

# PHYSICAL THERAPIST LICENSING BOARD

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#### NOTES

1. This Board version of the OAR Compilation does not include the listing of Statutory Authority; Statutes Implemented of the Statute History. For that information access the Secretary of State's (SOS) version of the Oregon Administrative Rules.
2. The SOS OAR Compilation version is updated on the first of each month to include all rule actions filed with the SOS Office by the 15<sup>th</sup> of the previous month or by the previous workday if the 15<sup>th</sup> is on a weekend or holiday.
3. The official copy of an SOS Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer Street NE Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State.

# PHYSICAL THERAPIST LICENSING BOARD

## ADMINISTRATIVE RULES CHAPTER 848 - March 2012

### DIVISION 1 PROCEDURAL RULES

#### 848-001-0000

##### Notice to Interested Persons on Any Proposal to Adopt, Amend, or Repeal Any Rule

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

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.
- (2) By providing a copy of the notice to persons on the Physical Therapist Licensing Board's mailing list established pursuant to ORS 183.335(8).
- (3) By providing a copy of the notice to the following persons, organizations, or publications:
  - (a) Executive Secretary, Oregon Physical Therapy Association;
  - (b) Oregon Association of Hospitals.
  - (c) Oregon Physical Therapists in Independent Practice.

#### 848-001-0005

##### Attorney General's Model Rules of Procedure

The following Model Rules of Procedure promulgated by the Attorney General of the State of Oregon, in effect January 1, 2008, are adopted by the Board by reference. These rules apply to rulemaking; OAR 137-001-0005 through 137-001-0080.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Physical Therapist Licensing Board.]

#### 848-001-0010

##### Time for Requesting a Contested Case Hearing

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

#### 848-001-0020

##### Filing Exceptions to the Board

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

### DIVISION 5 BOARD ADMINISTRATION

#### 848-005-0010

##### Board Budget

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2011-2013 Biennium Budget of \$988,900 covering the period from July 1, 2011 through June 30, 2013. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$988,900 for the effective operation of the Board.

The Board will not exceed the approved 2011-2013 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required, by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office

#### 848-005-0020

##### Board Fees and Refunds

- (1) The following fees shall be paid to the Board:
  - (a) Physical Therapist or Physical Therapist Assistant Examination Application Fee of \$150.00, plus the actual cost to the Board of conducting a nationwide background check.
  - (b) Physical Therapist or Physical Therapist Assistant Endorsement Application Fee of \$150.00, plus the actual cost to the Board of conducting a nationwide background check.

(c) Physical Therapist Annual License Renewal Fee of \$100.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by HB 2009 Section 1174.

(d) Physical Therapist Assistant Annual License Renewal Fee of \$65.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by HB 2009 Section 1174.

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

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

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

(h) Duplicate License Fee of \$25.00.

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

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

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

(l) Miscellaneous Fees:

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

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

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

#### 848-005-0030

##### Name, Address and Telephone Number of Record

(1) Every applicant, licensee and temporary permit holder shall keep their legal name on file with the Board.

(2) Every applicant, licensee and temporary permit holder shall keep their home address on file with the Board. The home address must be a residential address and may not be a post office box number.

(3) Every applicant, licensee and temporary permit holder shall keep a current contact telephone number and electronic mail address, if available, on file with the Board.

(4) Every applicant, licensee and temporary permit holder shall keep the name, address and telephone number of their current employer or place of business on file with the Board.

(5) Every applicant, licensee and temporary permit holder shall keep a current designated mailing address on file with the Board.

(6) Whenever an applicant, licensee or temporary permit holder legally changes their name, they shall notify the Board in writing within 30 days of the name change and provide the Board with legal documentation of the name change.

(7) Whenever an applicant, licensee or temporary permit holder changes their home address, their employer or place of business, their contact telephone number, electronic mail address or their mailing address, they shall within 30 days, notify the Board in writing. Written notification may be by regular mail, electronic mail or facsimile.

(8) Unless requested for a public health or state health planning purpose or unless extenuating circumstances exist, the Board will withhold the home address and personal telephone number of a licensee.

### DIVISION 10 LICENSED PHYSICAL THERAPISTS AND LICENSED PHYSICAL THERAPIST ASSISTANTS

#### 848-010-0010

##### Approval of Schools of Physical Therapy

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

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a school of physical therapy if, at the time of his/her graduation, the school is a candidate for accreditation and subsequently is granted the accreditation.

#### **848-010-0015**

##### **Examinations**

(1) Examinations for licensing of physical therapists and of physical therapist assistants shall be provided by an examination service approved by the Board. The overall passing score shall be based on a formula using the criterion-referenced scoring system. An applicant may sit for the examination a maximum of three times in any jurisdiction within a 12-month period, measured from the date of the first examination.

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

(3) Unless qualified for licensure by endorsement under OAR 848-010-0022, a foreign educated physical therapists must submit directly to the Board, prior to obtaining an application:

(a) A Credentials Evaluation Statement ("the Report") of professional education and training prepared by a Board-approved credentials evaluation agency. It is the applicant's responsibility to pay the expenses associated with the credentials evaluation.

(A) The Report must provide evidence and documentation that the applicant's education outside a state or territory of the United States is substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy education program approved by the Board pursuant to ORS 688.050(2).

(B) To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate Course Work Tool ("CWT") adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist graduated from their physical therapy program.

(b) English Language Proficiency.

(A) Verification that English is the native language of the country of origin, and the physical therapy program employs English as the language of training; or

(B) Verification that the applicant has achieved a score of not less than 560 on the paper Test of English as a Foreign Language (TOEFL) or a score of not less than 220 on the computer Test of English as a Foreign Language (TOEFL), a score of not less than 50 on the Test of Spoken English (TSE) and a score of not less than 4.5 on the Test of Written English (TWE); or

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

(c) If applicant has taken a Board-approved national licensing examination prior to application for licensure in Oregon, a report of applicant's examination scores must be submitted to the Board directly from the Board-approved examination service.

(d) If applicant holds or has held a license in the country in which the applicant received their physical therapy education, the applicant must provide primary source verification of the license.

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

(4) The Examination must be given in the English language.

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

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

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

equivalent examination more than five years prior to application for licensure in the State of Oregon and who has not been actively licensed in any other state or territory of the United States for a five year period must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015.

#### **848-010-0020**

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

Physical therapists and physical therapist assistants not licensed in the State of Oregon may be licensed by endorsement if they comply with all of the following:

(1) File a completed application form and pay a non-refundable endorsement application fee.

(2) Are at least 18 years of age.

(3) Are graduates of an approved school for physical therapists or physical therapist assistants as provided in OAR 848-010-0010 and 848-010-0015(3).

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

(5) Have passed the physical therapist or physical therapist assistant examination provided by a Board-approved examination service.

