



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Physical Therapy TITLE-SERIES: 16-01
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 16-01 General Provisions for Physical Therapist and Physical Therapist Assistant

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-20-1, et. seq.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

GENERAL STATUTORY AUTHORITY: The West Virginia Board of Physical Therapy is updating its legislative rules using the authority granted by the West Virginia Legislature under W. Va. Code § 30-20-6. This law gives the Board the power to create rules to run the agency, set standards for licensees, regulate the nature of practice, and protect the health and safety of physical therapy consumers in West Virginia.

II. SECTION-BY-SECTION SUMMARY AND EFFECT

1. Section 4.1 & 4.2 Licensure by Endorsement Categories: This section makes it completely clear that the "licensure by endorsement" pathway applies to all out-of-state applicants, whether they graduated from a traditional CAPTE-accredited program or a non-CAPTE accredited foreign educational program. Statutory Authority: W. Va. Code § 30-20-6 (general rulemaking) and W. Va. Code § 30-20-9 (endorsement licensing rules).

2. Section 4.1.1 & 4.2.1 Direct Transfer of Exam and License Records: This rule updates how applicants prove their exam and disciplinary history. It requires them to have their official NPTE score information (or its successor regulatory record) transferred directly to the Board from the FSBPT. It also requires license verifications from all previous states to prove there are no active investigations or unresolved disciplinary actions. By naming "the FSBPT" rather than a specific website service name, the rule won't break if the vendor rebrands their dashboard. Statutory Authority: W. Va. Code § 30-20-6 (data collection) and W. Va. Code § 30-20-10 (restricting licenses for individuals with out-of-state disciplinary issues).

3. Section 5.5 through 5.6 National Examination Testing Caps & Appeals: This rule incorporates national exam security standards by creating explicit restrictions on NPTE attempts. It enforces an absolute lifetime maximum of six (6) exam attempts at either the PT or PTA level, permanently disqualifies anyone who receives two (2) very low scores (400 or below), and limits applicants to three (3) attempts in a rolling 12-month period. It also establishes that the Board may, at its discretion, sponsor a single eligibility appeal to the FSBPT for an extra attempt due to

extraordinary circumstances. Statutory Authority: W. Va. Code § 30-20-6 (authority to regulate examination processes) and W. Va. Code § 30-1-6 (general board authority to adopt exam criteria).

4. Section 6.7 through 6.7.3 Mandatory Renewal Workforce Surveys & Privacy Protections: This requires everyone renewing or reinstating an active or volunteer license to fill out a workforce survey in the online portal before finishing their renewal. The survey uses standardized questions to help with state healthcare planning. To protect licensees, the rule builds a legal firewall: all survey data is completely anonymous, must be kept separate from the individual licensing files, and can only be used in an aggregated format. Statutory Authority: W. Va. Code § 30-20-6 (administrative data) and W. Va. Code § 30-1-26 (the West Virginia healthcare workforce data collection law, which mandates state boards to collect standard workforce data at renewal while keeping it private).

5. Section 12.3.4 & 12.3.4.a Credit for FSBPT Self-Assessment Tools: This update matches our continuing education rules with modern national standards. It allows licensees to earn continuing education credit for completing an official FSBPT self-assessment or continued competence practice tool. It sets a maximum limit of six (6) contact hours per renewal cycle for completing these multi-module tools, which encourages licensees to use the resource without giving out too much passive credit. Statutory Authority: W. Va. Code § 30-20-6 (setting continuing education standards) and W. Va. Code § 30-1-7a (requiring boards to ensure the ongoing competence of practitioners). 6. Section 12.3.9 Exclusive CE Credit Track for FSBPT and HRRI Activities: This rule creates a separate, automatically approved track for continuing education credit (one unit per hour). It states that this automatic approval applies to webinars, meetings, or official committee and task force service sponsored by the FSBPT or the HRRI. This separates national regulatory training and professional board service from standard classroom courses. Statutory Authority: W. Va. Code § 30-20-6 and W. Va. Code § 30-1-7a (authority to name pre-approved continuing education providers).

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/30/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/30/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Emailed all licensees and attached public notice filing.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The West Virginia Board of Physical Therapy is updating Title 16, Series 1 to modernize its administrative procedures, ensure long-term regulatory flexibility, and protect the data privacy of its licensees. The rule explicitly clarifies that the licensure by endorsement pathway applies uniformly to both CAPTE-accredited graduates and non-CAPTE foreign-educated applicants. To ensure the code remains valid regardless of future electronic rebranding by national vendors, the language is updated to require official NPTE score information, or its successor regulatory record, to be transferred directly to the Board from the FSBPT alongside multi-state license

