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DIVISION 1

PROCEDURAL RULES

848-001-0000 Notice to Interested Persons on Any Proposal to Adopt, Amend, or Repeal Any Rule

Prior to the adoption, amendment, or repeal of any permanent rule, the Physical Therapist Licensing Board shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.

(2) By providing a copy of the notice to persons on the Physical Therapist Licensing Board's mailing list established pursuant to ORS 183.335(8).

(3) By providing a copy of the notice to the following persons, organizations, or publications:

(a) Executive Secretary, Oregon Physical Therapy Association;

(b) Oregon Association of Hospitals.

(c) Oregon Physical Therapists in Independent Practice.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 688.145 & 688.160

Hist.: PT 8, f. & ef. 5-4-76; PTLB 1-2004, f. & cert. ef. 12-29-04; PTLB 2-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-001-0005

Attorney General's Model Rules of Procedure

The following Model Rules of Procedure promulgated by the Attorney General of the State of Oregon, in effect January 01, 2014, are adopted by the Board by reference. These rules apply to rulemaking; OAR 137-001-0005 through 137-001-0080.

[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.]

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 183 & 688.160

Hist.: PT 1, f. 1-3-74, ef. 2-11-74; PT 9, f. & ef. 5-4-76; PT 1-1978, f. 6-19-78, ef. 6-28-78; PT 1-1982, f. & ef. 2-17-82; PT 2-1984, f. & ef. 11-30-84; PT 1-1986, f. & ef. 10-27-86; PT 1-1988, f. & cert. ef. 6-27-88; PT 1-1992, f. & cert. ef. 3-26-92; PT 6-1997, f. & cert. ef. 12-12-97; PTLB 4-2001, f. & cert. ef. 1-4-01; PTLB 1-2004, f. & cert. ef. 12-29-04; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-001-0010

Time for Requesting a Contested Case Hearing

A request for a contested case hearing must be in writing and must be received by the Board within thirty (30) days from the date the proposed notice of disciplinary action was served.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 183 & 688.160

Hist.: PTLB 2-2001, f. & cert. ef. 1-4-01; Renumbered from 848-010-0115, PTLB 1-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10

848-001-0020

Filing Exceptions to the Board

After a proposed order has been served on a party, the Board shall notify the party when written exceptions must be filed to be considered by the Board. A licensee may request to appear before the Board to discuss the proposed sanction before the Board issues a Final Order.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 183 & 688.160

Hist.: PTLB 1-2001, f. & cert. ef. 1-4-01; Renumbered from 848-010-0120, PTLB 1-2004, f. & cert. ef. 12-29-04

DIVISION 5

BOARD ADMINISTRATION

848-005-0010

Board Budget

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2015–2017 Biennium Budget of \$1,022,000 covering the period from July 1, 2015 through June 30, 2017. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$1,022,000 for the effective operation of the Board. The Board will not exceed the approved 2015–2017 Biennium Budget expenditures without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required, by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office and posted on the Board's website.

Stat. Auth.: ORS 688.210

Stats. Implemented: ORS 688.160(5)(c)

Hist.: PTLB 3-1999(Temp), f. & cert. ef. 9-7-99 thru 3-1-00; PTLB 5-1999, f. 11-23-99, cert. ef. 12-1-99; PTLB 5-2001(Temp) f. & cert. ef. 6-18-01 thru 9-30-01; PTLB 6-2001, f. & cert. ef. 10-1-01; PTLB 2-2003, f. 6-30-03, cert. ef. 7-1-03; Renumbered from 848-010-0105, PTLB 2-2004, f. & cert. ef. 12-29-04; PTLB 1-2005, f. & cert. ef. 4-8-05; PTLB 2-2007, f. 5-25-07, cert. ef. 6-1-07; PTLB 1-2009, f. & cert. ef. 5-14-09; PTLB 2-2009 f. 5-14-09 cert. ef. 7-1-09; PTLB 1-2011, f. 6-20-11, cert. ef. 7-1-11; PTLB 1-2013, f. 6-3-13, cert. ef. 7-1-13; PTLB 1-2015, f. 3-31-15, cert. ef. 7-1-15

848-005-0020

Board Fees and Refunds

(1) The following fees shall be paid to the Board:

(a) Physical Therapist or Physical Therapist Assistant Examination Application Fee of \$150.00, plus the actual cost to the Board of conducting a nationwide background check.

(b) Physical Therapist or Physical Therapist Assistant Endorsement Application Fee of \$150.00, plus the actual cost to the Board of conducting a nationwide background check.

(c) Physical Therapist License Renewal Fee of \$170.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by ORS 676.410(7).

(d) Physical Therapist Assistant License Renewal Fee of \$110.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by ORS 676.410(7).

(e) Lapsed License Renewal Fee of \$50.00 for renewal applications postmarked or received by the Board after March 31st of an even numbered year.

(f) On-line renewal and application convenience fee not to exceed the actual processing costs of an on-line electronic transaction.

(g) Physical Therapist or Physical Therapist Assistant Temporary Permits Fee of \$50.00.

(h) Duplicate License Fee of \$25.00.

(i) Physical Therapist or Physical Therapist Assistant NPTE Early Eligibility Release Form processing fee of \$25.00.

(j) Physical Therapist or Physical Therapist Assistant Verification of Oregon Licensure or Verification of Application Status Letters/Forms Fee of \$25.00.

(k) Non-Sufficient Funds (NSF) Check Fee of \$25.00.

(l) Miscellaneous Fees:

(A) Physical Therapist and/or Physical Therapist Assistant electronic mailing list fee of \$100.00.

