

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchap.	Sec.
A. PHYSICAL THERAPISTS	40.1
B. [Reserved]	40.71
C. PHYSICAL THERAPIST ASSISTANTS	40.151
D. CHILD ABUSE REPORTING REQUIREMENTS	40.201
E. SEXUAL MISCONDUCT	40.301

Authority

The provisions of this Chapter 40 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and section 3 of the Physical Therapy Practice Act (63 P. S. § 1303), unless otherwise noted.

Source

The provisions of this Chapter 40 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138, unless otherwise noted.

Cross References

This chapter cited in 28 Pa. Code § 601.3 (relating to requirements for home health care agencies); 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

Subchapter A. PHYSICAL THERAPISTS

GENERAL PROVISIONS

Sec.	
40.1.	Definitions.
40.2.	Practice of medicine prohibited.
40.3.	Exceptions to requirement of licensure.
40.4.	Admission to practice of physical therapy.
40.5.	Fees.

LICENSURE

40.11.	Educational requirements for licensure by examination.
40.12.	Application for licensure.
40.13.	Areas of examination.
40.14.	Examination; failure; reexamination.
40.15.	Examinations.
40.16.	Licensure by endorsement.
40.17.	Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.
40.18.	[Reserved].
40.19.	Renewal of physical therapist license.
40.20.	Inactive status of physical therapist license.

TEMPORARY LICENSES

- 40.21. [Reserved].
- 40.22. Temporary license.
- 40.23. [Reserved].
- 40.24. [Reserved].

SUPPORTIVE PERSONNEL

- 40.31. [Reserved].
- 40.31a. Identification of supportive personnel.
- 40.32. Functions of supportive personnel.

RULES AND REGULATIONS OF THE BOARD

- 40.41. Hearings relating to revocation or suspension of license.
- 40.42. [Reserved].

SCOPE OF PRACTICE

- 40.51. Administration of electromyography (EMG) and nerve conduction velocity (NCV) tests.
- 40.51a. Transdermal administration of drugs.
- 40.52. Unprofessional conduct; physical therapists.
- 40.53. Nondelegable activities; accountability.
- 40.54. Disclosure of financial or ownership interest—statement of policy.
- 40.55. Identification of physical therapists.

PRACTICE WITHOUT REFERRAL

- 40.61. Certificate of authorization to practice physical therapy without a referral.
- 40.62. [Reserved].
- 40.63. Continuing education for direct access certificateholder.

CONTINUING EDUCATION

- 40.67. Continuing education for licensed physical therapist.

PROFESSIONAL LIABILITY INSURANCE

40.69. Professional liability insurance.

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:

APTA—The American Physical Therapy Association.

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

Board—The State Board of Physical Therapy.

CAPTE—The Commission on Accreditation in Physical Therapy Education.

Contact hour—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program. For courses taken through an academic institution, a semester credit is equal to 15 contact hours.

Direct on-premises supervision—The physical presence of a licensed physical therapist in the facility, including affiliated buildings in immediate proximity, who is immediately available to exercise supervision, direction and control.

FSBPT—The Federation of State Boards of Physical Therapy.

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

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

Authority

The provisions of this § 40.1 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and section 3 of the Physical Therapy Practice Act (63 P. S. § 1303); and amended under sections 3(a), 5, 6(d.1), 8(b), 9.1, 9.2, 10 and 11(a)(6) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1305, 1306(d.1), 1308(b), 1309.1, 1309.2, 1310 and 1311(a)(6)); section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.1 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (305572) to (305573).

§ 40.2. Practice of medicine prohibited.

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

Authority

The provisions of this § 40.2 amended under section 3 of the Physical Therapy Practice Act (63 P. S. § 1303); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.2 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3700. Immediately preceding text appears at serial page (287923).

§ 40.3. Exceptions to requirement of licensure.

The act continues past law in defining physical therapy and governing its practice in this Commonwealth, and it is not meant to limit or restrict those who are engaged in certain occupations or jobs which do not require a license, such as, but not limited to, physical education directors, health or recreation directors at health clubs or spas, athletic trainers and masseurs. The duties which may be properly undertaken in such occupation or job include the nontherapeutic administration of baths, massage, normal exercise, normal conditioning, and the like to normal subjects, that is those persons who have no specific pathology upon which said acts are being administered; first aid subjects are excluded. If, under their duties, unlicensed individuals perform acts, some of which are described in this section, that are deemed to relate directly or indirectly to the evaluation, treatment or therapeutic management of a specific pathology in the subject, the person administering the acts shall be subject to fine and penalty as provided by law.

Source

The provisions of this § 40.3 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138.

§ 40.4. Admission to practice of physical therapy.

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

- (1) By the issuance of a license to an applicant who meets the requirements for licensure as set forth in sections 5 and 6 of the act (63 P. S. §§ 1305 and 1306).
- (2) By the issuance of a license by endorsement to an applicant who is educated in another state or territory of the United States and who meets the licensing requirements in section 6 of the act (63 P. S. § 1306) and who holds

a valid license by examination in another state or territory of the United States, providing the requirements were, at the time of receiving the license, substantially equal to the requirements as set forth in the act.

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

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

(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.

Authority

The provisions of this § 40.4 amended under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.4 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial page (304690).

§ 40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

Application for licensure by examination/endorsement	\$30
Application for licensure through foreign training	\$45
Verification of licensure or temporary permit	\$15
Certification of examination scores or licensure	\$25
Temporary license	\$15
Biennial renewal	\$90
Application for Certificate to Practice Physical Therapy without a referral	\$30
Biennial renewal of Certificate to Practice Physical Therapy without a referral	\$45
Application for approval of continuing education provider or program (per each course offered)	\$40
Application for reactivation of inactive license	\$30

Physical therapist assistant:

Initial application for certification by exam or endorsement	\$30
Certification of exam scores or certification	\$25

Biennial renewal of certification	\$45
Verification of certification	\$15
Initial application for certification to provide services under indirect supervision	\$30
Application for temporary certification	\$15
Application for reactivation of inactive certificate	\$30

Authority

The provisions of this § 40.5 issued under section 8 of the Physical Therapy Practice Act (63 P. S. § 1308); amended under section 812.1(a) of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 3(a), 5 and 8(b) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1305 and 1308(b)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.5 adopted November 4, 1988, effective November 5, 1988, 18 Pa.B. 4952; amended March 16, 1990, effective March 17, 1990, 20 Pa.B. 1504; amended May 14, 1993, effective May 15, 1993, and apply retroactively to fees for March 1993 examinations, 23 Pa.B. 2333; amended December 30, 1994, effective December 31, 1994, 24 Pa.B. 6567; amended December 22, 1995, effective December 23, 1995, apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5968; amended October 25, 1996, effective October 26, 1996, and apply to examinations administered by PES after October 26, 1996, 26 Pa.B. 5110; amended May 26, 2000, effective May 27, 2000, and apply to examinations administered after the effective date of this amendment, 30 Pa.B. 2592; amended January 26, 2001, effective January 27, 2001, 31 Pa.B. 537; amended March 29, 2002, effective March 30, 2002, 32 Pa.B. 1658; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3700; amended July 3, 2008, effective July 5, 2008, 38 Pa.B. 3658; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (335571) to (335572).

Cross References

This section cited in 49 Pa. Code § 40.12 (relating to application for licensure); 49 Pa. Code § 40.16 (relating to licensure by endorsement); 49 Pa. Code § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience); 49 Pa. Code § 40.19 (relating to renewal of physical therapist license); 49 Pa. Code § 40.20 (relating to inactive status of physical therapist license); 49 Pa. Code § 40.67 (relating to continuing education for licensed physical therapist); 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant); 49 Pa. Code § 40.191 (relating to renewal of certification); and 49 Pa. Code § 40.192 (relating to continuing education for certified physical therapist assistant).

LICENSURE

§ 40.11. Educational requirements for licensure by examination.

(a) Except as provided in § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience), an applicant for license by examination shall have graduated from a physical therapy program accredited by CAPTE or by another National organization recognized by the Board that accredits physical therapy programs.

(b) An applicant completing the professional study of physical therapy after 2002 shall hold a minimum of a master's degree in physical therapy from a regionally accredited institution of higher education. An applicant completing the professional study of physical therapy between January 1, 1967, and December 31, 2002, shall hold a minimum of either:

- (1) A baccalaureate degree in physical therapy from a regionally accredited institution of higher education.
- (2) A baccalaureate degree from a regionally accredited institution of higher education and a post-baccalaureate certificate in physical therapy.

Authority

The provisions of this § 40.11 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38).

Source

The provisions of this § 40.11 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial page (335572).

Cross References

This section cited in 49 Pa. Code § 40.12 (relating to application for licensure); 49 Pa. Code § 40.16 (relating to licensure by endorsement); and 49 Pa. Code § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience).

§ 40.12. Application for licensure.

(a) Evidence, satisfactory to the Board, shall be submitted indicating that the applicant:

- (1) Is at least 20 years of age, unless otherwise waived upon application to and review by the Board.
- (2) Is of good moral character.
- (3) Is not addicted to the habitual use of alcohol, narcotics or other habit forming drugs.
- (4) Has met the professional requirements in § 40.11 (relating to educational requirements for licensure by examination).
- (5) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) The applicant shall apply on forms supplied by the Board, answer all questions fully and provide all documentation required under subsection (a).

(c) The applicant shall pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure by examination/endorsement.

Authority

The provisions of this § 40.12 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.12 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (364959) to (364960).

Cross References

This section cited in 49 Pa. Code § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience).

§ 40.13. Areas of examination.

(a) An applicant for licensure shall pass the approved licensing examination described in section 6(b) of the act (63 P. S. § 1306(b)). The Board's approved vendor conducts at least two written examinations each year. The examinations will be conducted in the English language in the following areas:

- (1) Basic science.
- (2) Clinical science.

Physical therapy theory and procedures.

(b) Oral or practical examinations, or both, for licensure may be administered by the Board-approved vendor under section 6(b) of the act, in addition to the requirement of passing a written examination for licensure.

Authority

The provisions of this § 40.13 amended under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and section 8 of the Physical Therapy Practice Act (63 P.S. § 1308).

Source

The provisions of this § 40.13 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended March 29, 2002, effective March 30, 2002, 32 Pa.B. 1658. Immediately preceding text appears at serial page (274468).

Cross References

This section cited in 49 Pa. Code § 40.20 (relating to inactive status of physical therapist license).

§ 40.14. Examination; failure; reexamination.