verifications. Additionally, the rule establishes a mandatory healthcare workforce and demographic questionnaire for active and volunteer licensees during the biennial renewal process, utilizing standardized data elements while codifying strict firewall protections that permanently separate survey answers from individual licensing files to maintain complete anonymity. Finally, the continuing education framework is updated to align with modern national models, capping credit for multi-module FSBPT self-assessment tools at a maximum of six hours per renewal cycle, while creating a separate, automatically approved credit track of one unit per hour exclusively for webinars, meetings, or official committee and task force service sponsored by the FSBPT or HRRI.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule package is required to modernize the Boards licensing data systems, fulfill state healthcare workforce planning mandates, and align continuing education standards with national regulatory updates. Specifically, the rule adopts vendor-agnostic language for direct electronic record transfers from the FSBPT, ensuring the code remains enforceable if national application files or dashboard features are rebranded. It also implements the mandatory biennial renewal workforce survey required for state health planning, while establishing strict database firewalls that permanently separate survey answers from individual licensing profiles to ensure absolute anonymity. Additionally, the rule modernizes continuing education options by capping multi-module FSBPT self-assessment tools at a reasonable six hours, while creating an exclusive automatic credit track for webinars and committee service sponsored by the FSBPT and HRRI. Finally, the update explicitly includes both CAPTE and non-CAPTE foreign-educated graduates in the endorsement text to eliminate processing ambiguity and ensure uniform licensing paths.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Nonnie S Holcomb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 16
LEGISLATIVE RULE
WV BOARD OF PHYSICAL THERAPY**

**SERIES 1
GENERAL PROVISIONS FOR
PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT**

§16-1-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements for licensure as well as nature of practice for physical therapists, physical therapist assistants and support personnel.

1.2. Authority. -- W. Va. Code §30-20-1, *et. seq.*

1.3. Filing Date. -- ~~April 7, 2026.~~

1.4. Effective Date. -- ~~April 7, 2026.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2031.

§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. “Applicant” means any person making application for an original or renewal license or a temporary permit under the provisions of the W. Va. Code §30-20-1, *et. seq.*

2.2. “Board” means the West Virginia Board of Physical Therapy.

2.3. “Business entity” means any firm, partnership, association, company, corporation, limited partnership, limited liability company or other entity providing physical therapy services.

2.4. “Consultation” means a physical therapist seeking assistance from, or rendering professional or expert opinion or advice to, another physical therapist or professional healthcare provider via electronic communications, telehealth, or in-person.

2.5. “Direct supervision” means the actual physical presence of the physical therapist in the immediate treatment area where the treatment is being rendered.

2.6. “Dry Needling” is a skilled technique performed by a physical therapist using filiform needles to penetrate the skin and/or underlying tissues to affect changes in body structure and functions for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability.

2.7. “General supervision” means the process by which a physical therapist oversees and directs safe and effective delivery of patient/client care through appropriate verbal, written, or electronic communication. This may be accomplished with the physical therapist located onsite or remotely as deemed appropriate based on the patient/client needs.

2.8. “Immediate treatment area” is defined as the area within the physical therapist's direct line of sight or within audible distance of the physical therapist and the ability of the physical therapist to immediately respond to calls for assistance from the patient or physical therapy aide.

2.9. “License” means a physical therapist license or license to act as a physical therapist assistant issued under the provisions of W. Va. Code §30-20-1, *et. seq.*

2.10. “Licensee” means a person holding a license under the provisions of the W. Va. Code §30-20-1, *et. seq.*

2.11. “On-site supervision” means the supervising physical therapist is continuously on-site and present in the building where services are provided, is immediately available to the person being supervised, and maintains continued involvement in appropriate aspects of each treatment session.

2.12. “Originating site” means the location of the person receiving care, whether or not accompanied by a physical therapist or physical therapist assistant, at the time services are provided through telehealth, including but not limited to, an out-patient facility, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s home, and other nonmedical environments such as school-based health centers, university based health centers, or the work location of the patient.

2.13. “Patient/client” means any individual receiving physical therapy from a licensee under W. Va. Code §30-20-1, *et. seq.*

2.14. “Permit” or “temporary permit” means a temporary permit issued under the provisions of the W. Va. Code §30-20-1, *et. seq.*

2.15. “Permittee” means any person holding a temporary permit issued pursuant to the provisions of the W. Va. Code §30-20-1, *et. seq.*

2.16. “Physical therapist” means a person engaging in the practice of physical therapy who holds a license or permit issued under the provisions of W. Va. Code §30-20-1, *et. seq.*, and this rule.

2.17. “Physical therapist assistant” means a person holding a license or permit issued under the provisions of W. Va. Code §30-20-1, *et. seq.*, and this rule who assists in the practice of physical therapy by performing patient related activities delegated to him or her by a physical therapist and performs under the supervision of a physical therapist and which patient related activities commensurate with his or her education and training, including physical therapy procedures, but not the performance of evaluative procedures or determination and modification of the patient plan of care.

2.18. “Physical therapist assistant-patient/client relationship” means the formal or inferred relationship entered into by the mutual consent between a licensed physical therapist assistant and a patient/client or their legally authorized representative established once the physical therapist assistant assumes or undertakes the care or treatment of a patient/client and continues until either the patient/client is discharged or treatment is formally transferred to another practitioner or as further defined by rule.

2.19. “Physical therapist-patient/client relationship” means the formal or inferred relationship entered into by mutual consent between a licensed physical therapist and a patient/client or their legally authorized representative established once the physical therapist assumes or undertakes the care or treatment of a patient/client and continues until either the patient/client is discharged, or treatment is formally transferred to another healthcare practitioner or as further defined by rule.

2.20. “Physical therapy aide” means 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.

2.20.1. A physical therapy aide works under the direct supervision of a physical therapist. A physical therapist assistant may directly supervise a physical therapy aide in emergency situations or when necessary to patient or provider safety. Refer to W. Va. Code R. §16-1-10.5.

