

# PROPOSED RULEMAKING

## STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

### General Provisions

The State Board of Physical Therapy (Board) proposes to amend Chapter 40. The proposed rulemaking includes educational and licensure provisions pertaining to physical therapists and physical therapist assistants, scope of practice provisions, nondelegable activities and functions of supportive personnel and provisions pertaining to discipline. The Board also proposes to make general editorial amendments.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The proposed rulemaking is authorized under section 3 of the Physical Therapy Practice Act (act) (63 P. S. § 1303) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

#### *Background and Purpose*

Most of the Board's regulations have not been amended since the mid-1980s. Many of the Board's current provisions are unnecessary or require clarification. With respect to educational requirements for physical therapists, the regulations need to be updated and refined. Provisions pertaining to the scope of practice of a physical therapist should be updated. The Board also intends to refine and clarify nondelegable activities which may not be assigned to a physical therapist assistant or supportive personnel. The following is a description of the proposed rulemaking.

#### *Description of Proposed Rulemaking*

Section 40.1 (relating to definitions) would be amended by defining "direct on-premises supervision" to reflect the definition in section 9.1 of the act (63 P. S. § 1309.1). In particular, the amendment reflects that the term means "on the premises" where the physical therapist assistant or the supportive personnel is providing patient-care services.

The proposed amendment to § 40.4(2) (relating to admission to practice of physical therapy) clarifies that the Board issues licenses by endorsement to applicants who are educated in another state or territory of the United States. Paragraph (4) would be amended by updating the word "trained" to "educated," which is a more accurate term of art. The Board proposes to add paragraph (5) to make it clear that the Board also issues licenses by endorsement to applicants educated in a foreign country and who are authorized to practice as a physical therapist without limitations in the country where the professional education occurred and who hold a valid license by examination in another state or territory of the United States providing that the requirements were, at the time of receiving the license, substantially equivalent to the requirements in the act. Although the Board has always issued these licenses, the regulations did not clearly state that the license by endorsement

pertained to a foreign educated applicant who also holds a valid license by examination in another state or territory of the United States.

Section 40.11(1) (relating to license by examination; requirements for examination) would be amended to reflect the Board's recognition of the Commission on Accreditation in Physical Therapy Education (CAPTE) as the approved accrediting program for educational programs of physical therapy. One of the more rapid changes that is occurring in physical therapy education is the move toward the entry level doctorate in physical therapy. Beginning January 1, 2002, CAPTE will accredit only programs that offer a postbaccalaureate degree. There are currently 17 accredited programs in this Commonwealth, all of which are at the postbaccalaureate level. The physical therapy programs in this Commonwealth are either already accredited by CAPTE or in the process of becoming accredited by CAPTE. Section 40.11(1) would require an applicant to have graduated from a CAPTE-accredited program within 6 months of the effective date of the final-form rulemaking. Paragraph (2) would be amended to clarify that the baccalaureate degree consists of at least 120 semester hours.

Section 40.15(c) and (d) (relating to examinations) would be deleted because the Board has switched from paper and pencil examinations to computer based testing, which is available on a frequent basis.

Section 40.16 (relating to licensure by endorsement) would be amended to clarify that subsection (a) applies to applicants who were educated in a state or territory of the United States and that subsection (b) applies to applicants who were educated in a country or territory outside of the United States. Subsection (a)(2) would be deleted because paragraph (1) states that the requirements for licensure or regulation in the state from which the applicant was originally licensed must be substantially equal to the requirements for licensure in this Commonwealth. Also, the passing scores for examinations are uniform throughout the United States since the examination is National.

Subsection (b) is added regarding licensure by endorsement for an applicant who was trained in a foreign country. This provision more clearly sets out the requirements for these applicants. The applicant would be required to meet the educational requirements in § 40.17 (relating to foreign-trained physical therapists applying to take the licensure examination and pursue a clinical experience). If the applicant is licensed in a country or territory outside of the United States, the applicant would also be required to submit evidence that the applicant holds that license without restriction. The applicant must also hold a valid license by examination in another state or territory of the United States providing the requirements were, at the time of receiving the license, substantially equivalent to the requirements in the act.

