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# PERMANENT ADMINISTRATIVE ORDER

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## PTLB 3-2018
CHAPTER 848
PHYSICAL THERAPIST LICENSING BOARD

FILING CAPTION: Update exam eligibility requirements, housekeeping changes, repeal obsolete language, amend terminology, references and clarify language.

EFFECTIVE DATE: 09/01/2018

AGENCY APPROVED DATE: 08/03/2018

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RULES:
848-001-0005, 848-005-0030, 848-010-0015, 848-010-0020, 848-010-0026, 848-010-0033, 848-010-0035, 848-015-0020, 848-015-0030, 848-020-0050, 848-035-0015, 848-035-0020, 848-035-0030, 848-035-0035, 848-040-0100, 848-040-0110, 848-040-0155, 848-040-0160, 848-045-0010, 848-045-0020

AMEND: 848-001-0005

RULE TITLE: Attorney General's Model Rules of Procedure

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Updating the date of the AG Model Rules of Procedure.

RULE TEXT:
The following Model Rules of Procedure promulgated by the Attorney General of the State of Oregon, in effect January 01, 2018, are adopted by the Board by reference. These rules apply to rulemaking; OAR 137-001-0005 through 137-001-0100.
[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Physical Therapist Licensing Board.]

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 183, 688.160

AMEND: 848-005-0030

RULE TITLE: Name, Address and Telephone Number of Record

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping changes.

RULE TEXT:

(1) Every applicant, licensee and temporary permit holder shall keep their legal name on file with the Board. For purposes of this rule, legal name includes a First, Middle and Last name.

(2) Every applicant, licensee and temporary permit holder shall keep their home address on file with the Board. The home address must be a residential address and may not be a post office box number.

(3) Every applicant, licensee and temporary permit holder shall keep a current contact telephone number and a private or public email address on file with the Board.

(4) Every applicant, licensee and temporary permit holder shall keep the name, address and telephone number of their current employer or place of business on file with the Board.

(5) Every applicant, licensee and temporary permit holder shall keep a current designated mailing address on file with the Board.

(6) Whenever an applicant, licensee or temporary permit holder legally changes their name, they shall notify the Board in writing within 30 days of the name change and provide the Board with legal documentation of the name change.

(7) Whenever an applicant, licensee or temporary permit holder changes their home or mailing address, their employer or place of business, their contact telephone numberor their email address, they shall within 30 days, notify the Board in writing. Written notification may be by regular mail, email, facsimile or through online submission.

(8) Unless requested for a public health or state health planning purpose or unless extenuating circumstances exist, the Board will withhold the home address, private electronic mail address and personal telephone number of a licensee.

STATUTORY/OTHER AUTHORITY: ORS 182.466(4)

STATUTES/OTHER IMPLEMENTED: ORS 182.466(4), 688.070(1)(2), 688.080, 688.100, 688.110

AMEND: 848-010-0015

RULE TITLE: Examinations

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Updated examination eligibility requirements, limitations and foreign educated therapist's credentialing requirements.

RULE TEXT:

(1) Examinations for licensing of physical therapists and of physical therapist assistants shall be provided by an examination service approved by the Board. For purposes of this rule the Board's approved examination shall be the Federation of State Boards of Physical Therapy's (FSBPT) National Physical Therapy Examination (NPTE).

(a) The overall passing score shall be based on a formula using the criterion-referenced scoring system.

(b) An applicant may sit for the NPTE a maximum of three times within any 12-month period.

(c) An applicant may sit for the NPTE a maximum of six times in a lifetime, per exam level.

(d) An applicant is no longer eligible to sit for the NPTE if they have two previous scores of 400 or less per exam level.

(e) All applications are valid for a period of six months from the date first received by the Board.

(2) All completed applications for examination, non-refundable application fees and required documents must be received and approved by the Board prior to releasing an applicant's eligibility to take the NPTE.

(3) Unless qualified for licensure by endorsement under OAR 848-010-0022, an applicant whose first professional degree in physical therapy was awarded from a foreign physical therapy program that is/was not CAPTE accredited must submit:

(a) A Credentials Evaluation Statement ("the Report") of professional education and training prepared by a Board-approved credentials evaluation agency. The Report must be sent directly from the credentialing agency to the Board. It is the applicant's responsibility to pay the expenses associated with the credentials evaluation.

(A) The Report must provide evidence and documentation that the applicant's education outside a state or territory of the United States is substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy education program approved by the Board pursuant to ORS 688.050(2).

(B) To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate Course Work Tool ("CWT") adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist files the application with the Oregon Board.

(b) English Language Proficiency

(A) Verification that English is the native language of the country of origin, and the physical therapy program employs English as the language of training; or

(B) Verification that the applicant has achieved the following minimum scores for each category of the internet based TOEFL (ibTOEFL) examination: writing, 22; speaking, 24; reading, 22; listening, 21. All passing scores must be achieved on the same score report and the report date must be within two years of the NPTE examination application.

(c) If applicant has taken a Board-approved national licensing examination prior to application for licensure in Oregon, a report of applicant's examination scores must be submitted to the Board directly from the Board-approved examination service.

(d) If applicant holds or has held a license in the country in which the applicant received their physical therapy education, the applicant must provide primary source verification of the license.

(4) The Examination must be given in the English language.

(5) A physical therapist student or physical therapist assistant student may take the National Physical Therapy Examination (NPTE) up to 90 days prior to graduation from a CAPTE accredited program.

