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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 1, f. 1-3-74, ef. 2-11-74; PT 9, 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 15, 2004, 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

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 twenty-one (21) 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

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 2007–2009 Biennium Budget of \$859,000 covering the period from July 1, 2007 through June 30, 2009. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$859,000 for the effective operation of the Board. The Board will not exceed the approved 2007–2009 Biennium Budget 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.

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

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 Annual License Renewal Fee of \$100.00, plus the actual cost to the Board of conducting a statewide law enforcement background check.

(d) Physical Therapist Assistant Annual License Renewal Fee of \$65.00, plus the actual cost to the Board of conducting a statewide law enforcement background check.

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

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

(g) Duplicate License Fee of \$25.00.

(h) Physical Therapist or Physical Therapist Assistant Wall Certificate Fee of \$15.00.

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

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

(k) Miscellaneous Fees:

(A) Physical Therapist and/or Physical Therapist Assistant electronic mailing list fee of \$150.00.

(B) Photocopying Fee of ten cents (\$0.10) per copy.

(2) Board refunds of overpayments in any amount less than \$25.00 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

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.

(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 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.

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

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. In 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

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

cant may sit for the examination a maximum of three times in any jurisdiction within a 12-month period, measured from the date of the first examination. Prior to a fourth attempt, the applicant must take and complete a refresher course approved by the Board. Applicant may test two times in any jurisdiction following completion of the refresher course. If applicant fails to pass the examination within two attempts following completion of the refresher course, applicant may not be licensed in Oregon.

(2) All completed applications for examination, the non-refundable examination fee and other necessary forms must be approved by the Board prior to the scheduling of each examination in Oregon. For applicants taking the examination in another state or territory of the United States, or other Board approved location, and applying to Oregon for licensure by examination, all completed applications, the non-refundable fee and other necessary forms must be approved by the Board prior to licensure.

(3) All foreign educated physical therapists must submit directly to the Board, prior to obtaining an application:

(a) A Credentials Evaluation Statement ("the Report") of professional education and training prepared by a Board-approved credentials evaluation agency. 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 graduated from their physical therapy program.

(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 new internet based TOEFL (iBT) 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) No person shall be allowed to take the physical therapist examination or physical therapist assistant examination for licensure in Oregon until all academic requirements are completed.

(6) The examination will be administered at a location approved by the Board. Applicants taking the examination in Oregon must sit for the examination within 60 days from the date of the letter of authorization from the Board-approved examination service.

(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 shall be required to complete a refresher course approved by the Board and to pass an examination approved by the Board as provided in this rule.

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

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) Are currently licensed in any other state or territory of the United States.

(5) The following shall be considered the minimum passing score on the physical therapist or the physical therapist assistant examination provided by a Board-approved examination service:

(a) For applicants examined February 1, 1996 and there after, the minimum overall passing score shall be based on a formula using the criterion-referenced scoring system verified by a Board-approved examination service;

(b) For applicants examined from January 5, 1983 through January 31, 1996, the minimum overall passing score shall be based on a formula using the national average raw score minus two standard errors of measurement verified by a Board-approved examination service;

(c) For applicants examined from January 1, 1976 through January 4, 1983, the minimum overall passing score shall be 1.5 standard deviation below the national average raw score verified by a Board-approved examination service;

(d) For applicants examined from January 1, 1961 through December 31, 1975, the passing of a written examination which in the opinion of the Board is substantially equivalent to the examination given by a Board-approved examination service;

(e) For applicants examined prior to January 1, 1961, the passing of an examination of the American Registry of Physical Therapists, or the passing of a written examination which in the opinion of the Board is substantially equivalent to the examination of the American Registry of Physical Therapists.

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

848-010-0026

Temporary Permits

(1) The Board may issue a temporary permit to practice as a physical therapist or physical therapist assistant for a period of three (3) months to an applicant who meets the requirements of this rule.

(a) A person who has completed 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 in Oregon 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.

(b) A person who holds a valid current license to practice in another state or territory of the United States 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; and

(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.

(c) A person who is a foreign educated physical therapist who has graduated from a CAPTE accredited physical therapist program shall:

(A) Submit a completed application for license by examination or endorsement and pay the required fee;

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

(C) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist program; and

(D) Submit proof of passing scores on the TOEFL, TSE and TWE tests or ibTOEFL test. However, this requirement does not apply if the physical therapist program was taught in English and English is the national language of the country where the physical therapist program was taught.