(a) Applicants shall successfully pass, to the satisfaction of the Board, the examination approved by the Board. In cases of failure at the first examination, the applicant shall have, after the expiration of 60 days and within 1 year from the date of the first failure, the privilege of a second examination, with the payment of an additional examination fee charged by the vendor.

(b) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall make a new application within the meaning of section 5 of the act (63 P. S. § 1305) within 6 months from the date of the last failure. However, prior to filing a new application for examination, the Board may require evidence of additional training. If the Board deter-

mines that the applicant will be permitted to take a third or successive examination, the Board may authorize in connection with a written examination an oral or practical examination, or both, to test the knowledge and competence of the applicant.

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

(d) An applicant may not take the examination more than three times in a consecutive 12-month period.

Authority

The provisions of this § 40.14 amended under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); sections 3(a) and 8 of the Physical Therapy Practice Act (63 P.S. §§ 1303(a) and 1308); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38).

Source

The provisions of this § 40.14 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended March 29, 2002, effective March 30, 2002, 32 Pa.B. 1658; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (305577) to (305578).

§ 40.15. Examinations.

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

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

Authority

The provisions of this § 40.15 issued under section 506 of The Administrative Code of 1929 (71 P.S. § 186); and section 3 of the Physical Therapy Practice Act (63 P.S. § 1303); amended under sections 3(a) and 8 of the Physical Therapy Practice Act (63 P.S. §§ 1303(a) and 1308); and section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a).

Source

The provisions of this § 40.15 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1564; amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513; amended November 4, 1988, effective upon publication and applies retroactively to November 1, 1988, 18 Pa.B. 4952; amended March 29, 2002, effective March 30, 2002, 32 Pa.B. 1658; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial pages (287927) to (287928).

§ 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) The applicant shall submit a written application on forms provided by the Board, together with evidence satisfactory to the Board that the applicant is

licensed or otherwise registered as a physical therapist in another state or territory of the United States, or in the District of Columbia, if the requirements for licensure or registration in the state, territory or district were, at the date of licensure or registration, substantially equal to the requirements for licensure or registration in this Commonwealth under the act.

(2) The applicant shall submit the fee prescribed in § 40.5 (relating to fees) for licensure by endorsement.

(3) The applicant shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) In addition to the requirements in subsection (a), 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).

Authority

The provisions of this § 40.16 issued under section 506 of The Administrative Code of 1929 (71 P.S. § 186); and section 3 of the Physical Therapy Practice Act (63 P.S. § 1303); amended under sections 3(a), 4(a), 6, 7.2, 8, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1308, 1309.1 and 1311(a)); section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.16 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended November 4, 1988, effective upon publication and applies retroactively to November 1, 1988, 18 Pa.B. 4952; amended March 29, 2002, effective March 30, 2002, 32 Pa.B. 1658; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391929) to (391930).

Cross References

This section cited in 49 Pa. Code § 40.20 (relating to inactive status of physical therapist license).

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

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

(1) The applicant shall submit evidence, satisfactory to the Board, indicating that the applicant has met the requirements in § 40.12(a)(1)—(3) and (b) (relating to application for licensure) and pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure through foreign training.

(2) The applicant shall provide written documentation that the applicant has graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy and

that the school of physical therapy is recognized by the authorizing agency or entity of the jurisdiction in which the school is situated.

(3) The applicant shall provide written documentation that the applicant holds or held legal authorization to practice as a physical therapist without limitations in the country where the professional education took place. If an applicant's authorization to practice in the foreign jurisdiction is not current at the time of applying to the Board, that authorization must have been unrestricted immediately prior to expiring or being placed on inactive status.

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

(5) The applicant shall provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited program as set forth in § 40.11 (relating to educational requirements for licensure by examination) by either showing that the education program is accredited as provided in § 40.11(a) or securing a credentials evaluation from a recognized and accredited evaluation agency approved by the Board. If the applicant's education was completed before 1998, the credentials evaluation must demonstrate that the applicant has met the requirement of at least 120 semester credit hours of which at least 42 credit hours must be in general education subjects and 69 credit hours must be in professional education subjects. If the applicant's education was completed in 1998 or later, credentials evaluation must demonstrate that the applicant has met the requirements of at least 150 semester hours of which at least 60 credit hours must be in general education subjects and 90 credit hours must be in professional education subjects. If an applicant has deficiencies in general education or professional education, the applicant can correct the deficiencies as follows:

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

- (A) Humanities.
- (B) Physical science (two courses each in chemistry and physics including laboratory sessions).
- (C) Biological science.
- (D) Social science.
- (E) Behavioral science.
- (F) Mathematics.

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

- (A) Basic health science including:
 - (I) Human anatomy (specific to physical therapy).
 - (II) Human physiology (specific to physical therapy).
 - (III) Neuroscience.
 - (IV) Kinesiology or functional anatomy.
 - (V) Pathology.
- (B) Medical and clinical science coursework including the following:
 - (I) Clinical medicine pertinent to physical therapy including:
 - (-a-) Neurology.
 - (-b-) Orthopedics.
 - (-c-) Pediatrics.
 - (-d-) Geriatrics.
 - (-e-) Cardiopulmonary.
 - (-f-) Pharmacology.
 - (II) Physical therapist coursework must include:
 - (-a-) Examination, evaluation and intervention pertaining to the integumentary system.
 - (-b-) Examination, evaluation and intervention pertaining to the musculoskeletal system.
 - (-c-) Examination, evaluation and intervention pertaining to the neuromuscular system.
 - (-d-) Examination, evaluation and intervention pertaining to the cardiopulmonary system.
- (iii) *Clinical education.* Clinical education shall include physical therapist-supervised application of physical therapy theory, examination, evaluation and intervention. The applicant shall have a minimum of two full-time clinical internships of at least 800 hours total, which are supervised by a physical therapist. The maximum number of full-time clinical education credits is 23.
- (iv) *Related professional coursework.* Content is required in the following nine areas:
 - (A) Professional behaviors.
 - (B) Administration.
 - (C) Community health.
 - (D) Research and clinical decision making.
 - (E) Educational techniques.
 - (F) Medical terminology.
 - (G) Communication (related to client/patient care).
 - (H) Legal and ethical aspects of physical therapy practice.
 - (I) Psychosocial aspects in physical therapy practice.
- (6) *General educational deficiencies.* The applicant may correct general educational deficiencies in the areas specified in paragraph (5)(i) by either:

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

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

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

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

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

<i>Subject Examination</i>	<i>College Level Credit</i>
Analysis and Interpretation of Literature	3
College Algebra	3
English Literature	3
Foreign Language	
French—Levels I and II	6
German—Levels I and II	6
Spanish—Levels I and II	6
Freshman English	3
English Composition	4
General Biology	3
General Chemistry	3

<i>Subject Examination</i>	<i>College Level Credit</i>
General Psychology	2
Human Growth & Development	2
Introduction to Management	2
Introduction to Sociology	2
Statistics	2
Trigonometry	2
Western Civilization	3

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

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

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

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

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

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

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

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

Authority

The provisions of this § 40.17 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and section 3 of the Physical Therapy Practice Act (63 P. S. § 1303); amended under sections 3(a), 4(a), 5, 6, 7.2, 9.1, 10 and 11(a) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1304(a), 1305, 1306, 1307.2, 1309.1, 1310 and 1311(a)); section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.17 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364962) to (364967).

Cross References

This section cited in 49 Pa. Code § 40.11 (relating to educational requirements for licensure by examination); and 49 Pa. Code § 40.16 (relating to licensure by endorsement).

§ 40.18. [Reserved].**Source**

The provisions of this § 40.18 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; reserved August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial page (206195).

§ 40.19. Renewal of physical therapist license.

(a) A license issued under this subchapter expires on December 31 of each even-numbered year unless renewed for the next biennium.

(b) If a licensee's mailing address changes, the licensee shall notify the Board in writing within 10 days thereafter. Notice of renewal will be forwarded to the licensee's last known address on file with the Board. Failure of the Board to send or of the licensee to receive a biennial renewal application does not relieve the licensee of the biennial renewal responsibility.

(c) A licensee applying for biennial renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist license.

(2) Disclose any license to practice as a physical therapist in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate health-care licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated by section 7.2 of the act (63 P.S. § 1307.2) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.67 (relating to continuing education for licensed physical therapist), including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a license if the licensee has not completed the continuing education required under § 40.67 during the biennial period immediately preceding the period for which renewal is sought.

(6) Verify that, if practicing as a physical therapist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 9(b)(4) of the act (63 P.S. § 1309(b)(4)) and § 40.69 (relating to professional liability insurance).

Authority

The provisions of this § 40.19 issued under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38); amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.19 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391935) to (391936).

§ 40.20. Inactive status of physical therapist license.

(a) A physical therapist license will become inactive upon either of the following:

(1) The licensee in writing affirmatively requests the Board to place licensure on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to renew the license by the expiration of the renewal period.

(b) A licensee whose license has expired or been placed on inactive status may not practice as a physical therapist in this Commonwealth until the license has been reactivated. A licensee who practices the profession in this Commonwealth after the license has expired and before it has been renewed or reactivated is subject to disciplinary action under sections 4(a) and 11(a)(6) of the act (63 P.S. §§ 1304(a) and 1311(a)(6)), as set forth in § 40.52(11) (relating to unprofessional conduct; physical therapists). A licensee who has engaged in practice during a period in which the license was not active may be subject to criminal prosecution under section 12 of the act (63 P.S. § 1312).

(c) To reactivate an inactive license, the licensee shall apply on forms supplied by the Board, answering all questions fully. The licensee shall:

(1) Include the documentation required under § 40.67(b) (relating to continuing education for licensed physical therapist) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.67(a)(4), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee specified in § 40.5 (relating to fees).

(3) Verify that the licensee did not practice as a physical therapist in this Commonwealth while the license was inactive.

(d) A licensee who does not make the verification required under subsection (c)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the licensee shall pay the renewal fee for each biennial renewal period after the license became inactive and during which

the licensee practiced as a physical therapist in this Commonwealth. The licensee shall also pay a late fee of \$5 per month or part of the month from the first date the licensee practiced as a physical therapist in this Commonwealth after the license became inactive until the date the licensee files a fully-completed reactivation application. The applicant for license reactivation will not be assessed a fee or penalty for preceding biennial periods in which the licensee did not engage in practice as a physical therapist in this Commonwealth. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a physical therapist without a current license.

(e) In addition to the other requirements of this section, a licensee whose license has been inactive for 5 years or more shall demonstrate current competence to practice as a physical therapist by at least one of the following:

(1) Successful completion of the licensure examination required under § 40.13 (relating to areas of examination) and section 6(b) of the act (63 P.S. § 1306(b)).