2.21. “Practice of physical therapy” or “physiotherapy” means the care and services as described in the W. Va. Code §30-20-1, *et. seq.*

2.22. “Restricted license for a physical therapist” means a license on which the board has placed any restrictions and/or conditions as to scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of individual to whom the licensee may provide services.

2.23. “Restricted license for a physical therapist assistant” means a license on which the board has placed any restrictions and/or conditions as to scope of work, place of work, duration of licensed status, or type or condition of patient/client to whom the licensee may provide services.

2.24. “Student” means an individual that’s enrolled in an accredited physical therapy or physical therapist assistant program.

2.25. “Telecommunication” means audio, video, or data communication.

2.26. “Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a physical therapist or physical therapist assistant within the scope of W. Va. Code R. §16-1-9 to provide physical therapy services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health related education; public health services; and health administration. The term does not include internet questionnaires, email messages, or facsimile transmissions.

2.27. “Unreversed” as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

§16-1-3. Applications. Qualifications for Licensure

3.1. ~~The applicant must complete the application form provided by the Board and supply the following:—An applicant for a license as a physical therapist who has graduated from an accredited program shall fulfill the following requirements:~~

3.1.1. ~~Personal information;—~~Complete the application process including payment of fees;

3.1.2. ~~Educational information;—~~Submit a conferred transcript from an entry level accredited physical therapy program approved by the board that states the degree awarded;

3.1.3. ~~History of previous work experience, if applicable;—~~Pass a national examination approved by the board;

3.1.4. ~~License verification(s) from other jurisdictions that regulate the practice of physical therapy in their jurisdictions. —~~Consent to and complete a criminal history record check as directed by the board;

- 3.1.5. Provide written responses to questions regarding criminal offenses;
- 3.1.6. Provide written responses to questions regarding child support obligations.
- 3.1.7. ~~Name and address of prospective employer in West Virginia if known;~~
- 3.1.8. ~~Photo identification; and~~
- 3.1.9. ~~Applicable fee(s).~~

3.2. An applicant for licensure as a physical therapist who has been educated at a school that has not been accredited by an agency approved by the board shall:

3.2.1. Complete the application process including payment of fees;

3.2.2. Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry-level program as determined by the board;

3.2.2.a. Undergo a credentials evaluation as directed by the board that determines that the applicant has met uniform criteria for educational requirements;

3.2.3. Pass a board-approved English proficiency examination as required by the board if applicable;

3.2.3.a. An applicant whose native language is not English and whose professional education was completed outside a country exempted under subsection 3.2.3.d. shall demonstrate proficiency in the English language.

3.2.3.b. Official score reports must be transmitted directly from the test publisher to the Board or its designated credentialing agency. Candidate submitted reports are invalid.

3.2.3.c. To satisfy the proficiency requirement, an applicant must achieve minimum passing scores as recommended by the Federation of State Boards of Physical Therapy (FSBPT).

3.2.3.d. An applicant shall be completely exempt from the English language proficiency testing requirement if the applicant has graduated from a physical therapy education program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or the applicant was awarded a professional physical therapy degree from an institution located in one of the following recognized jurisdictions: The United States, The United Kingdom, Ireland, Australia, New Zealand or Canada (excluding Quebec).

3.2.4. Pass a national examination approved by the board;

3.2.5. Consent to and complete a criminal history record check as directed by the board;

3.2.6. Provide written responses to questions regarding criminal offenses; and

3.2.7. Provide written responses to questions regarding child support obligations.

3.3. An applicant for a license as a physical therapist assistant who has graduated from an accredited

program shall fulfill the following requirements:

3.3.1. Complete the application process including payment of fees;

3.3.2. Submit a conferred transcript from an accredited physical therapist assistant program approved by the board that states the degree awarded;

3.3.3. Pass a national examination approved by the board;

3.3.4. Consent to and complete a criminal history record check as directed by the board;

3.3.5. Provide written responses to questions regarding criminal offenses; and

3.3.6. Provide written responses to questions regarding child support obligations.

3.4. An applicant for licensure as a physical therapist assistant who has been educated at a school that has not been accredited by an agency approved by the board shall:

3.4.1. Complete the application process including payment of fees;

3.4.2. Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapist assistants educated in an accredited entry-level program as determined by the board.

3.4.2.a. Undergo a credentials evaluation as directed by the board that determines that the applicant has met uniform criteria for educational requirements.

3.4.3. Pass a board-approved English proficiency examination as required by the board if applicable;

3.4.3.a. An applicant whose native language is not English and whose professional education was completed outside a country exempted under subsection 3.4.3.d. shall demonstrate proficiency in the English language.

3.4.3.b. Official score reports must be transmitted directly from the test publisher to the Board or its designated credentialing agency. Candidate submitted reports are invalid.

3.4.3.c. To satisfy the proficiency requirement, an applicant must achieve minimum passing scores as recommended by the Federation of State Boards of Physical Therapy (FSBPT).

3.4.3.d. An applicant shall be completely exempt from the English language proficiency testing requirement if the applicant has graduated from a physical therapy assistant education program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or the applicant was awarded a professional physical therapy assistant degree from an institution located in one of the following recognized jurisdictions: The United States, The United Kingdom, Ireland, Australia, New Zealand or Canada (excluding Quebec).

