

Alabama Board of Physical Therapy

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DIRECTION OR MISDIRECTION

By John Cormier, Chair

The Board has received numerous queries over the last several months regarding the oversight requirements for a PT of a PTA. The goal of the Board is to provide clear communication and guidance to our licensees for the practice of physical therapy that is consistent with our statute, ensures the public's safety, and is applicable to today's practice environment.

Clearly defined words, and a consistent, accurate use of those words, is vital to facilitate clear communication. Rule 700-X-3-.03(2)(a) of the Administrative Code defines direction as, "the action of the physical therapist in delegating duties to a physical therapist assistant, maintaining close communication with the physical therapist assistant, and overseeing the physical therapist assistant's activities on a frequent regularly scheduled basis." Supervision, on the other hand, is defined as, "the direct onsite overseeing of the performance of assigned or delegated duties or functions." Based on these definitions, it is appropriate to refer to the oversight that a PT provides to a PTA as DIRECTION.

There are three specific places in the Administrative Code which speak about the specific oversight requirements in providing direction. Rule 700-X-3-.03(1) states that, "Both direction and supervision include, when appropriate, observation of the application of physical therapy procedures, conferences related to patient progress, verbal and written reports." Although some payers may specify the type and/or frequency of these observations, conferences, verbal and written reports, the Board has not promulgated any specific requirements.

The previously cited definition of direction in Rule 700-X-3-.03(2)(a) speaks of, "maintaining close communication with the physical therapist assistant". The Board has determined that this requires the PT to be available for consultation on any given day when the PTA is providing treatment.

Rule 700-X-3-.03(3) (a) 11 states that the PT shall, "direct no more than four licensed physical therapist assistants at one time." We have had inquiries from PTs who provide direction to four PTAs who are concerned that they could not provide direction to a temporary replacement PTA who would fill in while one PTA is out on maternity leave or vacation. But in this situation, the PTA who is out is not practicing and would not be receiving direction from the PT. Therefore, the PT would be within the rule to provide direction to the PTA who was filling in. Another inquiry to the Board involved a work setting where many PTAs were employed but several of them were only part time. In this instance, a PT who provided direction to two full time PTAs and three part time PTAs who each worked between ten and twenty hours per week would be in violation of this rule.

Continued

A final point to consider is how to determine which PT is responsible for providing direction to the PTA given that today's marketplace can be very fluid with PT and PTA working relationships changing frequently. It is the opinion of the Board that the PT who performs the initial patient evaluation and establishes the plan of care would be responsible for fulfilling these requirements unless a clear transfer of these responsibilities had been established. The Board feels that a clear transfer of responsibilities would include communication with both the PT assuming the responsibility for providing direction as well as communication with the PTA who is having direction provided to them.

Our hope is that these guidelines can be applied to situations that licensees face to provide clear guidance for appropriate practice.

Since campaigns, elections and service to the community, state or country are all in the news, it seems only fitting to discuss service to the public at large as well as the profession we have all chosen. How might "I" provide such a service, you ask...then I say to you, by serving on the Alabama Board of Physical Therapy.

The Board of Physical Therapy is a licensing and regulatory organization, created to protect the public from incompetent, unprofessional and unlawful practice of physical therapy. Laws are established to set forth standards for the practice of physical therapy, continuing education and testing, and to define the scope and limitations of practice. The board receives, investigates and adjudicates complaints against licensees.

Alabama's Board is composed of seven members representing all districts of the state. There are four physical therapists, two physical therapist assistants and one consumer member. Nominations for the board are made by licensees of the board. The nominees must consent to serve on the board if appointed. Consent to serve can be made in person at the nominations/election meeting, or in writing if absent from that meeting. These names are then submitted to the Governor for appointment. Member terms stagger so that experienced members are available to orient and assist new members to the business at hand.

Meetings are usually held in the RSA Union Building in Montgomery and scheduled every four to six weeks. Questions and concerns regarding legal and ethical issues encountered by clinicians, foreign trained therapists applying for licensure in Alabama and many other topics are managed during the regularly scheduled Board meetings. A representative from the state Attorney General's office is present to assist with legal interpretations and explanations.