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

#### **848-010-0022**

##### **Endorsement of Out-of-State Foreign Educated Physical Therapists**

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

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

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

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

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

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#### 848-010-0026

##### Temporary Permits

- (1) The Board may issue a temporary permit to practice as a physical therapist or physical therapist assistant for the period specified below to an applicant who meets the requirements of this rule.
- (a) A person who has completed a CAPTE accredited physical therapist or physical therapist assistant program in a state or territory of the United States and who is applying for the first time to take the licensing examination in Oregon may be issued a temporary permit for a period of 90 calendar days. Such applicant shall:
- (A) Submit a completed application for license by examination and pay the required fee;
- (B) Submit a completed application for a temporary permit and pay the required fee; and
- (C) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program.
- (b) A person who holds a valid current license to practice in another state or territory of the United States may be issued a temporary permit for a period of 60 calendar days. Such applicant shall:
- (A) Provide written primary source verification of current licensure in another state or territory;
- (B) Submit a completed application for license by endorsement and pay the required fee;
- (C) Submit a completed application for a temporary permit and pay the required fee;
- (D) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program; and
- (E) Have passed the physical therapist or physical therapist assistant examination as provided in OAR 848-010-0020(5).
- (c) A person who is a foreign educated physical therapist who has graduated from a CAPTE accredited physical therapist program may be issued a temporary permit for a period of 60 calendar days. Such applicant shall:
- (A) Submit a completed application for license by examination or endorsement and pay the required fee;
- (B) Submit a completed application for a temporary permit and pay the required fee;
- (C) Submit a Board Certificate of Professional Education providing primary source verification of completion of a CAPTE accredited physical therapist program; and
- (D) Submit proof of passing scores on the TOEFL, TSE and TWE tests or iBTOEFL test. However, this requirement does not apply if the physical therapist program was taught in English and English is the national language of the country where the physical therapist program was taught.
- (2) A person who holds a temporary permit must practice under supervision as provided in this rule.
- (3) A person who holds a temporary permit issued under subsection (1)(a) or (1)(c) of this rule must practice under on-site supervision, which means that at all times a supervising therapist is in the same building and immediately available for consultation. Entries made in the patient record by a temporary permit holder must be authenticated by the permit holder and by a supervising therapist.
- (4) A person who holds a temporary permit issued under subsection (1)(b) of this rule must practice under general supervision, which means that at all times a supervising therapist must be readily available for consultation, either in person or by telecommunication.
- (5) As used in this rule, "supervising therapist" means an Oregon licensed physical therapist if the permit holder is a physical therapist or a physical therapist assistant. "Supervising therapist" also means an Oregon licensed physical therapist assistant if the permit holder is a physical therapist assistant. A physical therapist assistant may not supervise a physical therapist permit holder.
- (6) If a physical therapist assistant is supervising a physical therapist assistant permit holder, a physical therapist must be readily available for consultation, either in person or by telecommunication, as provided in OAR 848-015-0020.

- (7) Within five (5) working days of beginning practice the permit holder must submit to the Board a completed "Temporary Permit Letter from Employer" form. The permit holder must notify the Board of any change in employment during the period of the temporary permit by submitting a new "Temporary Permit Letter from Employer" within five (5) working days.
- (8) A temporary permit issued under this rule shall terminate automatically by operation of law if the permit holder fails the Board-approved national licensing examination or the person's score on the Board-approved national licensing examination taken for purposes of licensure in another state or territory does not meet Oregon Board requirements. A permit holder must return the permit certificate to the Board immediately, by a method that provides delivery verification, upon notification that the permit has terminated.
- (9) The Board may refuse to issue a temporary permit to an applicant or may revoke a permit after issuance on any of the grounds set out in OAR 848-010-0044 or 848-045-0020. A person whose permit is revoked must return the certificate to the Board immediately by a method that provides delivery verification.
- (10) A permit holder whose permit has terminated or has been revoked is not eligible to apply for another permit.
- (11) A person who has taken and failed the Board-approved national licensing examination is not eligible to apply for a temporary permit. A person who has failed and has not subsequently passed the national licensing examination in another state, or whose score on the examination taken for purposes of licensure in another state or territory does not meet Oregon Board requirements, is not eligible to apply for a temporary permit.
- (12) In its discretion the Board may grant one 60 calendar day extension to a person who holds a temporary permit.
- (13) A person who holds a temporary permit issued under this rule is subject to all statutes and rules governing a licensee.

#### 848-010-0033

##### Yearly Renewal Of License Required

- (1) All physical therapist and physical therapist assistant licenses expire on March 31 of each calendar year, regardless of the initial issue date. Physical therapists and physical therapist assistants must annually renew their licenses to practice effective April 1 of each year. A license is considered lapsed if a completed renewal application is postmarked or received after March 31. A person whose license has lapsed must immediately stop practicing as a physical therapist or a physical therapist assistant and shall not practice until the license is renewed.
- (2) During the first week in January of each year the Board mails a renewal application to each currently licensed physical therapist and physical therapist assistant at the licensee's mailing address on file with the Board.
- (3) If the completed license renewal application is postmarked or actually received by the Board after March 31, the licensee is subject to a lapsed license renewal fee as provided in OAR 848-005-0020(1)(e) in addition to the annual license renewal fee.
- (4) A licensed physical therapist must complete the renewal application form furnished by the Board and pay the annual renewal fee provided in OAR 848-005-0020(1)(c).
- (5) A licensed physical therapist assistant must complete the renewal application form furnished by the Board and pay the annual renewal fee provided in OAR 848-005-0020(1)(d).
- (6) Each currently licensed physical therapist and physical therapist assistant must complete the continuing education as provided in Division 35 of these rules by March 31st of each even-numbered year.

#### 848-010-0035

##### Renewal of Lapsed Licenses

- (1) Any license that is not renewed before April 1 of each year shall automatically lapse. No person whose license has lapsed shall practice until the license is renewed. Failure to receive a renewal notice shall not excuse any licensee from the requirements of renewal. The Board may renew any lapsed license upon payment of all past unpaid renewal fees and payment of a single lapsed license renewal fee as provided in OAR 848-005-0020(1)(e) and, if applicable, documentation of completion of the continuing education

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requirements as provided in 848-035-0020(5). An applicant whose license has lapsed for non-completion of the continuing education requirements may reinstate the lapsed license upon completion of the requirements for the immediately prior certification period. Courses taken after March 31 of the even-numbered year to fulfill the requirements necessary to reinstate the lapsed license shall apply only to the prior certification period.

(2) In the event that an applicant's Oregon physical therapy license has lapsed for five or more consecutive years, the applicant must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015.

(3) If the applicant holds a current physical therapist or physical therapist assistant license in another state or jurisdiction and the applicant's Oregon license has lapsed for five or more consecutive years, the applicant may apply for a license by endorsement as provided in OAR 848-010-0020.

