

ADMINISTRATIVE RULES FOR PHYSICAL THERAPISTS

TABLE OF CONTENTS

Part 1. General Information

1.1	The Purpose of Licensure	1
1.2	Laws That Govern Licensure	1

Part 2. Information for Applicants

2.1	Definitions	1
2.2	Where to Get an Application	1
2.3	Qualifications for Licensure as a Physical Therapist	1
2.4	Qualifications for Licensure as a Physical Therapist Assistant.....	2
2.5	Licensure Without Examination	2
2.6	Foreign Trained Graduates Licensure	2
2.7	How to Get a License as a Physical Therapist in Exceptional Case	2
2.8	How to Get a License as a Physical Therapist Assistant in Exceptional Cases.....	2
2.9	How to Get a Temporary License.....	3
2.10	Right to a Written Decision and Appeal.....	3

Part 3. Information for Physical Therapists and Assistants

3.1	Renewing a License Biennially	3
3.2	Reinstating a License.....	4
3.3	Professional Standards.....	4
3.4	Supervision Standards	4
3.5	Complaint Procedure	5
3.6	Disciplinary Actions	5

PART 1. GENERAL INFORMATION

1.1 THE PURPOSE OF LICENSURE

The Director of Professional Regulation (referred to as "the Director" in this rule) has been given power by Vermont law to license physical therapists and physical therapist assistants, to protect the public health, safety and welfare. This is done by setting standards for issuing licenses, licensing only qualified applicants and regulating license holders and their practices.

1.2 LAWS THAT GOVERN LICENSURE

The practice of physical therapy is governed by a specific state law that establishes responsibilities for setting standards, issuing licenses and regulating the profession. In addition, the Director and the Office of Professional Regulation are obligated to comply with several other state laws, including the Administrative Procedure Act (3 V.S.A. §§801-849), the Open Meeting law (1 V.S.A. §§310-314) and the Access to Public Records law (1 V.S.A. §§315-320). These laws set forth the rights of an applicant, license holder or member of the public. Copies of these laws may be obtained from a town clerk or librarian or from the Office. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>.

PART 2. INFORMATION FOR APPLICANTS

2.1 DEFINITIONS

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

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

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

2.2 WHERE TO GET AN APPLICATION

An application for licensure or more information about the application process may be obtained by calling or writing the Office at 109 State Street, Montpelier, Vermont 05609-1106. Telephone 802-828-2363.

Applicants must submit a fully completed application form with all supporting documentation and the fee to the Office. Applications are reviewed only after the fully completed application and documentation are received, including evidence of any required education, supervision, employment, evidence of a license in another jurisdiction and its licensing standards, or other licensing standards.

An applicant issued an initial license within 90 days of the renewal date will not be required to renew or pay the renewal fee. The license will be issued through the next full license period. An applicant issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

2.3 QUALIFICATIONS FOR LICENSURE AS A PHYSICAL THERAPIST

(1) Education: An applicant must be a graduate of an educational program for physical therapists which is accredited by an agency recognized by the United States Department of Education or the Council on Post-Secondary Accreditation.

(2) Examination: The exam covers subjects required by the Act. Information on the schedules may be obtained from the Office. An applicant must submit his or her completed application to the Office at least six weeks before the exam. If an applicant fails the exam, he or she must retake the entire exam. The examination

fee must be paid each time.

More information about the examination may be obtained from the Office.

2.4 QUALIFICATIONS FOR LICENSURE AS A PHYSICAL THERAPIST ASSISTANT

(1) Education: An applicant must be a graduate of an educational program for physical therapist assistants which is accredited by an agency recognized by the United States Department of Education or the Council on Post-Secondary Accreditation.

(2) Examination: The exam covers subjects required by the Act. It is given at least twice a year at a time and place set well in advance. Information on the schedules may be obtained from the Office. An applicant must submit his or her completed application to the Office at least six weeks before the exam. If an applicant fails the exam, he or she must retake the entire exam. The examination fee must be paid each time.

More information about the examination may be obtained from the Office.

2.5 LICENSURE WITHOUT EXAMINATION

To qualify for a license without taking an exam, an applicant must be currently licensed in another state. The requirements which the applicant met at the time he or she was licensed in that state must be substantially equal to Vermont's current requirements.

2.6 FOREIGN TRAINED GRADUATES LICENSURE

An applicant must have completed a physical therapy or physical therapist assistant educational program equivalent to the standards of accredited schools. The Office will evaluate an applicant's academic credentials in consultation with a credentials evaluation service. Applicants should contact the Office for a current list of acceptable services. Applicants are responsible for the costs of this evaluation. Upon approval, an applicant may then be eligible for licensure under Rules 2.3 or 2.4.