(2) Satisfaction of the requirements in § 40.16 (relating to licensure by endorsement) and proof of licensed practice of physical therapy in one or more other jurisdictions of the United States or Canada for at least 36 months of the 5 years immediately preceding application for reactivation.

Authority

The provisions of this § 40.20 issued under 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38); amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)).

Source

The provisions of this § 40.20 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364968) and (384355).

Cross References

This section cited in 49 Pa. Code § 40.67 (relating to continuing education for licensed physical therapist); and 49 Pa. Code § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants).

TEMPORARY LICENSES

§ 40.21. [Reserved].

Source

The provisions of this § 40.21 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended November 4, 1988, effective upon publication and applies retroactively to November 1, 1988, 18 Pa.B. 4952; reserved August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial pages (206195) to (206196).

§ 40.22. Temporary license.

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

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

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

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

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

Authority

The provisions of this § 40.22 amended under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.22 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial page (206196).

§ 40.23. [Reserved].

Source

The provisions of this § 40.23 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; reserved August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial pages (206196) to (206197).

§ 40.24. [Reserved].

Source

The provisions of this § 40.24 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; reserved August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial page (206197).

SUPPORTIVE PERSONNEL

§ 40.31. [Reserved].

Source

The provisions of this § 40.31 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513; amended November 4, 1988, effective upon publication and applies retroactively to November 1, 1988, 18 Pa.B. 4952; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872. Immediately preceding text appears at serial pages (133259) to (133260).

§ 40.31a. Identification of supportive personnel.

Supportive personnel shall identify themselves to patients as supportive personnel.

Authority

The provisions of this § 40.31a issued under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.31a adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697.

§ 40.32. Functions of supportive personnel.

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

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

- (1) Patient assistance in preparation for treatment, as necessary during treatment and at the conclusion of treatment.
- (2) Application of superficial heat or cold as an adjunct to the treatment program.
- (3) Assembly, disassembly and maintenance of equipment and accessories.
- (4) Transportation of patients.
- (5) Assistance to patients with nontreatment aspects of activities and attending the personal needs of patients.
- (6) Recording information through the use of flow sheets and checklists which identify activities performed by the patient.

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

Authority

The provisions of this § 40.32 issued under sections 3(a), 6(d.1), 8(b), 9.1, 9.2 and 11(a)(6) of the Physical Therapy Practice Act (63 P. S. §§ 1301(a), 1306(d.1), 1308(b), 1309.1, 1309.2 and 1311(a)(6)); amended under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.32 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial pages (206197) to (206198).

Cross References

This section cited in 49 Pa. Code § 40.52 (relating to unprofessional conduct; physical therapists).

RULES AND REGULATIONS OF THE BOARD**§ 40.41. Hearings relating to revocation or suspension of license.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to administrative practice and procedure) is applicable to the activities of and proceedings before the Board.

Source

The provisions of this § 40.41 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138.

§ 40.42. [Reserved].**Source**

The provisions of this § 40.42 adopted July 29, 1977, effective July 30, 1977, 7 Pa.B. 2138; reserved October 4, 1985, effective October 5, 1985, 15 Pa.B. 3515. Immediately preceding text appears at serial page (88283).

SCOPE OF PRACTICE**§ 40.51. Administration of electroneuromyography (EMG) and nerve conduction velocity (NCV) tests.**

(a) EMG and NCV—studies and evaluations—shall be conducted 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.

Source

The provisions of this § 40.51 adopted October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513.

§ 40.51a. Transdermal administration of drugs.

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

Authority

The provisions of this § 40.51a issued under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.51a adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697.

§ 40.52. Unprofessional conduct; physical therapists.

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

- (1) Harassing, abusing or intimidating a patient.
- (2) Revealing information obtained as a result of the therapist-patient relationship to a third party who is not involved in the patient's care, without the prior written consent of the patient, except as authorized or required by statute.
- (3) Failing to exercise appropriate supervision over a person who is authorized to render services only under the supervision of the physical therapist.
- (4) Accepting a patient for treatment or continuing treatment if benefit cannot reasonably be expected to accrue to the patient, or misleading a patient as to the benefits to be derived from physical therapy.
- (5) Unconditionally guaranteeing the results of physical therapy treatment.
- (6) Practicing physical therapy while the ability to practice is impaired by alcohol, drugs or a physical or mental disability.
- (7) Charging a patient or a third-party payor for a physical therapy service which is not performed.
- (8) Receiving a fee for referring a patient to a third person.
- (9) Advertising physical therapy services in a false, misleading or deceptive manner.
- (10) Assigning or delegating to physical therapist assistants or supportive personnel activities prohibited from assignment or delegation under §§ 40.32, 40.53 and 40.171 (relating to functions of supportive personnel; nondelegable activities; accountability; and functions of physical therapist assistants).
- (11) Violating a provision of the act or this chapter which establishes a standard of conduct.
- (12) Failure to maintain adequate patient records. Adequate patient records include at a minimum sufficient information to identify the patient, a summary of the findings of the examination, an evaluation, a diagnosis, the plan of care including desired outcomes, and the treatment record.

Authority

The provisions of this § 40.52 issued under sections 3, 5 and 10 of the Physical Therapy Practice Act (63 P. S. §§ 1303, 1305 and 1310); amended under sections 3(a), 6(d.1), 8(b), 9.1, 9.2 and 11(a)(6) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1306(d.1), 1308(b), 1309.1, 1309.2 and 1311(a)(6)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.52 adopted October 4, 1985, effective October 5, 1985, 15 Pa.B. 3513; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697. Immediately preceding text appears at serial pages (290329) to (290330).

Notes of Decisions*Unprofessional Conduct*

Act of removing 90 patient files from hospital's premises for 1 year and 4 months due to physical therapist's inability to complete documentation of patient files in a timely manner, related to the level of care provided to a patient and not to an administrative practice, was unprofessional conduct that subjected hospital to liability and jeopardized the level of care provided to a patient; therefore, the State Board of Physical Therapy properly found that physical therapist was subject to disciplinary action. *Korch v. State Board of Physical Therapy*, 900 A.2d 941, 947 (Pa. Cmwlth. 2006).

Physical therapist's removal of 90 patient files from hospital employer for 1 year and 4 months due to his inability to complete the necessary documentation in a timely manner and only returned the files after legal counsel demanded they be returned, supported State Board of Physical Therapy's imposition of formal reprimand and \$1,000 civil penalty. *Korch v. State Board of Physical Therapy*, 900 A.2d 941, 943, 947 (Pa. Cmwlth. 2006).

Cross References

This section cited in 49 Pa. Code § 40.67 (relating to continuing education for licensed physical therapist); 49 Pa. Code § 40.69 (relating to professional liability insurance); 49 Pa. Code § 40.206 (relating to confidentiality—waived); 49 Pa. Code § 40.302 (relating to procedural matters); and 49 Pa. Code § 40.304 (relating to disciplinary action).

§ 40.53. Nondelegable activities; accountability.

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

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

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

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

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

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

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

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

Authority

The provisions of this § 40.53 amended under sections 3(a), 6(d.1), 8(b), 9.1, 9.2 and 11(a)(6) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1306(d.1), 1308(b), 1309.1, 1309.2 and 1311(a)(6)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.53 adopted May 4, 1990, effective May 5, 1990, 20 Pa.B. 2437; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (322366), (336901) and (336903).

Notes of Decisions

Insurance Coverage

The Pennsylvania Motor Vehicle Financial Responsibility Law obligated the insurer to pay for physical therapy treatments provided by a trained but unlicensed technician operating under the general supervision of a physician, notwithstanding the 'nondelegable' nature of the duties of a physical therapist pursuant to this section. *Nelson v. Nationwide Mutual Insurance Co.*, 36 Pa. D & C 4th 1 (1998).

Cross References

This section cited in 49 Pa. Code § 40.52 (relating to unprofessional conduct; physical therapists).

§ 40.54. Disclosure of financial or ownership interest—statement of policy.

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

(1) *Appliances or devices*—Gas, oxygen, therapy equipment, therapeutic equipment, instruments, syringes and their component parts or accessories, hearing aids, eyeglasses, contact lenses, prosthetic devices, orthotics, crutches and cervical collars.

(2) *Disclose to the patient*—The physical therapist makes known to the patient at the time a referral is made that the physical therapist has a financial or ownership interest in the facility or entity to which the patient is referred. The physical therapist shall also inform the patient of the patient's freedom to choose an alternate provider.

(3) *Facility or entity*—Another practitioner of the healing arts, licensed health care practitioner, partnership, association, group practice, business corporation and professional corporation not on the premises of the physical therapist.

(4) *Financial interest of the physical therapist or ownership by the physical therapist in the facility or entity*—A financial or ownership interest to any extent or degree including interest held by the physical therapist, the therapist's spouse or minor children. The term does not include employment by a hospital if the remuneration paid to the physical therapist is not contingent upon the therapist's referral of patients to hospital-related services.

(5) *Health-related services*—Radiologic services, physical therapy, occupational therapy, counseling, laboratory services and nursing home care.

(6) *Pharmaceutical*—A drug or pharmacy.

(7) *Practitioner of the healing arts*—A physical therapist.

(8) *Referral*—The act of prescribing, ordering, directing, redirecting or recommending to a patient a specific facility or entity which provides a health-related service, test, pharmaceutical, appliance or device, by means of prescription, recommended course of treatment, or direction concerning diagnostic or therapeutic treatment of services.

(9) *Test*—Laboratory work, radiologic tests, nuclear medicine scanning and other laboratory services.

(b) *Use of patient disclosure forms.*

(1) It is the physical therapist's responsibility to disclose to the patient a financial or ownership interest when making a referral covered by the act of May 26, 1988 (P. L. 403, No. 66) (35 P. S. §§ 449.21—449.23). The Board believes that meaningful disclosure shall be given to each patient at the time a referral is made. The disclosure may be made orally or in writing. In either event, it is recommended that the disclosure be memorialized, dated and signed at the time of referral by the physical therapist and the patient, and that the physical therapist maintain written evidence of the disclosure. If the physical therapist delegates the disclosure to another person in the therapist's office, the disclosure shall be memorialized, dated and signed by the person making the disclosure and the patient.

(2) The memorialization of the disclosure shall be substantially in the following form:

I ACKNOWLEDGE THAT I HAVE BEEN ADVISED BY MY PHYSICAL THERAPIST THAT HE HAS A FINANCIAL OR OWNERSHIP INTEREST IN THE FACILITY OR ENTITY TO WHICH HE HAS REFERRED ME, AND THAT HE HAS ADVISED ME THAT I AM FREE TO CHOOSE ANOTHER FACILITY OR ENTITY TO PROVIDE THE SERVICE, DRUG, DEVICE OR EQUIPMENT.

