

# Physical Therapy

## NEWSLETTER

Winter 2005

Please visit the Board's website at [www.dos.state.pa.us/physther](http://www.dos.state.pa.us/physther) for information on:

- ◆ Board members
- ◆ Board meeting dates
- ◆ License verification
- ◆ Complaint process
- ◆ Disciplinary actions
- ◆ Practice act
- ◆ Rules and regulations
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Commonwealth of Pennsylvania

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## Chairman's Message

Charles E. Meacci, EdD, PT

A major responsibility of the Pennsylvania State Board of Physical Therapy is to protect the health, safety and welfare of the consumers of physical therapy in the Commonwealth of Pennsylvania. As specified in Section 3 of the Physical Therapy Practice Act, Power and Duties of the Board, the Board may adopt rules and regulations not inconsistent with the law as it may deem necessary for the performance of its duties and the proper administration of this law.

Over the last few years there have been changes to the Practice Act as well as to the Rules and Regulations governing the practice of physical therapy in Pennsylvania. This Newsletter is devoted to notifying all licensed physical therapists and registered physical therapist assistants of these specific changes. I encourage you to read and review the new regulations appearing in this newsletter. **Please note that these regulations represent only additions or revisions to the complete regulations contained in the Pennsylvania Code, Title 49, Chapter 40**, which can be found at the Board's website [www.dos.state.pa.us/physther](http://www.dos.state.pa.us/physther) along with the Practice Act. Recently you were required to renew your license or registration and by doing so you indicated your knowledge and understanding of the Practice Act and Rules and Regulations that govern the practice of physical therapy in Pennsylvania. The Board is encouraging you to re-read these documents with special emphasis on the practice without physician referral – the Rules and Regulations regarding “Direct Access” and the changes to the general provisions of the Physical Therapy Regulations August 28, 2004.

At our September 2004 meeting, the Board presented James Irrgang PT, PhD with an award from the State for his years of service to the State Board of Physical Therapy. Jay completed his second four year term in October 2004 and served as Chairman for five of his eight plus years of service. He was instrumental in writing the recent changes to the Rules and Regulations for Direct Access and the general provisions included in this Newsletter. His service to the State Board has been outstanding. On behalf of the Board, we would like to thank Jay for all his efforts in promoting the health, safety and welfare of the consumers of physical therapy in Commonwealth.

## DIRECT ACCESS is Here

The Pennsylvania Board of Physical Therapy has announced that regulations regarding “**direct access**” (see sections 40.61-63 in this newsletter) have received legislative approval and an application for the required **Certificate of Authorization** is available. **The application may be downloaded from or requested through the Board's website ... [www.dos.state.pa.us/physther](http://www.dos.state.pa.us/physther). To download, click on “Licensure Information”, then “Board Forms”.**

Also on the homepage is a link to the **regulations and statute regarding “direct access”**. **All new regulations are also included in this newsletter.**

**NOTE THAT A CERTIFICATE IS ISSUED IN ADDITION TO YOUR PT LICENSE. THE CERTIFICATE DOES NOT REPLACE YOUR PT LICENSE AND IS NOT VALID UNLESS YOU MAINTAIN A CURRENT PT LICENSE.**

## Continuing Education Required to Renew Certificate of Authorization

In October 2004, the State Board of Physical Therapy began issuing Certificates of Authorization to qualified physical therapists, allowing them to treat patients without the requirement of a physician's referral. This “direct access” option was created by revision of the Practice Act in February 2002 and Board regulations in July 2004. See the “Special Notice” on the Board's website ..... [www.dos.state.pa.us/physther](http://www.dos.state.pa.us/physther). In order to maintain the certificate, continuing education (CE) is now a requirement (section 40.63 of the regulations in this newsletter). Section 40.63(b) indicates that the CE requirement will become effective **after** the first renewal of the certificate. Therefore, certificates issued since October 2004 will expire December 2006 and the renewal of these certificates will NOT require CE. However, to renew these certificates in December 2008, the requirements of section 40.63(b) must be completed during 2007-2008. **Note that certificate holders must also maintain their PT license, but there is NO CE requirement for the renewal of your license as a Physical Therapist.**

# Disciplinary Actions

*Following is a chronological listing of disciplinary actions taken by the Board from January 1, 2003, through August 31, 2004. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction and the effective date of the disciplinary sanction.*

*Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the Board.*

**Wageed Abdel Malek Girgis**, PT, license number **PT-004028-E**, of Lansdale, Montgomery County, had his license revoked based upon his licensure being denied or disciplinary action taken against his license to practice physical therapy in New Jersey, Michigan, South Carolina, New Hampshire, Montana, Indiana, Hawaii and Florida. (01-27-04)

**Robert G. Kelly**, P.T., license no. **PT-006233-L** of Harrisburg, Dauphin County, was ordered to pay a civil penalty of \$1,000 and had a public reprimand placed on his permanent Board record, because he practiced physical therapy in the Commonwealth of Pennsylvania from January 1, 2003 to February 26, 2004 without a current license. (5-27-04)