(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) or (1)(c) 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 a physical therapist if the permit holder is a physical therapist or a physical therapist assistant. "Supervising therapist" also means a 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 three month period 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 or the person's score on the Board-approved national licensing examination taken for purposes of licensure in another state or territory does not meet Oregon Board requirements. 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 per-

mit 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. A person who has failed and has not subsequently passed the national licensing examination in another state, or whose score on the examination taken for purposes of licensure in another state or territory does not meet Oregon Board requirements, is not eligible to apply for a temporary permit.

(12) In its discretion the Board may grant one three month extension to a person who holds a temporary permit issued under (1)(b) of this rule.

(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

848-010-0033

Yearly Renewal Of License Required

(1) All physical therapist and physical therapist assistant licenses expire on March 31 of each calendar year, regardless of the initial issue date. Physical therapists and physical therapist assistants must annually renew their licenses to practice effective April 1 of each year. A license is considered lapsed if a completed renewal application is postmarked or received after March 31. 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) During the first week in January of each year the Board mails a renewal application to each currently licensed physical therapist and physical therapist assistant at the licensee's mailing address on file with the Board.

(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 annual license renewal fee.

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

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

(6) Each currently licensed physical therapist and physical therapist assistant must complete the continuing education as provided in Division 35 of these rules by March 31st of each even-numbered year.

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

848-010-0035

Renewal of Lapsed Licenses

(1) Any license that is not renewed before April 1 of each 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 and delinquent fees, and documentation of completion of the continuing education requirements for the immediately prior certification period as provided in Division 35 of these rules. An applicant whose license has lapsed for non-completion of the continuing education requirements may reinstate the lapsed license upon completion of the requirements for the immediately prior certification period. Courses taken 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) 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.

(3) 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

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

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 848-040-0155(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.

(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

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 within 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

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 aide shall not perform a treatment-related task or a non-treatment, patient-related task except under the supervision of a physical therapist or physical therapist assistant.

(3) A physical therapist may supervise directly and indirectly through a physical therapist assistant a maximum total of two physical therapist aides, when the aides are performing treatment-related tasks. In addition, a physical therapist may supervise directly and indirectly through a physical therapist assistant 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

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 as 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.

(11) Determine or modify a plan of care, or initiate or administer a procedure or modality the first time that procedure or modality is administered to a patient.

(12) Independently make entries in a patient record, except for objective information about the treatment provided by the aide. The aide shall authenticate 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.

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

(14) 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

DIVISION 35

CONTINUING EDUCATION

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 education requirements for all licensees. The following rules set out the new requirements.

Stat. Auth.: ORS 688.160

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

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06

848-035-0015

Definitions

As used in this Division:

(1) "Certification period" means a 24 month continuing education 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, 2008 through March 31, 2010.

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

(3) "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

848-035-0020

Required Hours and Period for Completion

(1) A licensed physical therapist is required within each certification period to complete 24 hours of continuing education relating to the delivery or provision of physical therapy services.

(2) A licensed physical therapist assistant is required within each certification period to complete 12 hours of continuing education relating to the delivery or provision of physical therapy services.

(3) Notwithstanding the provisions of subsection (1) of this rule, any person who is first issued an Oregon physical therapist license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to OAR 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 education required for that certification period. A person who is first issued an Oregon physical therapist 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 education required for that certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.

(4) Notwithstanding the provisions of subsection (2) of this rule, any person who is first issued an Oregon physical therapist assistant license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to OAR 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 12 hours of continuing education required for that certification period. A person who is first issued an Oregon 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 (6 hours) of the continuing education required for that certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.

(5) Notwithstanding the provisions of subsection (1) of this rule, a physical therapist whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to OAR 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 education required for that certification period. A person whose lapsed physical therapist 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 education required for that certification period. However, if a person who is renewing a lapsed license practiced in Oregon at any time while the person's license was lapsed, the person must complete the full 24 hours of continuing education required for the certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.

(6) Notwithstanding the provisions of subsection (2) of this rule, a physical therapist assistant whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to OAR 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 12 hours of continuing education required for that certification period. A person whose lapsed 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 (6 hours) of the continuing education required for that certification period. However, if a person who is renewing a lapsed license practiced in Oregon at any time while the person's license was lapsed, the person must complete the full 12 hours of continuing education required for the certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.

(7) 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 education requirements for the immediately prior certification period before the license will be renewed.

(8) For purposes of determining whether a licensee has satisfied the continuing education requirement under section (3), (4), (5) or (6) of this rule, the Licensing Board will accept all qualifying continuing education 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, 2009 will receive credit for all qualifying continuing education hours completed at any time during the certification period of April 1, 2008 to March 31, 2010.