As the newest Board member, I appreciate the opportunity to work with this exceptional group. At the time for nominations to fill the next Board vacancy, I encourage you to reflect on your responsibility and commitment to your community, state and profession by considering service on the Alabama State Board of Physical Therapy.

Mitzi Tuttle, P.T.A.

RENEWAL REMINDERS

Due in the board office by October 1st (No later than November 1st)

Answer questions on the licensure renewal form, sign and date it.

Include correct renewal fee (amount and method), and the additional fee of \$50 if paid after October 31st. No personal checks, cash or credit cards are accepted.

Include copy or copies of certificates of completion for board-approved continuing education.

NOTE: You should receive your renewed license within a week after you send it in. Don't hesitate to contact us (e-mail, fax, call) if you haven't received yours within two weeks! The U. S. Postal Service lets us all down occasionally.

August, 2004

ALABAMA BOARD OF PHYSICAL THERAPY
DISCIPLINARY INVESTIGATIONS AND ACTIONS

The Board has a three-tier system of discipline.

The lowest level of sanction involves the placing of a *letter of admonition* in a licensee's permanent file.

The intermediate level of sanction involves the licensee entering into a *guilty plea agreement* with the Board, either prior to or following a formal or informal hearing. A licensee who pleads guilty may be required to pay a fine, or be subjected to a period of license suspension, or both.

The highest level of sanction involves a finding of guilt after a *formal administrative hearing*. This level of sanction includes a fine and/or license suspension, and may include license revocation.

Disciplinary actions are matters of public record.

In addition to being included in a licensee's permanent file, disciplinary actions are also published in the Board's semi-annual newsletter.

Licensees who either plead guilty, or who are found guilty after either an informal or formal hearing, have their names and the nature of their discipline published in the Board's newsletter.

With a letter of admonition, only the nature of the disciplinary action is published.

In keeping with this policy, the following is a list of the Board's disciplinary actions since the last newsletter:

<u>Case No.</u>	<u>Name</u>
04-03-07	Jeanie Still, PT
Allegation:	practicing physical therapy without a current license, caused by failure to timely renew license
Disposition:	licensee pleaded guilty; fined \$250

MOVING TO ANOTHER STATE?

If so, you may need to have your Alabama license verified to that state board. The Alabama Board of Physical Therapy promptly verifies licenses, as requested, however, there is a \$15 fee required for the verification of licensure, and must be received prior to the action.

ACCEPTABLE PAYMENT METHODS

Payments of any fees should be with a money order, cashiers check, or company check.

UNACCEPTABLE PAYMENT METHODS

Personal checks, cash and credit cards.



Please remember to notify the board if you have a change of address.

Alabama The Beautiful

A great place to visit

The best place to live!

INSTRUCTIONS FOR COMPLETING An Application for Sponsorship of Home Study Continuing Education

*Alabama Physical Therapy Association
Post Office Box 660551
Birmingham, AL 35266-0551
(205) 978-3810 Fax: (205) 978-3193
www.alapta.org*

Sponsorship by the ALAPTA ensures the course meets the standards for continuing education set forth by the AL Board of Physical Therapy in the AL Practice Act (ABPT Administrative Code, Chapter 700-X-2, Section 700-X-2-.01 Appropriate Education Required). Any program content submitted will be reviewed by the ALAPTA Home Study committee. If sponsorship is awarded, the information will be forwarded to the ABPT for final approval. Only the AL Board of Physical Therapy can 'approve' Continuing Education courses for licensure renewal. An applicant seeking sponsorship for private study (i.e. book, audio, video, internet, or teleconference) shall send appropriate information to ALAPTA staff for evaluation. The information should include a full description including an outline of the topics and subtopics, a copy of the printed materials, the time and place of study, the methods to be used, the number of hours of credit sought, and any other information relevant to the evaluation of the proposed course of project. Any brochures or promotional material advertising the availability for purchase or rental audio/video tapes must specify the original date of taping.