**Josephine E. Manois**, P.T., license no. **PT-011041-L** of Greensboro, Maryland, was ordered to pay a civil penalty of \$750 and was placed on probation, with the period of probation to run concurrently with her probation in the State of Maryland, because Manois had her license to practice physical therapy disciplined

by the proper licensing authority of another state. (5-27-04)

**Sheila Renee Schaffer**, P.T., license no. **PT-009529-L** of Baltimore, Maryland, was ordered to pay a civil penalty of \$750 and was placed on probation, with the period of probation to run concurrently with her probation in the State of Maryland, because Schaffer had her license to practice physical therapy disciplined by the proper licensing authority of another state. (5-27-04)

**Gwendolyn Gamble**, P.T., license no. **PT-003736-L** of Johnstown, Cambria County, was indefinitely suspended for no less than 3 years, such suspension to be immediately stayed in favor of no less than 3 years probation, subject to her successful participation in the Professional Health Monitoring Programs, Disciplinary Monitoring Unit, because Gamble excessively indulged in the use of alcoholic liquors. (07-22-04)

**Lynn Johnston** P.T., license no. **PT-008328-L** of Cheyney, Delaware County, was ordered to pay a civil penalty of \$750, because she practiced physical therapy in the Commonwealth of Pennsylvania from January 1, 2003 to August 20, 2003 without a current license. (07-22-04)

**Michael G. Schmitt**, P.T., license no. **PT-008177-L** of Frederick, Maryland, had a public reprimand placed on his permanent Board record, because he had a license to practice physical therapy disciplined by the proper licensing authority of another state. (07-22-04)

**Stephanie Dawn Orfanella**, P.T., license no. **PT-012908-L** of Kingston, Luzerne County, was indefinitely suspended for no less than three (3) years retroactive to May 15, 2003, provided however that such suspension is immediately stayed in favor of probation subject to certain terms and conditions, including her successful participation in the Professional Health Monitoring Programs because Orfanella violated the terms of her Voluntary Recovery Program Agreement by failing to submit to a urine drug screen in 2002 and submitting two urine drug screens in 2001 and 2003, respectively, that tested positive for drugs. (7/24/03)

**James O'Connell**, of Long Pond, Monroe County, was denied licensure as a Physical Therapist. (8-02-04)

**Jacek Szymanowicz**, of Stuart, FL, by decision of the State Board of Physical Therapy his application was denied for a license. (8-02-04)

**Glendalyn E. Fodra**, P.T., license no. **PT-011346-L** of Thompsons Stations, Tennessee, was issued a public reprimand because she had her license to practice physical therapy disciplined by the proper licensing authority of another state. (9/9/03)

**Gregory C. Idell**, P.T., license no. **PT-013198-L** of Delray Beach, Florida, was indefinitely suspended for no less than four (4) years, provided however that such suspension is immediately stayed in favor of probation subject to certain terms and conditions, including his successful participation in the Professional Health Monitoring Programs because Idell violated the terms of his Voluntary Recovery Program Agreement by submitting three (3) urine drug screens in 2002 that tested positive for oxycodone. (9/9/03)

## UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

**In Pennsylvania:**  
**1-800-822-2113**

**Out of State:**  
**1-717-783-4854**

A complaint form is available on the Department of State's internet site.  
**[www.dos.state.pa.us](http://www.dos.state.pa.us)**

# New Regulations

Following are new regulations which became effective in July/August 2004. Please note that these represent only additions or revisions to the regulations. The **complete** regulations are contained in the Pennsylvania Code, Title 49, Chapter 40, which can be found on the Board's website... [www.dos.state.pa.us/physther](http://www.dos.state.pa.us/physther) . Click on "Rules and Regulations".

## § 40.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*--The Physical Therapy Practice Act (63 P. S. §§ 1301--1313).

*Board*--The State Board of Physical Therapy.

*Direct on-premise supervision*--The physical presence of a physical therapist on the premises where the physical therapist assistant or the supportive personnel is providing patient-care services, so that the physical therapist is immediately available to provide supervision, direction and control.

*Physical therapist*--A person licensed under the act and this chapter to provide physical therapy services without restriction in this Commonwealth.

*Supportive personnel*--Persons other than physical therapist assistants who aid and assist a physical therapist but whose activities do not require the formal education or knowledge of a physical therapist or physical therapist assistant. The term does not include secretarial, administrative and other personnel who are not involved in direct patient care.

## §40.2. Practice of medicine prohibited.

The license issued to those practicing physical therapy does not authorize the right to use the title "Doctor of Medicine" or the right to use drugs administered internally. Except as authorized in section 9 of the act (63 P. S. § 1309), a person licensed under the act as a physical therapist may not treat human ailments by physical therapy or otherwise except upon the referral of a physician or other person authorized by law to order the same.

## § 40.4. Admission to practice of physical therapy.

Admission to the practice of physical therapy in this Commonwealth will be granted by the Board as follows:

(1) By the issuance of a license to an applicant who meets the requirements for licensure as set forth in sections 5 and 6 of the act (63 P. S. §§ 1305 and 1306).