(3) Written evidence shall constitute presumptive evidence that the physical therapist made the required disclosure in an enforcement proceeding before the Board. The disclosure to the patient is not the act of the patient signing the form, but is the act of the physical therapist disclosing to the patient the therapist's financial or ownership interest and advising the patient of the patient's freedom of choice.

(c) *Guidelines for disclosure.* If the patient is a minor, unconscious, of unsound mind, or otherwise incompetent to understand freedom of choice in the selection of a facility or entity, disclosure shall be made to the guardian, spouse or closest adult next of kin. A physical therapist may not disclose his interest unless the patient is competent to understand his freedom of choice. A physical therapist will not be disciplined for failure to disclose if an emergency prevents consulting the patient or the patient's next of kin.

(d) *Posting notice of disclosure requirement.* It is recommended that compliance with the disclosure requirement include the prominent posting of a printed notice, at least 8 1/2" x 11" in the physical therapist's waiting room in all office locations, substantially in the following form:

TREATMENT IN THIS OFFICE MAY INCLUDE A RECOMMENDATION FOR FURTHER DIAGNOSTIC TESTING, FOR VARIOUS FORMS OF THERAPY OR TREATMENT, OR FOR DRUGS OR DEVICES. PENNSYLVANIA LAW REQUIRES YOUR PHYSICAL THERAPIST TO DISCLOSE TO YOU ANY FINANCIAL INTEREST HE HAS IN TREATMENT FACILITIES, TESTING LABORATORIES, MEDICAL EQUIPMENT SUPPLIES, PHARMACEUTICAL COMPANIES AND PHARMACIES TO WHICH HE REFERS YOU. HE MUST ALSO ADVISE YOU THAT YOU ARE FREE TO CHOOSE ANOTHER FACILITY OR ENTITY TO PROVIDE THE SERVICE, DRUG, DEVICE OR EQUIPMENT.
(ACT 66-1988)

Source

The provisions of this § 40.54 adopted May 4, 1990, effective May 5, 1990, 20 Pa.B. 2437; renumbered August 13, 1992, effective August 14, 1992, 22 Pa.B. 4299. Immediately preceding text appears at serial pages (148370) to (148372).

§ 40.55. Identification of physical therapists.

Physical therapists shall identify themselves to patients as physical therapists.

Authority

The provisions of this § 40.55 issued under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 40.55 adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697.

PRACTICE WITHOUT REFERRAL**§ 40.61. Certificate of authorization to practice physical therapy without a referral.**

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

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

(2) Has done one of the following:

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

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

(3) Has done one of the following:

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

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

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

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

(4) Has obtained professional liability insurance under the requirements of § 40.69 (relating to professional liability insurance).

(b) A certificateholder shall display the certificate of authorization in a manner conspicuous to the public.

(c) A certificateholder may not delegate the care of a patient being treated without a referral to a physical therapist who is not a certificateholder.

(d) A certificateholder shall refer patients to a licensed physician or other appropriate health care practitioner in the following cases:

(1) Cases where symptoms are present for which physical therapy is a contraindication.

(2) Cases for which treatment is outside the scope of practice of physical therapy.

(3) Cases for which treatment is beyond the education, expertise or experience of the physical therapist.

(e) A certificateholder may treat an individual without a referral as provided in this chapter for up to 30 calendar days from the date of the first treatment. A physical therapist may not treat an individual beyond 30 days from the date of the first treatment unless the individual has obtained a referral from a licensed physician, a licensed physician assistant practicing under a written agreement, a certified registered nurse practitioner practicing under a collaborative agreement, a licensed dentist for the treatment of a condition that is within the scope of practice of dentistry or a licensed podiatrist for the treatment of a condition that is within the scope of practice of podiatry. The date of the first treatment for purposes of this subsection is the date the person is treated by any physical therapist treating without a referral.

(f) A certificateholder may not treat a condition in an individual which is a nonneurologic, nonmuscular or nonskeletal condition or treat an individual who has an acute cardiac or acute pulmonary condition unless the certificateholder has consulted with the individual's licensed physician, dentist or podiatrist regarding the individual's condition and the physical therapy treatment plan or has referred the individual to a licensed physician, dentist or podiatrist for diagnosis and referral.

Authority

The provisions of this § 40.61 issued under section 3 of the Physical Therapy Practice Act (63 P. S. § 1303); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); amended under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.61 adopted July 16, 2004, effective July 17, 2004, 34 Pa.B. 3700; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (305591) to (305592) and (353335).

§ 40.62. [Reserved].**Authority**

The provisions of this § 40.62 issued under section 3 of the Physical Therapy Practice Act (63 P. S. § 1303); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); reserved under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.62 adopted July 16, 2004, effective July 17, 2004, 34 Pa.B. 3700; reserved December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial pages (353335) to (353336).

§ 40.63. Continuing education for direct access certificateholder.

(a) *Definitions.* The following word, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Certificateholder—A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

(b) *Continuing education requirement for renewal of certificate of authorization.* Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 30 contact hours of physical therapy continuing education related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 30 contact hours shall be in evaluative procedures to treat a person without a referral. During renewal periods prior to January 1, 2013, a direct access certificateholder need complete only 20 hours of continuing education, including at least 10 hours in evaluative procedures.

(c) *Reports to the Board.* A certificateholder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificateholder shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later. These records are subject to audit by the Board.

(d) *Approved courses and programs.*

(1) Courses and programs approved by the Board will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the course or program before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the Board reserves the right to reject a continuing education course or program submitted by a certificateholder if it is outside the scope of practice of physical therapy. The Board will not accept

courses or programs which are unrelated to the actual practice of physical therapy—for example, instruction in office management or practice building. A certificate-holder will be notified of a rejected course or program in writing, along with the reason for the rejection.

(3) Sponsors of physical therapy continuing education seeking Board approval of individual courses and programs shall submit an application at least 60 days prior to the date the continuing education course or program is due to take place on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a course or program unless the sponsor:

- (i) Offers courses or programs, or both, with specific learning objectives geared to improve the professional competence of the participant.
- (ii) Verifies attendance of the course.
- (iii) Provides each attendee with a certificate which includes participant's name, date, place, course title, presenter and number of contact hours.

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

(5) A sponsor seeking approval who is unable to submit the application at least 60 days prior to the date the course or program is given may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(6) Approval of a course or program shall be valid for 1 year after approval. In the event that the sponsor is scheduling multiple courses or programs, the sponsor shall indicate on the application each date the course or program is to be given.

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

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

- (1) A person whose certificate has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.
- (2) A person whose certificate has been suspended or restricted shall show compliance with the continuing education requirement during the entire period of suspension or restriction.

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the licensee. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. Necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the licensee to make up all or part of the continuing education involved.

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses or programs that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

- (1) APTA and its components.
- (2) FSBPT and its jurisdictions.
- (3) Graduate education programs accredited by CAPTE.
- (4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

(i) *General continuing education requirement.* Hours of continuing education applied to satisfy the requirement of this section may also be applied to satisfy the requirement of § 40.67 (relating to continuing education for licensed physical therapist). Satisfaction of the continuing education requirement in this section will be deemed to establish satisfaction of the continuing education requirement in § 40.67.

Authority

The provisions of this § 40.63 issued under sections 3 and 9(c) of the Physical Therapy Practice Act (63 P. S. §§ 1303 and 1309(a)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); amended under section 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.63 adopted July 16, 2004, effective July 17, 2004, 34 Pa.B. 3700; amended October 29, 2010, effective October 30, 2010, 40 Pa.B. 6265; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364980) to (364983).

CONTINUING EDUCATION**§ 40.67. Continuing education for licensed physical therapist.**

(a) *Contact hour requirements.* A licensed physical therapist shall satisfy the following continuing education requirements:

(1) During each biennial renewal period, a licensee shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 2 contact hours in law or ethics applicable to the practice of physical therapy, and at least 2 contact hours in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Except as permitted in § 40.20(c)(1) (relating to inactive status of physical therapist license), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement of paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 7.2 of the act (63 P.S. § 1307.2) and this section will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the licensee. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. The necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the lic-

ensee shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the licensee to make up all or part of the continuing education involved.

(5) A licensee is not required to complete continuing education during the biennial renewal cycle in which the licensee was first licensed.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner:

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion or other documentation issued by the course or program provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course or program.
- (iv) The name of the course and any Board issued approval number of the course or program.
- (v) The number of contact hours of continuing education or academic credit.

(2) A licensee shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit licensees to verify compliance with continuing education requirements. A licensee shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following:

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2) or for authoring publications as authorized under subsection (e).

(2) Unless limited by this section, continuing education credit may be earned in a course or program or authoring a publication relating to any of the following:

- (i) Subject matter falling within the definition of “physical therapy” in section 2 of the act (63 P.S. § 1302).
- (ii) Subject matter that is part of training necessary to qualify one for licensure as a physical therapist or certification of authority to practice physical therapy without a referral.

- (iii) Law or ethics applicable to the practice of physical therapy.
 - (iv) Subject matter that otherwise keeps the licensee apprised of advancements and new developments in the practice of the profession of physical therapy.
- (3) Continuing education credit may not be earned in a course in office management or practice building.
- (4) A licensee may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.
- (5) A licensee teaching a course or program of continuing education may receive the same credit that a licensee attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in preparation may not exceed the credit available for a licensee attending the course or program.
- (6) If a course or program extends beyond a single biennial renewal period, credit will be awarded in the period in which the course or program is finally completed.
- (d) *Approval of continuing education courses and programs.* Continuing education courses and programs may be approved in accordance with this subsection.
- (1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the provider issues to each attending licensee a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.
- (i) The following providers are preapproved:
 - (A) APTA or its components.
 - (B) FSBPT and its jurisdictions.
 - (C) A physical therapist or physical therapist assistant educational program accredited by CAPTE.
 - (D) The American Heart Association and the American Red Cross and their component organizations, only for purposes of providing continuing education in identifying and responding to emergency health conditions.
 - (E) An organization credentialed by APTA to confer a fellowship in a specialty, only for purposes of conferring the fellowship.
 - (F) An organization credentialed by APTA to offer a residency program, only for purposes of the residency program.
 - (G) The American Board of Physical Therapy Specialization or its successor organization, only for specialty certification.
 - (H) Any provider whose course or program is certified by FSBPT's ProCert, approved by FSBPT or its jurisdictions, or approved by APTA or its components, for those courses or programs so certified or approved.