3.4.4. Pass a national examination approved by the board;

3.4.5. Consent to and complete a criminal history record check as directed by the board;

3.4.6. Provide written responses to questions regarding criminal offenses; and

3.4.7. Provide written responses to questions regarding child support obligations.

3.25. The West Virginia Board of Physical Therapy is in compliance with the Universal Licensure Requirements as outlined in W. Va. Code §30-1-27.

§16-1-4. Licensure by Endorsement.

4.1. The board shall issue a license to a physical therapist graduate of a CAPTE-accredited program, or a non-CAPTE accredited foreign program, who has a current unrestricted license from another jurisdiction of the United States if the applicant meets all qualifications prescribed in §16-1-3 at the time of the applicant's initial licensure.

4.1.1. The applicant must submit official NPTE score information, or its successor regulatory record, transferred directly to the Board from the FSBPT, and verification of licensure from all states where they hold or have held a license. These documents must confirm that the applicant has no current, pending, or unresolved disciplinary action and is not currently under investigation by any licensing authority.

4.2. The board shall issue a license to a physical therapist assistant graduate of a CAPTE-accredited program, or a non-CAPTE accredited foreign program, who has a current unrestricted license from another jurisdiction of the United States if the applicant meets all qualifications prescribed in §16-1-3 at the time of the applicant's initial licensure.

4.2.1. The applicant must submit official NPTE score information, or its successor regulatory record, transferred directly to the Board from the FSBPT, and verification of licensure from all states where they hold or have held a license. These documents must confirm that the applicant has no current, pending, or unresolved disciplinary action and is not currently under investigation by any licensing authority.

4.3. If the applicant does not hold a current active license in another U.S. jurisdiction then the applicant may be issued a restricted license under §16-1-14 of this rule.

§16-1-5. Scores. National Examination

4.1.5.1. The applicant must take the National Physical Therapy Exam (NPTE) and obtain a passing score as determined by the Board.

4.1.5.2. A student enrolled in a national approved physical therapist (PT) or physical therapist assistant (PTA) education program may register and sit for the national examination up to ninety (90) days prior to their official graduation date.

5.2.a. To sit for the examination prior to graduation, the applicant's educational institute must first validate through the Federation of State Boards of Physical Therapy (FSBPT) that the student is on track to graduate.

4.1.1.a.5.3. The passing of a pre-graduation examination does not entitle the applicant to practice. The Board shall completely withhold the issuance of any active, unrestricted professional license until an official transcript displaying a conferred degree is received directly from the educational institution.

4.1.2.b.5.4. A candidate approved for early testing under this rule is strictly ineligible to receive a

temporary permit prior to graduation. No temporary permit authorizations shall be granted until the applicant has graduated and has a conferred transcript on file with the Board.

5.5. Examination Attempt Caps: In accordance with national examination security and validity criteria established by the Federation of State Boards of Physical Therapy (FSBPT), an applicant's eligibility to sit for the examination is subject to the following absolute restrictions:

5.5.1. An applicant is limited to a maximum of six (6) lifetime attempts to pass the national examination at either the PT or PTA exam level.

5.5.2. An applicant who received two (2) very low scores (defined as a scale score of 400 or below) on separate testing dates shall be permanently ineligible for future testing.

5.5.3. An applicant is restricted to a maximum of three (3) examination attempts within any rolling twelve (12) month period. If an applicant sits for the examination three consecutive times, they must skip the subsequent scheduled testing date.

5.6. Appeals: The Board may, in its sole discretion and upon showing of extraordinary, extenuating circumstances by the applicant, sponsor a formal eligibility appeal to the FSBPT for one (1) additional testing attempt beyond the limits outlined in subsection 5.5 of this rule.

§16-1-516-1-6. Issuance, Renewal or Reinstatement of License.

~~5.1. 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 National exam.~~

~~5.26.1.~~ Licenses expiring on December 31 of each particular year must be renewed by payment of applicable fee along with completed renewal application.

~~5.36.2.~~ A license not renewed without specific request to place it in "inactive" status will automatically be placed on delinquent status.

~~5.46.3.~~ Delinquent licensee is responsible for penalty fees including but not limited to: application fee, delinquent license fee, and the current year renewal fee. A licensee must also complete and show proof of board approved continuing education requirements.

~~5.56.4.~~ To reinstate an "inactive" license, the licensee must submit an application for renewal along with a non-refundable application fee and license renewal fee. A licensee must also complete and show proof of board approved continuing education requirements.

~~5.66.5.~~ A volunteer license will be marked as a "volunteer" license and is restricted to practicing in accordance with W. Va. Code §30-20-13.

~~5.76.6. Any change in personal contact and employer/supervisor information must be submitted in writing to All name changes, changes in business and home address, email address and telephone numbers must be updated with the Board as changes occur.~~

6.7. As a mandatory requirement to complete the biennial license renewal or reinstatement process, all holders of an active or volunteer license must update and complete a workforce and demographic data questionnaire within the Board's online renewal portal.

6.7.1. The online system shall prevent final renewal submission, fee processing, and transition completion until all required workforce data elements are completed.

6.7.2. The questionnaire shall utilize standardized data elements for healthcare workforce analysis. All data collected via the workforce and demographic questionnaire shall be strictly private and anonymous.