(9) The initial certification period for a licensee to complete the required hours shall be January 1, 2006, through and including March 31, 2008. Thereafter, 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 second twenty-four month period will be from April 1, 2008, through March 31, 2010.

(10) Failure to complete the required continuing education by March 31st of an even-numbered year shall constitute a violation 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

848-035-0030

Course Requirements and Restrictions

(1) Courses which a licensee may take to satisfy the continuing education requirement include but are not limited to:

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

(b) Courses approved for continuing education by other states which require continuing education for physical therapists or physical therapist assistants;

(c) Courses certified for continuing education units (CEU) by a recognized physical therapy professional association;

(d) Courses provided by an accredited institution of higher education other than courses taken prior to graduation from a school of physical therapy;

(e) Individual study courses 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) however, continuing education credit will be limited to one hour, regardless of the length of the course;

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

(A) The licensee may receive continuing education 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 education requirement during any certification period (ie: 12 hours for physical therapists and 6 hours for physical therapist assistants) 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; and

(h) Courses approved by the Board by special request.

(2) Activities which will not satisfy the continuing education requirement include:

(a) Orientation and in service programs;

(b) Professional association meetings for purposes of business or policy decisions making;

(c) Entertainment or recreational meetings;

(d) Attending meetings, holding office, or representing a professional association as a lobbyist or delegate;

(e) Publishing or preparing presentations.

Stat. Auth.: ORS 688.160

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

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06

848-035-0040

Documentation of Continuing Education Credits

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

(2) The licensee is responsible for obtaining a course completion certificate from the course provider. 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 education requirement. All completion certificates shall be retained for a minimum of three years from the certificate date.

(3) 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 education 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

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) "IDEiA" means Individuals with Disabilities Education Improvement Act.

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

(4) "IFSP" means an Individualized Family Services Plan developed for a child qualified under the IDEiA 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) "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.

(9) "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.

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

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

848-040-0105

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 192.518 to 192.523.

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

848-040-0110

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) Documentation by a student physical therapist (SPT) shall be authenticated by the student and by a supervising physical therapist.

(12) Documentation by a student physical therapist assistant (SPTA) shall be authenticated by the student and 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

848-040-0117

Standards For Authorization To Provide Physical Therapy Services

As a result of legislative changes effective January 1, 2006, physical therapists are no longer required to meet additional educational requirements in order to evaluate and treat a patient without a referral. The various circumstances, conditions and limitations under which a physical therapist may now evaluate and treat a patient are as follows in subsections (1), (2), (3), (4) and (5) of this rule.

(1) A physical therapist may initiate and provide physical therapy to a self-referred patient as follows:

(a) Treatment shall not continue past 30 days from the initial date of treatment unless the therapist receives a written or oral referral or authorization from a provider identified in ORS 688.132(1).

(b) If the therapist receives a referral or authorization after the initial 30 days, treatment may be provided in accordance with the referral or authorization. If the referral 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) As provided in ORS 688.132(2), a motor vehicle liability insurer is not required to pay personal injury protection benefits for physical therapy treatment provided to a self-referred patient.

(2) A physical therapist may initiate and provide physical therapy upon a written or oral referral or authorization from a provider identified in ORS 688.132(1) as follows:

(a) 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.

(b) If a patient who is being treated pursuant to a referral or authorization 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. In such case, the provisions of subsection (1)(a) of this rule shall apply.

(c) If a physical therapist receives a referral or authorization from a provider identified in ORS 688.132(1) at any time during the first 30 days of treatment, such referral or authorization shall satisfy the requirements of ORS 688.132(1)(b). If a referral or authorization specifies the number of treatments or a duration of treatment extending beyond 30 days, 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.

(3) A physical therapist may initiate physical therapy without a written or oral referral or authorization, and is not required to refer the patient after 30 days under ORS 688.132(1)(b), if the patient meets one of the following criteria:

(a) The individual is a child or a student eligible for special education, as defined by state or federal law, or eligible under Section 504 of the Federal Rehabilitation Act of 1973, and is being seen pursuant to the child's or the student's individual education plan, individual family service plan, 504 plan, or other designated plan of care;

(b) The individual is a student athlete at a public or private school, college or university and is seeking treatment in that role as athlete; or

(c) The individual is a resident of a long term care facility as defined in ORS 442.015, a residential facility as defined in ORS 443.400, an adult foster home as defined in ORS 443.705 or an intermediate care facility for mental retardation pursuant to federal regulations.

(4) 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 ORS 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.