Section 40.17 would be amended by requiring the foreign-trained applicant to provide evidence that the school of physical therapy where the education occurred is recognized by its own ministry of education, or other authorizing agency or entity; and if the applicant is licensed in the foreign country where he was educated, he must provide proof of authorization to practice in the country where the professional education took place. The

applicant must also provide proof of legal authorization to seek employment in the United States or its territories. The Board believes this is necessary to protect the health and safety of this Commonwealth's citizens from licensing illegal aliens. Paragraph (5) would amend the educational requirements for foreign trained applicants by referring to general educational requirements. The applicant would be required to complete 50, rather than 60, credit hours in general education subjects including a minimum of 10 credit hours in electives rather than 20 hours. Paragraph (6) would be added to establish professional education of 60 credit hours for foreign-trained applicants applying to take the licensure examination. These requirements were developed through the use of guidelines set forth by the Federation of State Boards of Physical Therapy.

The Board proposes to delete § 40.18 (relating to approved physical therapy schools) since the Board sets out previously at § 40.11(1) that an approved school is one that is accredited by CAPTE.

Section 40.21 (relating to temporary licenses; physical therapists licensed by other states or territories of the United States) would be deleted because licenses issued through the endorsement process are processed quickly obviating the necessity of issuing temporary licenses. This also pertains to deleting §§ 40.23 and 40.24 (relating to temporary licenses issued at Board's discretion; and expiration of temporary licenses). In addition, with respect to § 40.24, the statute does not authorize the Board to renew a temporary permit.

Section 40.22 (relating to temporary license; graduating students) would be amended by clarifying that a physical therapist holding a temporary license works under the on-premises supervision of a licensed physical therapist with at least 2 years of experience. This reflects section 6(g) of the act (63 P. S. § 1306(g)). Section 6(g) of the act also states that a temporary license expires upon the failure of the first examination or 6 months after the date of issue, whichever occurs first. Section 40.22(b) reflects that statutory provision.

Section 40.32 (relating to functions of supportive personnel) would be amended to permit supportive personnel to record the care given to a patient through the use of flow charts and checklists which identify the care or services provided. The Board developed this provision based upon guidelines for physical therapy documentation published by the American Physical Therapy Association.

Section 40.51 (relating to administration of electro-neuromyography (EMG) and nerve conduction velocity (NCV) tests) would be amended regarding the physical therapist's scope of practice. In particular, current subsection (a) would be deleted and restated as new subsection (a). Subsection (b) would be added to authorize a physical therapist to perform transdermal administration of drugs through the use of modalities such as ultrasound and electrical stimulation. The Board has always considered this procedure to be within the scope of practice of a physical therapist. Licensees have questioned the Board on the procedures that physical therapists should follow when administering drugs transdermally (that is, iontophoretic and phonophoretic). Accordingly, this provision clarifies and reflects current practice. The provision requires that if a prescriptive medication is used, the medication must be prescribed by the referring physician and dispensed in the name of the patient by the referring physician or pharmacist. The remaining medications must be disposed of by the physical therapist or returned to the patient. Drugs must be properly stored in a manner consistent with pharmaceutical practice.

Section 40.52(12) (relating to unprofessional conduct; physical therapists) would be amended to make it unprofessional for a physical therapist to fail to maintain adequate patient records. Adequate patient records would include at a minimum a summary of the findings of the examination, an evaluation, a diagnosis, the plan of care including desired outcomes, the treatment record, a discharge plan including results of intervention and sufficient information to identify the patient.

Section 40.53(a) (relating to nondelegable activities; accountability) would be amended to state the general rule that a physical therapist may delegate to a physical therapist assistant or supportive personnel that which he is educated to perform. Subsection (b)(7) would be amended to clarify that mobilization is not a procedure that a physical therapist would be permitted to assign or delegate to a physical therapist assistant or supportive personnel. Mobilization would be defined as a passive therapeutic movement at any point in the range of motion at variable amplitudes and speeds. The purpose of joint mobilization is to restore accessory joint movements. Mobilization does not include gross passive movement throughout normal planes of joint motions. A physical therapist may still delegate to a physical therapist assistant gross passive movement throughout normal planes of joint motions. The Board does not intend to prohibit a physical therapist from delegating to a physical therapist assistant the performance of range of motion or the performance of exercises to restore the functional motion of the joint. Joint mobilization is used to restore accessory joint motion (that is, gliding of joint surfaces).

