "Davis, Scott" <davis1090@marshall.edu>

Scott,

Thank you for your feedback on the Board's submission of the emergency rule change regarding PTA supervision in all practice settings. Your comments were reviewed during the Board's meeting on March 14, 2025.

We appreciate your input and will take your recommendations into consideration as we move forward with the regular rule-making process in June.

Please feel free to reach out if you have any further questions.

Sincerely,

Nonnie S. Holcomb

Executive Director

WV Board of Physical Therapy

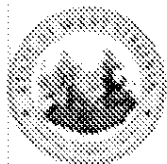
2 Players Club Drive Suite 102

Charleston, WV 25311

Office Ph# (304) 558-0367

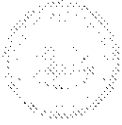
Fax# (304) 957-0400

wvbopt.wv.gov



Disclaimer:

Please note that all responses the West Virginia Board of Physical Therapy (hereinafter "Board") gives to individual questions are based solely upon WV Code § 30-20-1 et seq., WV Code § 30-20A-1 et seq., the Code of State rules 16-1-1 et seq. and Code of State rules 16-5-1 et seq. These Statutory and Regulatory provisions govern the jurisdiction of the Board, and its sole purpose of regulating the practice of Physical Therapy and Athletic Training to protect the public. Moreover, a provider should consult with his/her legal counsel and insurance payers for questions pertaining to billing for Physical Therapy and Athletic Training services.



BOPT, WV <wvbopt@wv.gov>

Re: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

1 message

Derek Andrews <derekwjupt@hotmail.com>
To: "BOPT, WV" <wvbopt@wv.gov>

Tue, Feb 25, 2025 at 3:27 PM

I support the rule change.
Derek Andrews, PT
#1976

From: BOPT, WV <wvbopt@wv.gov>
Sent: Tuesday, February 25, 2025 12:04 PM
To: WV BOPT <wvbopt@wv.gov>
Subject: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

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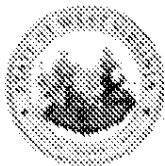
To provide comments or feedback, email the Board at wvbopt@wv.gov or nonnie.s.holcomb@wv.gov.

Sincerely,

Nonnie S. Holcomb

Executive Director

WV Board of Physical Therapy
2 Players Club Drive Suite 102
Charleston, WV 25311
Office Ph# (304) 558-0367
Fax# (304) 957-0400
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I am not in favor of telecommunication access as adequate in acute care setting. Having worked many years in this setting I fear that this will result in sub optimal care.

The PTA would rely on the nursing staff to guide them for more than conferring on best time for PT session. This can result in either too passive or too aggressive provision of care. For example, some nurses look at therapy as a respite and time to go attend to other duties and encourage therapy. Others, find it a disruption and tell PT "not now" repeatedly. I actually think each interaction is an evaluation in acute care ICU settings and need to be closely supervised.

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BOPT, WV <wvbopt@wv.gov>

Re: Emergency rule change

1 message

BOPT, WV <wvbopt@wv.gov>

Tue, Apr 1, 2025 at 1:25 PM

To: "Senior, Christina" <Christina.Senior@va.gov>

Christina,

Thank you for your feedback on the Board's submission of the emergency rule change regarding PTA supervision in all practice settings. Your comments were reviewed during the Board's meeting on March 14, 2025.

We appreciate your input and will take your recommendations into consideration as we move forward with the regular rule-making process in June.

Please feel free to reach out if you have any further questions.

Sincerely,

Nonnie S. Holcomb

Executive Director

WV Board of Physical Therapy

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Charleston, WV 25311

Office Ph# (304) 558-0367

Fax# (304) 957-0400

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On Wed, Feb 26, 2025 at 9:20 AM Senior, Christina <Christina.Senior@va.gov> wrote:

On Thu, Feb 27, 2025 at 5:20 PM Julie Fleming <jflemingjows@hotmail.com> wrote:

I am in support of the emergency rule change, but I am wondering how this affects the supervision requirements that are defined under 9.5 (emergency situation) and 9.6 (temporary situation).

From: BOPT, WV <wvbopt@wv.gov>

Sent: Tuesday, February 25, 2025 12:11 PM

To: WV BOPT <wvbopt@wv.gov>

Subject: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

Hello,

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WV Board of Physical Therapy

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Office Ph# (304) 558-0367

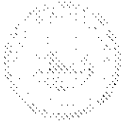
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BOPT, WV <wvbopt@wv.gov>

Re: Public Comment-Emergency Rule Change to Supervision of a Physical Therapist Assistant

1 message

BOPT, WV <wvbopt@wv.gov>
To: Julie Fleming <flemingjcw@hotmail.com>

Tue, Apr 1, 2025 at 12:52 PM

Julie,

Thank you for your feedback on the Board's submission of the emergency rule change regarding PTA supervision in all practice settings. Your comments were reviewed during the Board's meeting on March 14, 2025.

We appreciate your input and will take your recommendations into consideration as we move forward with the regular rule-making process in June.

Please feel free to reach out if you have any further questions.

Sincerely,

Nonnie S. Holcomb

Executive Director

WV Board of Physical Therapy

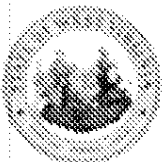
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