(2) By the issuance of a license by endorsement to an applicant who is educated in another state or territory of the United States and who meets the licensing requirements in section 6 of the act (63 P. S. § 1306) and who holds a valid license by examination in another state or territory of the United States, providing the requirements were, at the time of receiving the license, substantially equal to the requirements as set forth in the act.

(3) By the issuance of a temporary license to an applicant who meets the licensing requirements as set forth in section 6 of the act.

(4) By the issuance of a license to an applicant educated in a jurisdiction other than a state or territory of the United States who meets the licensing requirements as set forth in sections 5 and 6(f) of the act.

# New Regulations

- (5) By the issuance of a license by endorsement to an applicant who is educated in a foreign country and who is authorized to practice as a physical therapist without limitations in the country where the professional education occurred and who holds a valid license by examination in another state or territory of the United States providing the requirements were, at the time of receiving the license, substantially equivalent to the requirements as set forth in the act.

## § 40.5. Fees.

The following fees are charged by the Board:

### *Physical therapist:*

Application for Certificate to Practice Physical Therapy without a referral	\$30
Biennial renewal of Certificate to Practice Physical Therapy without a referral	\$37
Application for approval of continuing education provider or program (per each course offered)	\$40

## LICENSURE

### § 40.11. License by examination; requirements for examination.

An applicant for license by examination shall have graduated from a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) which has provided adequate instruction in basic sciences, clinical science and physical therapy theory and procedures.

### § 40.14. Examination; failure; reexamination.

(a) Applicants shall successfully pass, to the satisfaction of the Board, the examination approved by the Board. In cases of failure at the first examination, the applicant shall have, after the expiration of 6 months and within 2 years from the date of the first failure, the privilege of a second examination, with the payment of an additional examination fee charged by the vendor.

(b) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall make a new application within the meaning of section 5 of the act (63 P. S. § 1305) within 6 months from the date of the last failure. However, prior to filing a new application for examination, the Board may require evidence of additional training. If the Board determines that the applicant will be permitted to take a third or successive examination, the Board may authorize in connection with a written examination an oral or practical examination, or both, to test the knowledge and competence of the applicant.

(c) The granting of permission by the Board to take a third or successive examination is at all times subject to the applicant otherwise qualifying under the requirements in force at the time permission to take the examination is sought.

### § 40.15. Examinations.

(a) An application for licensure by examination may be obtained from the State Board of Physical Therapy, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649.

(b) An applicant may not be admitted to examination who is unable to present, at the time of application, the required credentials of professional education from an approved institution.

### § 40.16. Licensure by endorsement.

(a) An applicant for licensure by endorsement who is educated in another state or territory of the United States is required to submit the professional credentials in § 40.11 (relating to license by examination; requirements for examination), and comply with the following:

(1) Submit a written application on forms provided by the Board, together with evidence satisfactory to the Board that the applicant is licensed or otherwise registered as a physical therapist in another state or territory of the United States, or in the

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District of Columbia, if the requirements for licensure or registration in the state, territory or district were, at the date of licensure or registration, substantially equal to the requirements for licensure or registration in this Commonwealth under the act.

(2) A fee prescribed in § 40.5 (relating to fees) must accompany each application for licensure by endorsement.

(b) An applicant for licensure by endorsement who received education in a country outside of the United States is required to meet the educational requirements as set forth in § 40.17(5) and (6) (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience) and comply with the following:

(1) The applicant shall submit documentary evidence that the applicant is authorized to practice as a physical therapist without limitation in the country where the professional education occurred.

(2) The applicant shall hold a valid license by examination in another state or territory of the United States providing the requirements were, at the time of receiving the license, substantially equivalent to the requirements as set forth in the act.

### **§ 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.**

To be eligible to take the examination for licensure, foreign-educated applicants for licensure shall comply with the following conditions:

(1) The applicant shall submit evidence, satisfactory to the Board, indicating that the applicant has met the requirements stated in § 40.12(a)(1)–(3) (relating to application for licensure).

(2) The applicant shall provide written documentation that the school of physical therapy is recognized by the authorizing agency or entity of the jurisdiction in which the school is situated.

(3) The applicant shall provide written documentation of authorization to practice as a physical therapist without limitations in the country where the professional education took place.

(4) The applicant shall provide documentation of legal authorization to seek employment in the United States or its territories.

(5) The applicant shall meet educational requirements by securing a credentials evaluation from a recognized and accredited evaluation agency approved by the Board. The credentials evaluation must demonstrate that the applicant has met the requirement of at least 120 semester credit hours of which at least 42 credit hours must be in general education subjects and 69 credit hours must be in professional education subjects. If an applicant has deficiencies in general education or professional education, the applicant can correct the deficiencies as follows:

(i) *General education.* A minimum of one semester course must be successfully completed in each of the following areas of general education unless otherwise noted:

(A) Humanities.

(B) Physical science (two courses each in chemistry and physics including laboratory sessions).

(C) Biological science.

(D) Social science.

(E) Behavioral science.

(F) Mathematics.

(ii) *Professional education.* The applicant shall complete 69 credit hours of professional education the content of which includes:

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(A) Basic health science including:

- (I) Human anatomy (specific to physical therapy).
- (II) Human physiology (specific to physical therapy).
- (III) Neuroscience.
- (IV) Kinesiology or functional anatomy.
- (V) Pathology.