### 848-010-0044

#### Grounds for Refusal to License an Applicant

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

- (1) Is not a person of good moral character as provided in OAR 848-045-0020(2)(i);
- (2) Willfully made a false statement on the application;
- (3) Failed to disclose requested information or provided false or materially misleading information on the application or during the process of applying for a license or temporary permit;
- (4) Has practiced physical therapy without a license or has purported to be a therapist in violation of ORS 688.020;
- (5) Has a mental, emotional or physical condition which impairs the applicant's ability or competency to practice physical therapy in a manner consistent with the public health and safety;
- (6) Has an addiction to or a dependency on alcohol, legend drugs or controlled substances which impairs the applicant's ability or competency to practice physical therapy in a manner consistent with the public health and safety;
- (7) Has been disciplined or had an application for licensure refused by another Oregon state licensing board or out-of-state licensing board for an act which if committed in Oregon would be grounds for discipline under ORS 688.140 or OAR 848-045-0020;
- (8) Has been convicted of violating any federal law or state law relating to controlled substances, subject to the provisions of ORS 670.280(2); or
- (9) Has been convicted of any crime that is a felony or misdemeanor under the laws of any state or of the United States, subject to the provisions of ORS 670.280(2).
- (10) Has attempted and failed the National Physical Therapy Examination a total of five (5) times including all attempts in any other state or territory of the United States.

## DIVISION 15

### PHYSICAL THERAPIST ASSISTANTS

#### 848-015-0010

##### Definitions

- (1) Under ORS 688.010(4), a physical therapist assistant is defined as a person who assists a physical therapist in the administration of physical therapy. The physical therapist assistant's function is to assist the physical therapist in patient-related activities and to perform delegated procedures that are commensurate with the physical therapist assistant's education, training, experience, and skill.
- (2) "Supervising physical therapist" means either the last physical therapist to see the patient, or the physical therapist designated as in charge of the patient on the day the patient is being treated.

#### 848-015-0020

##### Scope of Practice

- (1) For purposes of the provision of physical therapy services, a physical therapist assistant shall practice solely under the clinical supervision and direction of a physical therapist.
- (2) A physical therapist assistant may provide physical therapy treatment only when a supervising physical therapist is available. As used in this rule "available" means that at all times a supervising physical therapist is readily accessible for consultation with the assistant, either in person or by means of telecommunications.
- (3) A physical therapist assistant may provide physical therapy treatment only after a physical therapist has performed an initial evaluation and prepared a plan of care.
- (4) A physical therapist assistant may prepare a final summary of a patient's physical therapy status upon discharge as provided in OAR 848-040-0165.
- (5) A physical therapist assistant shall practice in compliance with the standards set out in Division 40 of these rules.
- (6) If authorized by a supervising physical therapist, a physical therapist assistant may provide limited services to a student in a school setting for up to 10 school days after the date when a reassessment is required to be performed under OAR 848-0040-0155(2)(b) or (c). The services that may be provided under this paragraph are limited to coordinating with other persons and instructing a teacher or educational or instructional assistant or nursing aide in physical management strategies to insure that the student can access the classroom and related educational services in compliance with and continued implementation of the student's individualized education plan as defined in OAR 848-040-0100(3)

#### 848-015-0030

##### Prohibited Acts

- (1) A physical therapist assistant shall not:
- (a) Perform an initial evaluation.
  - (b) Perform the required reassessment provided in OAR 848-040-0155. However, a physical therapist assistant may participate with the physical therapist in gathering data to be included in the required reassessment of a patient for whom the assistant has been providing treatment.
  - (c) Independently make modifications to the plan of care or objective goals. However, an assistant may collaborate with the physical therapist in making modifications or changes to the plan of care or goals based on the assistant's treatment of that patient and the patient's condition, progress or response to the treatment.
  - (d) Independently make the decision to discharge a patient from therapy. However, a physical therapist assistant may make recommendations regarding discharge to the supervising physical therapist based on the assistant's treatment of the patient.
  - (e) Perform high velocity manipulation of the spine or peripheral joints.
- (2) As provided in ORS 688.020(2), no person shall practice as a physical therapist assistant unless that person is licensed under ORS 688.090.

## DIVISION 20

### PHYSICAL THERAPIST AIDES

#### 848-020-0000

##### Definitions

As used in this division:

- (1) "Physical therapist aide" or "aide" means a person who is not licensed as a physical therapist or physical therapist assistant, who aids a physical therapist or physical therapist assistant by performing treatment-related tasks or by performing non-treatment, patient-related tasks. Although they may be providing services to a patient pursuant to direction or instruction from a physical therapist or physical therapist assistant, the following persons are not considered physical therapist aides:
- (a) Educational or instructional aides or assistants working in a school setting;
- or

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- (b) Nurses aides, restorative aides or personal care assistants. Persons performing facility maintenance, equipment assembly and maintenance, housekeeping, clerical, or other similar tasks are not considered aides.
- (2) "Physical therapist" or "physical therapist assistant" includes a person who holds a temporary permit issued under OAR 848-010-0026.
- (3) "Treatment-related task" means a physical therapy service rendered directly to a patient.
- (4) "Non-treatment, patient-related task" means a task related to preparation of treatment areas, transport of patients, preparation of patients for treatment and other patient-related tasks.
- (5) "Supervise" means to provide the amount of personal direction, assistance, advice and instruction necessary to reasonably assure that the supervisee provides the patient competent physical therapy services, given the supervisor's actual knowledge of the supervisee's ability, training and experiences. Additionally, supervision of:
- (a) A treatment-related task requires that the supervising physical therapist or physical therapist assistant be in the same building and within sight or earshot of the aide who is performing the treatment-related task, such that the supervising physical therapist or physical therapist assistant is immediately available at all times to provide in person direction, assistance, advice, or instruction to the aide or the patient. A physical therapist may delegate supervision of an aide to a physical therapist assistant;
- (b) A non-treatment, patient-related task requires that the supervising physical therapist or physical therapist assistant be within the building where the aide is performing the task.
- (6) "Authentication" means the process by which the licensee reviews and validates the accuracy of the record entry. By authenticating a record entry, the licensee certifies that the services described were performed by the authenticating licensee or performed by a person under that licensee's supervision.

### 848-020-0010

#### Eligibility Standards

A physical therapist aide shall:

- (1) Be at least 18 years of age.
- (2) Have received a high school diploma or equivalent.