(B) Photocopying administrative fee of \$25.00, plus ten cents (\$0.10) per copy.

(2) Board refunds of overpayments in any amount of \$25.00 or less will be held by the Board unless the payor requests a refund in writing.

Stat. Auth.: ORS 182.466(4)

Stats. Implemented: ORS 182.466(4), 688.070(1)(2), 688.080, 688.100 & 688.110

Hist.: PT 6-1996, f. & cert. ef. 9-5-96; PT 3-1997, f. & cert. ef. 6-9-97; PTLB 1-1998, f. & cert. ef. 2-9-98; PTLB 6-1999, f. 11-23-99, cert. ef. 1-1-00; PTLB 4-2000, f. & cert. ef. 12-21-00; Renumbered from 848-010-0110, PTLB 2-2004, f. & cert. ef. 12-29-04; PTLB 3-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 2-2012(Temp), f. 11-30-12, cert. ef. 1-1-13 thru 3-31-13; Administrative correction, 4-22-13; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-005-0030

Name, Address and Telephone Number of Record

(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 both a private and public electronic mail address, if available, 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 address, their employer or place of business, their contact telephone number, electronic mail address or their mailing address, they shall within 30 days, notify the Board in writing. Written notification may be by regular mail, electronic mail or facsimile.

(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.

Stat. Auth.: ORS 182.466(4)

Stats. Implemented: ORS 182.466(4), 688.070(1)(2), 688.080, 688.100 & 688.110

Hist.: PTLB 2-2004, f. & cert. ef. 12-29-04; PTLB 3-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

DIVISION 10

LICENSED PHYSICAL THERAPISTS AND LICENSED PHYSICAL THERAPIST ASSISTANTS

848-010-0010

Approval of Schools of Physical Therapy

All schools for physical therapists and physical therapist assistants that are accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE), are considered approved schools of physical therapy. A school shall be considered to be an approved school of physical therapy within the meaning of this section if the school was accredited as above at the time the licensure applicant graduated. At its sole discretion, and on a case-by-case basis, the Board may grant licensure to an applicant who has graduated from a school of physical therapy if, at the time of his/her graduation, the school is a candidate for accreditation and subsequently is granted the accreditation.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.050, 688.055, 688.070 & 688.080

Hist.: PT 2, f. 8-22-74, ef. 9-25-74; PT 11, f. & ef. 12-28-77; PT 1-1979, f. & ef. 2-14-79; PT 1-1989, f. & cert. ef. 8-8-89; PT 4-1997, f. & cert. ef. 8-5-97; PTLB 3-2003, f. & cert. ef. 8-22-03; PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-010-0015

Examinations

(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). The overall passing score shall be based on a formula using the criterion-referenced scoring system. An applicant may sit for the NPTE a maximum of three times in any jurisdiction within a 12-month period, measured from the date of the first examination.

(2) All completed applications for examination, associated 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 earned their first professional degree in physical therapy.

(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 a score of not less than 560 on the paper Test of English as a Foreign Language (TOEFL) or a score of not less than 220 on the computer Test of English as a Foreign Language (TOEFL), a score of not less than

50 on the Test of Spoken English (TSE) and a score of not less than 4.5 on the Test of Written English (TWE); or

(C) Verification that the applicant has achieved the following minimum scores for each category of the internet based TOEFL (ibTOEFL) examination: writing, 24; speaking, 26; reading, 21; listening, 18; with an overall score of not less than 89.

(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.

(e) For purposes of section (3) of this rule, the requirements and criteria considered for credentialing will be "as of" the date the most recent credentialing report was received by the Board from the Board-approved credentialing agency.

(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 if the program director will certify, in a written format, that the student has successfully completed all didactic educational requirements prior to the examination date and is indeed scheduled to graduate.

(6) The examination will be administered at a location approved by the Board.

(7) Any applicant who has graduated from an approved school of physical therapy and passed a Board-approved examination or a Board-approved equivalent 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.020, 688.040, 688.050, 688.055, 688.070, 688.090

Hist.: PT 2, f. 8-22-74, ef. 9-25-74; PT 6, f. 12-20-74, ef. 1-11-75; PT 10, f. & ef. 10-21-77; PT 11, f. & ef. 12-28-77; PT 1-1979, f. & ef. 2-14-79; PT 1-1983, f. & ef. 1-5-83; PT 1-1984, f. & ef. 5-3-84; PT 1-1989, f. & cert. ef. 8-8-89; PT 1-1990 (Temp), f. & cert. ef. 7-16-90; PT 2-1990, f. & cert. ef. 10-2-90; PT 1-1996, f. 1-16-96, cert. ef. 2-1-96; PT 2-1996, f. & cert. ef. 9-5-96; PT 1-1997, f. & cert. ef. 2-4-97; PTLB 4-1999, f. 11-23-99, cert. ef. 12-1-99; PTLB 1-2000, f. & cert. ef. 5-4-00; PTLB 3-2003, f. & cert. ef. 8-22-03; PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-010-0020

Endorsement of Out-of-State Physical Therapists and Physical Therapist Assistants

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 and pay a non-refundable endorsement application fee.