(5) Notwithstanding the provisions of this rule, and pursuant to ORS 656.250, a physical therapist shall not provide compensable services to injured workers 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

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) 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.

(3) 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

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 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 techniques or procedures only with qualified education and experience.

(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 OAR 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 OAR 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

848-040-0147

Standards for Treatment by Students

(1) A physical therapist may allow a student physical therapist (SPT) or student physical therapist assistant (SPTA) 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 authenticated on the same day by the student and by a supervising physical therapist. Documentation by a student physical therapist assistant (SPTA) shall be authenticated by the student and by a supervising physical therapist or supervising physical therapist assistant. A SPT's documentation must be completed pursuant to OAR 848-010-0110.

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

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 an aide, the aide may only document in the patient record objective information about the treatment provided by the aide. The aide shall authenticate the record entry. Authentication shall include the aide's full name and designation "aide". The aide shall not use the designations "physical therapist aide," "physical therapy aide" or "PT 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

848-040-0155

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

The permanent record of each reassessment shall include at a minimum:

- (1) Subjective status of patient;
- (2) Objective data from tests and measurements conducted;
- (3) Functional status of patient;
- (4) Interpretation of above data;
- (5) Any change in the plan of care; and
- (6) Any change in physical therapy goals (including patient 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

848-040-0165

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

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.
- (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) In lieu of initiating a disciplinary action under section (1) of this rule against a licensee who 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, the Board may enter into a confidential agreement with the licensee for diversion to a treatment program under division 50 of these rules.

(4) 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.

(5) As used in this rule, "licensee" includes a temporary permit holder.

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

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" includes a temporary permit holder.

(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);

(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 the use of a license number in any way;

(C) Making a representation as to the licensee's skill or the efficacy or value of a treatment that the licensee knows or should know is false or misleading; or

(D) Using the title "Doctor" or "Dr." with patients in a practice setting or on business cards, letterhead or professional advertisement or signage. A physical therapist who holds a doctoral degree in physical therapy may only use the initials "DPT" or the words "doctorate in physical therapy" after the physical therapist's name.

(r) Practices physical therapy with a lapsed license;

(s) Knowingly or with reason to know, employs, aids, abets or permits any unlicensed person or person with a lapsed license to practice physical therapy;

(t) Fails to report in writing to employer that licensee provided physical therapy services while unlicensed or with a lapsed license or fails to provide a copy to the Board of such report;

(u) Fails to cooperate with the Board, which includes but is not limited to the following:

(A) Failure to respond fully and truthfully to a question or request for information from the Board;

(B) Failure to provide information or documents to the Board within the time specified by the Board;

(C) Failure to appear and provide information at an interview requested by the Board;

(D) Failure to timely produce and temporarily surrender custody of an original patient record requested by the Board and which is in the possession or under the control of the licensee, or failure to produce all portions of the patient record requested; or

(E) Deceiving or attempting to deceive the Board regarding any matter, including by altering or destroying any record or document;

(v) Interferes with or uses threats or harassment to delay or obstruct any person in providing information or evidence to the Board in any matter, investigation, contested case proceeding or other legal action instituted by the Board;

(w) Discharges an employee based primarily on the employee's attempt to comply or aid in the compliance with Board rules;

(x) Fails to notify the Board of any conduct by another licensee which reasonably appears to be illegal, unethical, unprofessional under the licensing statutes or these administrative rules, aids or causes another person, directly or indirectly, to violate ORS 688.010 to 688.220 or rules of the Board; or

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

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

DIVISION 50

SUBSTANCE ABUSE DIVERSION

848-050-0100

Policy Governing Substance Abuse Diversion and Treatment

The Board recognizes the value of early recognition and treatment options for licensees whose competency is impaired due to the abuse of drugs or alcohol. The Board prefers that such licensees be treated and their treatment monitored in order that they can return to or continue to practice physical therapy in a manner which safeguards the public. To accomplish this, the Board may approve a licensee's voluntary participation in a substance abuse treatment and monitoring program approved by the Board as an alternative to instituting disciplinary proceedings under OAR 848-045-0010.

Stat. Auth.: ORS 688.160 & 688.201

Stats. Implemented: ORS 688.140

Hist.: PTLB 8-2004, f. & cert. ef. 12-29-04

848-050-0110

Definitions

As used in division 50:

(1) "Approved Treatment Program" means an organized program that meets the Board's standards, in an inpatient, outpatient, or residential setting whose primary function is the evaluation and treatment of clients with substance dependence or abuse. The treatment program shall meet the following criteria:

(a) Employ staff qualified by education and experience to treat the client's disorder;

(b) Have a formalized plan of care which includes:

(A) Assessment and diagnosis;

(B) Treatment goals including establishing and evaluating treatment outcomes;

(C) Discharge criteria;

(D) Guidelines for continuing recovery; and

(c) Provide a written report addressing all parts of the plan of care.

