

**ADMINISTRATIVE RULES
FOR PHYSICAL THERAPISTS
Effective Date: June 1, 2013
Cite as: “Physical Therapy Rule ___”**

Part 1 GENERAL INFORMATION

1.1 The Purpose of Licensure

The Director of the Office of Professional Regulation (referred to as "the Director" in this rule) is responsible, pursuant to Vermont law, for licensing physical therapists and physical therapist assistants in order to protect the public health, safety and welfare. The Director’s responsibilities include setting standards for issuing licenses, regulating the practice of physical therapy and enforcing Vermont’s professional conduct laws.

1.2 Laws that Govern Licensure

Chapter 38, Title 26 V.S.A. contains the enabling statutes that govern professional physical therapy practice. Among the laws governing the regulation of professional practice are: the Professional Regulation law (3 V.S.A. §§121-131); the Administrative Procedure Act (3 V.S.A. §§801-849); the Open Meeting law (1 V.S.A. §§310-314); and the Access to Public Records law (1 V.S.A. §§315-320). These laws set forth the rights of an applicant, license holder or member of the public. The complete “Vermont Statutes” are at www.leg.state.vt.us. These rules implement and interpret the statutory laws governing the profession. Law libraries and the offices of most Town Clerks maintain volumes of the Vermont Statutes Annotated. The Office posts the most recent statutes and administrative rules governing the practice of the profession at www.vtprofessionals.org and http://vtprofessionals.org/opr1/p_therapists/.

1.3 Business Address

The Board’s mailing address is the Office of the Secretary of State, Office of Professional Regulation, Director, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 (the “Office”). Copies of these rules and more information about the profession and its requirements can be obtained by contacting the Office at 1-802-828-2363. This information may also be obtained from the Office’s web site at <http://vtprofessionals.org/>.

Part 2 INFORMATION FOR APPLICANTS

2.1 Definitions

(a) "The Act" means The Physical Therapists Act, 26 Vermont Statutes Annotated, Chapter 38.

(b) "The Office" means the Office of Professional Regulation in the Office of the Secretary of State.

(c) "V.S.A." means Vermont Statutes Annotated: for example 26 V.S.A. §2081 means section 2081 of Title 26 of the Vermont Statutes Annotated.

(d) "Physical therapy" is defined in 26 V.S.A. § 2081a(6).

(e) "Practice of physical therapy" is defined in 26 V.S.A. § 2081a(8).

(f) "Physical therapist" is defined in 26 V.S.A. §2081a(4).

(g) "Physical therapist assistant" is defined in 26 V.S.A. §2081a(5).

(h) "Physical therapy aide" is defined in 26 V.S.A. §2081a(7).

(i) "General Supervision" means the supervising physical therapist must be available at least by telecommunications.

(j) "Direct Supervision" means the supervising physical therapist must be on-site and present in the department facility where the services are provided, is immediately available to the person being supervised, and maintains continued involvement in the aspects of each treatment session which are beyond the scope of practice of a physical therapist assistant or aide.

(k) "Unprofessional Conduct" is defined by 26 V.S.A. §2121 and 3 V.S.A. §129a.

(l) "Continuing competence" refers to the licensee's obligation to acquire and maintain the minimum necessary education, training, experience and/or expertise to practice with reasonable skill and safety and within the essential standards of acceptable and prevailing practice. It also involves the process of maintaining and documenting competence through ongoing self-assessment, development and implementation of a personal learning plan and subsequent reassessment.

(m) "Distance Consultation" is defined in 26 V.S.A. §2081a(3).