Process:

1. Complete the application.
2. Provide payment of application fees via check or money order.
3. Send the
 - a. Application form
 - b. Application fees
 - c. Required home study materials

to the ALAPTA at:

*Alabama Physical Therapy Association
Post Office Box 660551
Birmingham, AL 35266-0551*

Frequently Asked Questions:

"Home Study" is defined as: a course completed by an individual whose content is contained in written, computerized, or videotaped media. Courses do not have a live facilitator or presenter, but may have one on video. Completion of the course is self-directed. The timeframe for completing the course is determined by the licensee.

What is meant by "a procedure used to assess a licensee's participation and attainment of the program objectives"? The course must have a means through which it is determined that a licensee has attained the knowledge set forth in the materials. Examples may include:

- A post test graded by the provider of the home study course
- Case study material reviewed by the provider of the home study course
- On-site skills observation by the provider of the home study course

<p align="center">APPLICATION FOR SPONSORSHIP OF HOME STUDY CONTINUING EDUCATION</p> <p align="center"><i>Alabama Physical Therapy Association Post Office Box 660551 Birmingham, AL 35266-0551 (205) 978-3810 Fax: (205) 978-3193 www.alapta.org</i></p>	<p align="center">FOR OFFICE USE ONLY 2004</p> <p>Notice of sponsorship by ALAPTA: Sponsored: <input type="checkbox"/> Sponsorship Denied: <input type="checkbox"/> Date: _____ Staff: _____ Expiration date: _____ (24 months from date of sponsorship) Fee received: _____ Course Approval #: _____</p>
<p align="center">PLEASE TYPE INFORMATION OR PRINT LEGIBLY</p> <p>NOTE: Applications submitted by individual licensees for attendance at a non pre-approved program must be received prior to course dates or within thirty one (31) days after the expiration of the same licensure period in which the course was completed. Please allow 6 wks for sponsorship decision to be returned.</p>	
<p>Application for approval of continuing physical therapy education by:</p> <p align="center">Course Provider Individual Licensee</p>	
<p>1. Name of Course Provider:</p>	
<p>2. Provider's Contact Person: E-mail:</p>	<p>3. Phone (Area Code): FAX (Area Code):</p>
<p>4. Provider's Mailing Address:</p>	<p>5. Street Address if Different or Individual Applicant (Name, Address and Phone Number):</p>
<p>6. Type of Sponsor/Provider: Physician Private PT Practitioner Rehab Company Nursing Home Professional CE Provider Individual(for Individual Credit) Hospital Educational Institution Other _____</p>	
<p>7. Fee: Fee must be received with application in the form of a check or money order made payable to: <u>Alabama Physical Therapy Association</u> \$ 75.00 (1-3 CEU's) \$ 150.00 (4-7 CEU's) \$ 225.00 (8 or more CEU's)</p> <p>*If course is not approved, the fee less \$50.00 is refundable. (If all information is not provided, there may be additional fees.)</p>	
<p>8. Activity or Course Name:</p>	<p>9. Nature of Activity: Home study: (circle) Book / Audio / Video / Internet Teleconference: (circle) Satellite-Live / Real Time Other - Please describe _____</p>
<p>10. Please attach program outline that fully describes course and time devoted to each topic, including program objectives. Please estimate your CONTINUING EDUCATION UNITS (CEU's) REQUESTED. One CEU = 50 minutes 0.5 CEU = 25 minutes <i>(Do not include breaks or scheduled meal times.)</i> _____TOTAL CONTINUING EDUCATION UNITS REQUESTED</p>	

11. Please attach curriculum vitae/bio for each speaker; include professional licenses and numbers, academic degrees, educational institutions attended and credentials to teach course, relevant clinical experience or experience relevant to teaching course material. (A summary of this information, i.e., course brochure, is acceptable.)

12. Describe relevance of program content to the profession or practice of Physical Therapy. Attach separate sheets as necessary.

13. Describe the procedure used to assess a licensee's participation and attainment of the program objectives.

If ALAPTA sponsors this course, the sponsorship is good for twenty-four months following the date of approval.

The information provided in this application is true and complete to my knowledge.