### 848-020-0030

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

- (1) The physical therapist shall supervise the physical therapist aide in each treatment task and each non-treatment, patient-related task assigned to the aide. The supervising physical therapist may delegate to a physical therapist assistant supervision of the aide.
- (2) A physical therapist or physical therapist assistant shall not permit an aide to perform a treatment-related task or a non-treatment, patient-related task except under the supervision of a physical therapist or physical therapist assistant. A licensee shall not permit an aide to administer a task that is prohibited under OAR 848-020-0060, and shall not permit an aide to administer a non-prohibited procedure or modality to a patient unless a licensee has previously administered the entire specific procedure or modality to the patient.
- (3) A physical therapist or physical therapist assistant may supervise a maximum total of two physical therapist aides, when the aides are performing treatment-related tasks. In addition, a physical therapist or physical therapist assistant may supervise additional aides who are not performing treatment related tasks.
- (4) Use of an aide to perform tasks as allowed by this rule shall not constitute a violation of OAR 848-045-0020(2)(s).
- (5) A physical therapist or physical therapist assistant is responsible for the competent performance of tasks assigned to an aide whom the physical therapist or physical therapist assistant is supervising as provided in OAR 848-020-0000(5).
- (6) A physical therapist assistant is always also professionally responsible for all acts and omissions of each aide under the physical therapist assistant's supervision

### 848-020-0040

#### Training

- (1) Prior to allowing a physical therapist aide to perform any treatment-related task, the supervising physical therapist shall assure that the aide has undertaken 40 hours of on-the-job training as follows:
  - (a) A minimum of 10 hours of instruction on professional/medical ethics, patient confidentiality, universal precautions, body mechanics, physical medicine terminology and safety procedures;
  - (b) A minimum of 30 hours of instruction in the facility in areas appropriate to that particular physical therapy facility, including but not limited to precautions and contraindications for physical therapy treatments routinely provided at the facility, and supervised practical applications of appropriate treatment protocols and techniques. Changes in employment shall require another 30 hours of instruction appropriate to that facility;
  - (c) However, physical therapist or physical therapist assistant students, upon successful completion of the first year of study, may be employed as an aide with a minimum of 8 hours of instruction appropriate to that facility;
  - (d) A person who has successfully completed a CAPTE accredited physical therapist or physical therapist assistant program, may be employed as an aide with a minimum of 8 hours of instruction appropriate to that facility.
- (2) The supervising physical therapist shall be responsible for documentation of the training for each aide, and shall maintain this documentation at the facility for a minimum of 5 years after termination of employment and make it available to the Board upon request. The supervising physical therapist also shall respond to any inquiry by the Board concerning the training provided to an aide. The aide training record shall include but not be limited to:
  - (a) Aide position description;
  - (b) Policies and procedures clearly stating the aide's duties, as set forth in OAR 848-020-0060;
  - (c) Training schedule, which includes but is not limited to:
    - (A) Start date for the training;
    - (B) Activity/description of training;
    - (C) Amount of time spent on training for each activity;
    - (D) Date training is complete;
    - (E) Names of instructors and aide, including signature of each instructor and aide;
    - (F) If applicable, documentation of training received outside of the facility in the form of a letter or copies of the previous training record. Documentation must include the level of responsibility of the aide.

### 848-020-0050

#### Assignment of Tasks to Aides

- (1) A supervising physical therapist or physical therapist assistant may assign treatment-related tasks and non-treatment, patient-related tasks to an aide.
- (2) Prior to allowing an aide to perform any treatment-related task:
  - (a) The physical therapist must provide an initial evaluation of the patient and develop a plan of care;
  - (b) The physical therapist or physical therapist assistant shall assess the competence of the aide to perform an assigned treatment-related task for that patient in a safe and effective manner;
  - (c) The physical therapist or physical therapist assistant must assign only those tasks which are appropriate for the aide to perform for that patient based on the aide's training, experience and ability.
- (3) When a treatment-related task is performed by an aide, the supervising physical therapist or physical therapist assistant shall, at some point during each treatment, provide direct service to the patient to assess and monitor the patient's progress, and so document in the patient's record.

### 848-020-0060

#### Prohibited Treatment-Related Tasks

- A physical therapist or physical therapist assistant shall not permit an aide to perform any of the following treatment-related tasks:
- (1) Administer iontophoresis. However, an aide who has been trained to do so may assist with iontophoresis by applying the medication to the electrode so long as a physical therapist or physical therapist assistant administers it to the patient.

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- (2) Administer phonophoresis. However, an aide may operate the sound head if the physical therapist or physical therapist assistant has applied the medication to the patient, determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
- (3) Administer electrotherapy. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the electrode placements, treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
- (4) Administer ultrasound. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
- (5) Administer mechanized or manual traction.
- (6) Perform manual stretching with the goal of increasing range of motion, neuro-facilitation or cardiac therapeutic exercise.
- (7) Perform soft tissue mobilization or massage (other than effleurage and petrissage). However, an aide who is separately licensed or registered under another Oregon statute to do so may perform these tasks if done under the direction and on-site supervision specified in OAR 848-020-0000(5)(a).
- (8) Wound debridement.
- (9) Administer tilt table or standing frame. However an aide may perform these tasks if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
- (10) Joint mobilization or manipulation.
- (11) Determine or modify a plan of care.
- (12) Initiate or administer a physical therapy intervention the first time that intervention is administered or provided to a patient. This prohibition means that a physical therapist or physical therapist assistant must provide or administer the entire specific intervention before delegating that task to an aide.
- (13) Independently make entries in a patient record, except for objective information about the treatment provided by the aide. The aide shall authenticate the record entry as provided in OAR 848-040-0150(2). A physical therapist or physical therapist assistant may also dictate information to an aide for entry into a patient medical record, so long as the physical therapist or physical therapist assistant authenticates such entries.
- (14) Instruct a patient or a patient's caregiver in the application of any treatment.
- (15) Except as required to respond to an inquiry by the Board or other person authorized to receive the information, answer or discuss any questions regarding a patient's status or treatment with anyone other than the physical therapist or physical therapist assistant.

#### DIVISION 35 CONTINUING EDUCATION

##### 848-035-0010

###### Purpose

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

##### 848-035-0015

###### Definitions

As used in this Division:

- (1) "Certification period" means a 24 month continuing education certification period which runs from April 1st of each even numbered year, through March 31st of the next even numbered year, i.e. April 1, 2008 through March 31, 2010.

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

- (3) "Hours" means contact hours.

##### 848-035-0020

###### Required Hours and Period for Completion

- (1) A licensed physical therapist is required within each certification period to complete 24 hours of continuing education relating to the delivery or provision of physical therapy services.
- (2) A licensed physical therapist assistant is required within each certification period to complete 12 hours of continuing education relating to the delivery or provision of physical therapy services.
- (3) Notwithstanding the provisions of subsection (1) of this rule, any person who is first issued an Oregon physical therapist license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to OAR 848-010-0020, anytime during the first year of a certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing education required for that certification period. A person who is first issued an Oregon physical therapist license anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing education required for that certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.
- (4) Notwithstanding the provisions of subsection (2) of this rule, any person who is first issued an Oregon physical therapist assistant license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to OAR 848-010-0020, anytime during the first year of a certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 12 hours of continuing education required for that certification period. A person who is first issued an Oregon physical therapist assistant license anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (6 hours) of the continuing education required for that certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.
- (5) Notwithstanding the provisions of subsection (1) of this rule, a physical therapist whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to OAR 848-010-0035, anytime during the first year of a new certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing education required for that certification period. A person whose lapsed physical therapist license is renewed anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing education required for that certification period. However, if a person who is renewing a lapsed license practiced in Oregon at any time while the person's license was lapsed, the person must complete the full 24 hours of continuing education required for the certification period. Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.
- (6) Notwithstanding the provisions of subsection (2) of this rule, a physical therapist assistant whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to OAR 848-010-0035, anytime during the first year of a new certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 12 hours of continuing education required for that certification period. A person whose lapsed physical therapist assistant license is renewed anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (6 hours) of the continuing education required for that certification period. However, if a person who is renewing a lapsed license practiced in Oregon at any time while the person's license was lapsed, the person must complete the full 12

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hours of continuing education required for the certification period.