(B) Medical and clinical science coursework including the following:

(I) Clinical medicine pertinent to physical therapy including:

- (-a-) Neurology.
- (-b-) Orthopedics.
- (-c-) Pediatrics.
- (-d-) Geriatrics.
- (-e-) Cardiopulmonary.
- (-f-) Pharmacology.

(II) Physical therapist coursework must include:

- (-a-) Examination, evaluation and intervention pertaining to the integumentary system.
- (-b-) Examination, evaluation and intervention pertaining to the musculoskeletal system.
- (-c-) Examination, evaluation and intervention pertaining to the neuromuscular system.
- (-d-) Examination, evaluation and intervention pertaining to the cardiopulmonary system.

(iii) *Clinical education.* Clinical education must include physical therapist-supervised application of physical therapy theory, examination, evaluation and intervention. The applicant shall have a minimum of two full-time clinical internships of at least 800 hours total, which are supervised by a physical therapist. The maximum number of full-time clinical education credits is 23.

(iv) *Related professional coursework.* Content is required in the following nine areas:

- (A) Professional behaviors.
- (B) Administration.
- (C) Community health.
- (D) Research and clinical decision making.
- (E) Educational techniques.
- (F) Medical terminology.

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(G) Communication (related to client/patient care).

(H) Legal and ethical aspects of physical therapy practice.

(I) Psychosocial aspects in physical therapy practice.

(6) *General educational deficiencies.* The applicant may correct general educational deficiencies in the areas specified in paragraph (5)(i) by either:

(A) Pursuing studies in an accredited college or university. Upon completion of studies, the applicant shall submit an official transcript to the Board.

(B) Attaining college credit through successful completion of the following examinations offered by the College Level Examination Program (CLEP). No more than 30 credits may be obtained through CLEP.

(I) The CLEP General Examination may be used to satisfy the requirements in paragraph (5)(i) for credit hours if passing scores are received in the following subjects:

General Examination	College Level Credit
English Composition with Essay	6
Mathematics	3
Humanities	6
Natural Sciences	
Biological Sciences (subscore)	3
Physical Sciences (subscore)	3
Social Sciences	6

(II) The CLEP Subject Examination may be used to satisfy the requirements in paragraph (5) for credit hours if passing scores are received in the following subjects:

Subject Examination	College Level Credit
Analysis and Interpretation of Literature	3
College Algebra	3
English Literature	3
Foreign Language	
French--Levels I and II	6
German--Levels I and II	6
Spanish--Levels I and II	6
Freshman English	3
English Composition	4
General Biology	3
General Chemistry	3
General Psychology	2
Human Growth & Development	2
Introduction to Management	2
Introduction to Sociology	2
Statistics	2

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Trigonometry	2
Western Civilization	3

(III) The applicant is responsible for directing that CLEP report his examination scores to the Board.

(7) *Clinical experience.* The applicant shall complete, at the Board's discretion, up to 1 year of supervised clinical experience in the United States, as approved by the Board.

(i) To apply for approved supervised clinical experience the applicant shall:

(A) Submit a notarized application signed by the sponsoring physical therapist who will supervise the applicant in the institution in which the applicant will be pursuing the clinical experience.

(B) Arrange for and have a personal interview with a member of the Board and have the application forms signed and approved by the Board member.

(C) Submit a passport-size photograph for the purpose of identification. The applicant and a sponsor shall both sign either the photograph or the paper on which the photograph is mounted.

(ii) The applicant may obtain the required clinical experience while pursuing studies to correct educational deficiencies in the areas specified in paragraph (5).

(iii) The applicant shall submit a letter from the supervising physical therapist in the institution where the supervised clinical experience was completed, certifying the applicant's clinical competence.

§ 40.18. (Reserved).

### TEMPORARY LICENSES

§ 40.21. (Reserved).

§ 40.22. **Temporary license.**

(a) An applicant for temporary license under section 6(g) of the act (63 P. S. § 1306(g)) shall apply to the Board on forms provided by the Board and meet the following requirements:

(1) Fulfill to the satisfaction of the Board the requirements set forth under section 6(a) of the act.

(2) Have made application to take the examination set forth in section 6(b) of the act or have taken the examination and be awaiting the results of the examination.

(3) Received the temporary license from the Board, work only under the direct on premises supervision of a licensed physical therapist with at least 2 years of experience.

(b) A temporary license issued under 6(g) of the act must be surrendered to the Board immediately upon the failure of the first examination or 6 months after the date of issuance, whichever occurs first.

§ 40.23. (Reserved).

§ 40.24. (Reserved).

## New Regulations

### SUPPORTIVE PERSONNEL

#### § 40.31a. Identification of supportive personnel.

Supportive personnel shall identify themselves to patients as supportive personnel.

#### § 40.32. Functions of supportive personnel.

(a) The physical therapist may only allow supportive personnel to perform patient-related activities which do not require the formal education or training and the skill and knowledge of a physical therapist or physical therapist assistant, and only while the supportive personnel are under the direct on-premise supervision of a physical therapist.