(ii) Any other provider seeking preapproved provider status shall:

(A) Apply to the Board on forms supplied by the Board.

(B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapists without direct review by the Board.

(iii) The Board may terminate preapproved provider status if the provider, including the providers in subparagraph (i), is no longer able to demonstrate that it is competent to provide continuing education to physical therapists without direct review by the Board. The Board will audit preapproved providers to assure that the provider complies with the requirements of this paragraph and paragraph (3).

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (relating to fees).

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at one or more locations. Unless approved by the Board, a significant change in content or use of instructors other than those described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities of paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later

determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to licensees and the public.

(vi) If the provider has not separately sought approval under this paragraph, a licensee attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The licensee shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a licensee attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

(iii) Provide accurate instructional materials.

(iv) Utilize qualified instructors who are knowledgeable in the subject matter.

(v) Evaluate the course or program through the use of questionnaires of the participants and instructors.

(vi) Issue a certificate of completion to each participant.

(vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.

(e) *Authoring publications.* A licensed physical therapist may earn continuing education credit for authoring publications as provided in this subsection.

(1) Prior to the end of the biennial renewal period for which credit is sought, the licensed physical therapist shall apply to the Board on forms provided by the Board and submit the documentation necessary to establish entitlement to credit.

(2) Subject to the limitations of paragraph (3), 1 contact hour of continuing education credit will be awarded for each hour spent in research or writing. Credit will not be awarded if the total research and writing time was less than 1 hour.

(3) Within the subject matter limitations of subsection (c), a licensed physical therapist may earn credit for authoring a publication as follows:

(i) Authoring or editing a book, not to exceed 15 contact hours.

- (ii) Authoring or editing a chapter of a book, not to exceed 10 contact hours.
 - (iii) Authoring or reviewing a published peer-reviewed article, not to exceed 10 contact hours.
 - (iv) Authoring a non-peer-reviewed article published in a physical therapy publication, not to exceed 5 contact hours.
- (4) Credit for authoring a publication will be awarded only for the biennial renewal period in which it was published.
- (f) *Disciplinary action authorized.* Unless otherwise excused by the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 12(c) of the act (63 P.S. § 1312(c)) in accordance with the schedule of civil penalties in § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants). Within 6 months after the issuance of a citation under § 43b.26 for failure to complete the required amount of continuing education, the licensee shall make up the deficiency and provide proof, in accordance with subsection (b), of completion of the entire amount of continuing education required under subsection (a). In addition to a civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide the Board with proof of completion of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.26 will subject the licensee to disciplinary action under section 11(a)(6) of the act for committing unprofessional conduct as defined in § 40.52(11). This subsection does not apply to a licensee who permitted the licensee's license to expire at the conclusion of a biennial renewal period for which the licensee did not complete the required amount of continuing education and did not practice the profession prior to reactivating that license under § 40.20(c) upon a demonstration that the licensee subsequently completed the required deficient continuing education.

Authority

The provisions of this § 40.67 issued under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38); amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.67 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended October 21, 2016, effective October 22, 2016, 46 Pa.B. 6639; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391951) to (391957).

Cross References

This section cited in 49 Pa. Code § 40.19 (relating to renewal of physical therapist license); 49 Pa. Code § 40.20 (relating to inactive status of physical therapist license); 49 Pa. Code § 40.63 (relating to continuing education for direct access certificateholder); and 49 Pa. Code § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants).

PROFESSIONAL LIABILITY INSURANCE**§ 40.69. Professional liability insurance.**

(a) *Professional liability insurance requirements.* As required under section 9(b)(4) of the act (63 P.S. § 1309(b)(4)), a licensed physical therapist shall maintain professional liability insurance in the minimum amount of \$1 million per occurrence or claims made as a condition of practicing as a physical therapist in this Commonwealth. Coverage may be provided through:

- (1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).
- (2) Personally purchased professional liability insurance.
- (3) Professional liability insurance, coverage provided by the licensee's employer.
- (4) A similar type of coverage.

(b) *Proof of professional liability insurance coverage.* Proof of professional liability insurance coverage must include a certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage. A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 9(b)(4)(iii.2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(c) *Disciplinary action.* Failure to maintain insurance coverage as required will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

Authority

The provisions of this § 40.69 issued under 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38); amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)).

Source

The provisions of this § 40.69 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (384359) and (387715).

Cross References

This section cited in 49 Pa. Code § 40.19 (relating to renewal of physical therapist license); and 49 Pa. Code § 40.61 (relating to certificate of authorization to practice physical therapy without a referral).

Subchapter B. [Reserved]

Sec.	
40.71.	[Reserved].
40.72.	[Reserved].
40.73.	[Reserved].
40.74.	[Reserved].
40.75.	[Reserved].
40.81.	[Reserved].
40.82.	[Reserved].
40.83.	[Reserved].

§ 40.71. [Reserved].**Source**

The provisions of this § 40.71 adopted July 31, 1987, effective August 1, 1987, 7 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (305597).

§ 40.72. [Reserved].**Source**

The provisions of this § 40.72 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (305597) and (230659).

§ 40.73. [Reserved].**Source**

The provisions of this § 40.73 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved November 4, 1988, effective upon publication and applies retroactively to November 1, 1988, 18 Pa.B. 4952. Immediately preceding text appears at serial page (121513).

§ 40.74. [Reserved].**Source**

The provisions of this § 40.74 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230659) to (230660).

§ 40.75. [Reserved].**Source**

The provisions of this § 40.75 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230660).

§ 40.81. [Reserved].**Source**

The provisions of this § 40.81 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230660).

§ 40.82. [Reserved].**Source**

The provisions of this § 40.82 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230661).

§ 40.83. [Reserved].**Source**

The provisions of this § 40.83 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1170; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230661) to (230662).

§ 40.84. [Reserved].**Source**

The provisions of this § 40.84 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230662).

§ 40.85. [Reserved].**Source**

The provisions of this § 40.85 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230662) to (230663).

§ 40.86. [Reserved].**Source**

The provisions of this § 40.86 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819. Immediately preceding text appears at serial pages (206210) to (206211).

§ 40.87. [Reserved].**Source**

The provisions of this § 40.87 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230663) to (230664).

§ 40.88. [Reserved].**Source**

The provisions of this § 40.88 adopted June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230664).

§ 40.101. [Reserved].**Source**

The provisions of this § 40.101 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230664) to (230665).

§ 40.102. [Reserved].**Source**

The provisions of this § 40.102 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; amended June 13, 1997, effective June 14, 1997, 27 Pa.B. 2819; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (230665).

§ 40.103. [Reserved].**Source**

The provisions of this § 40.103 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230665) to (230666).

§ 40.121. [Reserved].**Source**

The provisions of this § 40.121 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial pages (230666) and (274471).

§ 40.131. [Reserved].**Source**

The provisions of this § 40.131 adopted July 31, 1987, effective August 1, 1987, 17 Pa.B. 3210; reserved April 18, 2008, effective April 19, 2008, 38 Pa.B. 1829. Immediately preceding text appears at serial page (274471).

Subchapter C. PHYSICAL THERAPIST ASSISTANTS**GENERAL PROVISIONS**

- Sec.
40.151. Purpose.
40.152. Definitions.
40.153. [Reserved].

CERTIFICATION

- 40.161. Certification as physical therapist assistants; practice; exceptions.
40.162. Application for certification.
40.163. Requirements for certification.
40.164. Physical therapist assistant certification examination.
40.165. Authorization to provide services as a physical therapist assistant under indirect supervision.
40.166. Temporary certificate to provide services as a physical therapist assistant.

SCOPE OF ACTIVITIES

- 40.171. Functions of physical therapist assistants.
40.173. Supervision of physical therapist assistant by licensed physical therapist.

DISCIPLINE

- 40.181. Refusal, suspension or revocation of certification.

MAINTENANCE OF CERTIFICATION

- 40.191. Renewal of certification.

CONTINUING EDUCATION

- 40.192. Continuing education for certified physical therapist assistant.

Authority

The provisions of this Subchapter C issued under sections 3(a), 6(d.1), 8(b), 9.1, 9.2 and 11(a)(6) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1306(d.1), 1308(b), 1309.1, 1309.2 and 1311(a)(6)), unless otherwise noted.

GENERAL PROVISIONS**§ 40.151. Purpose.**

This subchapter implements section 9.1 of the act (63 P. S. § 1309.1) which provides for the registration of physical therapist assistants.

Source

The provisions of this § 40.151 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872.

§ 40.152. Definitions.

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

APTA—The American Physical Therapy Association.

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

CAPTE—The Commission on Accreditation in Physical Therapy Education.

FSBPT—The Federation of State Boards of Physical Therapy.

Indirect supervision—Supervision of a physical therapist assistant by a licensed physical therapist that is not direct on-premises supervision, as authorized under section 9.1(c) of the act (63 P.S. § 1309.1(c)) and this subchapter, including § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

Physical therapist assistant—A person who has been certified in accordance with the act and this subchapter to provide services as a physical therapist assistant.

Physical therapist assistant certification examination—An examination adopted by the Board and administered in accordance with section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a). The term also includes an examination administered by another state, territory or the District of Columbia if it is the same examination adopted by the Board.

Physical therapy independent private practice outpatient facility—

(i) A practice owned and operated by a licensee under the act, or by a licensee under the act and a health care practitioner, licensed by the Commonwealth, as permitted by law.

(ii) The term does not include a practice owned or affiliated with a hospital or healthcare system.

Authority

The provisions of this § 40.152 amended under 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.2 and 1311(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.152 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial page (384362).

§ 40.153. [Reserved].**Source**

The provisions of this § 40.153 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended May 14, 1993, effective May 15, 1993, and apply retroactively to fees for the March 1993 examinations, 23 Pa.B. 2333; amended December 30, 1994, effective December 31, 1994, 24 Pa.B. 6567; amended December 22, 1995, effective December 23, 1995, apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5968; reserved January 26, 2001, effective January 27, 2001, 31 Pa.B. 537. Immediately preceding text appears at serial page (230669).

CERTIFICATION**§ 40.161. Certification as physical therapist assistants; practice; exceptions.**

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

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

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

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

Authority

The provisions of this § 40.161 amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38).

Source

The provisions of this § 40.161 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial page (364995).

Cross References

This section cited in 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); and 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant).

§ 40.162. Application for certification.