Subsection (d) would be amended to require a physical therapist to reevaluate and adjust a patient's plan of care at intervals not to exceed 14 days, rather than 30 days, when that plan of care is provided by the physical therapist assistant. The Board recognizes that conditions of patients can change in less than 30 days and that only the physical therapist is authorized to evaluate and change the patient's plan of care. Accordingly, the Board believes this amendment would result in more effective and safer practice.

Subsection (e) would be added to assure that physical therapists not assign or delegate to physical therapist assistants or supportive personnel the performance of consultations, initial evaluations, reevaluations or discharge summaries and the interpretation of the resulting data collected since these procedures require the skill and expertise of a license physical therapist.

Subsection (f) would prohibit a physical therapist from assigning or delegating to a physical therapist assistant or supportive personnel screenings to determine the need for the following: (1) primary, secondary or tertiary services; (2) further examination or intervention; (3) consultation by a physical therapist; and (4) referral to another health care practitioner. For purposes of this section, screening would be defined as determining the need for further examination or intervention, or both, by a physical therapist or for referral to another health professional. The procedures outlined in subsection (f) regarding screening require the skill and knowledge of a physical therapist to evaluate the need for further intervention by a physical therapist. A physical therapist cannot delegate the evaluation of a patient to a physical therapist assistant or supportive personnel. The Board has received numerous requests to clarify this issue.

Sections 40.161 and 40.163 (relating to registration of physical therapist assistants; practice; exceptions; and

requirements for registration) would be amended by deleting the reference to Nationally recognized accrediting agency and including CAPTE. CAPTE is currently the only accrediting body for physical therapy educational programs.

Section 40.164 (relating to physical therapist assistant registration examination) would be amended by deleting subsections (b) and (d). Subsection (b) would be deleted because the passing score is set by the third-party testing service. Subsection (d) is deleted because other provisions of these regulations establish that applicants by endorsement must pass an exam equivalent to that required in the Commonwealth. Accordingly, this provision is unnecessary.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no fiscal impact and impose no additional paperwork requirements on the Board or its licensees.

The proposed rulemaking should not impose any legal, accounting or reporting requirements on the regulated community.

The Board solicited predraft input of an earlier draft of the proposed rulemaking from licensees, students, professional associations, educational programs and hospitals. The Board received approximately 300 comments to that earlier draft. A large number of these comments were in opposition to a provision pertaining to the prohibition of delegation of wound care and manual therapy. The Board deleted these provisions in the current proposed rulemaking. Many comments pertaining to the prohibition of manual therapy by a physical therapist assistant explained that the prohibition was overly broad. The Board agreed. The current proposed rulemaking is limited to mobilization and is narrowly defined. The proposed rulemaking addresses a compelling public interest as described in the Preamble.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 12, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Robert Kline, Administrative Assistant, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Refer-

ence No. 16A-659 (General Revisions) when submitting comments.

JAMES J. IRRGANG,  
*Chairperson*

**Fiscal Note:** 16A-659. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY**

**Subchapter A. PHYSICAL THERAPISTS  
GENERAL PROVISIONS**

**§ 40.1. Definitions.**

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

*Act*—The Physical Therapy Practice Act (63 P. S. §§ 1301—[ 1312 ] 1313).

\* \* \* \* \*

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

(4) By the issuance of a license to [ **a foreign trained** ] **an applicant educated in a jurisdiction other than a state or territory of the United States** who meets the licensing requirements as set forth in sections 5 and 6(f) of the act (63 P. S. §§ 1305 and 1306(f)).

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

LICENSURE

§ 40.11. License by examination; requirements for examination.

Applicants for license by examination shall meet the following requirements:

(1) Professional requirements consisting of an accredited physical therapy course approved by the American Physical Therapy Association of not less than 12 months in a school of physical therapy established in an accredited medical school, hospital, college or university which course has provided adequate instruction in basic sciences, clinical science and physical therapy theory and procedures [ and the requirements of which course shall be approved by the Board ]. By \_\_\_\_ (Editor's Note: The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.), an applicant shall have graduated from a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) which has provided adequate instruction in basic sciences, clinical science and physical therapy theory and procedures.