(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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.080

Hist.: PT 2, f. 8-22-74, ef. 9-25-74; PT 5, f. 12-20-74, ef. 1-11-75; PT 1-1979, f. & ef. 2-14-79; PT 1-1983, f. & ef. 1-5-83; PT 1-1984, f. & ef. 5-3-84; PT 1-1989, f. & cert. ef. 8-8-89; PT 1-1990(Temp), f. & cert. ef. 7-16-90; PT 2-1990, f. & cert. ef. 10-2-90; PT 1-1996, f. 1-16-96, cert. ef. 2-1-96; PT 3-1996, f. & cert. ef. 9-5-96; PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-010-0022

Endorsement of Out-of-State Foreign Educated Physical Therapists

A foreign educated physical therapist not licensed in the State of Oregon may be licensed by endorsement if the applicant meets or fulfills the requirements of subsections (1), (2), (4) and (5) of OAR 848-010-0020 and the Board receives all of the following additional items:

(1) A certified copy of the Course Work Tool (CWT) used by a physical therapy licensing authority of a state or territory of the United States to make the determination to issue a license in that state or territory. The report must indicate that the applicant's foreign physical therapy education was determined to be substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy program approved by the Oregon Board pursuant to ORS 688.050(2). To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate 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 graduated from their physical therapy program. The licensing authority of the state or territory must certify the report and must send it directly to the Oregon Board.

(2) Proof of completion of a minimum of 1000 hours of clinical practice each year in a state or territory of the United States for three of the last ten years immediately prior to application. To meet this requirement, however, no more than five years can have elapsed since the applicant has had clinical practice in a state or territory of the United States. The applicant's current or prior employer(s) must send this proof directly to the Oregon Board.

(3) A written statement from the applicant's most recent employer stating that the applicant practiced safely and competently. The employer must send this proof directly to the Oregon Board.

(4) A foreign educated physical therapist who does not meet the requirements of this section may apply for licensure under OAR 848-010-0015(3).

Stat. Auth: ORS 688.160

Stats. Implemented: ORS 668.160(6)(c)

Hist.: PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10

848-010-0026

Temporary Permits

(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 for Oregon 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 the required fee;

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

(C) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program or an official transcript of completion.

(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 tem-

porary 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 and pay the required fee;

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

(D) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program or an official transcript of completion; 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. A permit holder must return the permit certificate to the Board immediately, by a method that provides delivery verification, upon notification that the permit has terminated.

(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. A person whose permit is revoked must return the certificate to the Board immediately by a method that provides delivery verification.

(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.

Stat. Auth.: ORS 688.110

Stats. Implemented: ORS 688.110

Hist.: PTLB 3-2000, f. & cert. ef. 12-21-00; PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-010-0033

Renewal Of License Required

(1) All physical therapist and physical therapist assistant licenses expire 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 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 annual renewal period shall be January 1st through March 31st of an even number year. The Board will provide renewal notification to all current licensees during the month of January.

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

(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.

Stat. Auth.: ORS 688.110

Stats. Implemented: ORS 688.110

Hist.: PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-010-0035

Renewal of Lapsed Licenses

(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 reinstate the lapsed license upon completion of the 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 reinstate the lapsed license shall apply only to the prior certification period.

(2) Any individual reinstating a license that has been lapsed between two 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 reinstatement date and complete the current Board jurisprudence examination. However, a candidate for reinstatement 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, 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.

(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.

Stat. Auth: ORS 688.160

Stats. Implemented: ORS 688.100

Hist.: PT 2, f. 8-22-74, ef. 9-25-74; PT 10, f. & ef. 10-21-77; PT 1-1979, f. & ef. 2-14-79; PT 1-1989, f. & cert. ef. 8-8-89; PT 5-1996, f. & cert. ef. 9-5-96; PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-010-0044

Grounds for Refusal to License an Applicant

After notice and opportunity for hearing as provided in ORS 688.145, the Board may refuse to license, or may limit or restrict the license of an applicant who:

(1) Is not a person of good moral character as provided in OAR 848-045-0020(2)(i);

(2) Willfully made a false statement on the application;

(3) Failed to disclose requested information or provided false or materially misleading information on the application or during the process of applying for a license or temporary permit;

(4) Has practiced physical therapy without a license or has purported to be a therapist in violation of ORS 688.020;

(5) Has a mental, emotional or physical condition which impairs the applicant's ability or competency to practice physical therapy in a manner consistent with the public health and safety;

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

(7) Has been disciplined or had an application for licensure refused by another Oregon state licensing board or out-of-state licensing board for an act which if committed in Oregon would be grounds for discipline under ORS 688.140 or OAR 848-045-0020;

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

(9) Has been 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).

Stat. Auth: ORS 688.160

Stats. Implemented: ORS 688.100

Hist.: PTLB 9-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

DIVISION 15

PHYSICAL THERAPIST ASSISTANTS

848-015-0010

Definitions

(1) Under ORS 688.010(4), a physical therapist assistant is defined as a person who assists a physical therapist in the administration of physical therapy. The physical therapist assistant's function is to assist the physical therapist in patient-related activities and to perform delegated procedures that are commensurate with the physical therapist assistant's education, training, experience, and skill.

(2) "Supervising physical therapist" means either the last physical therapist to see the patient, or the physical therapist designated as in charge of the patient on the day the patient is being treated.

Stat. Auth.: ORS 688.160 & 688.055

Stats. Implemented: ORS 688.020, 688.040, 688.055, 688.070, 688.080 & 688.090

Hist.: PTLB 3-2004, f. & cert. ef. 12-29-04; PTLB 5-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-015-0020

Scope of Practice

(1) For purposes of the provision of physical therapy services, a physical therapist assistant shall practice 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 practice 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).

Stat. Auth.: ORS 688.160 & 688.055

Stats. Implemented: ORS 688.020, 688.040, 688.055, 688.070, 688.080 & 688.090

Hist.: PTLB 3-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-015-0030

Prohibited Acts

(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 practice as a physical therapist assistant unless that person is licensed under ORS 688.090.