2.2 Where to Get An Application

An application for licensure or more information about the application process may be found on the Office's web site or by contacting the Office at the address found in Rule 1.3 above. Applicants must submit a completed application with all supporting documentation and fee to the Office. Supporting documentation may include, but is not limited to, evidence of required education, supervised practice, examination results, evidence of a license in any and all jurisdictions and their respective licensing standards, or other licensing standards. An initial license issued to an applicant within 90 days of the current expiration date will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

2.3 Qualifications for Licensure As a Physical Therapist

(a) Physical Therapist Qualifications. An applicant for a license as a physical therapist shall:

- (1) be a graduate of a professional physical therapy education program accredited by the Commission of Accreditation in Physical Therapy Education (CAPTE), or accredited by a national accreditation agency approved by the Director;
- (2) pass the Federation of State Boards of Physical Therapy (FSBPT) examination, or an equivalent examination approved by the Director; and
- (3) pass an approved English proficiency exam if the applicant's native language is not English.

(b) Foreign Trained Physical Therapist Qualifications. An applicant who has been educated outside the United States and graduated from an education program not accredited by a national accreditation agency approved by the Director shall:

- (1) undergo a credentials evaluation which demonstrates the candidate has met uniform criteria for educational requirements. The Office will provide applicants with a current list of acceptable services. Applicants are responsible for the costs of this evaluation; and
- (2) pass an approved English proficiency examination if the applicant's native language is not English; and
- (3) pass the FSBPT examination, or an equivalent examination approved by the Director.

2.4 Qualifications for Licensure as a Physical Therapist Assistant

An applicant for licensure as a physical therapist assistant shall:

- (a) be a graduate of a professional physical therapist assistant education program accredited by the Commission of Accreditation in Physical Therapy Education (CAPTE), or accredited by a national accreditation agency approved by the Director;
- (b) pass an approved English proficiency examination if the applicant's native language is not English; and
- (c) pass the Federation of State Boards of Physical Therapy (FSBPT) examination, or an equivalent examination approved by the Director.

2.5 Licensure by Endorsement

An applicant licensed in good standing in another jurisdiction may be eligible for a license in Vermont if the requirements for licensure in the other jurisdiction are substantially equivalent to those of this state.

2.6 How to Get a Temporary License

(a) A temporary license to practice, for a period not to exceed 90 days, may be issued to a physical therapist or physical therapist assistant currently licensed in another jurisdiction who has applied for licensure by endorsement in Vermont.

(b) A temporary license allows an applicant to practice while the application is being considered. An applicant for temporary license must submit the application, proof of other state licensure, verification of supervision, and fee.

(c) Practice of a PTA applicant with a temporary license must be under the daily, direct, on-site supervision of a physical therapist currently licensed in Vermont. Practice of a PT applicant with a temporary license must be under the daily, general supervision of a physical therapist currently licensed in Vermont.

(d) A temporary license shall not be renewed, and becomes null and void upon the issuance of a Vermont license, or upon the denial of the application.

2.7 Right to a Written Decision and Appeal

An applicant will be notified in writing whether he or she is qualified to be licensed. If the Director denies an applicant a license, the Director shall give the applicant specific reasons and inform the applicant of the right to request a hearing for review of this decision. The hearing will be held by an administrative law officer appointed by the Secretary of State. After giving the applicant and the Director an opportunity to present the application and any additional information, the administrative law officer shall affirm, reverse, remand or modify the preliminary decision. The administrative law officer's decision may be appealed to Washington Superior Court.

Part 3 INFORMATION FOR PHYSICAL THERAPISTS AND PT ASSISTANTS

3.1 Renewing a License Biennially

Licenses renew on a fixed biennial schedule, September 30th of the even numbered years, and must be renewed before they expire. Before the expiration date, the office will mail a renewal notice to the licensee. Licensees must pay a renewal fee, and must have completed at least 24 hours of continuing competence activities for physical therapists and 16 hours of continuing competence activities for physical therapist assistants during the two years immediately preceding their respective renewal.

3.2 Reinstatement of a License that has been Expired for Less than Five Years

Licenses that are expired may be reinstated upon meeting all requirements under 3.1 above, and payment of the late renewal penalty.