(2) Following graduation from the professional study of physical therapy, a physical therapist shall hold a minimum of a baccalaureate degree consisting of at least 120 semester hours from a regionally accredited institution of higher education.

§ 40.14. [ Failure ] Examination; failure; reexamination.

\* \* \* \* \*

§ 40.15. Examinations.

\* \* \* \* \*

[(c) Examinations are conducted by numbers, exclusive of names, and the candidate may in no part of his paper give indication as to his name or school of graduation.

(d) As a means of identifying applicants, two unmounted finished photographs, not proofs, of each applicant shall be furnished, one of which shall be certified by the appropriate officer of the physical therapy school attended and the other of which shall be marked with the number assigned to the candidate and shall be returned to him with a card of admission to the examinations. Each candidate shall bring the admission card and returned photograph to the Board; otherwise, the candidate may not be admitted to the examination. ]

§ 40.16. Licensure by endorsement.

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

(1) Submit a written application on forms provided by the Board, together with evidence satisfactory to the Board that [ he ] the applicant is licensed or otherwise registered as a physical therapist in another state or territory of the United States, or in the District of Columbia, if the requirements for licensure or registration in the state[ , ] or territory [ or district ] were, at the date of [ his ] licensure or registration, substantially equal to the requirements for licensure or registration in this Commonwealth under the act.

(2) [ In the event that an applicant for licensure by endorsement has taken and failed the Commonwealth's approved examination one or more times but has subsequently taken and passed an examination given in another state or territory of the United States or in the District of Columbia, proof shall be given to the Board by the applicant that the other examination taken and passed by the applicant was in fact equivalent to the examination this Commonwealth has approved, before the Board will exercise its discretion in considering endorsing the applicant for licensure.

(3) ] A fee prescribed in § 40.5 (relating to fees) shall accompany each application for licensure by endorsement. Reference should be made to section 6(d)(2) of the act (63 P. S. § 1306(d)(2)).

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

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

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

§ 40.17. Foreign-[ trained ] educated physical therapists applying to take the licensure examination and pursue a clinical experience.

To be eligible to take the examination for licensure, foreign-[ trained ] educated applicants for licensure shall [ apply at least 30 days prior to the next scheduled date of the examination and prior to the application date, ] comply with the following conditions:

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

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

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

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

[ (2) Educational requirements. ] (5) The applicant shall meet general educational requirements by securing a credentials evaluation and by correcting educational deficiencies, if any, as follows:

(i) Credentials evaluation. The applicant shall secure a credentials evaluation from a recognized and accredited

credential evaluation agency approved by the Board. Upon request, the Board will forward to the foreign-  
**[ trained ] educated** applicant a list of currently approved credential evaluation agencies. The credentials evaluation shall indicate that the applicant has completed at least **[ 60 ] 50** credit hours in the following **education** subjects:

\* \* \* \* \*

(E) A minimum of **[ 20 ] 10** credit hours in electives.

(ii) *Educational deficiencies.* The applicant may correct **general** educational deficiencies in the areas specified in **[ paragraph (2) ] subparagraph (i)** by either:

\* \* \* \* \*

(I) The CLEP General Examination may be used to satisfy the requirements **[ set forth ]** in **[ paragraph (2) ] subparagraph (i)** for credit hours if passing scores are received in the following subjects:

\* \* \* \* \*

(II) The CLEP Subject Examination may be used to satisfy the requirements **[ set forth ]** in **[ paragraph (2) ] subparagraph (i)** for credit hours if passing scores are received in the following subjects:

\* \* \* \* \*

(6) *Professional education.* The applicant shall complete **60** credit hours of professional education as follows:

(i) A minimum of **3** credit hours is required in each of the following basic health science topics:

(A) Human anatomy (specific to physical therapy).

(B) Human physiology (specific to physical therapy).

(C) Neurological science.

(D) Kinesiology or functional anatomy.

(E) Abnormal or developmental psychology.

(F) Pathology.