(a) The applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria. The applicant:

- (1) Is at least 18 years of age, unless otherwise determined by the Board that the applicant has proved the capability to accept and handle the responsibilities appurtenant to certification.
- (2) Is of good moral character.
- (3) Is not addicted to the habitual use of alcohol, narcotics or other habit-forming drugs.
- (4) Has met the professional requirements for certification under § 40.163 (relating to requirements for certification).
- (5) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) An applicant for certification issued by the Board shall apprise the Board of the following:

- (1) A license, certificate, registration or other authorization to practice a profession issued, denied or limited by another state, territory or possession of the United States, a branch of the Federal government or another country.
- (2) Disciplinary action instituted against the applicant by a licensing authority of another state, territory or possession of the United States, a branch of the Federal government or another country.
- (3) A finding or verdict of guilt, an admission of guilt or a plea of nolo contendere to a felony offense or an offense involving moral turpitude.

(c) The reporting responsibilities enumerated in subsection (b) continue after the Board issues a certification. If, after the Board has issued a certification, one or more events listed under subsection (b)(1) and (2) occur, the certified physical therapist assistant shall report that matter to the Board in writing on the biennial renewal application or within 90 days of its occurrence, whichever occurs sooner. The certified physical therapist assistant shall report an event occurring under subsection (b)(3) within 30 days of occurrence.

Authority

The provisions of this § 40.162 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.162 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial page (391964).

Cross References

This section cited in 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); and 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant).

§ 40.163. Requirements for certification.

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

(1) Graduation from a physical therapist assistant program which has been approved for the education and training of physical therapist assistants by CAPTE.

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

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

Authority

The provisions of this § 40.163 amended under section 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.163 adopted July 24, 1992, effective April 28, 1993, 22 Pa.B. 3872; corrected October 9, 1992, 22 Pa.B. 5030; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364996) to (364997).

Cross References

This section cited in 49 Pa. Code § 40.162 (relating to application for certification); 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant); and 49 Pa. Code § 40.191 (relating to renewal of certification).

§ 40.164. Physical therapist assistant certification examination.

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

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

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

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

(1) After failing the first examination, the applicant has, after the expiration of 60 days and within 1 year of the date of the first failure, the privilege of a second examination upon the filing of a new application under subsection (a) and payment of the appropriate fee.

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

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

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

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

Authority

The provisions of this § 40.164 amended under section 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P. S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.164 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4697; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364997) to (364998).

Cross References

This section cited in 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant); and 49 Pa. Code § 40.191 (relating to renewal of certification).

§ 40.165. Authorization to provide services as a physical therapist assistant under indirect supervision.

(a) An applicant for a certificate of authority to provide services as a physical therapist assistant under indirect supervision by a licensed physical therapist shall submit to the Board on forms supplied by the Board a completed application, including all necessary supporting documents, and pay the fee in § 40.5 (relating to fees) for initial application for certification to provide services under indirect supervision.

(b) Unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification), the Board will grant a certificate of authority as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements in §§ 40.161—40.164.

(2) Demonstrates that the applicant satisfies the requirements of section 9.1(c)(4) of the act (63 P.S. § 1309.1(c)(4)) for certification to provide services as a physical therapist assistant under indirect supervision of a licensed physical therapist by either verifying that the applicant:

(i) Has at least 2,000 hours of experience providing patient-related acts and services while certified to do so under §§ 40.161—40.164 and this section or predecessor registration or equivalent authorization in another jurisdiction under the supervision of one or more licensed physical therapists, as verified by those physical therapists.

(ii) Worked as a physical therapist assistant for at least 3 years between October 2, 2003, and October 2, 2008, the 5-year period immediately preced-

ing the effective date of section 9.1(c)(4) of the act, and providing a detailed resume or other adequate documentation to corroborate the verification. Part-time work will be acceptable if it is at least equivalent to 3 years of full-time work.

Authority

The provisions of this § 40.166 issued under 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38); amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)).

Source

The provisions of this § 40.166 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (364998) to (364999).

Cross References

This section cited in 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant); 49 Pa. Code § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist); and 49 Pa. Code § 40.181 (relating to refusal, suspension or revocation of certification).

§ 40.166. Temporary certificate to provide services as a physical therapist assistant.

(a) An applicant for a temporary certificate to provide services as a physical therapist assistant under section 9.1(a.1) of the act (63 P. S. § 1309.1(a.1)) shall apply to the Board on forms provided by the Board including all necessary supporting documents and pay the fee in § 40.5 (relating to fees) for application for temporary certificate to provide services as a physical therapist assistant.

(b) Unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification), the Board will grant a temporary certificate as described in this section to an applicant who:

- (1) Demonstrates that the applicant satisfies the requirements of §§ 40.161—40.164 except the certification examination requirement in § 40.163(a)(2) (relating to requirements for certification).
- (2) Has applied for certification to provide services as a physical therapist assistant in accordance with §§ 40.161—40.164 or § 40.165.
- (3) Has not previously sat for the certification examination.
- (4) Has not previously received a temporary certificate under this section.

(c) The Board may rescind a temporary certificate issued under this section if the Board determines that the certificate was issued based upon fraudulent information, such as the applicant's identity or educational, criminal, or professional or occupational licensure record.

(d) A temporary certificate issued under this section will expire upon the earlier of failing the certification examination or 6 months after issuance. A temporary certificate issued under this section will become void upon issuance of a certificate to provide services as a physical therapist assistant under §§ 40.161—40.165.

(e) A temporary certificate may not be renewed or extended beyond its expiration. The holder of a temporary certificate shall return the certificate to the Board within 10 days after its expiration.

(f) The holder of a temporary certificate may provide services as a physical therapist assistant only under the direct on-premises supervision of a licensed physical therapist.

Authority

The provisions of this § 40.166 issued under 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.166 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652.

SCOPE OF ACTIVITIES

§ 40.171. Functions of physical therapist assistants.

(a) A physical therapist assistant may perform only activities for which the physical therapist assistant has received formal education and training, including the following activities:

- (1) Providing patient-care services as specified in the patient's plan of care.
- (2) Modifying treatment techniques as indicated in the patient's plan of care.
- (3) Responding to acute changes in the patient's physiological state.
- (4) Performing selected tests and measurements consistent with the physical therapist assistant's formal education and training.

(b) Physical therapist assistants may not interpret referrals or tests, perform evaluation procedures, initiate treatment programs, assume responsibility for planning patient care or perform activities which require the formal education or training and the skill and knowledge of a licensed physical therapist.

(c) Patient care services performed by a physical therapist assistant under the supervision of a licensed physical therapist shall be on the basis of not more than three physical therapist assistants for a licensed physical therapist.

(d) The initial patient contact shall be made by a licensed physical therapist for evaluation of the patient and establishment of a plan of care.

Authority

The provisions of this § 40.171 amended under 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.171 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended October 16, 1992, effective July 25, 1992, 22 Pa.B. 5163; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652. Immediately preceding text appears at serial page (333460).

Cross References

This section cited in 49 Pa. Code § 40.52 (relating to unprofessional conduct; physical therapists); and 49 Pa. Code § 40.181 (relating to refusal, suspension or revocation of certification).

§ 40.173. Supervision of physical therapist assistant by licensed physical therapist.

(a) *General rule.* A physical therapist assistant may provide patient care services only under the supervision of a licensed physical therapist. Except as otherwise provided in the act or this subchapter, a physical therapist assistant may provide patient care services only under the direct on-premises supervision of a licensed physical therapist.

(b) *Supervision generally.* The required level of supervision depends upon the following factors:

(1) The performance of selected acts and services by the physical therapist assistant is the responsibility of the licensed physical therapist at all times.

(2) Supervision shall be based upon the following:

(i) The complexity and acuity of the patient's needs.

(ii) The proximity and accessibility of the licensed physical therapist to the certified physical therapist assistant.

(iii) The amount of supervision available in the event of an emergency or critical event.

(iv) The type of practice setting in which the service is provided.

(3) The supervising licensed physical therapist may determine and require that the physical therapist assistant provide services under greater supervision than would otherwise appear to be required under section 9.1(c)(3) of the act (63 P. S. § 1309.1(c)(3)) or this section, including requiring that the physical therapist assistant provide services under direct on-premises supervision.

(c) *Practice setting.* A physical therapist assistant holding a current certificate of authority to provide services under indirect supervision may do so in accordance with this section and section 9.1(c) of the act.

(1) When care is delivered to an individual in an acute care hospital, acute inpatient rehabilitation center, long-term acute care hospital setting or as otherwise required by Federal or State law or regulation, the physical therapist assistant shall be under the direct on-premises supervision of a licensed physical therapist.

(2) When care is provided to an individual in a preschool, primary school, secondary school or other similar educational setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(3) When care is provided to an individual in an early intervention setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(4) When care is provided to a patient in a physical therapy independent private practice outpatient facility, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication when not providing direct on-premises supervision.

(5) When care is provided to a patient in an outpatient facility of a practice owned or affiliated with a hospital or healthcare system, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication if not providing direct on-premises supervision.

(6) For home health care, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient. Multiple visits on a single date constitute only a single patient visit in determining whether the licensed physical therapist is required to make an onsite visit.

(7) For care provided in a long-term care nursing facility, skilled nursing facility or extended care facility, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient. Multiple visits on a single date constitute only a single patient visit in determining whether the licensed physical therapist is required to make an onsite visit.

(d) *Emergency situations.* The emergency situation provisions of section 9.1(i) of the act apply only to those current certified physical therapist assistants who are authorized by the Board under section 9.1(c)(4) of the act and § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision) to provide services under supervision of a licensed physical therapist other than direct on-premises supervision.

Authority

The provisions of this § 40.173 issued under 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)); and section 16 of the act of July 4, 2008 (P. L. 293, No. 38).

Source

The provisions of this § 40.173 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652.

Cross References

This section cited in 49 Pa. Code § 40.152 (relating to definitions); and 49 Pa. Code § 40.181 (relating to refusal, suspension or revocation of certification).

DISCIPLINE

§ 40.181. Refusal, suspension or revocation of certification.

(a) Under section 9.1(f) of the act (63 P.S. § 1309.1(f)), the Board may refuse, suspend or revoke the certification of a person who has:

- (1) Performed physical therapist assistant functions outside the scope of activities under § 40.171 (relating to functions of physical therapist assistants).
- (2) Attempted to obtain or obtained registration by fraud or misrepresentation.

(3) Committed an act of gross negligence, or gross incompetence or repeated acts of negligence or incompetence in the providing of physical therapist assistant services.