3.3 Reinstatement of a License that has been Expired for More than Five Years

Pursuant to 26 V.S.A. §2108, if a license has been expired for more than five consecutive years, that person may have his or her license reinstated upon payment of all applicable renewal, late penalty, and reinstatement fees, and demonstration of competence to practice by one or more of the following, as determined by the Director:

(a) acceptable “practice” under §2108(1) means practice for at least one year containing 1200 work hours within that year under a supervisor licensed in Vermont as a physical therapist who has been practicing clinically for a period of at least one year prior thereto. If there is more than one individual supervising the person seeking reinstatement, only one supervisor at a time shall bear responsibility for the supervisee. Supervision must be direct supervision for at least 80% of the 1200 total hours. The remaining 20% may be performed under general supervision. After completion of the 1200 work hours, a letter shall be submitted to the Director from the applicant’s most recent supervisor indicating supervisory approval and that the applicant has the requisite evaluation, treatment, management and professional interaction skills to be reinstated.

(b) completion of a “remedial course” and “continuing competence requirements” under §2108(2) & (3), meaning 24 Continuing Competency Units (“CCUs”) for PTs plus 10 CCUs per year for the period greater than 5 years in which the license has been expired. For PTAs, §2108(2) & (3) means 16 CCUs plus 5 CCUs per year for the period greater than 5 years in which the license has been expired.

(c) §2108(4) & (5) are not further defined by these Rules.

3.4 Supervision Standards

(a) Physical therapist assistants shall work under a PT’s supervision. The supervising physical therapist shall make regular visits at reasonable frequency to the place where the assistant is providing service and adjust the plan of care as needed. The physical therapist shall document the visits in the patient's medical record. The physical therapist shall re-evaluate and render treatment to a patient at least every fifth visit or every 30 days, whichever occurs first, or if the treatment is performed more than once a day, at least once per week. The PT shall communicate all plan of care changes to the PTA.

(b) A physical therapist or a physical therapist assistant practicing under a temporary license shall have daily, direct, on-site supervision by a licensed physical therapist for the duration of the temporary license. The supervising physical therapist shall be available for advice and intervention, and shall sign all notes entered in the patient's medical record.

(c) Physical therapy aides must have direct on-site supervision by a licensed physical therapist. The supervising physical therapist must:

(1) be continuously on-site and present in the department or facility where the aide is performing supervised tasks that do not require the knowledge and skill of a licensed

physical therapist or licensed physical therapist assistant;

(2) be immediately available to assist the person being supervised in the tasks being performed; and

(3) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is assigned to an aide.

(d) Supervisor to supervisee ratio:

(1) All PTAs: The supervising physical therapist may not supervise more than four physical therapist assistants at one time; or

(2) Non-PTAs or Mixed Group: The supervising physical therapist may not supervise more than three persons at one time, if said three person group includes aides, physical therapist students, physical therapist assistant students, and/or temporary licensees.

(e) The following physical therapy services may be performed only by, and are the sole responsibility of, the supervising physical therapist:

(1) Interpretation of referrals;

(2) Initial examination, problem identification, and diagnosis for physical therapy;

(3) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention;

(4) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be assigned;

(5) Assurance of the qualifications of all physical therapist assistants and physical therapy aides to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

(6) Assignment and instruction of the services to be rendered by the physical therapist assistant, or aide, including but not limited to, specific treatment program, precautions, special problems and contraindicated procedures;

(7) Timely review of documentation, re-examination of the patient and revision of the plan of care when indicated; and

(8) Establishment of a discharge plan and documentation of discharge summary or status.

(f) All supervisors shall be in good standing with an unencumbered license during the period of

supervision.

3.5 Complaint Procedure

The Office has a procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the complaint form and the procedure are available on the web at: www.vtprofessionals.org or by contacting the Office.

3.6 Disciplinary Actions

Hearings on charges of unprofessional conduct are held before an administrative law officer appointed by the Secretary of State. A party aggrieved by a decision of an administrative law officer may, within 30 days of the decision, appeal by filing a written notice with the Director. The appeal shall be decided by Washington Superior Court on the basis of the record before the administrative law officer.

Part 4 CONTINUING COMPETENCE

4.1 Continuing Competency Activities Required

(a) A physical therapist licensee must document completion of a total of 24 CCUs during the two-year licensing period preceding renewal. A physical therapist assistant licensee must document completion of 16 CCUs during the two-year licensing period preceding renewal. This provision shall apply to all renewal periods.