(2) "Body Fluid Testing" means the collection of blood, urine, or other bodily substances or emissions for the purpose of evaluating the presence of prescription or non-prescription drugs and alcohol. The collection and testing shall be performed by a pre-approved laboratory in a manner which preserves the integrity of the specimen.

(3) "Licensee" means a physical therapist, physical therapist assistant or temporary permit holder.

(4) "Substance" means alcohol and other depressants, cannabis, cocaine and other stimulants, opiates, hallucinogens, inhalants and abusable gases, and over-the-counter drugs with a potential for abuse.

(5) "Substance abuse" means a pattern of substance use leading to clinically significant impairment or distress as manifested by one or more of the following within a 12-month period:

(a) Recurrent substance use resulting in failure to fulfill obligations at work, school or home;

(b) Recurrent substance use when such use is physically hazardous;

(c) Recurrent substance-related legal problems; or

(d) Continued substance use despite recurrent consequences socially or interpersonally. Substance abuse, if left untreated, may progress to substance dependence.

(6) "Substance dependence" means a pattern of substance use leading to clinically significant impairment or distress as manifested by three or more of the following, occurring at any time in the same 12-month period:

(a) Increased tolerance to the substance;

(b) Withdrawal symptoms when not using the substance;

(c) Increased use of the substance;

(d) Unsuccessful efforts to decrease or eliminate use;

(e) Increased time spent either obtaining the substance or recovering from its' effects;

(f) Decreased social, occupational or recreational activities because of substance use; or

(g) Continued use of the substance despite evidence of physical or psychological harm or consequences.

Stat. Auth.: ORS 688.160 & 688.201

Stats. Implemented: ORS 688.140

Hist.: PTLB 8-2004, f. & cert. ef. 12-29-04

848-050-0120

Participation in Approved Substance Abuse Treatment Program

(1) As an alternative to initiating disciplinary action, the licensee and the Board may enter into a confidential agreement under which the licensee agrees to the following:

(a) Undergo evaluation for substance abuse or dependence by a qualified health care professional with specialized education and expertise in the evaluation and treatment of chemical abuse or dependency who will not be the provider of the recommended treatment;

(b) Undergo treatment in an approved treatment program and comply with all requirements of the program;

(c) Abstain from the use of all mind-altering or potentially addictive substances, including alcohol, over-the-counter or prescription drugs, except as prescribed by an authorized prescriber;

(d) Authorize the evaluation and treatment providers or counselors to provide periodic reports to the Board regarding the licensee's evaluation, treatment, prognosis, goals, progress and compliance with treatment program requirements;

(e) Submit to random testing of body fluid to screen for the presence of drugs or alcohol as specified by the treatment program;

(f) Fulfill the requirements of the prescribed aftercare program, which may include individual or group counseling; and

(g) Comply with specified employment conditions and restrictions, including disclosure as appropriate to an employer, as set out in the agreement with the Board.

(2) The licensee is responsible for paying the costs of the evaluation, treatment program, random drug or alcohol screening and aftercare.

(3) The Board may disclose general information regarding the licensee's participation in treatment only to those in the practice setting who are in a position of direct or general supervision of the licensee and have a need to know to ensure adequate monitoring. Information regarding the licensee's participation in treatment may be disclosed to others only with the licensee's written consent. Persons who receive information under this section about the licensee's participation in a treatment program shall keep it confidential and shall not disclose it to persons who do not have a need to know the information.

(4) If the licensee fails to complete the treatment program, fails to comply with the terms of the agreement, relapses or fails to correct deficiencies in the aftercare or recovery program, or violates the practice conditions or restrictions, the Board may initiate disciplinary proceedings for the original and any subsequent violation of the provisions of OAR 848-045-0020.

(5) Pursuant to ORS 192.502 and 676.175 to 676.180, the records of licensee's evaluation, treatment and follow-up and reports to the Board shall be confidential and shall not be disclosed to the public and shall not be admissible in evidence except as they may be relevant to any disciplinary proceeding brought by the Board as provided in section (4) of this rule.

Stat. Auth.: ORS 688.160 & 688.201

Stats. Implemented: ORS 688.140

Hist.: PTLB 8-2004, f. & cert. ef. 12-29-04