Name of Person Submitting Application:

Signature of Applicant:

Date: _____

FOR OFFICE USE ONLY:

ALAPTA to Reviewer:

Application received: _____

Sent to: _____

on _____

Return by: _____

FOR OFFICE USE ONLY:

Reviewer to ALPTA:

Application received: _____

Completed on: _____

Returned on: _____

ALAPTA sent to ABPT on: _____

YOU'VE GOT AIDES!

Although we would never wish to diminish the impact of the AIDS disease; it would seem that for many of us attempting to navigate the legal utilization of non-licensed personnel, the use of physical therapy "AIDES" can be just as deadly to our professional lives. The Alabama State Board of Physical Therapy is attempting to at least find a cure for the staffing dilemma that "P.T. AIDES" present and hopefully put this issue to rest once and for all. The State Board of Physical Therapy has issued a number of declaratory rulings, comments and articles in regards to the legal, ethical and moral use of physical therapy aides, i.e., non-licensed personnel in the patient care setting. For clarification purposes, it is necessary for us to define supervision of non-licensed personnel (aides) and it's implications on our practice rights. According to Rule 700-X-3-.03 of the Alabama State Board of Physical Therapy Administrative Code, supervision means the direct onsite overseeing of the performance of assigned or delegated duties or functions. This may include, when appropriate, observation of the application of physical therapy procedures, conferences related to patient progress, verbal and/or written reports. The same rule defines the physical therapy aide, attendant or other designated physical therapy supportive personnel, excluding the physical therapist assistant, for the roles and responsibilities of unlicensed personnel as one who is not licensed but is usually an on-the-job-trained individual who provides support activities for the physical therapist and the physical therapist assistant. In April 1998 the board stated that it felt that individuals requiring direct on-site supervision (unlicensed aides and individuals practicing under temporary license) should be under the same roof as their supervisor, however since logistical problems could occur within various situations and the board desired to be responsive; while continuing it's primary mandate: to provide protection to the health care seeking public on-site was expanded to cover multi unit facilities. The intent of the rule is to assure that the supervisor must be readily available and within reasonable proximity at all times. It is incumbent upon all licensees who are supervising aides or temporary licensed PT/PTAs meet this expectation. The board is ultimately responsible for evaluating each situation to determine if proper supervision is provided. The physical therapist must assume primary responsibility for physical therapy care rendered by supportive personnel under his/her supervision or direction. The roles and responsibilities of unlicensed personnel in physical therapy are:

- To perform assigned duties under the direct onsite supervision of the physical therapist or physical therapist assistant.
- To prepare patient and area for physical therapy treatment.
- To assist patients in dressing, removing clothing, applying and/or removing assistive or supporting devices.
- To support or stabilize the patient to assist the physical therapist or physical therapist assistant.
- To transport patients.
- To transport and assist in transferring patients when appropriate.
- To perform basic housekeeping duties.
- To perform clerical or reception duties when directed by the physical therapist.
- To assist in performance of routine treatment procedures as delegated and directly supervised (onsite by the physical therapist or physical therapist assistant)

Failure to comply with the rules and regulations could result in a claim of unbecoming conduct or conduct detrimental to the best interest of the public as defined in chapter 700-X-3 (Professional Conduct) in the Alabama Board of Physical Therapy in which defines "Unbecoming Conduct" as incompetent, illegal, unethical, unprofessional, or dishonorable conduct which violates those standards which have become accepted as obligations reasonably necessary for the protection of the interest and for professional accountability. Non-compliant physical therapists may be charged with failing to exercise appropriate supervision or direction over persons who are authorized to practice only under the supervision or direction of the licensed professional, or delegating responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by education, by experience or by license to perform them. This could result in the suspension or revocation of licensure.

We believe that our rules and regulations allow more than ample room for the legal utilization of non-licensed personnel. We however have no intention of usurping or undermining any legal, ethical or moral obligations to your patients or standards set forth by 3rd party payers, facility policies and procedures or other relevant statues. It is our firm belief that public interest must determine the appropriate use of any personnel in the delivery of patient care.

Wiley J. Christian III, P.T.