Stat. Auth.: ORS 688.160 & 688.055

Stats. Implemented: ORS 688.020, 688.040, 688.055, 688.070, 688.080 & 688.090

Hist.: PTLB 3-2004, f. & cert. ef. 12-29-04; PTLB 5-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

DIVISION 20

PHYSICAL THERAPIST AIDES

848-020-0000

Definitions

As used in this division:

(1) “Physical therapist aide” or “aide” means a person who is not licensed as a physical therapist or physical therapist assistant,

who aids a physical therapist or physical therapist assistant by performing treatment-related tasks or by performing non-treatment, patient-related tasks. Although they may be providing services to a patient pursuant to direction or instruction from a physical therapist or physical therapist assistant, the following persons are not considered physical therapist aides:

(a) Educational or instructional aides or assistants working in a school setting; or

(b) Nurses aides, restorative aides or personal care assistants. Persons performing facility maintenance, equipment assembly and maintenance, housekeeping, clerical, or other similar tasks are not considered aides.

(2) “Physical therapist” or “physical therapist assistant” includes a person who holds a temporary permit issued under OAR 848-010-0026.

(3) “Treatment-related task” means a physical therapy service rendered directly to a patient.

(4) “Non-treatment, patient-related task” means a task related to preparation of treatment areas, transport of patients, preparation of patients for treatment and other patient-related tasks.

(5) “Supervise” means to provide the amount of personal direction, assistance, advice and instruction necessary to reasonably assure that the supervisee provides the patient competent physical therapy services, given the supervisor’s actual knowledge of the supervisee’s ability, training and experiences. Additionally, supervision of:

(a) A treatment-related task requires that the supervising physical therapist or physical therapist assistant be in the same building and within sight or earshot of the aide who is performing the treatment-related task, such that the supervising physical therapist or physical therapist assistant is immediately available at all times to provide in person direction, assistance, advice, or instruction to the aide or the patient. A physical therapist may delegate supervision of an aide to a physical therapist assistant;

(b) A non-treatment, patient-related task requires that the supervising physical therapist or physical therapist assistant be in the building where the aide is performing the task.

(6) “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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PTLB 4-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-020-0010

Eligibility Standards

A physical therapist aide shall:

(1) Be at least 18 years of age.

(2) Have received a high school diploma or equivalent.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PTLB 4-2004, f. & cert. ef. 12-29-04

848-020-0030

Supervision; Delegation of Supervision; Professional Responsibility of Supervisors and Supervisees

(1) The physical therapist shall supervise the physical therapist aide in each treatment task and each non-treatment, patient-related task assigned to the aide. The supervising physical therapist may delegate to a physical therapist assistant supervision of the aide.

(2) A physical therapist or physical therapist assistant shall not permit an aide to perform a treatment-related task or a non-treatment, patient-related task except under the supervision of a physical therapist or physical therapist assistant. A licensee shall not permit an aide to administer a task that is prohibited under OAR 848-020-0060, and 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.

(3) A physical therapist or physical therapist assistant may supervise a maximum total of two physical therapist aides, when the aides are performing treatment-related tasks. In addition, a physical therapist or physical therapist assistant may supervise additional aides who are not performing treatment related tasks.

(4) Use of an aide to perform tasks as allowed by this rule shall not constitute a violation of OAR 848-045-0020(2)(s).

(5) A physical therapist or physical therapist assistant is responsible for the competent performance of tasks assigned to an aide whom the physical therapist or physical therapist assistant is supervising as provided in OAR 848-020-0000(5).

(6) A physical therapist assistant is always also professionally responsible for all acts and omissions of each aide under the physical therapist assistant's supervision.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PTLB 4-2004, f. & cert. ef. 12-29-04; PTLB 4-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09

848-020-0040 Training

(1) Prior to allowing a physical therapist aide to perform any treatment-related task, the supervising physical therapist shall assure that the aide has undertaken 40 hours of on-the-job training a
s
follows:

(a) A minimum of 10 hours of instruction on professional/medical ethics, patient confidentiality, universal precautions, body mechanics, physical medicine terminology and safety procedures;

(b) A minimum of 30 hours of instruction in the facility in areas appropriate to that particular physical therapy facility, including but not limited to precautions and contraindications for physical therapy treatments routinely provided at the facility, and supervised practical applications of appropriate treatment protocols and techniques. Changes in employment shall require another 30 hours of instruction appropriate to that facility;

(c) However, physical therapist or physical therapist assistant students, upon successful completion of the first year of study, may be employed as an aide with a minimum of 8 hours of instruction appropriate to that facility;

(d) A person who has successfully completed a CAPTE accredited physical therapist or physical therapist assistant program, may be employed as an aide with a minimum of 8 hours of instruction appropriate to that facility.

(2) The supervising physical therapist shall be responsible for documentation of the training for each aide, and shall maintain this documentation at the facility for a minimum of 5 years after termination of employment and make it available to the Board upon request. The supervising physical therapist also shall respond to any inquiry by the Board concerning the training provided to an aide. The aide training record shall include but not be limited to:

(a) Aide position description;

(b) Policies and procedures clearly stating the aide's duties, as set forth in OAR 848-020-0060;

(c) Training schedule, which includes but is not limited to:

(A) Start date for the training;

(B) Activity/description of training;

(C) Amount of time spent on training for each activity;

(D) Date training is complete;

(E) Names of instructors and aide, including signature of each instructor and aide;

(F) If applicable, documentation of training received outside of the facility in the form of a letter or copies of the previous training record. Documentation must include the level of responsibility of the aide.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PT 5-1997, f. & cert. ef. 8-5-97; PTLB 4-2004, f. & cert. ef. 12-29-04

848-020-0050

Assignment of Tasks to Aides

(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) 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PTLB 4-2004, f. & cert. ef. 12-29-04

848-020-0060

Prohibited Treatment-Related Tasks

A physical therapist or physical therapist assistant shall not permit an aide to perform any of the following treatment-related tasks:

(1) Administer iontophoresis. However, an aide who has been trained to do so may assist with iontophoresis by applying the medication to the electrode so long as a physical therapist or physical therapist assistant administers it to the patient.