6.7.3. The online licensing system shall separate survey responses from individual licensing database files to ensure complete anonymity. Data collected under this section shall be utilized solely in an aggregate format for workforce planning, and the release of individually identifiable data is prohibited.

§16-1-67. Criminal History Record Check.

~~6.47.1.~~ In addition to all of the requirements for licensure, all applicants for an initial license to practice as a physical therapist or physical therapist assistant in West Virginia shall submit to a state and a national history record check and authorize this information to be released to the Board.

~~6.27.2.~~ The purpose of the criminal history record check is to assist the Board in obtaining information that may relate to the applicant's fitness for licensure.

~~6.37.3.~~ In addition to the State Police, the Board may contract with and designate a company specializing in the services required by this section instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks. Provided that any such company must utilize protocols consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact.

~~6.47.4.~~ The applicant shall furnish to the State Police, or other organization duly designated by the Board, a full set of fingerprints and any additional information required to complete the criminal history record check.

~~6.57.5.~~ The applicant is responsible for any fees required by the State Police, or other organization duly designated by the Board, for the actual cost of the fingerprinting and the actual costs of conducting a complete criminal history record check.

~~6.67.6.~~ The Board may require the applicant to obtain a criminal history records check from a similar board approved agency or organization in the state of the applicant's residence, if outside of West Virginia.

~~6.77.7.~~ The applicant shall authorize the release of all records, not sealed, obtained by the criminal history record check to the Board.

~~6.87.8.~~ A criminal history record check submitted in support of an application for licensure must have been requested by the applicant no earlier than twelve (12) months immediately prior to the Board's receipt of the applicant's application for licensure.

~~6.97.9.~~ An initial licensure application is not complete until the Board receives the results of a state and a national criminal history record check conducted by the State Police or another entity duly authorized by the Board. The Board shall not grant an application for licensure submitted by any applicant who fails or refuses to submit the criminal history record check required by this section.

~~6.107.10.~~ Criminal history record checks shall be verified by a source acceptable to the Board, other than the applicant.

~~6.11.7.11.~~ The results of the state and national criminal history record check may not be released to or by a private entity except:

~~6.11.17.11.1.~~ To the individual who is the subject of the criminal history record check;

~~6.11.27.11.2.~~ With the written authorization of the individual who is the subject of the criminal history record check; or

~~6.11.37.11.3.~~ Pursuant to a court order.

~~6.12.7.12.~~ Criminal history record checks and related records are not public records for the purposes of W. Va. Code 29B-1-1 et. seq.

~~6.13.7.13.~~ The Board may not disqualify an applicant from initial licensure pursuant to W. Va. Code §30-1-24.

~~6.14.7.14~~ If an applicant is disqualified for licensure because of a criminal conviction that remains unreversed, the Board shall afford the applicant the opportunity to reapply for licensure after the expiration of five years from the date of the conviction or date of release from the penalty that was imposed, whichever is later, if the individual has not been convicted of any other crime during that period of time: *Provided*, The convictions for violent or sexual offences or offenses shall subject an individual to a longer period of disqualification, to be determined by the Board.

~~6.15.7.15.~~ An individual with a criminal record who has not previously applied for licensure, certification, or registration may petition the Board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license or other authorization to practice. This petition shall include sufficient details about the individual's criminal record to enable the Board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Board shall inform the individual of his or her standing within 60 days of receiving the petition from the applicant. The Board may charge a fee established by rule to recoup its costs for each petition.

§16-1-78. Physical Therapy Student.

~~7.1.8.1.~~ Supervision of the student physical therapist:

~~7.1.18.1.1.~~ A student physical therapist may only be supervised by a physical therapist licensed pursuant to W. Code 30-20-1 et. seq.

~~7.1.28.1.2.~~ A student physical therapist shall be at least eighteen years old to be supervised by a physical therapist licensed pursuant to W. Code 30-20-1 et. seq.

~~7.1.38.1.3.~~ The supervising physical therapist is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist is performing patient examinations, evaluation, and interventions.

~~7.2.8.2.~~ Supervision of the student physical therapist assistant.

~~7.2.18.2.1.~~ A student physical therapist assistant may only be supervised by a physical therapist or physical therapist assistant licensed pursuant to W. Code 30-20-1 et. seq.

~~7.2.28.2.2.~~ A student physical therapist assistant shall be at least eighteen years old to be supervised by a physical therapist or physical therapist assistant licensed pursuant to W. Va. Code 30-20-1 et. seq.

~~7.2.38.2.3.~~ The supervising physical therapist or supervising physical therapist assistant is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist assistant is performing patient interventions.

16-1-89. Temporary Permit for Physical Therapists and Physical Therapist Assistants.

~~8.19.1.~~ An individual possessing a temporary permit issued by the Board to practice physical therapy or act as a physical therapist assistant in the state of West Virginia shall practice under the on-site supervision of a physical therapist. All progress notes written by the physical therapist or physical therapist assistant with a temporary permit shall be cosigned by a physical therapist supervisor within 24 hours.

~~8.29.2.~~ A temporary permit may be issued only to individuals who have met the eligibility criteria set forth in W. Va. Code §30-20-8, §30-20-10, and §30-20-12, and who have submitted proper application and identification as determined by the Board:

~~8.2.19.2.1.~~ Pending examinations, to any physical therapist or physical therapist assistant applicant who is a new graduate of a program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE).