(6) Any applicant who has graduated from an approved school of physical therapy and passed a Board-approved examination more than five years prior to application for licensure in the State of Oregon and who has not been actively licensed in any other state or territory of the United States for a five year period must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to

serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.020, 688.040, 688.050, 688.055, 688.070, 688.090

AMEND: 848-010-0020

RULE TITLE: Endorsement of Out-of-State Physical Therapists and Physical Therapist Assistants

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Endorsement of out of state Physical Therapists and Physical Therapist Assistants

RULE TEXT:

Physical therapists and physical therapist assistants not licensed in the State of Oregon may be licensed by endorsement if they comply with all of the following:

(1) File a completed application form, pay a non-refunable application fee and submit required documents. All applications are valid for six months from the date first received by the Board.

(2) Are at least 18 years of age.

(3) Are graduates of an approved school for physical therapists or physical therapist assistants as provided in OAR 848-010-0010 and 848-010-0015(3).

(4) At the time of application, applicant holds a valid, unrestricted license in any other state or territory of the United States.

(5) Have passed the physical therapist or physical therapist assistant examination provided by a Board-approved examination service.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.080

AMEND: 848-010-0026

RULE TITLE: Temporary Permits

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping changes; updated language clarification.

RULE TEXT:

(1) The Board may issue a temporary permit to practice as a physical therapist or physical therapist assistant the period specified below to an applicant who meets the requirements of this rule.

(a) A person who has graduated from a CAPTE accredited physical therapist or physical therapist assistant program in a state or territory of the United States and who is applying for the first time to take the licensing examination may be issued a temporary permit for a period of 90 calendar days. Such applicant shall:

(A) Submit a completed application for license by examination and pay a non-refundable application fee and submit required documents;

(B) Submit a completed application for a temporary permit and pay the required fee; and

(C) Submit a primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program.

(D) Must have registered and been released to sit for the NPTE.

(b) A person who holds a valid current license to practice in another state or territory of the United States may be issued a temporary permit for a period of 60 calendar days. Such applicant shall:

(A) Provide written primary source verification of current licensure in another state or territory;

(B) Submit a completed application for license by endorsement, pay a non-refundable application fee and submit required documents;

(C) Submit a completed application for a temporary permit, pay a non-refundable application fee and submit required documents;

(D) Submit a primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program and;

(E) Have passed the physical therapist or physical therapist assistant examination as provided in OAR 848-010-0020(5).

(2) A person who holds a temporary permit must practice under supervision as provided in this rule.

(3) A person who holds a temporary permit issued under subsection (1)(a) of this rule must practice under on-site supervision, which means that at all times a supervising therapist is in the same building and immediately available for consultation. Entries made in the patient record by a temporary permit holder must be authenticated by the permit holder and by a supervising therapist.

(4) A person who holds a temporary permit issued under subsection (1)(b) of this rule must practice under general supervision, which means that at all times a supervising therapist must be readily available for consultation, either in person or by telecommunication.

(5) As used in this rule, "supervising therapist" means an Oregon licensed physical therapist if the permit holder is a physical therapist or a physical therapist assistant. "Supervising therapist" also means an Oregon licensed physical therapist assistant if the permit holder is a physical therapist assistant. A physical therapist assistant may not supervise a physical therapist permit holder.

(6) If a physical therapist assistant is supervising a physical therapist assistant permit holder, a physical therapist must be readily available for consultation, either in person or by telecommunication, as provided in OAR 848-015-0020.

(7) Within five (5) working days of beginning practice the permit holder must submit to the Board a completed "Temporary Permit Letter from Employer" form. The permit holder must notify the Board of any change in employment during the period of the temporary permit by submitting a new "Temporary Permit Letter from Employer" within five (5) working days.

(8) A temporary permit issued under this rule shall terminate automatically by operation of law if the permit holder fails the Board-approved national licensing examination.

(9) The Board may refuse to issue a temporary permit to an applicant or may revoke a permit after issuance on any of the grounds set out in OAR 848-010-0044 or 848-045-0020.
(10) A permit holder whose permit has terminated or has been revoked is not eligible to apply for another permit.
(11) A person who has taken and failed the Board-approved national licensing examination is not eligible to apply for a temporary permit.
(12) In its discretion the Board may grant one 60 calendar day extension to a person who holds a temporary permit.
(13) A person who holds a temporary permit issued under this rule is subject to all statutes and rules governing a licensee.

STATUTORY/OTHER AUTHORITY: ORS 688.110

STATUTES/OTHER IMPLEMENTED: ORS 688.110

AMEND: 848-010-0033

RULE TITLE: Renewal Of License Required

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping; language clarification.

RULE TEXT:

(1) All physical therapist and physical therapist assistant licenses lapse on March 31 of each even numbered year, regardless of the initial issue date. Physical therapists and physical therapist assistants must renew their licenses to practice effective April 1 of each even numbered year. A license is considered lapsed if a completed renewal application is postmarked or electronically received after March 31 of an even number year. A person whose license has lapsed must immediately stop practicing as a physical therapist or a physical therapist assistant and shall not practice until the license is renewed.

(2) The renewal period shall be January through March 31st of an even number year. The Board will attempt to provide renewal notification to all current licensees during the month of January.

(3) If the completed license renewal application is postmarked or received by the Board after March 31st, in addition to the license renewal fee, the licensee is subject to a lapsed license renewal fee as provided in OAR 848-005-0020(1)(e).