2.7 HOW TO GET A LICENSE AS A PHYSICAL THERAPIST IN EXCEPTIONAL CASES

The Director may license a person as a physical therapist who is licensed under the laws of another jurisdiction who has:

(1) Received initial training as a physical therapist prior to 1945, the training consisting of a formal course of classroom and clinical education, acceptable to the Director; and

(2) Passed the examination required under Rule 2.3, or any other exam acceptable to the Director, to the Director's satisfaction; and

(3) Practiced as a physical therapist more than three of the four years prior to the date the applicant applies for licensure in the state of Vermont; and

(4) Enlisted a physical therapist licensed and currently practicing in the state of Vermont who is willing to supervise the applicant personally for a minimum of six months, and who submits to the Director at the end of the six month period a statement that the applicant possesses the skills necessary to practice as a physical therapist in Vermont.

2.8 HOW TO GET A LICENSE AS A PHYSICAL THERAPIST ASSISTANT IN EXCEPTIONAL CASES

The Director may license a person as a physical therapist assistant who is licensed under the laws of another jurisdiction who has:

(1) Received initial training as a physical therapist assistant prior to 1980, the training consisting of a formal course of classroom and clinical education, acceptable to the Director; and

(2) Passed the exam required under Rule 2.4, or any other exam acceptable to the Director, to the

Director's satisfaction; and

(3) Practiced as a physical therapist assistant more than three of the four years prior to the date the applicant applies for licensure in the state of Vermont, supervised by a licensed physical therapist; and

(4) Enlisted a physical therapist licensed and currently practicing in the state of Vermont who is willing to supervise the applicant personally for a minimum of six months, and who submits to the Director at the end of the six month period a statement that the applicant possesses the skills necessary to practice as a physical therapist assistant in Vermont.

2.9 HOW TO GET A TEMPORARY LICENSE

(1) A temporary license allows an applicant to practice while the application is being considered. An applicant must file with the Office the following:

(a) A completed application for licensure, either by examination (Rules 2.3, 2.4) or without examination (Rule 2.5);

(b) A completed application for temporary licensure, including the supervising physical therapist's statement; and

(c) Verification of graduation from a physical therapy or physical therapist assistant program.

Practice under a temporary license must be under the daily, direct, on-site supervision of a physical therapist licensed in Vermont who is currently licensed in the profession. The applicant is responsible for arranging for direction of such a person for the period of temporary licensure.

(2) A temporary license may be issued only for the purpose of allowing a qualified applicant to practice as a physical therapist or a physical therapist assistant until:

(a) the applicant takes the next exam provided by the Office under Rule 2.3 or 2.4, or

(b) the necessary data for licensure without exam under Rule 2.5 is received and accepted by the Office.

The temporary license is good until 60 days after the date of the exam an applicant has taken or, for licensure without exam, until 60 days after applying. Within this period, the applicant must provide the Office with all necessary data. A temporary license shall not be renewed.

2.10 RIGHT TO A WRITTEN DECISION AND APPEAL

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

PART 3. INFORMATION FOR PHYSICAL THERAPISTS AND ASSISTANTS

3.1 RENEWING A LICENSE BIENNIALY

The Office has a fixed 24-month licensing schedule. Licensees renew on a fixed biennial schedule: September 30 of the even-numbered years. A licensee must renew by the expiration date printed on his or her license. Before the license expiration date, the Office will mail a renewal application and notice of renewal fee. A license will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

A licensee is responsible for notifying the Office promptly if he or she changes name, mailing address, or business address.

3.2 REINSTATING A LICENSE

Licenses that have lapsed may be reinstated upon payment of a renewal fee for the current biennium and a late renewal penalty.

3.3 PROFESSIONAL STANDARDS

A licensee may be disciplined for a violation of any of the grounds of unprofessional conduct which are found in 26 V.S.A. § 2121. In addition, a licensee may be disciplined for a violation of any of the grounds of unprofessional conduct which are found in 3 V.S.A. § 129a.

3.4 SUPERVISION STANDARDS

(1) For physical therapist assistants, the supervisor makes regular visits at reasonable frequency to the place where the assistant is providing service to observe the assistant provide the patient treatment and adjust the treatment plan as needed. The physical therapist documents the visits in the patient's medical record. The physical therapist re-evaluates and renders personal treatment to a patient at least every fifth visit or every 30 days, whichever occurs first, or if the treatment is performed more than once a day, at least once per week.

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

(3) Assistive personnel, other than physical therapist assistants, must have on-site supervision by a licensed physical therapist. The supervising physical therapist must (a) be continuously on-site and present in the department or facility where the assistive personnel are performing services, (b) be immediately available to assist the person being supervised in the services being performed, and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel. The supervising physical therapist must have concurrent supervision of no more than four persons, including assistive personnel as defined in 26 V.S.A. § 2081a(1) and physical therapist and physical therapist assistant students. Any configuration of this one-to-four ratio shall include no more than three assistive personnel or no more than two students.

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

(a) Interpretation of referrals.

(b) Initial examination, problem identification, and diagnosis for physical therapy.

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

(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated.

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times.

(f) Delegation and instruction of the services to be rendered by the physical therapist assistant, aide, or other assistive personnel, including, but not limited to, specific treatment program, precautions, special problems and contraindicated procedures.

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

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

3.5 COMPLAINT PROCEDURE

The Office has a procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

3.6 DISCIPLINARY ACTIONS

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

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