(b) CCUs must be obtained in subjects related to either the professional practice of physical therapy or patient/client management.

(1) The professional practice of physical therapy includes but is not limited to professional accountability, professional behavior and professional development.

(2) Patient/client management includes but is not limited to examination, evaluation and diagnosis and prognosis; plan of care; implementation; education; and discharge.

4.2 Standards for Continuing Competence Activities

(a) They have intellectual or practical content based on best available scientific evidence and the primary objective is to increase the participant's professional competence and proficiency as a licensee.

(b) They constitute learning experiences dealing with matters directly related to the practice of physical therapy or patient welfare.

(c) Live instruction mechanically or electronically recorded, reproduced or transmitted material, other electronic media, or a computer website accessed via internet may be used.

(d) Continuing competence materials shall be prepared, and activities conducted, by an individual or group qualified by practical or academic experience in a setting physically suitable to the educational activity of the program or clinical experience and, with sufficient space.

(e) Written materials must be distributed to all attendees at or before the time a course is presented. A syllabus/outline, learning objectives, and reference list with citations for pertinent evidence based practice information shall be provided.

(f) For activities that are directed to more than one discipline, or are directed primarily to another health care discipline, a determination by OPR would be made regarding whether the content of the activity would sufficiently enhance physical therapy knowledge and skills or aid in the practice of physical therapy.

4.3 Approval of Providers

Providers must adhere to the following requirements:

(a) Topics and subject matter for each course shall be pertinent to the practice of physical therapy.

(b) Instructors for each course shall be competent in the subject matter and shall be qualified by appropriate education, training, experience, and scope of practice or licensure.

(c) Each course shall have a syllabus that includes learning objectives, reference list and either a schedule, for courses offered in-person, or an outline, for courses offered online.

(d) Each course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.

(e) Each participant shall be given the opportunity to evaluate each course and offer feedback to the approved provider. The approved provider shall consider any such evaluations for the purpose of updating or revising courses.

(f) Each approved provider shall maintain records regarding course content and licensee attendance for a minimum of two years.

(g) Each approved provider shall provide a certificate of completion to attendees.

4.4 Approval for Continuing Competence Activities

(a) The Director shall approve a provider if the Director is satisfied that the provider's activities meet the standards set forth in Rule 4.3.

(b) Once a provider is approved, the continuing competence activity sponsored by that provider is approved for credit and no application to the Director must be made for approval. The Office

shall maintain a PT CCU Table that sets forth the specific units/credits, documentation requirements, and the unit limitations *for activities sponsored by an approved provider*, as well as a list of approved providers. The **CCU Table for Activities Sponsored by Approved Providers**, as well as the **List of Approved Providers**, may be obtained from the Office's web site at <http://vtprofessionals.org/>.

(c) The Office shall also maintain a PT CCU Table that sets forth a list of continuing competence activities, their corresponding units/credits, documentation requirements, and unit limitations for activities *that are not sponsored by an approved provider*. The **CCU Table for Activities Not Sponsored by Approved Providers** may be obtained from the Office's web site at <http://vtprofessionals.org/>. Any licensee may seek individual approval of an activity not sponsored by an approved provider by applying to the Office at anytime but no later than 90 days before licensing renewal.

(d) The requirements related to maintaining records and the random audit provision set forth in Rule 4.5 apply to both activities sponsored by approved providers and activities not sponsored by approved providers.

4.5 Evidence of Compliance

(a) Each licensee shall keep and maintain records showing that each course or activity for which credit is claimed has been completed.

(b) The Office shall perform a random audit of licensees' continuing competency activity requirements. An Audit Notice will be sent to the audited licensees. Within 30 days from receipt of an Audit Notice from the Office, the licensee must furnish the Office with the documentary evidence showing completion of the CCUs required for the audited reporting period.

(c) Each licensee shall retain such documentation for a period of five years after the course or activity concludes.