(4) A licensed physical therapist must complete the renewal application process and pay the renewal fee provided in OAR 848-005-0020(1)(c).

(5) A licensed physical therapist assistant must complete the renewal application process and pay the renewal fee provided in OAR 848-005-0020(1)(d).

(6) Each currently licensed physical therapist and physical therapist assistant must complete the continuing competence requirements as provided in Division 35 of these rules before they may renew.

STATUTORY/OTHER AUTHORITY: ORS 688.110

STATUTES/OTHER IMPLEMENTED: ORS 688.110

AMEND: 848-010-0035

RULE TITLE: Renewal of Lapsed Licenses

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Updated requirements for renewal of a lapsed license. Housekeeping language updates.

RULE TEXT:

(1) Any license that is not renewed before April 1 of each even number year shall automatically lapse. No person whose license has lapsed shall practice until the license is renewed. Failure to receive a renewal notice shall not excuse any licensee from the requirements of renewal. The Board may renew any lapsed license upon payment of all past unpaid renewal fees, payment of a single lapsed license renewal fee as provided in OAR 848-005-0020(1)(e) and, if applicable, documentation of completion of the continuing competence requirements as provided in 848-035-0020(5). An applicant whose license has lapsed for non-completion of the continuing competence requirements may renew the lapsed license upon completion of the continuing competency requirements for the immediately prior certification period. Continuing competence hours earned after March 31 of the even-numbered year to fulfill the requirements necessary to renew the lapsed license shall apply only to the prior certification period.

(2) Any individual renewing a license that has been lapsed between one to five years must show evidence of completion of a minimum of 24 hours of continuing competency during the 24 months immediately prior to the renewal date and complete the Board's current fingerprint-based background check and jurisprudence examination. However, an applicant with a lapsed Oregon license who holds a current license in another state or jurisdiction which has a requirement for continuing competence or continuing education and who has completed that requirement, shall be exempt from the continuing competency requirements of this subsection.

(3) In the event that an applicant's Oregon physical therapy license has lapsed for five or more consecutive years and they do not hold a license in another state or territory of the United States, the applicant must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015. Once the applicant has demonstrated competence to the satisfaction of the Board, the applicant is subject to the requirement for licensure by examination as provided in OAR 848-010-0015.

(4) If the applicant holds a current physical therapist or physical therapist assistant license in another state or jurisdiction and the applicant's Oregon license has lapsed for five or more consecutive years, the applicant may apply for a license by endorsement as provided in OAR 848-010-0020.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.100

AMEND: 848-015-0020

RULE TITLE: Scope of Practice

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping, updated language clarification.

RULE TEXT:

(1) For purposes of the provision of physical therapy services, a physical therapist assistant shall work solely under the clinical supervision and direction of a physical therapist.

(2) A physical therapist assistant may provide physical therapy treatment only when a supervising physical therapist is available. As used in this rule “available” means that at all times a supervising physical therapist is readily accessible for consultation with the assistant, either in person or by means of telecommunications.

(3) A physical therapist assistant may provide physical therapy treatment only after a physical therapist has performed an initial evaluation and prepared a plan of care.

(4) A physical therapist assistant may prepare a final summary of a patient’s physical therapy status upon discharge as provided in OAR 848-040-0165.

(5) A physical therapist assistant shall work in compliance with the standards set out in Division 40 of these rules.

(6) If authorized by a supervising physical therapist, a physical therapist assistant may provide limited services to a student in a school setting for up to 10 school days after the date when a reassessment is required to be performed under OAR 848-0040-0155(2)(b) or (c). The services that may be provided under this paragraph are limited to coordinating with other persons and instructing a teacher or educational or instructional assistant or nursing aide in physical management strategies to insure that the student can access the classroom and related educational services in compliance with and continued implementation of the student’s individualized education plan as defined in OAR 848-040-0100(3).

STATUTORY/OTHER AUTHORITY: ORS 688.160, 688.055

STATUTES/OTHER IMPLEMENTED: ORS 688.020, 688.040, 688.055, 688.070, 688.080, 688.090

AMEND: 848-015-0030

RULE TITLE: Prohibited Acts

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping-language clarification.

RULE TEXT:

(1) A physical therapist assistant shall not:

(a) Perform an initial evaluation.

(b) Perform the required reassessment provided in OAR 848-040-0155. However, a physical therapist assistant may participate with the physical therapist in gathering data to be included in the required reassessment of a patient for whom the assistant has been providing treatment.

(c) Independently make modifications to the plan of care or objective goals. However, an assistant may collaborate with the physical therapist in making modifications or changes to the plan of care or goals based on the assistant's treatment of that patient and the patient's condition, progress or response to the treatment.

(d) Independently make the decision to discharge a patient from therapy. However, a physical therapist assistant may make recommendations regarding discharge to the supervising physical therapist based on the assistant's treatment of the patient.

(e) Perform high velocity manipulation of the spine or peripheral joints.

(2) As provided in ORS 688.020(2), no person shall work as a physical therapist assistant unless that person is licensed under ORS 688.090.

STATUTORY/OTHER AUTHORITY: 688.055, ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.020, 688.040, 688.055, 688.070, 688.080 688.090

AMEND: 848-020-0050

RULE TITLE: Assignment of Tasks to Aides

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Updating requirements for assigning tasks to aides.