(b) The physical therapist may not permit supportive personnel to provide physical therapy services. The physical therapist may permit supportive personnel to perform the following:

- (1) Patient assistance in preparation for treatment, as necessary during treatment and at the conclusion of treatment.
- (2) Application of superficial heat or cold as an adjunct to the treatment program.
- (3) Assembly, disassembly and maintenance of equipment and accessories.
- (4) Transportation of patients.
- (5) Assistance to patients with nontreatment aspects of activities and attending the personal needs of patients.

(6) Recording information through the use of flow sheets and checklists which identify activities performed by the patient.

(c) The physical therapist may not permit supportive personnel to interpret referrals, perform evaluation procedures, conduct tests, initiate or adjust treatment programs, assume responsibility for patient care or document physical therapy treatment.

### SCOPE OF PRACTICE

#### § 40.51a. Transdermal administration of drugs.

A physical therapist may perform transdermal administration of drugs through the use of modalities such as ultrasound and electrical stimulation. If a prescriptive medication is used, the medication must be prescribed by the referring physician and dispensed in the name of the patient by the referring physician or pharmacist. Between treatment sessions, drugs must be properly stored in a manner consistent with pharmaceutical practice. After the patient is discharged, the remaining drugs must be disposed of by the physical therapist or returned to the patient.

#### § 40.52. Unprofessional conduct; physical therapists.

A physical therapist who engages in unprofessional conduct is subject to disciplinary action under section 11(a)(6) of the act (63 P. S. § 1311(a)(6)). Unprofessional conduct includes the following:

- (1) Harassing, abusing or intimidating a patient.
- (2) Revealing information obtained as a result of the therapist-patient relationship to a third party who is not involved in the patient's care, without the prior written consent of the patient, except as authorized or required by statute.
- (3) Failing to exercise appropriate supervision over a person who is authorized to render services only under the supervision of the physical therapist.
- (4) Accepting a patient for treatment or continuing treatment if benefit cannot reasonably be expected to accrue to the patient, or misleading a patient as to the benefits to be derived from physical therapy.

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- (5) Unconditionally guaranteeing the results of physical therapy treatment.
- (6) Practicing physical therapy while the ability to practice is impaired by alcohol, drugs or a physical or mental disability.
- (7) Charging a patient or a third-party payor for a physical therapy service which is not performed.
- (8) Receiving a fee for referring a patient to a third person.
- (9) Advertising physical therapy services in a false, misleading or deceptive manner.
- (10) Assigning or delegating to physical therapist assistants or supportive personnel activities prohibited from assignment or delegation under §§ 40.32, 40.53 and 40.171 (relating to functions of supportive personnel; nondelegable activities; accountability; and functions of physical therapist assistants).
- (11) Violating a provision of the act or this chapter which establishes a standard of conduct.
- (12) Failure to maintain adequate patient records. Adequate patient records include at a minimum sufficient information to identify the patient, a summary of the findings of the examination, an evaluation, a diagnosis, the plan of care including desired outcomes, and the treatment record.

### § 40.53. Nondelegable activities; accountability.

(a) A physical therapist may delegate to a physical therapist assistant or supportive personnel that which he is educated to perform subject to the limitations in this section.

(b) A physical therapist may not assign or delegate to physical therapist assistants or supportive personnel functions which require the formal education or training and the skill and knowledge of a licensed physical therapist, including the following functions:

- (1) Interpretation of referrals.
- (2) Initial evaluation or reevaluation.
- (3) Determination or modification of a patient plan of care.
- (4) Final discharge assessment/evaluation or establishment of discharge plan.
- (5) Therapeutic techniques and procedures beyond the skill and knowledge of the physical therapist assistant.
- (6) Duties, the delegation of which is inconsistent with minimum standards of acceptable physical therapy practice embraced by the physical therapy community in this Commonwealth.
- (7) Mobilization. Mobilization is defined as a group of techniques comprising a continuum of skilled passive movements to the joints or related soft tissues, or both, throughout the normal physiological range of motion that are applied at varying speeds and amplitudes, without limitation.
- (8) The performance of consultations.

(c) A physical therapist may not assign or delegate to supportive personnel activities which require the formal education or training and skill and knowledge of a licensed physical therapist or registered physical therapist assistant.

(d) When patient-care services are provided by the physical therapist assistant, the physical therapist shall document reevaluations and adjustments to a patient plan of care and goals at least every 30 calendar days or when there is a significant change in patient status warranting an earlier patient evaluation.

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(e) A physical therapist may not assign or delegate to a physical therapist assistant or supportive personnel screenings to determine the need for the following:

- (1) Primary, secondary or tertiary services.
- (2) Further examination or intervention.
- (3) Consultation by a physical therapist.
- (4) Referral to another health care practitioner.

(f) For purposes of this section, screening is defined as determining the need for further examination or intervention, or both, by a physical therapist or for referral to another health professional.

### § 40.55. Identification of physical therapists.

Physical therapists shall identify themselves to patients as physical therapists.