(2) Administer phonophoresis. However, an aide may operate the sound head if the physical therapist or physical therapist assistant has applied the medication to the patient, determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.

(3) Administer electrotherapy. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the electrode placements, treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.

(4) Administer ultrasound. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.

(5) Administer mechanized or manual traction.

(6) Perform manual stretching with the goal of increasing range of motion, neuro-facilitation or cardiac therapeutic exercise.

(7) Perform soft tissue mobilization or massage (other than effleurage and petrissage). However, an aide who is separately licensed or registered under another Oregon statute to do so may perform these tasks if done under the direction and on-site supervision specified in OAR 848-020-0000(5)(a).

(8) Wound debridement.

(9) Administer tilt table or standing frame. However an aide may perform these tasks if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.

(10) Joint mobilization or manipulation.

(11) Determine or modify a plan of care.

(12) Initiate or administer a physical therapy intervention the first time that intervention is administered or provided to a patient. This prohibition means that a physical therapist or physical therapist assistant must provide or administer the entire specific intervention before delegating that task to an aide.

(13) Independently make entries in a patient record, except for objective information about the treatment provided by the aide. The aide shall sign the record entry as provided in OAR 848-040-0150(2). A physical therapist or physical therapist assistant may also dictate information to an aide for entry into a patient medical record, so long as the physical therapist or physical therapist assistant authenticates such entries.

(14) Instruct a patient or a patient's caregiver in the application of any treatment.

(15) Except as required to respond to an inquiry by the Board or other person authorized to receive the information, answer or discuss any questions regarding a patient's status or treatment with anyone other than the physical therapist or physical therapist assistant.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.210

Hist.: PT 3-1994, f. & cert. ef. 7-29-94; PTLB 4-2004, f. & cert. ef. 12-29-04; PTLB 6-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

DIVISION 35

CONTINUING COMPETENCE

848-035-0010

Purpose

The 2005 Oregon Legislation gave new authority to the Physical Therapist Licensing Board, effective January 1, 2006, to adopt rules establishing minimum continuing competence requirements for all licensees. The following rules set out the requirements.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0015

Definitions

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, 2012 through March 31, 2014.

(3) "Initial Certification Period" means January 1, 2006 through March 31, 2008.

(4) "Hours" means contact hours.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0020

Required Hours and Period for Completion

(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. There-

after, 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) Each twenty-four month period for completion of the required hours shall be April 1st of the even numbered year through March 31st of the next even numbered year. For example, the current twenty-four month period will be from April 1, 2012, through March 31, 2014.

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

(8) 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.

(9) 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2008(Temp), f. & cert. ef. 2-19-08 thru 4-2-08; Administrative correction 4-23-08; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0030

Continuing Education Requirements and Restrictions

(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;

(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, or 12 hours 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 of Physical Therapy's Practice Review Tool (PRT); which shall qualify for 6 hours of continuing competence for completion or 12 hours of continuing competence for completion with a passing score; and

(l) 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-035-0035**Pain Management Course Requirement for Physical Therapists**

(1) Effective January 2, 2008, all Oregon licensed physical therapists must fulfill a one-time only pain management education requirement as defined in ORS 409.500.

(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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0040**Documentation of Continuing Competence**

(1) In order to qualify for credit against the required hours, a continuing competence course or activity must include a completion certificate. The certificate must include the title of the course or activity, the name of the sponsor or speaker, date of completion, number of hours and licensee's name.

(2) The licensee is responsible for obtaining a completion certificate from the sponsor or speaker. The licensee is further responsible for retaining the certificate in the event the Board requires the licensee to produce documentation of completion of the continuing competence requirement. All completion certificates shall be retained for a minimum of four (4) years from the certificate date.

(3) A licensee who is seeking to receive credit for serving as a clinical instructor is responsible for obtaining a letter or certificate of the student's completion of the course of clinical instruction from the academic institution for which the licensee served as a clinical instructor.

(4) The Board may require all or any percentage of physical therapists and physical therapist assistants who are renewing their licenses in the even numbered year to provide documentation of

completion of the continuing competence requirements of this division 35.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

DIVISION 40

MINIMUM STANDARDS FOR PHYSICAL THERAPY PRACTICE AND RECORDS

848-040-0100

Definitions

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.

(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 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 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010, 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 2-2015, f. 8-27-15, cert. ef. 9-1-15

848-040-0105

General Standards for Practice

(1) Licensees shall practice competently. A licensee practices competently when the licensee uses that degree of care, skill and diligence that would be used by a reasonable, careful and prudent licensee under the same or similar circumstances.

(2) A physical therapist must immediately refer a patient to an appropriate medical provider if signs or symptoms are present that require treatment or diagnosis by such provider or for which physical therapy is contraindicated or if treatment for the signs or symptoms is outside the knowledge of the physical therapist or scope of practice of physical therapy.

(3) A licensee shall not delegate to another person any task that the person is not legally authorized to perform or is not qualified by training and experience to perform.

(4) A licensee shall not provide treatment intervention that is not warranted by the patient’s condition.