RULE TEXT:

(1) A supervising physical therapist or physical therapist assistant may assign treatment-related tasks and non-treatment, patient-related tasks to an aide.

(2) Prior to allowing an aide to perform any treatment-related task:

(a) The physical therapist must provide an initial evaluation of the patient and develop a plan of care;

(b) The physical therapist or physical therapist assistant shall assess the competence of the aide to perform an assigned treatment-related task for that patient in a safe and effective manner;

(c) The physical therapist or physical therapist assistant must assign only those tasks which are appropriate for the aide to perform for that patient based on the aide's training, experience and ability.

(3) A physical therapist or physical therapist assistant shall not permit an aide to administer a non-prohibited procedure or modality to a patient unless a licensee has previously administered the entire specific procedure or modality to the patient as per OAR 848-020-0030(2).

(4) When a treatment-related task is performed by an aide, the supervising physical therapist or physical therapist assistant shall, at some point during each treatment, provide direct service to the patient to assess and monitor the patient's progress, and so document in the patient's record.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160, 688.210

AMEND: 848-035-0015

RULE TITLE: Definitions

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping; update language.

RULE TEXT:

As used in this Division:

(1) “Continuing Competence” means continuing education course work or other professional activities as provided in OAR 848-035-0030(1).

(2) "Certification period" means a 24 month continuing competence certification period which runs from April 1st of each even numbered year, through March 31st of the next even numbered year, i.e. April 1, 2018 through March 31, 2020.

(3) "Hours" means contact hours.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160(6)(g)

AMEND: 848-035-0020

RULE TITLE: Required Hours and Period for Completion

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping language update.

RULE TEXT:

(1) All licensed physical therapists and physical therapist assistants are required within each certification period to complete 24 hours of continuing competence relating to the delivery or provision of physical therapy services.

(2) Notwithstanding the provisions of subsection (1) of this rule, any person who is first issued an Oregon physical therapist or physical therapist assistant license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to 848-010-0020, anytime during the first year of a certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing competence required for that certification period. A person who is first issued an Oregon physical therapist or physical therapist assistant license anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing competence required for that certification period. Thereafter, such licensees must complete the same continuing competence requirements as other licensees.

(3) Notwithstanding the provisions of subsection (1) of this rule, a physical therapist or physical therapist assistant, whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to 848-010-0035, anytime during the first year of a new certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing competence required for that certification period. A person whose lapsed physical therapist or physical therapist assistant license is renewed anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing competence required for that certification period.

(4) Any licensee whose license lapses on April 1st of an even numbered year, regardless of the reason, and who subsequently renews the lapsed license during the first 12 months of a new certification period, shall provide documentation of completion of the continuing competence requirements for the immediately prior certification period before the license will be renewed.

(5) For purposes of determining whether a licensee has satisfied the continuing competence requirement under section (2), (3) or (4) of this rule, the Licensing Board will accept all qualifying continuing competence hours completed from the beginning date of the 24 month certification period in which the license was issued or renewed, regardless of the specific date the license was issued or renewed. For example, a person whose license is issued or renewed on June 15, 2013 will receive credit for all qualifying continuing competence hours completed at any time during the certification period of April 1, 2012 to March 31, 2014. This includes continuing competence taken by student physical therapists or student physical therapist assistants, outside their program requirements, while they are enrolled in a physical therapy program.

(6) Failure to complete the required continuing competence by March 31st of an even-numbered year shall constitute a violation of this Division 35.

(7) Notwithstanding the provisions of this rule and OAR 848-010-0033(6), a physical therapist or physical therapist assistant who is renewing a license during an even numbered year and who was first licensed in Oregon between January 1st to and including March 31st of that even numbered year, is not required to complete continuing competence for the current certification period. Thereafter such licensees shall be subject to the continuing competence requirement for all subsequent continuing competence certification periods.

(8) The Board may, in individual cases involving physical disability or illness, undue hardship, or active military duty, grant waivers of the continuing competency requirements or extensions of time to fulfill the requirement. Applications for waiver shall be made to the Board in writing at least two months prior to license expiration.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160(6)(g)

AMEND: 848-035-0030

RULE TITLE: Continuing Education Requirements and Restrictions

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Updated activities that qualify for continuing competence credit; clarifications.

RULE TEXT:

(1) The continuing competence requirements of this Division 35 may be satisfied through the following, which may include but are not limited to:

(a) Courses, seminars, activities, and workshops sponsored, certified, or approved by an established and recognized medical or dental health-related organization or professional association recognized by the Board;

(b) Courses or activities, directly related to the delivery or provision of physical therapy services and approved for continuing education or competency by other states which require continuing education or competency for physical therapists or physical therapist assistants;

(c) Courses or activities related to professional conduct, ethics and cultural competency;

(d) Courses provided by an accredited institution of higher education, which may include but are not limited to, courses leading to an advanced degree in physical therapy or other courses that advance the licensee's physical therapy competence. For purposes of this rule, one college credit is equal to 10 (ten) contact hours;

(e) Individual study courses, online courses and webinars, requiring an examination and recognized by an accredited institution or recognized health-related organization or professional association recognized by the Board;

(f) Courses in cardiopulmonary resuscitation (CPR) will be limited to one hour of continuing competence credit, regardless of the length of the course, a licensee may receive credit for completion of a CPR course only one time during any certification period;