(4) Been convicted of a felony or of a misdemeanor which relates to the person's suitability for registration as a physical therapist assistant in a Federal, state, territorial or foreign court of competent jurisdiction. Conviction as used in this paragraph includes a finding, or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(5) Become addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

(6) Been found guilty of unprofessional conduct, which includes departure from or failure to conform to the minimal standards of acceptable and prevailing practice for physical therapist assistants in which proceeding actual injury to a patient need not be established.

(7) Been adjudged mentally incompetent by a court of competent jurisdiction.

(8) Had a certificate, license or registration to practice as a physical therapist assistant revoked, suspended or refused or otherwise been subjected to other disciplinary action taken by another state, territory, country or the District of Columbia.

(9) Made misleading, deceptive, untrue or fraudulent representations in violation of the act or otherwise in the rendering of physical therapist assistant services.

(10) Provided services as a physical therapist assistant under indirect supervision without having a current certificate of authorization to practice under indirect supervision issued under § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision).

(11) Provided services as a physical therapist assistant under indirect supervision other than as authorized by section 9.1(c) of the act and § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

(12) Harassed, abused or intimidated a patient.

(13) Revealed information obtained as a result of the therapist-patient relationship to a third party who is not involved in the patient's care, without the prior written consent of the patient, except as authorized or required by statute.

(14) Violated a provision of the act or this chapter that establishes a standard of conduct.

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a registration are taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

Authority

The provisions of this § 40.181 amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); and section 16 of the act of July 4, 2008 (P.L. 293, No. 38).

Source

The provisions of this § 40.181 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947. Immediately preceding text appears at serial pages (365002) to (365003).

Cross References

This section cited in 49 Pa. Code § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision); 49 Pa. Code § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant); 49 Pa. Code § 40.191 (relating to renewal of certification); 49 Pa. Code § 40.192 (relating to continuing education for certified physical therapist assistant); 49 Pa. Code § 40.302 (relating to procedural matters); and 49 Pa. Code § 40.304 (relating to disciplinary action).

MAINTENANCE OF CERTIFICATION**§ 40.191. Renewal of certification.**

(a) A certification issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the certified physical therapist assistant. The certified physical therapist assistant shall notify the Board in writing within 10 days after making an address change. Failure of the Board to send or of the certified physical therapist assistant to receive a biennial renewal application does not relieve the certified physical therapist assistant of the biennial renewal responsibility.

(c) To retain the right to provide services as a physical therapist assistant, the certified physical therapist assistant's certification shall be renewed by the certified physical therapist assistant in the manner prescribed by the Board, and the required fee shall be paid by the certified physical therapist assistant prior to the expiration of the next biennium. A certified physical therapist assistant applying for biennial certificate renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist assistant certificate.

(2) Disclose any license, certificate, registration or other authorization to provide services as a physical therapist assistant in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate health-care licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed, registered or certified to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the certified physical therapist assistant has complied with the continuing education requirements mandated by section 9.1(j) of the act (63 P.S. § 1309.1(j)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.192 (relating to continu-

ing education for certified physical therapist assistant), including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a physical therapist assistant certification if the certified physical therapist assistant has not completed the continuing education required under § 40.192 during the biennial period immediately preceding the period for which renewal is sought.

(d) When a certification is renewed beyond December 31 of an even-numbered year, a late fee of \$5 for each month or part of a month that the certified physical therapist assistant has provided services as a physical therapist assistant beyond the renewal date will be charged, in addition to the renewal fee. Payment of a late fee does not preclude the Board from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(e) A certified physical therapist assistant who does not intend to provide services as a physical therapist assistant in this Commonwealth and who does not desire to renew the certification shall inform the Board in writing. Written confirmation of the Board's receipt of the request and notice that the certification has been classified as inactive will be forwarded to the certified physical therapist assistant.

(f) The certified physical therapist assistant who either fails to pay the biennial renewal fee or who notifies the Board of the desire not to renew the certification will not be sent biennial renewal forms for the following biennial renewal periods unless the certified physical therapist assistant requests the Board, in writing, to reactivate the certification.

(g) To reactivate an inactive certification, the certified physical therapist assistant shall apply on forms supplied by the Board and answer all questions fully. The certified physical therapist assistant shall:

(1) Include the documentation required under § 40.192(b) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.192(a)(4), the Board will not reactivate a certificate until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee in § 40.5.

(3) Verify that the certified physical therapist assistant did not provide services as a physical therapist assistant in this Commonwealth while the certification was inactive.

(h) A certified physical therapist assistant who does not make the verification of subsection (g)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the certified physical therapist assistant shall pay the renewal fee for each biennial renewal period after the certificate became inactive and during which the certified physical therapist assistant provided services as a physical therapist assistant in this Commonwealth. The certified physical therapist assistant shall also pay a late fee of \$5 per month or part of month from the first date the certified physical therapist assis-

tant provided services as a physical therapist assistant in this Commonwealth after the certificate became inactive until the date the certified physical therapist assistant files a fully-completed reactivation application. The applicant for certification reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not provide services as a physical therapist assistant in this Commonwealth. Payment of a late fee does not preclude the Board from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(i) If other conditions of the act and this chapter have been met, active status will be restored upon payment of the fees which have accrued.

(j) A certified physical therapist assistant who has not renewed the certification may not provide services as a physical therapist assistant in this Commonwealth until the certification has been renewed or reactivated. A certified physical therapist assistant who provides services as a physical therapist assistant in this Commonwealth after the certification has expired and before it has been renewed or reactivated is subject to disciplinary action under section 9.1(d) and (f) of the act, as set forth in § 40.181(a)(6) (relating to refusal, suspension or revocation of certification). A certified physical therapist assistant who has provided services as a physical therapist assistant during a period in which the certified physical therapist assistant's certification was not active may be subject to criminal prosecution under section 12 of the act (63 P. S. § 1312).

(k) In addition to the other requirements of this section, a certified physical therapist assistant whose certification has been inactive for 5 years or more shall demonstrate current competence to provide services as a physical therapist assistant by one or both of the following:

(1) Successful completion of the certification examination required under § 40.164 (relating to physical therapist assistant certification examination).

(2) Satisfaction of the requirements of § 40.163(b) (relating to requirements for certification) and proof of licensed or certified provision of services as a physical therapist assistant in one or more other jurisdictions of the United States or Canada for at least 36 months of the 5 years immediately preceding application for reactivation.

Authority

The provisions of this § 40.191 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.191 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3872; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391972) to (391974).

Cross References

This section cited in 49 Pa. Code § 40.192 (relating to continuing education for certified physical therapist assistant); and 49 Pa. Code § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants).

CONTINUING EDUCATION**§ 40.192. Continuing education for certified physical therapist assistant.**

(a) *Contact hour requirements.* A certified physical therapist assistant shall satisfy the following continuing education requirements:

(1) During each biennial renewal period, a certified physical therapist assistant shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 4 contact hours in identifying and responding to emergency health conditions, at least 2 contact hours in law or ethics applicable to the practice of physical therapy and at least 2 contact hours in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Except as permitted in § 40.191(g)(1) (relating to renewal of certification), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement of paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 9.1(j) of the act (63 P. S. § 1309.1(j)) and this section will subject the certified physical therapist assistant to disciplinary action under section 9.1(f) of the act as provided in § 40.181(6) (relating to refusal, suspension or revocation of certification).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the certified physical therapist assistant. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. The necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the certified physical therapist assistant shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the certified physical therapist assistant to make up all or part of the continuing education involved.

(5) A certified physical therapist assistant is not required to complete continuing education during the biennial renewal cycle in which the certified physical therapist assistant was first certified.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner:

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion or other documentation issued by the course or program provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course or program.
- (iv) The name and any Board issued approval number of the course or program.
- (v) The number of contact hours of continuing education or academic credit.

(2) A certified physical therapist assistant shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit certified physical therapist assistants to verify compliance with continuing education requirements. A certified physical therapist assistant shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following:

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2) or for authoring publications as authorized under subsection (e).

(2) Unless limited by this section, continuing education credit may be earned in a course or program or by authoring a publication relating to any of the following:

- (i) Subject matter falling within the definition of “physical therapy” in section 2 of the act (63 P. S. § 1302).
- (ii) Law or ethics applicable to the practice of physical therapy.
- (iii) Subject matter that otherwise keeps the certified physical therapist assistant apprised of advancements and new developments in the practice of the profession of physical therapy.

(3) Continuing education credit may not be earned in a course in office management or practice building.

(4) A certified physical therapist assistant may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.

(5) A certified physical therapist assistant teaching a course or conducting a program of continuing education may receive the same credit that a certified physical therapist assistant attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in

preparation may not exceed the credit available for a certified physical therapist assistant attending the course or program.

(6) If a course or program extends beyond a single biennial renewal period, credit will be awarded in the period in which the course or program is finally completed.

(d) *Approval of continuing education courses.* Continuing education courses or programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the course or program provider issues to each attending certified physical therapist assistant a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

(A) APTA or its components.

(B) FSBPT and its jurisdictions.

(C) A physical therapist or physical therapist assistant educational program accredited by CAPTE.

(D) The American Heart Association and the American Red Cross and their component organizations, only for purposes of providing continuing education in identifying and responding to emergency health conditions as required under subsection (a)(1).

(E) Any provider whose course or program is certified by FSBPT's ProCert, approved by FSBPT or its jurisdictions, or approved by APTA or its components, for those courses or programs so certified or approved.

(ii) Any other provider seeking preapproved provider status shall:

(A) Apply to the Board on forms supplied by the Board.

(B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapist assistants without direct review by the Board.

(iii) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (related to fees).

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at one or more locations. Unless approved by the Board, a significant change in content or use of an instructor or instructors other than those described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities of paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to certified physical therapist assistants and the public.

(vi) If the provider has not separately sought approval under this paragraph, a certified physical therapist assistant attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The certified physical therapist assistant shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a certified physical therapist assistant attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

(iii) Provide accurate instructional materials.