Thereafter, such licensees must complete the same continuing education requirements as other licensees who hold the same license.

(7) Any licensee whose license lapses on April 1st of an even numbered year, regardless of the reason, and who subsequently renews the lapsed license during the first 12 months of a new certification period, shall provide documentation of completion of the continuing education requirements for the immediately prior certification period before the license will be renewed.

(8) For purposes of determining whether a licensee has satisfied the continuing education requirement under section (3), (4), (5) or (6) of this rule, the Licensing Board will accept all qualifying continuing education hours completed from the beginning date of the 24 month certification period in which the license was issued or renewed, regardless of the specific date the license was issued or renewed. For example, a person whose license is issued or renewed on June 15, 2009 will receive credit for all qualifying continuing education hours completed at any time during the certification period of April 1, 2008 to March 31, 2010.

(9) The initial certification period for a licensee to complete the required hours shall be January 1, 2006, through and including March 31, 2008. Thereafter, each twenty-four month period for completion of the required hours shall be April 1st of the even numbered year through March 31st of the next even numbered year. For example, the second twenty-four month period will be from April 1, 2008, through March 31, 2010.

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

(11) Notwithstanding the provisions of this rule and OAR 848-010-0033(6), a physical therapist or physical therapist assistant who is renewing a license during an even numbered year and who was first licensed in Oregon between January 1st to and including March 31st of that even numbered year, is not required to complete continuing education for the current certification period. Thereafter such licensees shall be subject to the continuing education requirement for all subsequent continuing education certification periods.

#### 848-035-0030

##### Continuing Education Requirements and Restrictions

(1) A licensee may satisfy the requirements of this Division 35 by taking continuing education which may include but is not limited to:

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

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

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

(d) Courses provided by an accredited institution of higher education other than courses taken as part of the curriculum requirements of a CAPTE accredited physical therapy program;

(e) Individual study courses requiring an examination and recognized by an accredited institution or recognized health-related organization or professional association recognized by the Board;

(f) Courses in cardiopulmonary resuscitation (CPR) however, continuing education credit will be limited to one hour, regardless of the length of the course;

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

(A) The licensee may receive continuing education units or hours equivalent to the actual credit hours awarded to participants for that portion of the program which the licensee presents;

(B) The maximum cumulative credit granted for presenting courses or lectures shall be no more than one half of the total continuing education requirement during any certification period (ie: 12 hours for physical therapists and 6 hours for physical therapist assistants) and;

(C) A licensee may receive credit for presenting a particular course or lecture only one time during any certification period, regardless of how many times the licensee presents that course or lecture;

(h) Publishing an article in a peer review journal,

(A) The maximum credit granted for publishing an article shall be one half of the total continuing education requirement during any certification period (i.e.: 12 hours for physical therapists and 6 hours for physical therapist assistants).

(B) A licensee may receive credit for publishing an article only one time during any certification period;

(i) Serving as a certified clinical instructor as follows:

(A) A licensee who has completed a Board-approved clinical instructor certification program may receive continuing education credit equivalent to 1 credit hour for each 40 hours of direct clinical instruction to a physical therapist student or physical therapist assistant student enrolled in a physical therapy or physical therapy assistant program.

(B) The maximum cumulative credit granted for serving as a clinical instructor shall be no more than one-third of the total continuing education requirement during any certification period (ie. 8 hours for a physical therapist or 4 hours for a physical therapist assistant.)

(C) The licensee must obtain a letter or certificate from the student's academic institution verifying that the licensee has completed the course of clinical instruction; and

(j) Courses or activities approved by the Board by special request.

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

(a) In service programs or required workplace orientation, training or competencies;

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

(c) Entertainment or recreational meetings; or

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

#### 848-035-0035

##### Pain Management Course Requirement for Physical Therapists

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

(2) Physical therapists initially licensed on or before March 31, 2008 must complete the coursework requirement between January 1, 2006 and March 31, 2010.

(3) Physical therapists licensed on or after April 1, 2008 must complete the coursework requirement within a period of 24 months either before or after the first renewal of their physical therapist license.

(4) The requirement is seven hours of pain management education, including the completion of a one hour on-line pain management course sponsored and provided by the Oregon Pain Management Commission, plus an additional six hours of continuing education relative to the evaluation, diagnosis or treatment of pain.

(5) The seven hours of pain management education may be used to satisfy part of the physical therapist's continuing education requirement under OAR 848-035-0020 for the current period. However, pain management education hours taken in a prior certification period and used to satisfy the pain management requirement cannot be used to satisfy part of the continuing education requirement for the current certification period.

(6) Physical Therapist Assistants are exempt from the pain management education requirement.

#### 848-035-0040

##### Documentation of Continuing Education Credits

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

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

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

(4) The Board may require all or any percentage of physical therapists and physical therapist assistants who are renewing their licenses in the even numbered year to provide documentation of completion of the continuing education requirements of this division 35.

### DIVISION 40

#### MINIMUM STANDARDS FOR PHYSICAL THERAPY PRACTICE AND RECORDS

##### 848-040-0100

###### Definitions

As used in this Division:

(1) "Authentication" means the process by which the licensee reviews and validates the accuracy of the record entry. By authenticating a record entry, the licensee certifies that the services described were performed by the authenticating licensee or performed by a person under that licensee's supervision.

(2) "IDEA" means Individuals with Disabilities Education Improvement Act.

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

(4) "IFSP" means an Individualized Family Services Plan developed for a child qualified under the IDEA Early Intervention Program.

(5) "Licensee" means a physical therapist or a physical therapist assistant and includes a temporary permit holder.

(6) "Patient" means one who seeks and receives physical therapy services. For purposes of these rules, patient may include a person receiving services in a home or clinical setting, a student in a school setting, a child receiving early intervention services, a resident of a care facility, or an animal.

(7) "Permanent Record" means the final version of the record of each evaluation, reassessment or treatment provided to a patient which becomes part of the patient's medical record.

(8) "Physical therapy intervention" means a treatment or procedure and includes but is not limited to: therapeutic exercise; gait and locomotion training; neuromuscular reeducation; manual therapy techniques (including manual lymphatic drainage, manual traction, connective tissue and therapeutic massage, mobilization/manipulation of soft tissue or spinal or peripheral joints, and passive range of motion); functional training related to physical movement and mobility in self-care and home management (including activities of daily living (ADL) and instrumental activities of daily living (IADL)); functional training related to physical movement and mobility in work (job/school/play), community, and leisure integration or reintegration (including IADL, work hardening, and work conditioning); prescription, application, and, as appropriate, fabrication of devices and equipment (assistive, adaptive, orthotic, protective, or supportive); airway clearance techniques; integumentary repair and protective techniques; electrotherapeutic modalities; physical agents and mechanical modalities; and patient related instruction and education.