(ii) A minimum, of **15** credit hours of clinical sciences which shall include all of the following:

(A) Clinical medicine pertinent to physical therapy to include the following:

(I) Neurology.

(II) Orthopedics.

(III) Pediatrics.

(IV) Geriatrics.

(B) Physical therapy course work to include the following:

(I) Physical agents.

(II) Musculoskeletal assessments and treatment.

(III) Neuromuscular assessment and treatment.

(IV) Cardiopulmonary assessment and treatment.

(iii) A minimum of **two** clinical affiliations of at least **18** credit hours which are supervised by a physical therapist.

(iv) A minimum of **9** credit hours from the following topics of professional course work:

(A) Professional ethics.

(B) Administration.

(C) Community health.

(D) Research.

(E) Educational techniques.

(F) Medical terminology.

**[ (3) ] (7) \* \* \***

\* \* \* \* \*

§ 40.18. **[ Approved physical therapy schools ] (Reserved).**

**[ (a) The approved physical therapy schools in this Commonwealth are as follows:**

**(1) University of Pennsylvania, School of Allied Medical Professions, 3901 Pine Street, Philadelphia, Pennsylvania 19104.**

**(2) Temple University, Department of Physical Therapy, College of Allied Health Profession, Philadelphia, Pennsylvania 19140.**

**(3) University of Pittsburgh, Department of Physical Therapy, School of Health Related Professions, Pittsburgh, Pennsylvania 15213.**

**(b) The Board will also accept for admission to the examination graduates of physical therapy schools approved by the American Physical Therapy Association, providing the credentials of the applicant meet the requirements of § 40.11 (relating to license by examination; requirements for examination). The Board will also consult with recognized national accrediting agencies and professional agencies to consider graduates of other fully accredited schools. ]**

**TEMPORARY LICENSES**

§ 40.21. **[ Temporary licenses; physical therapists licensed by other states or territories of the United States ] (Reserved).**

**[ (a) Under section 6(g) of the act (63 P. S. § 1306(g)), the Board will issue temporary licenses to the following applicants, provided the applicant is licensed by another state or territory or the District of Columbia where the licensing requirements at the time of the applicant's licensing were substantially equal to the requirements of the act. With respect to this provision, the rules covering endorsement may be applied by the Board:**

**(1) A person who will be working in this Commonwealth because of medical emergency.**

**(2) A person who will be working in this Commonwealth on a special physical therapy project, including a foreign exchange visitor.**

**(b) An applicant shall submit, on forms provided by the Board, the exact nature of the emergency or special project that requires location within this Commonwealth, including the anticipated length of time that the temporary license is requested and the place of residence while in this Commonwealth, and shall submit a fee as prescribed in § 40.5 (relating to fees). ]**

§ 40.22. Temporary license **[ ; graduating students ]**.

(a) An applicant for temporary license under section 6 **[ (h) ](g)** of the act (63 P. S. § 1306 **[ (h) ](g)**) shall

[ **make application** ] apply to the Board on forms provided by the Board and meet the following requirements:

\* \* \* \* \*

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

(b) A temporary license issued under 6[ **(h)** ]**(g)** of the act [ **(63 P. S. § 1306(g))** ] shall be surrendered to the Board immediately upon the failure of the first examination[ **. The granting of an extension of the temporary license is discretionary with the Board** ] or in **6 months** after the date of issuance, whichever occurs first.

§ 40.23. [ **Temporary licenses issued at Board's discretion** ] (Reserved).

[ **The Board, at its discretion, may issue temporary licenses to the following applicants:**

(1) A person who has applied to be licensed in this Commonwealth by endorsement but whose Commonwealth work experience begins prior to the time of the approval of the endorsement application.

(2) A person who is foreign trained, and who has properly registered with the Board under § 40.17 (relating to foreign trained physical therapists applying to take the licensure examination and pursue a clinical experience). ]

§ 40.24. [ **Expiration of temporary licenses** ] (Reserved).