(5) A licensee shall respect the privacy and dignity of the patient in all aspects of practice.

(6) A licensee shall comply with the laws and rules governing the use and disclosure of a patient’s protected health information as provided in ORS 192.553-192.581.

(7) A licensee shall comply with the provisions of ORS 688.135(3) by displaying a copy of their current license in their place(s) of employment in a location accessible to public view, or by making a paper or electronic copy readily available upon request, or by displaying an electronic verification of current status from the Board’s website.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 8-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-040-0110

General Standards for Record Keeping

(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 computer. If authentication is by computer, 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) or (1)(c) 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.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 8-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-040-0117

Standards For Authorization To Provide Physical Therapy Services

As a result of legislative changes effective January 1, 2014, a physical therapist is no longer required to limit treatment of a self-referred patient to 60 days before having to refer the patient to a provider identified in ORS 688.132(1).

(1) A physical therapist may initiate and provide physical therapy to a patient who is either self-referred or referred by a "provider of care", defined in ORS 688.132 as a medical doctor, osteopathic physician, chiropractic physician, podiatric physician and surgeon, naturopathic physician, dentist, physician assistant or nurse practitioner, as follows:

(a) The therapist shall treat a self-referred patient in accordance with an initial evaluation and treatment plan prepared by a physical therapist and shall treat a patient who is referred by a provider of care pursuant to the written or oral referral or authorization

received from the provider. As used in this rule, the term "authorization" includes certification by a provider of care of the physical therapist's plan of care of a Medicare patient.

(b) If the referral or authorization specifies or identifies specific physical therapy interventions, precautions or contraindications for therapy, physical therapy shall not be provided beyond those specifications or limitations without further authorization.

(c) If a patient who is being treated pursuant to a referral or authorization from a provider of care requests treatment for a diagnosis or condition that is different and separate from the diagnosis or condition that is the subject of the referral, the physical therapist may initiate and provide treatment either in accordance with an initial evaluation and treatment plan prepared by a physical therapist or pursuant to an additional written or oral referral or authorization received from a provider listed in this section.

(d) If a referral or authorization specifies the number of treatments or a duration of treatment, the physical therapist may treat the patient for that duration and may extend treatment for a reasonable period of time if necessary for the patient to receive all authorized treatments.

(e) A physical therapist shall immediately refer a patient to a provider of care if the patient exhibits symptoms:

(A) That require treatment or diagnosis by a provider of medical care;

(B) For which physical therapy is contraindicated;

(C) For which the treatment is outside that therapist's knowledge, skill and abilities; or

(D) For which treatment is outside the scope of practice of physical therapy.

(2) A physical therapist may provide physical therapy treatment to an animal under a referral from a veterinarian licensed under ORS Chapter 686. The referral must be in writing and specify the treatment or therapy to be provided pursuant to 686.040(4). The standard of care and documentation for physical therapy care to an animal shall be as provided for veterinarians under ORS Chapter 686.

(3) Notwithstanding the provisions of this rule, and pursuant to ORS 656.250, a physical therapist shall not provide compensable services to an injured worker governed by ORS Chapter 656 except as allowed by a governing managed care organization contract or as authorized by the worker's attending physician.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010

Hist.: PTLB 8-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-040-0120

Standards For Record Of Authorization

(1) A written referral received from a provider identified in ORS 688.132(1) shall be included in the patient record. In order to qualify as an authorization, a written referral must include, at a minimum, the name of the patient, the name of the provider, authentication by the provider and the date of the referral.

(2) An oral referral received from a provider identified in ORS 688.132(1) shall be documented in the patient record. Documentation shall include the name of the provider; the name of the person communicating the referral, if not the provider; the date the referral was received; the name of the person to whom the oral referral was communicated; the name of the patient; and a description of the referral, including diagnosis, frequency and duration, if specified.

(3) An oral referral must be followed-up with a written referral from the provider.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 8-2005, f. 12-29-05, cert. ef. 1-1-06

848-040-0125

Standards For Initiation Of Physical Therapy

(1) Prior to initiating the first physical therapy treatment, a physical therapist shall perform an initial evaluation of each patient and determine a plan of care as provided in OAR 848-040-0135.

(2) For purposes of subsection (1) of this section, a physical therapist shall perform a separate initial evaluation under the following circumstances:

(a) The patient is returning to care after being discharged from therapy; or

(b) The patient is new to an inpatient or outpatient facility or home health agency.

(3) In the course of performing an initial evaluation the physical therapist shall examine the patient, obtain a history, perform relevant system reviews, assess the patient's functional status, select and administer specific tests and measurements and formulate clinical judgments regarding the patient. A physical therapist may incorporate by reference medical history or system review information about the patient prepared by another licensed health care provider and available in the physical therapy treatment record, IEP, IFSP or other designated plan of care.

(4) Only a physical therapist may perform an initial evaluation. A physical therapist shall not delegate the performance of an initial evaluation to a physical therapist assistant or to an aide.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12

848-040-0130

Standards For The Documentation Of An Initial Evaluation

The permanent record of the initial evaluation shall include:

(1) Patient's full name, age and sex;

(2) Identification number, if appropriate;

(3) Referral source, including patient self-referral;

(4) Pertinent medical or physical therapy diagnoses, medications if not otherwise accessible in another part of the patient's medical record, history of presenting problem and current complaints and symptoms, including onset date;

(5) Prior or concurrent services related to the provision of physical therapy services;

(6) Any co-existing condition that affects either the goals or the plan of care;

(7) Precautions, special problems and contraindications;

(8) Subjective information (patient's knowledge of problem);

(9) Patient's goals (with family input or family goals, if appropriate). Goals may be as provided in an applicable IEP, IFSP, or other designated plan of care; and

(10) Appropriate objective testing results, including but not limited to:

(a) Critical behavior/cognitive status;

(b) Physical status (e.g., pain, neurological, musculoskeletal, cardiovascular, pulmonary);

(c) Functional status (for Activities of Daily Living, work, school, home or sport performance); and

(d) Interpretation of evaluation results.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-040-0135

Standards For The Plan of Care

(1) Prior to initiation of treatment, a physical therapy plan of care for the patient shall be determined by a physical therapist. As appropriate, a plan of care may include the IFSP, or, in a school setting, a plan of care may include the IEP for a student, or other designated plan of care.