## PRACTICE WITHOUT PHYSICIAN REFERRAL

### § 40.61. Certificate of authorization to practice physical therapy without a referral.

(a) An applicant for certification of authorization to practice physical therapy without the referral of a licensed physician shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following requirements:

(1) Holds a current license to practice physical therapy in this Commonwealth.

(2) Has done one of the following:

(i) Passed the National Physical Therapy Examination (NPTE) after January 1, 1990.

(ii) Passed the NPTE prior to January 1, 1990 and successfully completed, within 2 years prior to application, a Board approved course consisting of at least 10 hours on the appropriate evaluative and screening procedures to determine the need for further examination or consultation by a physician, dentist or podiatrist prior to initiating treatment without a referral. The Board will maintain a list of currently approved courses.

(3) Has done one of the following:

(i) Practiced physical therapy in the delivery of patient care on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(ii) Been licensed by endorsement and practiced physical therapy in the delivery of patient care as a licensed physical therapist in the other state on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(iii) Provided proof of meeting these practice requirements through any combination of subparagraphs (i) & (ii).

(iv) For purposes of this section, "practice of physical therapy on a continuous basis" is defined as a minimum of 200 hours each year in the delivery of direct patient care.

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- (4) Has obtained professional liability insurance under the requirements of § 40.62 (relating to liability insurance).
- (b) A certificate holder shall display the certificate of authorization in a manner conspicuous to the public.
- (c) A certificate holder may not delegate the care of a patient being treated without a referral to a physical therapist who is not a certificate holder.
- (d) A certificate holder shall refer patients to a licensed physician or other appropriate health care practitioner in the following cases:
  - (1) Cases where symptoms are present for which physical therapy is a contraindication.
  - (2) Cases for which treatment is outside the scope of practice of physical therapy.
  - (3) Cases for which treatment is beyond the education, expertise or experience of the physical therapist.
- (e) A certificate holder may treat a person without a referral as provided in this chapter for up to 30 calendar days from the date of the first treatment. A physical therapist may not treat a person beyond 30 days from the date of the first treatment unless the person has obtained a referral from a licensed physician, dentist or podiatrist. The date of the first treatment for purposes of this subsection is the date the person is treated by any physical therapist treating without a referral.
- (f) A certificate holder may not treat a condition in any person which is a nonneurologic, nonmuscular or nonskeletal condition or treat a person who has an acute cardiac or acute pulmonary condition unless the certificate holder has consulted with the person's licensed physician, dentist or podiatrist regarding the person's condition and the physical therapy treatment plan or has referred the person to a licensed physician, dentist or podiatrist for diagnosis and referral.

### § 40.62. Professional liability insurance.

- (a) Beginning January 1, 2005, or upon applying for a certificate of authorization, whichever occurs earlier, a licensee who applies for and obtains a certificate of authorization shall obtain and maintain professional liability insurance coverage in the minimum amount required to be maintained by physicians under section 711 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.711).
- (b) A certificate holder shall notify the Board within 30 days of the holder's lapse in coverage of the required insurance.
- (c) The certificate of authorization will automatically be suspended upon failure to be covered by the required insurance and will not be restored until submission to the Board of satisfactory evidence that the licensee has the required professional liability insurance.
- (d) Satisfactory evidence of insurance coverage is any one of the following:
  - (1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).
  - (2) Personally purchased professional liability insurance.
  - (3) Professional liability insurance, coverage provided by the licensee's employer.
  - (4) A similar type of coverage.

## New Regulations

### § 40.63. Continuing education.

(a) **Definitions.** The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Certificate holder*--A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

*Contact hour*--A unit of measure equaling 60 minutes of participation in an approved continuing education course or program.

(b) **Continuing education requirement for renewal of certificate of authorization.** Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 20 contact hours of physical therapy continuing education related to keeping the certificate holder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 20 contact hours shall be in evaluative procedures to treat a person without a referral.

(c) **Reports to the Board.** A certificate holder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificate holder shall retain for at least 4 years, certificates, transcripts or other documentation showing completion of the prescribed number of hours. These records are subject to audit by the Board.

(d) **Approved sponsors; acceptable courses and programs.**

(1) Courses and programs provided by Board-approved sponsors will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificate holder to ascertain the approval status of the sponsor before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the Board reserves the right to reject a continuing education course or program submitted by a certificate holder if it is outside the scope of practice of physical therapy. The Board will not accept courses or programs which are unrelated to the actual practice of physical therapy--for example, instruction in office management or practice building. A certificate holder will be notified of a rejected course or program in writing, along with the reason for the rejection.

(3) Sponsors of physical therapy continuing education seeking Board approval shall submit an application on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a sponsor unless it:

(i) Offers courses or programs, or both, with specific learning objectives geared to improve the professional competence of the participant.

(ii) Verifies attendance of the course.

(iii) Provides each attendee with a certificate which includes participant's name, date, place, course title, presenter and number of contact hours.

(4) The Board may withdraw approval of a sponsor for cause. The sponsor will be notified in writing of the reasons for withdrawal of approval.

(e) **Distance education.** A certificate holder may accrue all required hours in distance education courses offered by approved sponsors of continuing education as long as the course sponsor evaluates and assesses the extent of learning that has taken place.