[ **Upon an expiration of a temporary license or upon the departure of an individual holding a temporary permit from this Commonwealth with the intention of returning permanently to the domiciliary state or country of such individual, the license shall be returned immediately to the Board. Except for the temporary license under § 40.22 (relating to temporary licenses; graduating students), a request for a renewal of a temporary license shall be made to the Board, in writing, at least 30 days prior to the original date of expiration for the temporary license and shall contain an update of the information provided by the applicant when the first temporary license was sought. An approval of a renewal is discretionary with the Board.** ]

[ **PHYSICAL THERAPIST ASSISTANTS AND SUPPORTIVE PERSONNEL** ]

§ 40.32. **Functions of supportive personnel.**

\* \* \* \* \*

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

\* \* \* \* \*

(6) **Record the care given to a patient through the use of flow sheets and checklists which identify the care/services provided.**

\* \* \* \* \*

**SCOPE OF PRACTICE**

§ 40.51. [ **Administration of electromyography (EMG) and nerve conduction velocity (NCV) tests** ] **Scope of practice; physical therapists.**

(a) [ **EMG and NVC—studies and evaluations—shall be conducted only upon the referral of a physician, under section 9 of the act (63 P. S. § 1309).** ] A physical therapist may administer electromyography (EMG) and nerve conduction velocity (NCV) tests only upon the referral of a physician under section 9 of the act (63 P. S. § 1309).

(b) [ **A licensed physical therapist may not diagnose from the results of the tests, but may prepare a statement of his impression of the results of the test to be forwarded to the referring physician for his review and diagnosis.** ] A physical therapist may perform transdermal administration of drugs through the use of modalities such as ultrasound and electrical stimulation. If a prescriptive medication is used, the medication shall be prescribed by the referring physician and dispensed in the name of the patient by the referring physician or pharmacist. The remaining medications shall be disposed of by the physical therapist or returned to the patient. Drugs shall be properly stored in a manner consistent with pharmaceutical practice.

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

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

\* \* \* \* \*

(12) **Failure to maintain adequate patient records.** Adequate patient records include at a minimum a summary of the findings of the examination, an evaluation, a diagnosis, the plan of care including desired outcomes, the treatment record, a discharge plan including results of intervention and sufficient information to identify the patient.

§ 40.53. **Nondelegable activities; accountability.**

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

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

\* \* \* \* \*

(7) **Mobilization is defined as a passive therapeutic movement at any point in the range of motion at variable amplitudes and speeds. The purpose of joint mobilization is to restore accessory joint movements. Mobilization does not include gross passive movement throughout normal planes of joint motions.**

[ **(b)** ] (c) \* \* \*

**[(c) Where] (d) When** patient-care services are provided by the physical therapist assistant, the physical therapist shall **[document reevaluations]** reevaluate and **[adjustments to a]** adjust the patient plan of care and goals at intervals not to exceed **[30] 14** days.

**(e) A physical therapist may not assign or delegate to a physical therapist assistants or supportive personnel the performance of consultations, initial evaluations, reevaluations or discharge summaries and the interpretation of resulting data collected.**

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

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

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

**Subchapter C. PHYSICAL THERAPIST ASSISTANTS**

**REGISTRATION**

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

\* \* \* \* \*

**(c) This subchapter does not prohibit physical therapist assistant students from assisting a physical therapist licensed to practice without restriction in this Commonwealth under the direct on-premises supervision of the physical therapist as is incidental to their course of study in a program which has been approved for the education and training for physical therapist assistants by the [Nationally recognized accrediting agency for**

**physical therapist assistant education programs] Commission on Accreditation in Physical Therapy Education (CAPTE).**

**§ 40.163. Requirements for registration.**

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

**(1) Graduation from a physical therapist assistant program [adopted by the Board,] which program has been approved for the education and training for physical therapist assistants by [a Nationally recognized accrediting agency recognized by the Board] the Commission on Accreditation in Physical Therapy Education (CAPTE).**

\* \* \* \* \*

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

\* \* \* \* \*

**(b) [Passing score. The passing score shall be 75 scaled to the recommended score of third-party testing services.**

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

\* \* \* \* \*

**[ (d) Examination taken outside of this Commonwealth. Applicants who take a physical therapist assistant registration examination outside of this Commonwealth are not exempted from achieving the passing score established by the Board or meeting the other registration requirements in this subchapter. ]**

[Pa.B. Doc. No. 03-618. Filed for public inspection April 4, 2003, 9:00 a.m.]