(2) Only a physical therapist may develop a plan of care. A physical therapist shall not delegate the development of the plan of care to a physical therapist assistant or to an aide.

(3) A physical therapist shall identify appropriate treatment tasks to be delegated to a physical therapist assistant or aide.

(4) Only a physical therapist may modify a plan of care. However, a physical therapist assistant may make recommendations to the physical therapist in regards to revision of the plan of care for a patient for whom the physical therapist assistant has been providing treatment.

(5) A physical therapist shall make modifications to the plan of care any time there are significant changes in the patient's condition or status that would affect the physical therapy goals.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-040-0140

Standards For The Documentation Of The Plan Of Care

(1) The permanent record of the plan of care shall include:

(a) Objectively measurable treatment goals that incorporate the patient's goals;

(b) Proposed treatment to accomplish the goals; and

(c) Proposed frequency and duration of treatment or number of visits.

(2) The permanent record of the plan of care shall be authenticated and dated by the physical therapist who developed the plan.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-040-0145

Standards For Providing Treatment

(1) A licensee shall not permit an aide to administer a task that is prohibited under OAR 848-020-0060, and shall not permit an aide to administer a non-prohibited procedure or modality to a patient unless a licensee has previously administered that procedure or modality to the patient.

(2) A physical therapist or physical therapist assistant shall perform, or attempt to perform physical therapy interventions only with qualified education and experience in that intervention.

(3) Except as provided in OAR 848-015-0020(6), a physical therapist or physical therapist assistant shall not continue to provide treatment to a patient unless a reassessment has been performed when required by 848-040-0155. However, a physical therapist assistant may provide treatment on the day a reassessment is required, so long as during that treatment day a physical therapist performs the required reassessment.

(4) A physical therapist or physical therapist assistant shall provide treatment in accordance with the provisions of OAR 848-040-0105.

(5) At all times there shall be a physical therapist supervising the treatment provided by a physical therapist assistant as provided in OAR 848-015-0020(2) or an aide as provided in 848-020-0000(5). "Supervising physical therapist" means either the last physical therapist to see the patient, or the physical therapist designated as in-charge of the patient on the day the patient is being treated.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09

848-040-0147

Standards For Treatment by a Student PT or Student PTA

(1) A physical therapist may allow a student physical therapist (SPT) or student physical therapist assistant (SPTA), as defined in OAR 848-040-0100(12), to provide treatment consistent with the individual student's education, experience and skills.

(2) A physical therapist assistant may allow an SPTA to provide treatment consistent with the individual student's education, experience and skills.

(3) At all times, a supervising physical therapist must provide on-site supervision of an SPT or SPTA who provides treatment to a patient.

(4) For purposes of this rule “supervising physical therapist” means the physical therapist who is responsible for that patient’s treatment on the day the SPT or SPTA provides treatment.

(5) For purposes of this rule “on-site supervision” means that at all times the supervising physical therapist is in the same building and immediately available to provide in person direction, assistance, advice or instruction to the student.

(6) A physical therapist may delegate supervision of an SPTA to a physical therapist assistant and the provision of subsections (3), (4) and (5) of this rule shall apply to the physical therapist assistant.

(7) Documentation by a student physical therapist (SPT) shall be signed by the student and authenticated by a supervising physical therapist on the same day. Documentation by a student physical therapist assistant (SPTA) shall be signed by the student and authenticated by a supervising physical therapist or supervising physical therapist assistant on the same day. A SPT’s documentation must be completed pursuant to OAR 848-040-0110.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010

Hist.: PTLB 8-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-040-0150

Standards For The Documentation of Treatment Provided

(1) The permanent record of treatment for each patient visit shall include at a minimum:

- (a) Subjective status of patient;
- (b) Specific treatments and education provided;
- (c) Objective data from tests and measurements conducted;
- (d) Assessment of the patient’s response to treatment, including

but not limited to:

- (A) Patient status, progression or regression;
- (B) Changes in objective and measurable findings as they relate to existing goals;
- (C) Adverse reactions to treatment; and
- (e) Changes in the plan of care.

(2) When treatment is provided by a physical therapist assistant, the physical therapist assistant shall record and authenticate those services. If the supervising physical therapist records and authenticates treatment provided by the physical therapist assistant, the physical therapist shall document which services were provided that day by the physical therapist assistant. When treatment is provided or assisted by an aide, the aide may only document in the patient records objective information about the treatment provided by the aide. When a supervising physical therapist assistant or supervising physical therapist authenticates treatment provided by an aide, the therapist shall document which services were provided that day by the aide.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14

848-040-0155

Standards For Performing The Required Reassessment

(1) A physical therapist shall perform a reassessment for each patient to update patient status, evaluate progress and to modify or re-direct physical therapy services. In the course of performing the required reassessment, the physical therapist shall personally examine the patient, assess the patient’s functional status, select specific tests and measurements, and formulate clinical judgments regarding the patient. The physical therapist may delegate to a physical therapist assistant the gathering of data for the reassessment as provided in OAR 848-015-0030(1)(b).