(9) "Plan of care" means a written course of physical therapy treatment established by a physical therapist following an initial evaluation which integrates the evaluation data collected to determine the degree to which physical therapy interventions are likely to achieve anticipated goals and expected outcomes.

(10) "Record" means a written account of the detailed information gathered from each evaluation, reassessment, and the treatment provided to a patient. This documentation may be used to create the separate, permanent record, or it may serve as the permanent record.

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

(12) "Student PT or Student PTA" means a person enrolled in a CAPTE accredited physical therapist or physical therapist assistant program and who is providing patient care as part of the required clinical education.

##### 848-040-0105

###### General Standards for Practice

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

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

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

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

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

(6) A licensee shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in ORS 192.518 to 192.523.

##### 848-040-0110

###### General Standards for Record Keeping

(1) The licensee who performs the physical therapy service shall prepare a complete and accurate record for every patient, regardless of whether compensation is given or received for the therapy services and regardless of whether the patient receives treatment pursuant to a referral or is self-referred.

(2) A record shall be prepared on the date a physical therapy service is provided.

(3) The permanent record shall contain information for every physical therapy service provided, the date the service was provided and the date the entry was made in the record. The permanent record of a physical therapy service shall be prepared within seven calendar days of the date the service was provided.

(4) The licensee who performs the physical therapy service shall authenticate the permanent record of the service that was performed. Authentication may be made by written signature or by computer. If authentication is by computer, the licensee shall not permit another person to use the licensee's password to authenticate the entry. Authentication may not be accomplished by the use of initials, except when a record entry identifying an error is authenticated. A rubber stamp may not be used to authenticate any entry in a patient record.

(5) Non-licensees, including physical therapist aides, may prepare physical therapy treatment-related entries for the permanent patient record for authentication by the treating licensee. The requirement for authentication shall not apply to records not related to physical therapy treatment.

(6) Either the permanent record or a record prepared on the date of service shall be readily accessible to a licensee prior to when that licensee provides subsequent treatment to the patient. "Readily accessible" means the authenticating licensee is able to produce the record immediately upon request.

(7) All entries shall be legible and permanent handwritten records shall be in ink.

(8) Abbreviations may be used if they are recognized standard physical therapy abbreviations or are approved for use in the specific practice setting.

(9) When an error in the permanent record is discovered, the error shall be identified and corrected. The erroneous entry shall be crossed out, dated and

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initialed or otherwise identified as an error in an equivalent written manner by the author of the erroneous entry.

(10) Late entries or additions to entries in the permanent record shall be documented when the omission is discovered with the following written at the beginning of the entry: "late entry for (date)" or "addendum for (date)" and authenticated;

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

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

(13) Documentation by a person who holds a physical therapist temporary permit issued under OAR 848-010-0026 (1)(a) or (1)(c) shall be authenticated by the permit holder and by a supervising physical therapist.

(14) Documentation by a person who holds a physical therapist assistant temporary permit issued under OAR 848-010-0026 (1)(a) shall be authenticated by the permit holder and by a supervising physical therapist or supervising physical therapist assistant.

(15) For purposes of the Board's enforcement of these rules, patient records shall be kept for a minimum of seven years measured from the date of the most recent entry.

#### 848-040-0117

##### Standards For Authorization To Provide Physical Therapy Services

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

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

(a) Treatment shall not continue past 60 days from the initial date of treatment unless the therapist receives a written or oral referral or authorization from a provider identified in ORS 688.132(1). As used in this rule, the term "authorization" includes a provider's certification of the plan of care of a Medicare patient.

(b) If the therapist receives a referral or authorization after the initial 60 days, treatment may be provided in accordance with the referral or authorization. If the referral specifies or identifies specific physical therapy interventions, precautions or contraindications for therapy, physical therapy shall not be provided beyond those specifications or limitations without further authorization.

(c) As provided in ORS 688.132(2), a motor vehicle liability insurer is not required to pay personal injury protection benefits for physical therapy treatment provided to a self-referred patient.

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

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

(b) If a patient who is being treated pursuant to a referral or authorization requests treatment for a diagnosis or condition that is different and separate from the diagnosis or condition that is the subject of the referral, the physical therapist may initiate and provide treatment. In such case, the provisions of subsection (1)(a) of this rule shall apply.

(c) If a physical therapist receives a referral or authorization from a provider identified in ORS 688.132(1) at any time during the first 60 days of treatment, such referral or authorization shall satisfy the requirements of 688.132(1)(b). If a referral or authorization specifies the number of treatments or a duration of treatment extending beyond 60 days, the physical therapist may treat the patient for that duration and may extend treatment for a reasonable period of time if necessary for the patient to receive all authorized treatments.

(3) A physical therapist may initiate physical therapy without a written or oral referral or authorization, and is not required to refer the patient after 60

days under ORS 688.132(1)(b), if the patient meets one of the following criteria:

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

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

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

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

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

#### 848-040-0120

##### Standards For Record Of Authorization

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

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

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

#### 848-040-0125

##### Standards For Initiation Of Physical Therapy

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

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

(a) The patient is returning to care after being discharged from therapy; or  
(b) The patient is new to an inpatient or outpatient facility or home health agency.

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

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

#### 848-040-0130

##### Standards For The Documentation Of An Initial Evaluation

The permanent record of the initial evaluation shall include:

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- (1) Patient's full name, age and sex;
- (2) Identification number, if appropriate;
- (3) Referral source, including patient self-referral;
- (4) Pertinent medical or physical therapy diagnoses, medications if not otherwise accessible in another part of the patient's medical record, history of presenting problem and current complaints and symptoms, including onset date;
- (5) Prior or concurrent services related to the provision of physical therapy services;
- (6) Any co-existing condition that affects either the goals or the plan of care;
- (7) Precautions, special problems and contraindications;
- (8) Subjective information (patient's knowledge of problem);
- (9) Patient's goals (with family input or family goals, if appropriate). Goals may be as provided in an applicable IEP, IFSP, or other designated plan of care; and
- (10) Appropriate objective testing results, including but not limited to:
  - (a) Critical behavior/cognitive status;
  - (b) Physical status (e.g., pain, neurological, musculoskeletal, cardiovascular, pulmonary);
  - (c) Functional status (for Activities of Daily Living, work, school, home or sport performance); and
  - (d) Interpretation of evaluation results.

### 848-040-0135

#### Standards For The Plan of Care

- (1) Prior to initiation of treatment, a physical therapy plan of care for the patient shall be determined by a physical therapist. As appropriate, a plan of care may include the IFSP, or, in a school setting, a plan of care may include the IEP for a student, or other designated plan of care.
- (2) Only a physical therapist may develop a plan of care. A physical therapist shall not delegate the development of the plan of care to a physical therapist assistant or to an aide.
- (3) A physical therapist shall identify appropriate treatment tasks to be delegated to a physical therapist assistant or aide.
- (4) Only a physical therapist may modify a plan of care. However, a physical therapist assistant may make recommendations to the physical therapist in regards to revision of the plan of care for a patient for whom the physical therapist assistant has been providing treatment.
- (5) A physical therapist shall make modifications to the plan of care any time there are significant changes in the patient's condition or status that would affect the physical therapy goals.