(g) Courses or lectures which a licensee presents if the course or lecture awards continuing education or competence units or hours to participants and the licensee requests continuing education or competence credit from the Board;

(A) The licensee may receive continuing competence units or hours equivalent to the actual credit hours awarded to participants for that portion of the program which the licensee presents;

(B) The maximum cumulative credit granted for presenting courses or lectures shall be no more than one half of the total continuing competence requirement during any certification period and;

(C) A licensee may receive credit for presenting a particular course or lecture only one time during any certification period, regardless of how many times the licensee presents that course or lecture;

(h) Publishing an article in a peer review journal,

(A) The maximum credit granted for publishing an article shall be one half of the total continuing competence requirement during any certification period, or 12 hours and;

(B) A licensee may receive credit for publishing an article only one time during any certification period;

(i) Serving as a certified clinical instructor as follows:

(A) A licensee who has completed a Board-approved clinical instructor certification program may receive continuing competence credit equivalent to 1 credit hour for each 40 hours of direct clinical instruction to a physical therapist student or physical therapist assistant student enrolled in a physical therapy or physical therapy assistant program.

(B) The maximum cumulative credit granted for serving as a clinical instructor shall be no more than one-third of the total continuing competence requirement during any certification period, or 8 hours.

(C) The licensee must obtain a letter or certificate from the student's academic institution verifying that the student has completed the course of clinical instruction;

(j) Completion of a specialty certification through the American Board of Physical Therapy Specialists, which shall qualify for 24 hours of continuing competence during the period in which the specialist certification is awarded;

(k) Completion of the Federation of State Board's oPTion tool; which shall qualify for 6 hours of continuing competence for completion or 12 hours of continuing competence with a score of level three or higher;

(l) Passing the Board approved jurisprudence examination which shall qualify for 3 hours of continuing competence, a

licensee may receive credit for completion of a jurisprudence examination only one time during any certification period;
(m) Successful completion of the Oregon Pain Management Commission's web based pain management module which shall qualify for 1 hour of continuing competence, a licensee may receive credit for completion of the pain management module only one time during any certification period and;
(n) Courses or activities approved by the Board by special request.
(2) Notwithstanding subsection 1 of this rule, activities which will not satisfy the continuing competence requirement include:
(a) Courses provided by an accredited institution of higher education taken as part of the curriculum requirements of a CAPTE accredited physical therapy program;
(b) In service programs or required workplace orientation, training or competencies;
(c) Professional association meetings for purposes of business or policy decisions making;
(d) Entertainment or recreational meetings; or
(e) Attending meetings, holding office, or representing a professional association as a lobbyist or delegate.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160(6)(g)

AMEND: 848-035-0035

RULE TITLE: Pain Management Course Requirement for Physical Therapists

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Update statutory reference.

RULE TEXT:

(1) Effective January 2, 2008, all Oregon licensed physical therapists must fulfill a one-time only pain management education requirement as defined in ORS 413.590.

(2) Physical Therapists must complete the coursework requirement within a period of 24 months either before or after the first renewal of their physical therapist license.

(3) The requirement is seven hours of pain management education, which includes the completion of a one hour on-line pain management course sponsored and provided by the Oregon Pain Management Commission, plus an additional six hours of continuing education relative to the evaluation, diagnosis or treatment of pain.

(4) Effective November 1, 2012, all physical therapist applicants must provide evidence of completion of the one hour on-line pain management course as part of the initial application process.

(5) The seven hours of pain management education may be used to satisfy part of the physical therapist's continuing competence requirement under OAR 848-035-0020 for the current period. However, pain management education hours taken in a prior certification period and used to satisfy the pain management requirement cannot be used to satisfy part of the continuing competence requirement for the current certification period.

(6) Physical Therapist Assistants are exempt from the statutory requirement to complete the pain management education requirement but may elect to complete the Oregon Pain Management Commission's one hour on-line course for credit or complete other hours of education or competency related to the treatment or management of pain.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160(6)(g)

AMEND: 848-040-0100

RULE TITLE: Definitions

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Update language to include Compact Privilege Holder and electronic record keeping.

RULE TEXT:

As used in this Division:

(1) "Authentication" means the process by which the licensee reviews and validates the accuracy of the record entry. By authenticating a record entry, the licensee certifies that the services described were performed by the authenticating licensee or performed by a person under that licensee's supervision.

(2) “IDEA” means Individuals with Disabilities Education Improvement Act.

(3) "IEP" means an Individualized Education Plan developed for a child/student qualified under the IDEA program.

(4) "IFSP" means an Individualized Family Services Plan developed for a child qualified under the IDEA Early Intervention Program.

(5) "Licensee" means a physical therapist or a physical therapist assistant and includes a temporary permit holder and an Oregon Compact Privilege holder.

(6) "Patient" means one who seeks and receives physical therapy services. For purposes of these rules, patient may include a person receiving services in a home, by telehealth or clinical setting, a student in a school setting, a child receiving early intervention services, a resident of a care facility, or an animal.

(7) "Permanent Record" means the final version of the record of each evaluation, reassessment or treatment provided to a patient which becomes part of the patient's medical record.