(2) A physical therapist shall perform a reassessment for each patient:

- (a) At least every 30 days, or at every visit if the patient is seen less frequently;
- (b) At least every 60 school days if the student is being treated in an educational setting or at every visit if the student is seen less frequently; or

(c) 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.

(3) Only a physical therapist may perform the required reassessment. A physical therapist shall not delegate the performance of a required reassessment to a physical therapist assistant or to an aide.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07

848-040-0160

Standards For The Documentation Of The Required Reassessment

(1) A physical therapist is required to perform and document the reassessment as required under OAR 848-040-0155.

(2) The permanent record of each 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; and
- (f) Any change in physical therapy goals (including patient goals).

(3) After a physical therapist performs a reassessment, a physical therapist assistant may prepare a summary of the patient’s physical therapy status based upon the physical therapist’s performance of the required reassessment.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04; PTLB 1-2007, f. 3-13-07, cert. ef. 4-1-07; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09

848-040-0165

Standards For Discharging A Patient From Therapy

(1) A physical therapist shall discharge a patient from physical therapy treatment when:

- (a) The patient has reached all physical therapy goals and additional goals are not identified;
- (b) The patient will not further benefit from physical therapy due to a lack of progress or a plateau in progress;
- (c) The patient declines to continue treatment or self-discharges;
- (d) Physical therapy is no longer appropriate for the patient or is contraindicated secondary to medical or psychosocial reasons;
- (e) The referring provider directs or instructs that the patient be discharged.

(2) Only a physical therapist may make the decision to discharge a patient from therapy. A physical therapist shall not delegate the decision to discharge a patient to a physical therapist assistant or to an aide.

(3) A physical therapist assistant shall not 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 physical therapist assistant’s treatment of the patient.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160, 688.010 & 688.210

Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04

848-040-0170

Standards For Discharge Records

(1) Within 30 days following the patient’s last scheduled visit or last contact, the physical therapist or physical therapist assistant shall document a final summary of the patient’s physical therapy status upon discharge.

- (2) The discharge summary shall include, but is not limited to:
 - (a) Date and reason for discharge, or self discharge, if known;
 - (b) Degree of goal achievement or reasons for goals not being achieved;
 - (c) Summary of the patient’s status at the time of discharge; and

(d) Recommendations for follow-up care, if any.
Stat. Auth.: ORS 688.160
Stats. Implemented: ORS 688.160, 688.010 & 688.210
Hist.: PTLB 6-2004, f. & cert. ef. 12-29-04

848-040-0175**Standards for Screening Services**

(1) "Physical therapy screening" means the process of determining whether a person or animal would benefit from a physical therapy evaluation or referral to another health care professional.

(2) A physical therapist or physical therapist assistant may conduct or perform a physical therapy screening of a person who is not currently a physical therapy patient.

(3) A physical therapist or physical therapist assistant shall not delegate the performance of a physical therapy screening to an aide.

(4) A screening is not a physical therapy treatment or intervention and does not require or involve performance of an initial evaluation, preparation of a plan of care, or creation of a patient treatment record.

Stat. Auth.: ORS 688.160
Stats. Implemented: ORS 688.160(6)(g)
Hist.: PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09

848-040-0180**Standards for Telehealth Services**

(1) A Licensee may provide telehealth services to a patient who is domiciled or physically present in the state of Oregon at the time the services are provided. An aide may not provide telehealth services.

(2) Telehealth services provided must conform to the scope and standards of practice and documentation as provided in Oregon Revised Statutes 688.010 through 688.201 and these Division 40 rules. Telehealth services must be at least equivalent to the quality of services delivered in-person.

(3) Prior to the initiation of telehealth services, a Licensee shall obtain the patient's consent to receive the services via telehealth. The consent may be verbal, written, or recorded and must be documented in the patient's permanent record.

(4) When providing telehealth services, a Licensee shall have procedures in place to address remote medical or clinical emergencies at the patient's location.

(5) The application and technology used to provide telehealth services shall meet all standards required by state and federal laws governing the privacy and security of a patient's protected health information.

(6) A Licensee providing telehealth services to a person who is domiciled in another state and physically present in that state at the time the telehealth services are being provided, may be required to be licensed in the state where the services are being rendered.

Stat. Auth.: ORS 688.160(6)(C)
Stats. Implemented: ORS 688.010-688.230
Hist.: PTLB 2-2015, f. 8-27-15, cert. ef. 9-1-15

DIVISION 45**GROUND FOR DISCIPLINE AND SANCTIONS****848-045-0010****Authority and Sanctions**

(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 temporary permit holder.

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

Stat. Auth.: ORS 688.140, 688.160 & 688.210
Stats. Implemented: ORS 688.140, 688.145, 688.220 & 688.235
Hist.: PTLB 7-2004, f. & cert. ef. 12-29-04; PTLB 9-2005, f. 12-29-05, cert. ef. 1-1-06; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 2-2013, f. 11-26-13, cert. ef. 1-1-14; PTLB 3-2015, f. 9-9-15, cert. ef. 1-1-16

848-045-0020**Grounds for Discipline of a Licensee**

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

(d) 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;

(e) 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;

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

(g) 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;

(h) 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;

(i) 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);

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

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

(L) 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;

(m) 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;

(n) 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;

(o) 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 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 recommends the purchase or rental of the equipment to the patient.

(p) Knowingly makes a false entry or false alteration in a patient record;

(q) 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