“Ignorance of the Law is No Excuse”

This may seem a bit unfair considering the fact that we only received a brief introduction to physical therapy practice law as a part of our education and we rarely receive updates which are often times difficult to read and understand.

The Alabama State Board of Physical Therapy is currently considering the implementation of a jurist prudence examination for our state licensees. Much of the board's interest in the exam has been brought about by the numerous inquiries and concerns expressed by physical therapists and physical therapist assistants confronted with legal issues from patients, employers, employees, referring physicians, the community and other interested parties. We feel confident that the vast majority of practicing physical therapists and physical therapist assistants in the State of Alabama strive to practice with the highest degree of moral, legal and ethical standards. We are aware that there are many rules and regulations that are not regularly addressed, which leave many of us exposed to needless liability or challenges to our practice rights. Several states are already using a computerized examination to test the knowledge of their laws and regulations that govern the practice of physical therapy. This is crucial because the NPTE covers all areas of entry level competence except those areas that are state specific, namely the laws and rules that govern the practice of physical therapy within that state. It would be difficult to argue that knowledge of these laws and regulations is any less critical for public protection than the knowledge of physical therapy theory and skills, since the laws and rules were created to protect the public. If the physical therapist does not know and understand these laws and rules, harm to the public is not only possible, but is also more probable.

In 1998 the FSBPT published an advisory statement recommending that physical therapy regulatory boards assess and assure that licensees know and understand their state laws. In order to comply, the regulations on the practice of physical therapy, physical therapists and physical therapist assistants must know and understand the scope of their practice, the requirements of supervision and other essential components of regulations of the profession of physical therapy. This knowledge is critical for public protection. In August of 2000, the board of directors of the Federation approved the standards of competency which is designed to provide the basis for any continuing competency program. These standards include the Physical Therapist “demonstrates an understanding of and compliance with all laws and regulations governing the practice of Physical Therapy in his/her jurisdiction”. We find this consistent with the Federation's mission and support Federation members in their role of public protection. The current National Physical Therapy Examination does not test for specific state law. The national exam only presents questions that are applicable to all jurisdictions on the examination. In 1999, 15 states required physical therapist applying for initial licensure to take a jurist prudence examination, and 11 states require physical therapist assistants to take the jurist prudence examination; however, states vary on whether they require passing the exam for licensure or whether they view the jurist prudence exam strictly as an educational exercise or tool. The Alabama Board of Physical Therapy has been collaborating with the Federation of State Boards of Physical Therapy to develop a psychometrically defensible examination for the Alabama Physical Therapy Practice Act and the accompanying laws, rules and regulations. The examination would be a 50 item test with 40 of the items counting towards the passing score and 10 of the items being used as pre-test items for future needs. Passing the examination would be required for initial licensure in Alabama including candidates for endorsement. Our plan is to have the examination ready for candidates by January of 2006. One of the final steps in development of the exam is to establish a pass point that is the lowest point in which in a candidate is deemed competent to practice or work as a PT or PTA in the state of Alabama. This process, however, will require the participation of a number of volunteers, thus the board is officially extending an invitation to all who may be interested in participating in this process. Criteria for participation is very specific and require that the individuals or candidates be licensed and a currently practicing physical therapist or physical therapist assistant in the state of Alabama. This may include clinicians, educators and administrators. Each participant should have a good idea of what candidates for licensure should know about Alabama law. The process is both interesting and educational. Participants will also have the opportunity to review and learn a little more about Alabama law relating to practice of physical therapy. The State Board of Physical Therapy of Alabama is eager to get started with this note-worthy project and we look forward to your professional participation.

Wiley J. Christian III, P.T.

DIRECT ACCESS UPDATE

By Herb Caillouet, P.T.

As of this printing, there are only two states without direct access – Alabama and Indiana. More than 35 states have full unlimited direct access to PT care. The Alabama Physical Therapy Association, the Alabama Board of Physical Therapy, individual therapists, physicians and consumers who have interest in this issue continue to dialogue about the prospects for Alabama.

We'll keep you informed on this matter.

A-T-T-E-N-T-I-O-N

WE HAVE NEW E-MAIL ADDRESSES

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sheila.wright@pt.alabama.gov