~~8.2.29.2.2.~~ 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.

~~8.39.3.~~ The temporary permit is valid only for a period of 90 consecutive days and the permit shall not be renewed.

§16-1-910. Scope of Practice for Physical Therapists.

~~9.1.10.1.~~ A physical therapist may perform the following:

~~9.1.1.10.1.1.~~ Examine, evaluate and test patients/clients with mechanical, physiological and developmental impairments, functional limitations, and disabilities or other health and movement related conditions in order to determine a diagnosis, prognosis and plan of treatment intervention, and to assess the ongoing effects of intervention: provided, that electromyography examination and electro diagnostic studies other than the determination of chronaxia and strength duration curves shall not be performed except under the supervision of a physician electromyographer and electro diagnostician;

~~9.1.2.10.1.2.~~ Alleviate impairments, functional limitations and disabilities by designing, implementing and modifying treatment intervention that may include, but are not limited to: therapeutic exercise, functional training in self-care in relation to motor control function; mobility; and in home, community or work integration or re-integration; manual therapy techniques including but not limited to mobilization of the joints and dry needling; therapeutic massage; fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; patient-related instruction, mechanical and electrotherapeutic modalities, and physical agent or modalities including, but not limited to, heat, cold, light, air, water, and sound;

~~9.1.3.10.1.3.~~ Reduce the risk of injury, impairment, functional limitation and disability, including

the promotion and maintenance of fitness, health and wellness in population of all ages; and,

~~9.1.4~~10.1.4. Engage in administration, consultation, and research.

~~9.2~~10.2. A licensee shall adhere to the standards of ethical practice by practicing in a manner that is moral and honorable.

~~9.3~~10.3. A licensee shall not cheat or assist others in conspiring to cheat on the National Physical Therapy Exam.

~~9.4~~10.4. A licensee shall not falsify, alter, or destroy patient/client records, medical records, or billing records without authorization. The licensee shall maintain accurate patient and/or billing records.

~~9.5~~10.5. A licensee shall not practice physical therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability.

~~9.6~~10.6. A licensee shall adhere to the minimal standard of acceptable prevailing practice. Failure to adhere to the minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to:

~~9.6.1~~10.6.1. Failing to assess and evaluate a patient's status;

~~9.6.2~~10.6.2. Performing or attempting to perform techniques, procedures, or both in which the licensee is untrained by education or experience;

~~9.6.3~~10.6.3. Delegating physical therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the functions or responsibility in question;

~~9.6.4~~10.6.4. Causing, or permitting another person to cause, physical or emotional injury to the patient, or depriving the patient of the individual's dignity;

~~9.6.5~~10.6.5. Providing treatment interventions that are not warranted by the patient's condition or continuing treatment beyond the point of reasonable benefit to the patient with the intent to defraud;

~~9.6.6~~10.6.6. Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession;

~~9.6.7~~10.6.7. Providing substandard care as a physical therapist assistant by exceeding the authority to perform components of physical therapy interventions selected by the supervising physical therapist or through a deliberate or negligent act or failure to act, whether or not actual injury to any person occurred;

~~9.6.8~~10.6.8. Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee;

~~9.6.9~~10.6.9. Documenting or billing for services not actually provided; or documenting or billing services with the intent to defraud;

~~9.6.10~~10.6.10. A licensee shall not maliciously cause harm to another licensee.

~~9.7~~10.7. 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.

~~9.8~~10.8. A licensee must report to the Board any discipline received in another jurisdiction within 30 days of that discipline. The Board reserves the right to discipline up to and including revocation of a license until disciplinary process in the other jurisdiction is completed. If the licensee fails to report discipline in another jurisdiction, they are subject to disciplinary procedures in our jurisdiction determined by the Board.

§16-1-~~40~~11. Supervision of a Physical Therapist Assistant.

~~40.1~~11.1. In all practice settings, the following are required:

~~40.1.1~~11.1.1. An initial visit shall be made by a physical therapist for evaluation of the patient and establishment of a plan of care.

~~40.1.2~~11.1.2. The physical therapist shall make the final visit to terminate the plan of care unless the patient or physician terminates the plan of care.

~~40.1.3~~11.1.3. No more than 4 physical therapist assistants, physical therapist assistants holding a temporary permit, or physical therapy aides, or any combination thereof, can be supervised by a physical therapist at any one time.

~~40.1.4~~11.1.4. The only exception to the level of supervision or supervisory ratio is subsection ~~40.5~~ 11.5 of this section.

~~40.2~~11.2. In all practice settings general supervision is required .

~~40.2.1~~11.2.1. 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 joint onsite visit or telehealth session with the physical therapist assistant within 24 hours as prudent practice indicates.

~~40.2.2~~11.2.2. The physical therapist must visit the patient at least once every 10 physical therapist assistant visits, or within 30 calendar days, whichever occurs first.

~~40.2.3~~11.2.3. In the event that the supervising physical therapist changes, the new supervising physical therapist must communicate the patient's diagnosis and plan of care with the previous supervising physical therapist before the next physical therapist assistant visit, or telehealth session is made.

~~40.3~~11.3. 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 W. Va. 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:

~~40.3.1~~11.3.1. Complexity and activity of the patient's needs;

~~40.3.2~~11.3.2. Proximity and accessibility to the physical therapist;

~~40.3.3~~11.3.3. Supervision available in the event of emergencies or critical events; and

~~10.3.4~~11.3.4. Type of setting in which the service is rendered.