(8) “Physical therapy intervention” means a treatment or procedure and includes but is not limited to: therapeutic exercise; gait and locomotion training; neuromuscular reeducation; manual therapy techniques (including manual lymphatic drainage, manual traction, connective tissue and therapeutic massage, mobilization/manipulation of soft tissue or spinal or peripheral joints, and passive range of motion); functional training related to physical movement and mobility in self-care and home management (including activities of daily living (ADL) and instrumental activities of daily living (IADL)); functional training related to physical movement and mobility in work (job/school/play), community, and leisure integration or reintegration (including IADL, work hardening, and work conditioning); prescription, application, and, as appropriate, fabrication of devices and equipment (assistive, adaptive, orthotic, protective, or supportive); airway clearance techniques; integumentary repair and protective techniques; electrotherapeutic modalities; physical agents and mechanical modalities; and patient related instruction and education.

(9) "Plan of care" means a written course of physical therapy treatment established by a physical therapist following an initial evaluation which integrates the evaluation data collected to determine the degree to which physical therapy interventions are likely to achieve anticipated goals and expected outcomes.

(10) "Record" means a written or electronic account of the detailed information gathered from each evaluation, reassessment, and the treatment provided to a patient. This documentation may be used to create the separate, permanent record, or it may serve as the permanent record.

(11) "Student" means a child ages 3 to 21 who are enrolled in an educational institution and who qualifies for services under IDEA or Section 504 of the Rehabilitation Act, or other designated plan of care, or child ages 0-2 who qualifies under the IDEA Early Intervention Program.

(12) “Student PT or Student PTA” means a person enrolled in a CAPTE accredited physical therapist or physical therapist assistant program and who is providing patient care as part of the required clinical education.

(13) “Telehealth service” means a physical therapy intervention, including assessment or consultation, that can be safely and effectively provided using synchronous two-way interactive video conferencing, or asynchronous video communication, in accordance with generally accepted healthcare practices and standards. For purposes of these rules, “telehealth service” also means, or may be referred to, as “telepractice, teletherapy, or telerehab.”

(14) “Domiciled” a person is domiciled in this state if the person’s place of abode is in the state and the person intends to

remain in the state or, if absent, to return to it.

STATUTORY/OTHER AUTHORITY: ORS 688.160, ORS 688.240

STATUTES/OTHER IMPLEMENTED: ORS 688.160, 688.010, 688.210

AMEND: 848-040-0110

RULE TITLE: General Standards for Record Keeping

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Updated language for electronic record keeping.

RULE TEXT:

(1) The licensee who performs the physical therapy service shall prepare a complete and accurate record for every patient, regardless of whether compensation is given or received for the therapy services and regardless of whether the patient receives treatment pursuant to a referral or is self-referred.

(2) A record shall be prepared on the date a physical therapy service is provided.

(3) The permanent record shall contain information for every physical therapy service provided, the date the service was provided and the date the entry was made in the record. The permanent record of a physical therapy service shall be prepared within seven calendar days of the date the service was provided.

(4) The licensee who performs the physical therapy service shall authenticate the permanent record of the service that was performed. Authentication may be made by written signature or by electronic means. If authentication is by electronic means, the licensee shall not permit another person to use the licensee's password to authenticate the entry. Authentication may not be accomplished by the use of initials, except when a record entry identifying an error is authenticated. A rubber stamp may not be used to authenticate any entry in a patient record.

(5) Non-licensees, including physical therapist aides, may prepare physical therapy treatment-related entries for the permanent patient record for authentication by the treating licensee. The requirement for authentication shall not apply to records not related to physical therapy treatment.

(6) Either the permanent record or a record prepared on the date of service shall be readily accessible to a licensee prior to when that licensee provides subsequent treatment to the patient. "Readily accessible" means the authenticating licensee is able to produce the record immediately upon request.

(7) All entries shall be legible and permanent handwritten records shall be in ink.

(8) Abbreviations may be used if they are recognized standard physical therapy abbreviations or are approved for use in the specific practice setting.

(9) When an error in the permanent record is discovered, the error shall be identified and corrected. The erroneous entry shall be crossed out, dated and initialed or otherwise identified as an error in an equivalent written manner by the author of the erroneous entry.

(10) Late entries or additions to entries in the permanent record shall be documented when the omission is discovered with the following written at the beginning of the entry: "late entry for (date)" or "addendum for (date)" and authenticated;

(11) Treatment provided by a student physical therapist (SPT) may be documented either by the SPT or by the supervising therapist. Documentation by a SPT shall be signed by the student and authenticated by a supervising physical therapist.

(12) Treatment provided by a student physical therapist assistant (SPTA) may be documented either by the SPTA or by the supervising therapist or physical therapist assistant. Documentation by a SPTA shall be signed by the student and authenticated by a supervising physical therapist or supervising physical therapist assistant.

(13) Documentation by a person who holds a physical therapist temporary permit issued under OAR 848-010-0026(1)(a) shall be authenticated by the permit holder and by a supervising physical therapist.

(14) Documentation by a person who holds a physical therapist assistant temporary permit issued under OAR 848-010-0026(1)(a) shall be authenticated by the permit holder and by a supervising physical therapist or supervising physical therapist assistant.

(15) For purposes of the Board's enforcement of these rules, patient records shall be kept for a minimum of seven years measured from the date of the most recent entry.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160, 688.010, 688.210

AMEND: 848-040-0155

RULE TITLE: Standards For Performing a Reassessment

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping- title change clarification.