(f) **Reinstatement of certificate.** Reinstatement of certificate shall be subject to the following conditions:

## New Regulations

(1) A person whose certificate has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose certificate has been suspended or restricted shall show compliance with the continuing education requirement during the entire period of suspension or restriction.

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. No waiver or extension of time will be granted unless a written request is submitted by the licensee; or in cases of physical disability or illness, by a physician licensed in this state or another state or territory of the United States or the District of Columbia and whose license is in good standing, or both. All necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the applicant to make up all or part of the CE waived.

### Subchapter C. PHYSICAL THERAPIST ASSISTANTS

#### REGISTRATION

##### § 40.161. Registration of physical therapist assistants; practice; exceptions.

(a) A person may not perform or hold himself out as being able to perform as a physical therapist assistant in this Commonwealth unless the person is registered by the Board under section 9.1 of the act (63 P. S. § 1309.1) and this subchapter or exempted under this section.

(b) A person or business entity may not use in connection with a business name or activity the words "physical therapist assistant," the letters "P.T.A." or similar words and related abbreviations to imply that physical therapist assistant services are being provided, unless the services are provided by a physical therapist assistant registered under the act and this subchapter.

(c) This subchapter does not prohibit physical therapist assistant students from assisting a physical therapist licensed to practice without restriction in this Commonwealth under the direct on-premises supervision of the physical therapist as is incidental to their course of study in a program which has been approved for the education and training for physical therapist assistants by the Commission on Accreditation in Physical Therapy Education (CAPTE).

(d) Physical therapist assistants shall identify themselves to patients as physical therapist assistants.

##### § 40.163. Requirements for registration.

(a) Under section 9.1(a) of the act (63 P. S. § 1309.1(a)), an applicant for registration by examination shall submit evidence of the following:

(1) Graduation from a physical therapist assistant program which has been approved for the education and training for physical therapist assistants by the Commission on Accreditation in Physical Therapy Education (CAPTE).

(2) A passing grade on the physical therapist assistant registration examination.

(b) Under section 6(d.1) of the act (63 P. S. § 1306(d.1)), an applicant for reciprocal registration shall submit evidence of a valid license, certificate or registration as a physical therapist assistant issued by another state, territory or the District of Columbia, where the requirements for licensure, certification or registration were on the date of issuance substantially the same as those required by this Commonwealth, and which accords similar privileges to persons registered as physical therapist assistants in this Commonwealth.

## New Regulations

### § 40.164. Physical therapist assistant registration examination.

(a) *Application procedure.* An applicant applying for registration by examination shall take the physical therapist assistant registration examination. The applicant who is taking the examination within this Commonwealth shall comply with the following:

(1) The applicant shall complete application forms for admission to the examination obtained from the Board and return the completed form with a check or money order for the appropriate fee.

(2) The applicant shall present the required credentials of professional education at the time of application.

(b) *Failure and reexamination.* In the case of failure of examination, the following apply:

(1) After failing the first examination, the applicant has, after the expiration of 6 months and within 2 years of the date of the first failure, the privilege of a second examination upon the filing of a new application under subsection (a) and upon payment of the appropriate fee.

(2) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall file a new application. The Board may require evidence of additional training prior to allowing a candidate to take a third or successive examination.

(3) The granting of permission to take a third or successive examination is subject to:

(i) Authorization by the Board at its discretion to include an oral or practical examination, or both, in connection with the written examination to further test the knowledge, skills and competence of the applicant.

(ii) The applicant otherwise qualifying under requirements in force at the time that permission to take the examination is sought.

### Change of Name and/or Address Reminder

To ensure receipt of a renewal notice or important information from the board, licensees must contact the board office with any changes in name or address. Name changes require a copy of court order, marriage certificate, divorce decree or other official document. *Send changes to:*

*State Board of Physical Therapy*  
P.O. Box 2649  
Harrisburg, PA 17105-2649

## What is BEI?

by Thomas Bat, PCI and Edmund Booth, PCI both of the Scranton Regional Office

Perhaps as a licensee you already know that the Commonwealth of PA Department of State, Bureau of Professional and Occupational Affairs (BPOA), provides administrative and legal support to 27 professional and occupational licensing boards and commissions. BPOA protects the health, safety, and welfare of the public from fraudulent and unethical practitioners. Professionals range from physicians and cosmetologists to accountants and funeral directors. However, many licensees are not aware of another Bureau in the Department of State that is equally important, the BUREAU OF ENFORCEMENT AND INVESTIGATION (BEI).

BEI is mandated by legislation to conduct investigations and enforce selected regulations of all 27 boards and commissions in Pennsylvania. BEI is able to accomplish this task through the use of Professional Conduct Investigators (PCI's), Regulatory Enforcement Inspectors (REI's), funeral home inspectors, and pharmacy inspectors.

### **What does a PCI do?**

All of the cases PCI's investigate are complaint driven. All complaints against any licensee are filed through the BPOA's Complaints Office first, where legal staff determines whether the allegation, if true, would potentially constitute a violation of the respective licensing Act or regulations. If so, the Complaints Office will open a case and request BEI to conduct an investigation.