### 848-040-0140

#### Standards For The Documentation Of The Plan Of Care

- (1) The permanent record of the plan of care shall include:
  - (a) Objectively measurable treatment goals that incorporate the patient's goals;
  - (b) Proposed treatment to accomplish the goals; and
  - (c) Proposed frequency and duration of treatment or number of visits.
- (2) The permanent record of the plan of care shall be authenticated and dated by the physical therapist who developed the plan.

### 848-040-0145

#### Standards For Providing Treatment

- (1) A licensee shall not permit an aide to administer a task that is prohibited under OAR 848-020-0060, and shall not permit an aide to administer a non-prohibited procedure or modality to a patient unless a licensee has previously administered that procedure or modality to the patient.
- (2) A physical therapist or physical therapist assistant shall perform, or attempt to perform physical therapy interventions only with qualified education and experience in that intervention.
- (3) Except as provided in OAR 848-015-0020(6), a physical therapist or physical therapist assistant shall not continue to provide treatment to a patient unless a reassessment has been performed when required by 848-040-0155. However, a physical therapist assistant may provide treatment on the day a reassessment is required, so long as during that treatment day a physical therapist performs the required reassessment.

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

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

### 848-040-0147

#### Standards for Treatment by a Student PT or Student PTA

- (1) A physical therapist may allow a student physical therapist (SPT) or student physical therapist assistant (SPTA), as defined in OAR 848-040-0100(12), to provide treatment consistent with the individual student's education, experience and skills.
- (2) A physical therapist assistant may allow an SPTA to provide treatment consistent with the individual student's education, experience and skills.
- (3) At all times, a supervising physical therapist must provide on-site supervision of an SPT or SPTA who provides treatment to a patient.
- (4) For purposes of this rule "supervising physical therapist" means the physical therapist who is responsible for that patient's treatment on the day the SPT or SPTA provides treatment.
- (5) For purposes of this rule "on-site supervision" means that at all times the supervising physical therapist is in the same building and immediately available to provide in person direction, assistance, advice or instruction to the student.
- (6) A physical therapist may delegate supervision of an SPTA to a physical therapist assistant and the provision of subsections (3), (4) and (5) of this rule shall apply to the physical therapist assistant.
- (7) Documentation by a student physical therapist (SPT) shall be authenticated on the same day by the student and by a supervising physical therapist. Documentation by a student physical therapist assistant (SPTA) shall be authenticated by the student and by a supervising physical therapist or supervising physical therapist assistant. A SPT's documentation must be completed pursuant to OAR 848-010-0110.

### 848-040-0150

#### Standards For The Documentation of Treatment Provided

- (1) The permanent record of treatment for each patient visit shall include at a minimum:
  - (a) Subjective status of patient;
  - (b) Specific treatments and education provided;
  - (c) Objective data from tests and measurements conducted;
  - (d) Assessment of the patient's response to treatment, including but not limited to:
    - (A) Patient status, progression or regression;
    - (B) Changes in objective and measurable findings as they relate to existing goals;
    - (C) Adverse reactions to treatment; and
    - (e) Changes in the plan of care.
- (2) When treatment is provided by an aide, the aide may only document in the patient record objective information about the treatment provided by the aide. The aide shall authenticate the record entry. Authentication shall include the aide's full name and designation "aide". The aide shall not use the designations "physical therapist aide," "physical therapy aide" or "PT aide".

### 848-040-0155

#### Standards For Performing The Required Reassessment

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

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- (a) At least every 30 days, or at every visit if the patient is seen less frequently;
  - (b) At least every 60 school days if the student is being treated in an educational setting or at every visit if the student is seen less frequently; or
  - (c) Anytime there are significant changes in the patient's condition or status that would result in a change in the goals or the plan of care.
- (3) Only a physical therapist may perform the required reassessment. A physical therapist shall not delegate the performance of a required reassessment to a physical therapist assistant or to an aide.

### 848-040-0160

#### Standards For The Documentation Of The Required Reassessment

- (1) A physical therapist is required to perform and document the reassessment as required under OAR 848-040-0155.
- (2) The permanent record of each reassessment shall include at a minimum:
- (a) Subjective status of patient;
  - (b) Objective data from tests and measurements conducted;
  - (c) Functional status of patient;
  - (d) Interpretation of above data;
  - (e) Any change in the plan of care; and
  - (f) Any change in physical therapy goals (including patient goals).
- (3) After a physical therapist performs a reassessment, a physical therapist assistant may prepare a summary of the patient's physical therapy status based upon the physical therapist's performance of the required reassessment.

### 848-040-0165

#### Standards For Discharging A Patient From Therapy

- (1) A physical therapist shall discharge a patient from physical therapy treatment when:
- (a) The patient has reached all physical therapy goals and additional goals are not identified;
  - (b) The patient will not further benefit from physical therapy due to a lack of progress or a plateau in progress;
  - (c) The patient declines to continue treatment or self-discharges;
  - (d) Physical therapy is no longer appropriate for the patient or is contraindicated secondary to medical or psychosocial reasons;
  - (e) The referring provider directs or instructs that the patient be discharged.
- (2) Only a physical therapist may make the decision to discharge a patient from therapy. A physical therapist shall not delegate the decision to discharge a patient to a physical therapist assistant or to an aide.
- (3) A physical therapist assistant shall not independently make the decision to discharge a patient from therapy. However, a physical therapist assistant may make recommendations regarding discharge to the supervising physical therapist based on the physical therapist assistant's treatment of the patient.

### 848-040-0170

#### Standards For Discharge Records

- (1) Within 30 days following the patient's last scheduled visit or last contact, the physical therapist or physical therapist assistant shall document a final summary of the patient's physical therapy status upon discharge.
- (2) The discharge summary shall include, but is not limited to:
- (a) Date and reason for discharge, or self discharge, if known;
  - (b) Degree of goal achievement or reasons for goals not being achieved;
  - (c) Summary of the patient's status at the time of discharge; and
  - (d) Recommendations for follow-up care, if any.

### 848-040-0175

#### Standards for Screening Services

- (1) "Physical therapy screening" means the process of determining whether a person or animal would benefit from a physical therapy evaluation or referral to another health care professional.
- (2) A physical therapist or physical therapist assistant may conduct or perform a physical therapy screening of a person who is not currently a physical therapy patient.
- (3) A physical therapist or physical therapist assistant shall not delegate the performance of a physical therapy screening to an aide.