RULE TEXT:

(1) A physical therapist shall perform a reassessment of a patient as follows:

(a) Anytime there are significant changes in the patient's condition or status that would result in a change in the goals or the plan of care;

(b) When a physical therapist has not directly treated the patient within the previous 30 days;

(c) At every visit when the interval since a patient's last visit is 30 days or longer; or

(d) At least every 60 school days if the patient is a student who is being treated in an educational setting and a physical therapist has not treated the student within 60 school days, or at every visit if the student is seen less frequently.

(2) In the course of performing the reassessment, a physical therapist shall personally examine the patient, assess the patient's functional status, select specific tests and measurements, formulate clinical judgments regarding the patient, and update the goals or plan of care.

(3) Only a physical therapist may perform a reassessment. A physical therapist shall not delegate the performance of a reassessment to a physical therapist assistant or to an aide. However, a physical therapist may delegate to a physical therapist assistant the gathering of data for a reassessment as provided in OAR 848-015-0030(1)(b).

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160, 688.010, 688.210

AMEND: 848-040-0160

RULE TITLE: Standards For The Documentation of a Reassessment

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Housekeeping - Title language clarification.

RULE TEXT:

(1) When a physical therapist is required to perform a reassessment under OAR 848-040-0155, the record of the reassessment shall include at a minimum:

(a) Subjective status of patient;

(b) Objective data from tests and measurements conducted;

(c) Functional status of patient;

(d) Interpretation of above data;

(e) Any change in the plan of care;

(f) Any change in physical therapy goals (including patient goals); and

(g) A notation that the record is of a reassessment.

(2) After a physical therapist performs and documents a reassessment, either the physical therapist or a physical therapist assistant may prepare a progress summary of the patient's physical therapy status based upon the physical therapist's performance of a reassessment.

STATUTORY/OTHER AUTHORITY: ORS 688.160

STATUTES/OTHER IMPLEMENTED: ORS 688.160, 688.010, 688.210

AMEND: 848-045-0010

RULE TITLE: Authority and Sanctions

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Added Compact Privilege Holder to list of licensees.

RULE TEXT:

(1) If a licensee practices in a manner detrimental to the public health and safety or engages in illegal, unethical or unprofessional conduct as defined by the statutes and OAR 848-045-0020(2), the Board, after notice and opportunity for hearing as provided in ORS 688.145, may:

(a) Suspend or revoke a license or temporary permit.

(b) Impose a civil penalty not to exceed $5,000, with the penalty for non-compliance with continuing competence requirements to be as provided in the penalty schedule set out in Appendix A of these rules, and the penalty for practicing with a lapsed license to be as provided in the penalty schedule set out in Appendix B of these rules.

(c) Impose probation with conditions.

(d) Impose conditions, restrictions or limitations on practice.

(e) Reprimand the licensee.

(f) Impose any other appropriate sanction, including assessment of the reasonable costs of a proceeding under ORS 688.145 as a civil penalty. Costs include, but are not limited to, the costs of investigation, attorney fees, hearing officer costs and the costs of discovery.

(2) A disciplinary sanction imposed against a licensee shall be generally consistent with sanctions imposed by the Board against other licensees in substantially similar cases.

(3) If a licensee has a mental, emotional or physical condition which impairs the licensee's ability or competency to practice physical therapy in a manner consistent with the public health and safety, the Board, after notice and opportunity for hearing as provided in ORS 688.145, may suspend or revoke the license or temporary permit, impose probation with conditions, or impose conditions, restrictions or limitations on practice.

(4) As used in this rule, "licensee" includes a physical therapist or a physical therapist assistant, a temporary permit holder and an Oregon Compact Privilege holder.

(Appendices: Appendices referenced are available from the agency.)

STATUTORY/OTHER AUTHORITY: ORS 688.140, 688.160, 688.210, ORS 688.240

STATUTES/OTHER IMPLEMENTED: ORS 688.140, 688.145, 688.220, 688.235

AMEND: 848-045-0020

RULE TITLE: Grounds for Discipline of a Licensee

NOTICE FILED DATE: 05/24/2018

RULE SUMMARY: Update grounds for discipline to reference compact privilege holder and to clarify required disclosure.

RULE TEXT:

(1) The Board may impose a sanction as provided in 848-045-0010(1) on a licensee for illegal, unethical or unprofessional conduct. As used in this rule, "licensee" means a physical therapist or a physical therapist assistant, a temporary permit holder, a Compact Privilege holder and a person who was a licensee at the time the illegal, unethical or unprofessional conduct occurred regardless of whether the person's license has lapsed.

(2) A licensee commits or engages in illegal, unethical or unprofessional conduct if the licensee:

(a) Fails to disclose requested information, conceals material facts or provides false or materially misleading information on an application or during the application process for a temporary permit, license or renewal, or willfully makes a false statement on an application;

(b) Is disciplined by another Oregon state licensing board or out-of-state licensing board for conduct which if committed in Oregon would be grounds for discipline under this rule;

(c) Fails to disclose an active investigation by an Oregon or out-of-state health licensing authority within 10 working days licensee is first notified of the investigation, subject to the provision of ORS 688.160(6)(c).