~~10.4.1~~11.4. The physical therapist assistant may not perform the following physical therapy activities:

~~10.4.1~~11.4.1. Interpretation of referrals;

~~10.4.2~~11.4.2. Physical therapy initial evaluation and re-evaluation;

~~10.4.3~~11.4.3. Identification, determination, or modification of plans of care (including goals and treatment programs);

~~10.4.4~~11.4.4. Final discharge assessment/evaluation or establishment of the discharge plan; or

~~10.4.5~~11.4.5. Therapeutic techniques beyond the education, skill, and knowledge of the physical therapist assistant.

~~10.5~~11.5. A physical therapist assistant shall directly supervise a physical therapy aide only in emergency situations or to assure patient or provider safety.

~~§16-1-11. Licensing Individuals outside the United States.~~

~~11.1. An applicant for a physical therapist license who was educated outside of the United States shall meet the following criteria in order to be eligible for licensure by the Board:~~

~~11.1.1. Credentials:~~

~~11.1.1.a. The foreign educated applicant shall present a certificate issued by a board approved prescreening certification agency.~~

~~11.1.2. Education:~~

~~11.1.2.a. The applicant shall 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.~~

~~11.1.2.b. Equivalent education shall be reported to the Board through a board approved credentialing agency.~~

~~11.1.3. English Proficiency:~~

~~11.1.3.a. Unless the native language is English, the applicant shall demonstrate proficiency in English by passing a board approved test with passing scores as determined by the Board.~~

§16-1-12. Continuing Education.

12.1. A "unit" is one clock hour spent in a continuing education activity unless otherwise defined in this section.

12.2. All licensees desiring to remain "active" and in good standing must complete 24 units of board approved continuing education within the 2-year licensing period. If the licensee does not complete the 24 units of board approved continuing education within the license period, that licensee will be placed on delinquent status and will be subject to all fees associated with delinquent status.

12.2.1. For those applicants reinstating their license for a period of six months or less, only six units are required for that year.

12.2.2. Volunteer licensees need only to complete 20 units of board approved continuing education activities within a two-year renewal cycle.

12.2.3. Accumulated CEU's may not be carried over from one renewal period to another.

12.2.4. A new graduate does not need continuing education hours for the current year of graduation.

12.3. Completion of examinations, residencies, fellowships, tools, and courses for continuing education credit.

12.3.1. A maximum of eight (8) units per license period can be obtained from any combination of clinical instruction or competency tools.

12.3.2. Passing the following specialty examinations will qualify for twenty-four 24 contact hours of continuing education in the year the examination is taken:

12.3.2.a. Specialty examinations and recertification administered by the American Board of Physical Therapy Specialties (ABPTS).

12.3.2.b. The Hand Therapy Certification Commission (HTCC) certification examination.

12.3.2.c. Continuing education course instructors can receive one unit per hour of class instruction time will be awarded for board approved continuing education courses in the year the course given. Credit awarded to the instructor for said course will be granted only one time.

12.3.3. The successful completion of an American Physical Therapy Association credentialed residency or fellowship program will qualify for twenty-four 24 contact hours of continuing education in the year the residency or fellowship is completed.

12.3.4. ~~The successful completion of a practice review tool of the Federation of State Boards of Physical Therapy pertaining to continued competence will qualify for continuing education. The successful completion of an official continued competence or self-assessment practice tool recognized and approved by the Federation of State Boards of Physical Therapy (FSPBT) will qualify for continuing education.~~

12.3.4.a. ~~Eight (8) contact hours of continuing education will be awarded for completion of a practice review tool. A maximum of six (6) contact hours of continuing education shall be awarded for the successful completion of an approved multi-module FSBPT assessment tool per renewal cycle.~~

12.3.4.b. ~~Licensees may use a practice review tool identified in paragraph 11.3.4.a. of this section no more than every other renewal period~~

12.3.5. Clinical instruction.

12.3.5.a. Providing clinical instruction to physical therapist or physical therapist assistant student(s) enrolled in a CAPTE approved physical therapist or physical therapist assistant program can qualify for up to a maximum 8 units per year.

12.3.5.b. Four (4) weeks of clinical instruction is equal to one (1) unit of continuing education.

12.3.6. Continuing education courses are subject to board approval.

12.3.6.a. One (1) unit per hour of class instruction time will be awarded for board approved continuing education courses in the year the course is taken.

12.3.7. One (1) unit per hour of class instruction time shall be awarded and automatically approved for CAPTE College/University, American Physical Therapy Association, Board of Certification or West Virginia Physical Therapy Association sponsored continuing education courses in the year the course is taken.

12.3.8. One (1) unit per hour of class instructions for CAPTE college or university physical therapy or doctorate physical therapy programs.

12.3.9. One (1) unit per hour of webinar, meeting, or service time shall be awarded and automatically approved for FSBPT or HRRI sponsored webinars, meetings, official committee and task force service in the year the activity is completed.

12.4. The Board may grant a waiver of the continuing education requirements in the case of illness, disability, or undue hardship.

12.4.1. A request for waiver form must be completed in full. In the case of illness or disability, a physician's statement is required.