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

## DIVISION 45

### GROUND FOR DISCIPLINE AND SANCTIONS

#### 848-045-0010

##### Authority and Sanctions

- (1) If a licensee practices in a manner detrimental to the public health and safety or engages in illegal, unethical or unprofessional conduct as defined by the statutes and OAR 848-045-0020(2), the Board, after notice and opportunity for hearing as provided in ORS 688.145, may:
- (a) Suspend or revoke a license or temporary permit.
  - (b) Impose a civil penalty not to exceed \$5,000, with the penalty for non-compliance with continuing education requirements to be as provided in the penalty schedule set out in Appendix A of these rules, and the penalty for practicing with a lapsed license to be as provided in the penalty schedule set out in Appendix B of these rules.
  - (c) Impose probation with conditions.
  - (d) Impose conditions, restrictions or limitations on practice.
  - (e) Reprimand the licensee.
  - (f) Impose any other appropriate sanction, including assessment of the reasonable costs of a proceeding under ORS 688.145 as a civil penalty. Costs include, but are not limited to, the costs of investigation, attorney fees, hearing officer costs and the costs of discovery.
- (2) A disciplinary sanction imposed against a licensee shall be generally consistent with sanctions imposed by the Board against other licensees in substantially similar cases.
- (3) If a licensee has a mental, emotional or physical condition which impairs the licensee's ability or competency to practice physical therapy in a manner consistent with the public health and safety, the Board, after notice and opportunity for hearing as provided in ORS 688.145, may suspend or revoke the license or temporary permit, impose probation with conditions, or impose conditions, restrictions or limitations on practice.
- (4) As used in this rule, "licensee" includes a temporary permit holder.

#### 848-045-0020

##### Grounds for Discipline of a Licensee

- (1) The Board may impose a sanction as provided in 848-045-0010(1) on a licensee for illegal, unethical or unprofessional conduct. As used in this rule, "licensee" means a physical therapist or a physical therapist assistant, a temporary permit holder, and a person who was a licensee at the time the illegal, unethical or unprofessional conduct occurred regardless of whether the person's license has lapsed.
- (2) A licensee commits or engages in illegal, unethical or unprofessional conduct if the licensee:
- (a) Fails to disclose requested information, conceals material facts or provides false or materially misleading information on an application or during the application process for a temporary permit, license or renewal, or willfully makes a false statement on an application;
  - (b) Is disciplined by another Oregon state licensing board or out-of-state licensing board for conduct which if committed in Oregon would be grounds for discipline under this rule;
  - (c) Is convicted of violating any federal law or state law relating to controlled substances, subject to the provisions of ORS 670.280(2);
  - (d) Is convicted of any crime that is a felony or misdemeanor under the laws of any state or of the United States, subject to the provisions of ORS 670.280(2), or fails to notify the Board within 10 working days of a conviction of a misdemeanor, or an arrest for or conviction of a felony;
  - (e) Commits gross negligence or multiple acts of negligence in practice. The Board may take into account relevant factors and practices, including but not limited to the standard of practice generally and currently followed and accepted by persons licensed to practice physical therapy in this state, the current teachings at accredited physical therapy schools and relevant

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technical reports published in recognized physical therapy journals in determining the definition of gross negligence;

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

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

(h) Violates the provisions of ORS 688.010 to 688.220 or any administrative rule, or violates or fails to comply with any order of the Board;

(i) Engages in any act involving moral turpitude, including, but not limited to fraud, deceit, dishonesty, violence, or illegal activity undertaken for personal gain, subject to the provisions of ORS 670.280(3);

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

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

(L) Commits or engages in any act of sexual misconduct involving a patient, including but not limited to any acts or statements of a sexual nature that do not contribute to appropriate physical therapy treatment;

(m) Engages in any sexual conduct, including dating, with a patient, whether initiated by the patient or the licensee. For purposes of this subsection, "patient" includes any person who has not been discharged from that therapist's care;

(n) Obtains or attempts to obtain any fee by fraud or misrepresentation, or makes a false or fraudulent claim for health care payment as provided in ORS 165.690 to 165.694;

(o) Engages in exploitation of a patient, which includes but is not limited to the following:

(A) Failure to maintain an appropriate patient/therapist relationship;

(B) Obtaining or attempting to obtain compensation for physical therapy services that were not provided to the patient;

(C) Provides physical therapy services or participates in physical therapy services solely for reasons of personal or institutional financial gain;

(D) Provides physical therapy services under circumstances where there is no benefit to be obtained by the patient from such services;

(E) Accepting, soliciting or borrowing anything of more than nominal value from a patient or a member of the patient's family except for reasonable compensation for physical therapy services provided to the patient. Nominal value shall be determined in the context of the particular relationship and circumstances; or

(F) Influencing a patient or the patient's family to utilize, purchase or rent any equipment based on the direct or indirect financial interests of the licensee rather than on the therapeutic value to the patient. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the interest if the licensee sells or rents the equipment or recommends the purchase or rental of the equipment to the patient.

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

(q) Engages in deceptive consumer practices, including but not limited to:

(A) Using, disseminating or publishing any advertising matter, promotional literature, testimonial, claim or guarantee that is false, misleading or deceptive;

(B) Practicing under a false, misleading or deceptive name, impersonating another licensee or fraudulently using or permitting the use of a license number in any way;

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

(r) Practices physical therapy with a lapsed license;

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

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

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

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

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

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

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

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

(F) Failure to comply with the terms, conditions and recommendations of a Confidential Advisory Letter as issued by the Board;

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

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

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

(y) Fails to notify the appropriate licensing board of any conduct by another licensed medical provider when the licensee has reasonable cause to believe that the medical provider has engaged in prohibited or unprofessional conduct. Notice must occur without undue delay, but in no event later than 10 days after the reporting licensee learns of the conduct. As used in this subparagraph, "prohibited conduct" means a criminal act against a patient or a criminal act that creates a risk of harm to a patient and "unprofessional conduct" means conduct unbecoming a medical provider or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the medical provider's profession or conduct that endangers the health, safety or welfare of a patient; or

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

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**APPENDIX A - Civil Penalty Schedule for Non-Compliance with Division 35 Continuing Education Rules**

VIOLATION	STATUTE/RULE	CIVIL PENALTY
Fail to return, or late in returning, audit summary to the Board office by date due.	ORS 688.140(2)(a) OAR 848-045-0020(2)(u)(B)	\$100.00
Attest to completion of CE upon renewal but upon audit failed to provide satisfactory evidence that CE was completed.	ORS 688.140(2)(c)	\$250.00
Citation for missing CE based on number of credits needed to comply:  Need 50% or less credits to comply  Need more than 50% of credits to comply	ORS 688.140(2)(a)  OAR 848-035-0020(10)	\$100.00  \$200.00
Misrepresenting or attempting to misrepresent information on the CE Audit Summary Form.	OAR 848-045-0020(2)(u)(E)	\$250.00 minimum, case by case

**APPENDEX B – Civil Penalty Schedule for Practicing with a Lapsed License**

<b>Physical Therapists</b>	
1 day to 1 month	\$100.00
1 month to 3 months	\$250.00
3 months to 6 months	\$500.00
6 months to 12 months	\$1000.00
Greater than 12 months	Case by case basis
<b>Physical Therapist Assistants</b>	
1 day to 1 month	\$75.00
1 month to 3 months	\$187.50
3 months to 6 months	\$375.00
6 months to 12 months	\$562.50
Greater than 12 months	Case by case basis