(d) Is convicted of violating any federal law or state law relating to controlled substances, subject to the provisions of ORS 670.280(2);

(e) Is convicted of any crime that is a felony or misdemeanor under the laws of any state or of the United States, subject to the provisions of ORS 670.280(2), or fails to notify the Board within 10 working days of a conviction of a misdemeanor, or an arrest for or conviction of a felony;

(f) Commits gross negligence or multiple acts of negligence in practice. The Board may take into account relevant factors and practices, including but not limited to the standard of practice generally and currently followed and accepted by persons licensed to practice physical therapy in this state, the current teachings at accredited physical therapy schools and relevant technical reports published in recognized physical therapy journals in determining the definition of gross negligence;

(g) Practices physical therapy while under the influence of intoxicating liquors or under the influence of a controlled substance;

(h) Has an addiction to or dependency on alcohol, legend drugs or controlled substances which impairs the licensee's ability or competency to practice physical therapy in a manner consistent with the public health and safety;

(i) Violates the provisions of ORS 688.010 to 688.220 or any administrative rule, or violates or fails to comply with any order of the Board;

(j) Engages in any act involving moral turpitude, including, but not limited to fraud, deceit, dishonesty, violence, or illegal activity undertaken for personal gain, subject to the provisions of ORS 670.280(3);

(k) Unnecessarily exposes a patient's body to the view of the therapist or other persons;

(l) Engages in a conversation with a patient that is not necessary for the provision of treatment and that is personally intrusive or otherwise inappropriate;

(m) Commits or engages in any act of sexual misconduct involving a patient, including but not limited to any acts or statements of a sexual nature that do not contribute to appropriate physical therapy treatment;

(n) Engages in any sexual conduct, including dating, with a patient, whether initiated by the patient or the licensee. For purposes of this subsection, "patient" includes any person who has not been discharged from that therapist's care;

(o) Obtains or attempts to obtain any fee by fraud or misrepresentation, or makes a false or fraudulent claim for health care payment as provided in ORS 165.690 to 165.694;

(p) Engages in exploitation of a patient, which includes but is not limited to the following:

(A) Failure to maintain an appropriate patient/therapist relationship;
(B) Obtaining or attempting to obtain compensation for physical therapy services that were not provided to the patient;
(C) Provides physical therapy services or participates in physical therapy services solely for reasons of personal or institutional financial gain;
(D) Provides physical therapy services under circumstances where there is no benefit to be obtained by the patient from such services;
(E) Accepting, soliciting or borrowing anything of more than nominal value from a patient or a member of the patient's family except for reasonable compensation for physical therapy services provided to the patient. Nominal value shall be determined in the context of the particular relationship and circumstances; or
(F) Influencing a patient or the patient's family to utilize, purchase or rent any equipment or products based on the direct or indirect financial interests of the licensee rather than on the therapeutic value to the patient. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the interest if the licensee sells or rents the equipment or product or recommends the purchase or rental of the equipment or product to the patient.
(q) Knowingly makes a false entry or false alteration in a patient record;
(r) Engages in deceptive consumer practices, including but not limited to:
(A) Using, disseminating or publishing any advertising matter, promotional literature, testimonial, claim or guarantee that is false, misleading or deceptive;
(B) Practicing under a false, misleading or deceptive name, impersonating another licensee or fraudulently using or permitting the use of a license number in any way;
(C) Making a representation as to the licensee's skill or the efficacy or value of a treatment that the licensee knows or should know is false or misleading; or
(s) Practices physical therapy with a lapsed license;
(t) Knowingly or with reason to know, employs, aids, abets or permits any unlicensed person or person with a lapsed license to practice physical therapy;
(u) Fails to report in writing to employer that licensee provided physical therapy services while unlicensed or with a lapsed license or fails to provide a copy to the Board of such report;
(v) Fails to cooperate with the Board, which includes but is not limited to the following:
(A) Failure to respond fully and truthfully to a question or request for information from the Board;
(B) Failure to provide information or documents to the Board within the time specified by the Board;
(C) Failure to appear and provide information at an interview requested by the Board;
(D) Failure to timely produce and temporarily surrender custody of an original patient record requested by the Board and which is in the possession or under the control of the licensee, or failure to produce all portions of the patient record requested;
(E) Deceiving or attempting to deceive the Board regarding any matter, including by altering or destroying any record or document; or
(F) Failure to comply with the terms, conditions and recommendations of a Confidential Advisory Letter as issued by the Board;
(w) Interferes with or uses threats or harassment to delay or obstruct any person in providing information or evidence to the Board in any matter, investigation, contested case proceeding or other legal action instituted by the Board;
(x) Discharges an employee based primarily on the employee's attempt to comply or aid in the compliance with Board rules;
(y) Fails to notify the Board of any conduct by another licensee of this Board which reasonably appears to be illegal, unethical, unprofessional under the licensing statutes or these administrative rules, aids or causes another person, directly or indirectly, to violate ORS 688.010 to 688.220 or rules of the Board;
(z) Fails to notify the appropriate licensing board of any conduct by another licensed medical provider when the licensee has reasonable cause to believe that the medical provider has engaged in prohibited or unprofessional conduct. Notice must occur without undue delay, but in no event later than 10 days after the reporting licensee learns of the conduct. As

used in this subparagraph, “prohibited conduct” means a criminal act against a patient or a criminal act that creates a risk of harm to a patient and “unprofessional conduct” means conduct unbecoming a medical provider or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the medical provider’s profession or conduct that endangers the health, safety or welfare of a patient; or

(aa) Fails to notify the Board of a change in the licensee's name, address, contact telephone number, email address or place of employment or business as required by OAR 848-005-0030.

STATUTORY/OTHER AUTHORITY: ORS 688.140, 688.160, 688.210, ORS 688.240

STATUTES/OTHER IMPLEMENTED: ORS 688.140, 688.145, 688.220, 688.235