12.4.2. All completed forms must be received by the Board for consideration no later than the first day of October of the year preceding the renewal date.

12.4.3. A waiver may be granted for any period of time not to exceed one renewal cycle.

12.4.4. In the event that the illness, disability, or hardship continues to the next renewal cycle, then a new waiver request is required.

12.4.5. Should a waiver be granted due to disability or illness, the Board may require the individual to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the individual's competency and ability to practice physical therapy in the state of West Virginia prior to the return to active practice of physical therapy in West Virginia.

12.5. The Board reserves the right to conduct randomized continuing education audits.

§16-1-13. Telehealth.

13.1. Telehealth services may only be used to provide physical therapy services to a patient who is physically located at an originating site in West Virginia other than the site where the physical therapist or physical therapist assistant is located, whether or not in West Virginia.

13.2. Physical Therapy telehealth services must be provided by a physical therapist₁ or physical therapist assistant under the supervision of the physical therapist who possesses a current:

13.2.1. unrestricted West Virginia license; or

13.2.2. Compact Privilege to practice in West Virginia.

13.3. The provision of physical therapy services via telehealth requires synchronous audiovisual interaction between the physical therapist or physical therapist assistant and the patient/client, which may be accompanied by the use of asynchronous store and forward technology. When physical therapy is provided via telehealth the physical therapist and the physical therapist assistant must document that the services were provided via telehealth.

13.4. Standard of Care. A physical therapist or physical therapist assistant that provides telehealth services is subject to the same standard of care that would apply to the provision of the same physical therapy service in an in-person setting.

13.5. Telehealth services may be used to establish a new patient relationship only if the physical therapist is physically available to perform an in-person hands-on examination and/or re-examination throughout the course of the patient's care. The physical therapist must determine if an in-person examination is required based on the physical therapist's clinical judgement and the standard of care. The in-person examination requirement may be temporarily waived when state regulations prevent face-to-face contact. The patient has the right to request an in-person visit at any time with the physical therapist during the duration of care. This visit must be accommodated within 72 hours of the time the request is made.

13.6. Informed Consent. A physical therapist that provides telehealth services must obtain and maintain the informed consent of the patient, or of another individual authorized to make health care treatment decisions for the patient, prior to the provision of telehealth services.

13.7. Confidentiality. A physical therapist or physical therapist assistant that provides telehealth services must ensure that the privacy and confidentiality of the patient's medical information is maintained during and following the provision of telehealth services, including compliance with HIPAA regulations and other federal and state law.

13.8. The failure of a physical therapist or physical therapist assistant to comply with this section shall constitute detrimental practice and could subject the licensee to disciplinary action by the Board.

13.9. Provision of telehealth services by a physical therapist assistant must occur under the general supervision of the physical therapist in accordance with §16-1-911 of this title.

13.10. Telehealth services cannot be used for supervision of physical therapy aides.

13.11. The Board will investigate complaints regarding services provided via telehealth in the same manner as it investigates other complaints as set in statute and rule.

§16-1-14. Re-entry to Practice.

14.1. ~~Physical therapists and physical therapist assistants who seek re-entry to practice after having a lapsed or inactive West Virginia license and/or who have not held an active license in any other jurisdiction within the past five years shall enter into a Re-entry to Practice Agreement prior to being licensed. Once the agreement is signed the applicant will be issued a restricted license. Physical therapists and physical therapist assistants seeking licensure or reinstatement who have not held an active, valid license to practice in any United States jurisdiction, including West Virginia, or who have not engaged in active clinical practice for a period of five (5) consecutive years immediately preceding the application date, shall enter into a Re-entry to Practice Agreement prior to being granted an active,~~

unrestricted license. This requirement applies to all applicants who have been clinically inactive for five (5) or more years. Once the agreement is executed, the applicant will be issued a restricted license.

14.1.1. The agreement shall include the following provisions:

14.1.1.a. Supervised Practice Requirement

14.1.1.b. The licensee shall practice under ~~direct~~ on-site supervision for 1000 hours ~~six (6) months~~ in a physical therapy setting in which they are employed. All required supervised practice hours must be completed within twelve (12) consecutive months from the date the agreement is executed.

14.1.1.c. The supervising physical therapist shall utilize clinical judgment to determine the level of oversight required during treatment sessions, provided the supervisor remains continuously on-site in the facility and immediately available to intervene if necessary.

~~14.1.1.e.~~ 14.1.1.d. The supervising physical therapist must submit written reports to the Board every sixty (60) days assessing the licensee's progress and competency.

14.1.2. Re-entry Continuing Education Requirements.

14.1.2.a. The licensee must complete twenty-four (24) hours of board approved continuing education.

14.1.2.b. These hours must be completed within six (6) months of signing the agreement.

14.1.3. General Continuing Education Requirements.

14.1.3.a. The required 24 hours of re-entry continuing education hours are in addition to the general continuing education requirements mandated by the Board for licensure renewal.

14.1.4. Employer Notification.

14.1.4.a. The licensee must provide a copy of the re-entry to practice agreement to their employer.

14.2. Compliance and Reporting.

14.2.1. Failure to comply with the terms of the re-entry to practice agreement may result in disciplinary action by the Board.

14.2.2. The Board reserves the right to extend the supervised practice period or impose additional requirements based on the applicant's progress and competency reports.