The PCI then conducts field interviews with the complainant, licensee, witnesses, and anyone else who has personal knowledge of the subject matter being examined. The PCI will collect and categorize all the documents that are pertinent to the case. If the need arises, the PCI will take photographs, verify records, serve subpoenas, and visit sites in order to accurately record any relevant facts. This information is submitted to the prosecuting attorney of that licensing board, who will make a decision as to whether to close the case or file appropriate charges. Those charges are filed via a document called an "Order to Show Cause (OSC)." The PCI may be called to testify as a witness at a formal hearing to present any information he or she personally gathered during the investigation.

If you are ever visited by a PCI, the most important thing to remember is that they are there not to determine whether you have committed a violation. Their job is to simply obtain your side of the story, so that a prosecutor has as much information as possible in order to make the appropriate charging decision.

### **What does an inspector do?**

The Regulatory Enforcement Inspector (REI), mortuary inspector, and pharmacy inspector performs field inspection work to determine that a facility is in compliance with the laws, rules and regulations regarding professional and occupational licensing and other areas under the jurisdiction of the Secretary of the Commonwealth. The REI does routine and new business inspections for the Cosmetology, Barber, Real Estate and Motor Vehicle Boards. Typically, an inspector will make an appointment to do a new business inspection. All routine inspections, for obvious reasons, are unannounced.

When an inspector enters your place of business, it is to verify that your facility is in compliance with that particular board's rules and regulations. During the inspection, BEI will ask to see your current licenses, required equipment/material/devices and reference books, etc.

### **Does BEI have the authority to impose any disciplinary action?**

When violations are discovered, the inspector may issue a citation (ticket) under Act 48 of 1993. The PA Legislature created Act 48 in an effort to streamline the disciplinary process for BPOA. Currently, citations may be issued for certain violations under the following boards: Barber, Cosmetology, Funeral, Pharmacy, Real Estate, Vehicle, Accountancy, Architect, Auctioneer, Engineering and Dentistry. Thus, there are occasions when a PCI may also issue a citation during the course of an investigation. By and large, however, most of the significant charging decisions are made by a BPOA prosecutor and are filed via an Order to Show Cause, as noted above.

An important thing for all licensees to remember is that during the course of an investigation/inspection, the PCI/inspector is gathering facts to be considered by the licensing board. Although BEI is not the ultimate decision maker in most instances, failure to cooperate with the PCI/REI is paramount to not cooperating with the mandates of the licensing board itself.

We hope this brief introduction gives you a better understanding of what to expect when a PCI or an inspector visits you. BEI maintains four regional offices, located in Harrisburg, Pittsburgh, Philadelphia, and Scranton. BEI employs approximately 75 PCIs and 28 inspectors to cover the 67 counties in Pennsylvania in an expeditious, professional, and customer oriented manner.

## Meet Commissioner Merenda

Basil L. Merenda was appointed Acting Commissioner of the Bureau of Professional and Occupational Affairs by Governor Edward G. Rendell on January 5, 2004 and was unanimously confirmed by the Senate on March 16, 2004.

As Commissioner, he is responsible for overseeing the day-to-day functions of the Bureau of Professional and Occupational Affairs. The Bureau provides administrative support to the 27 professional licensing boards and commissions. Commissioner Merenda serves as the Governor's designee on 25 of the 27 professional licensing boards.

Prior to his appointment, Merenda served as Deputy Attorney General for the state of New Jersey, with emphasis on antitrust and financial crimes. He also served as legal counsel to the United Food and Commercial Workers Union Local 1776 in Norristown from 1987 to 1993.

A native of Philadelphia, Pennsylvania, Merenda earned a bachelor's degree in economics from Villanova University, a master's degree in economics from the University of Notre Dame and a law degree from Villanova University Law School.

### REMINDER...

#### State Board of Physical Therapy Offers Online Renewal

If you choose to renew via the Internet, go to the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us) and click on LicensePA. Then simply follow the instructions to renew your PT/PTA license online.

You are eligible to renew online if:

- You are currently in your license renewal period
- Your license is delinquent by no more than 30 days

First-time users will need the following information at hand:

- Pennsylvania License Number
- Renewal ID Number (located on the Renewal Notice)
- Current mailing address
- Credit Card information
- Social Security Number
- E-mail address

## Board Members and Staff

**Charles E. Meacci, PT**  
*Chairman*

**Dale J. Cordial, PT**  
*Vice Chairman*

**Cynthia N. Potter, PT**  
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Commonwealth of PA*

**Deborah W. Piper**  
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**Marla J. Wasson**  
*Public Member*

**Basil L. Merenda, Commissioner**  
*Bureau of Professional and Occupational Affairs*

**Beth Michlovitz**  
*Board Counsel*

**Bridget Guilfoyle**  
*Board Prosecutor*

**Robert Kline**  
*Board Administrator*

### 2005 Board Meeting Dates

January 20

March 24

May 26

July 21

September 8

November 17

**P E N N S Y L V A N I A**

State Board of

**Physical Therapy**

P.O. Box 2649

Harrisburg, PA 17105-2649

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