- (iv) Utilize qualified instructors who are knowledgeable in the subject matter.
 - (v) Evaluate the course or program through the use of questionnaires of the participants and instructors.
 - (vi) Issue a certificate of completion to each participant.
 - (vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.
- (e) *Authoring publications.* A certified physical therapist assistant may earn continuing education credit for authoring publications as provided in this subsection.
- (1) Prior to the end of the biennial renewal period for which credit is sought, the certified physical therapist assistant shall apply to the Board on forms provided by the Board and submit the documentation necessary to establish entitlement to credit.
 - (2) Subject to the limitations of paragraph (3), 1 contact hour of continuing education credit will be awarded for each hour spent in research or writing. Credit will not be awarded if the total research and writing time was less than 1 hour.
 - (3) Within the subject matter limitations of subsection (c), a certified physical therapist assistant may earn credit for authoring a publication as follows:
 - (i) Authoring or editing a book, not to exceed 15 contact hours.
 - (ii) Authoring or editing a chapter of a book, not to exceed 10 contact hours.
 - (iii) Authoring or reviewing a published peer-reviewed article, not to exceed 10 contact hours.
 - (iv) Authoring a non-peer-reviewed article published in a physical therapy publication, not to exceed 5 contact hours.
 - (4) Credit for authoring a publication will be awarded only for the biennial renewal period in which it was published.
- (f) *Disciplinary action authorized.* Unless otherwise excused by the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the certified physical therapist assistant to discipline under section 12(c) of the act (63 P.S. § 1312(c)) in accordance with the schedule of civil penalties in § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants). Within 6 months after the issuance of a citation under § 43b.26 for failure to complete the required amount of continuing education, the physical therapist assistant shall make up the deficiency and provide proof, in accordance with subsection (b), of completion of the entire amount of continuing education required under subsection (a). In addition to a civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide the Board with proof of completion of the required amount of continuing educa-

tion within 6 months after the issuance of a citation under § 43b.26 will subject the certified physical therapist assistant to disciplinary action under section 9.1(f) of the act for committing unprofessional conduct as provided in § 40.181(a)(6). This subsection does not apply to a certified physical therapist assistant who permitted the physical therapist assistant's certificate to expire at the conclusion of a biennial renewal period for which the physical therapist assistant did not complete the required amount of continuing education and did not provide patient services prior to reactivating that certificate under § 40.191(g) upon a demonstration that the physical therapist assistant subsequently completed the required deficient continuing education.

Authority

The provisions of this § 40.192 issued under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); amended under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.192 adopted December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended October 21, 2016, effective October 22, 2016, 46 Pa.B. 6639; amended May 18, 2018, effective May 19, 2018, 48 Pa.B. 2947; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391975) to (391980).

Cross References

This section cited in 49 Pa. Code § 40.191 (relating to renewal of certification); and 49 Pa. Code § 43b.26 (relating to schedule of civil penalties—physical therapists and physical therapist assistants).

Subchapter D. CHILD ABUSE REPORTING REQUIREMENTS

- Sec.
- 40.201. Definitions.
 - 40.202. Suspected child abuse—mandated reporting requirements.
 - 40.203. Photographs, medical tests and X-rays of child subject to report.
 - 40.204. Suspected death as a result of child abuse—mandated reporting requirement.
 - 40.205. Immunity from liability.
 - 40.206. Confidentiality—waived.
 - 40.207. Noncompliance.
 - 40.208. Child abuse recognition and reporting—mandatory training requirement.
 - 40.209. Child abuse recognition and reporting course approval process.

Authority

The provisions of this Subchapter D issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)), unless otherwise noted.

Source

The provisions of this Subchapter D adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5415, unless otherwise noted.

§ 40.201. 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).

Bodily injury—Impairment of physical condition or substantial pain.

Bureau—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

Child—An individual under 18 years of age.

Child abuse—Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this subchapter, the term includes all physical therapists and physical therapist assistants.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—A person who has committed child abuse as defined in this section.

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption of the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are

defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person 18 years of age or older and responsible for the child's welfare.

(E) A person 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Program, activity or service—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

(i) A youth camp or program.

(ii) A recreational camp or program.

(iii) A sports or athletic program.

(iv) A community or social outreach program.

(v) An enrichment or educational program.

(vi) A troop, club or similar organization.

Recent act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

(i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.

(ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

Authority

The provisions of this § 40.201 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.201 amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391981) to (391982).

§ 40.202. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), all physical therapists and physical therapist assistants are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(1) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(2) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(3) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a physical therapist or physical therapist assistant is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, the physical therapist or physical therapist assistant shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.* A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to Child-Line at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* A written or electronic report of suspected child abuse shall include the following information, if known:

- (1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
- (2) Where the suspected child abuse occurred.
- (3) The age and sex of each subject of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or any sibling of the child.
- (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
- (6) Family composition.
- (7) The source of the report.
- (8) The name, telephone number and e-mail address of the person making the report.
- (9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.
- (10) Other information required by Federal law or regulation.
- (11) Other information which the Department of Human Services may require by regulation.

Authority

The provisions of this § 40.202 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.202 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391982) to (391983).

Cross References

This section cited in 49 Pa. Code § 40.205 (relating to immunity from liability); 49 Pa. Code § 40.206 (relating to confidentiality—waived); and 49 Pa. Code § 40.207 (relating to noncompliance).

§ 40.203. Photographs, medical tests and X-rays of child subject to report.

A physical therapist or physical therapist assistant may take or cause to be taken photographs of the child who is subject to a report and, if clinically indi-

cated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 40.202(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

Authority

The provisions of this § 40.203 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.203 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391983) to (391984).

Cross References

This section cited in 49 Pa. Code § 40.205 (relating to immunity from liability); 49 Pa. Code § 40.206 (relating to confidentiality—waived); and 49 Pa. Code § 40.207 (relating to noncompliance).

§ 40.204. Suspected death as a result of child abuse—mandated reporting requirement.

A physical therapist or physical therapist assistant who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

Authority

The provisions of this § 40.204 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.204 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial page (391984).

Cross References

This section cited in 49 Pa. Code § 40.205 (relating to immunity from liability); 49 Pa. Code § 40.206 (relating to confidentiality—waived); and 49 Pa. Code § 40.207 (relating to noncompliance).

§ 40.205. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a physical therapist or physical therapist assistant who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the physical therapist's or physical therapist assistant's actions. For the purpose of any civil or criminal proceeding, the good faith of the physical therapist or physical therapist assistant shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a physical therapist's or physical therapist assistant's actions under §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

Authority

The provisions of this § 40.205 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.205 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial page (391984).

§ 40.206. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the confidentiality provisions in § 40.52(c) (relating to unprofessional conduct; physical therapists) and any other client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.

Authority

The provisions of this § 40.206 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.206 amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial pages (391984) to (391985).

§ 40.207. Noncompliance.

(a) *Disciplinary action.* A physical therapist or physical therapist assistant who willfully fails to comply with the reporting requirements in §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1311).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a physical therapist or physical therapist assistant who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

Authority

The provisions of this § 40.207 amended under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)); section 16 of the act of July 4, 2008 (P.L. 293, No. 38); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.207 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7652; amended August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325. Immediately preceding text appears at serial page (391985).

§ 40.208. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license or certificate shall complete, as a condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 40.209 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees and certificate holders seeking renewal of a license or certificate issued by the Board shall complete, as a condition of biennial renewal of the license or certificate, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 40.209. The licensee or certificate holder shall certify on the biennial renewal application that the licensee or certificate holder has either completed the required continuing education or has been granted an exemption under subsection (c). The Board will not renew a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee or certificate holder in an approved course or the licensee or certificate holder has obtained an exemption under subsection (c).

(c) An applicant, licensee or certificate holder may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant, licensee or certificate holder meets one of the following:

(1) The applicant, licensee or certificate holder submits documentation demonstrating that:

(i) The applicant, licensee or certificate holder has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(2) The applicant, licensee or certificate holder submits documentation demonstrating that:

(i) The applicant, licensee or certificate holder has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(3) The applicant, licensee or certificate holder submits documentation demonstrating that the applicant, licensee or certificate holder should not be subject to the training or continuing education requirement. Each request for an exemption under this paragraph will be considered on a case-by-case basis.

Authority

The provisions of this § 40.208 added under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 40.208 added August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325.

Cross References

This section cited in 49 Pa. Code § 40.12 (relating to application for licensure); 49 Pa. Code § 40.16 (relating to licensure by endorsement); 49 Pa. Code § 40.19 (relating to renewal of physical therapist license); 49 Pa. Code § 40.67 (relating to continuing education for licensed physical therapist); 49 Pa. Code § 40.162 (relating to application for certification); 49 Pa. Code § 40.191 (relating to renewal of certification); and 49 Pa. Code § 40.192 (relating to continuing education for certified physical therapist assistant).

§ 40.209. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl_course_app@pa.gov.

- (b) Submissions shall include the following:
- (1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.
 - (2) General description of the training and course delivery method.
 - (3) Title of the course.
 - (4) Timed agenda and estimated hours of training.
 - (5) Learning objectives.
 - (6) Intended audience.
 - (7) All course related materials, including as applicable:
 - (i) Handouts.
 - (ii) Narrated script or talking points.
 - (iii) Interactive activities or exercises.
 - (iv) Videos and audio/visual content.
 - (v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.
 - (vi) For online courses, a transcript or recording of audio training.
 - (8) Citation of sources, including written permission to use copyrighted material, if applicable.
 - (9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.
 - (10) Printed materials used to market the training.
 - (11) Evaluation used to assess participants' satisfaction with the training.
 - (12) Sample certificate of attendance/participation, which shall include:
 - (i) Name of participant.
 - (ii) Title of training.
 - (iii) Date of training.
 - (iv) Length of training (2 or 3 hours).
 - (v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.
 - (vi) Statement affirming the participant attended the entire course.
 - (13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.
- (c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

Authority

The provisions of this § 40.209 added under section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a); and 23 Pa.C.S. § 6383(b)(2)).

Source

The provisions of this § 40.209 added August 6, 2021, effective August 7, 2021, 51 Pa.B. 4325.

Cross References

This section cited in 49 Pa. Code § 40.208 (relating to child abuse recognition and reporting—mandatory training requirement).

Subchapter E. SEXUAL MISCONDUCT

Sec.

- 40.301. Definitions.
- 40.302. Procedural matters.
- 40.303. Impaired professional program.
- 40.304. Disciplinary action.

Authority

The provisions of this Subchapter E issued under section 3(a) of the Physical Therapy Practice Act (63 P. S. § 1303(a)), unless otherwise noted.

Source

The provisions of this Subchapter E adopted August 9, 2002, effective August 10, 2002, 32 Pa.B. 3942, unless otherwise noted.

§ 40.301. Definitions.

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

Patient (includes resident and client)—A person, other than the spouse of the physical therapist or physical therapist assistant, who receives professional services from the physical therapist or physical therapist assistant regardless of whether the services are provided for remuneration.

Professional relationship— For a physical therapist or physical therapist assistant, the relationship shall be deemed to exist for a period of time beginning with the first professional contact or consultation between a physical therapist or physical therapist assistant and a patient and ending upon discharge from or discontinuance of services provided by the physical therapist or physical therapist assistant.

Sexual impropriety—The term includes the following offenses:

- (i) Making sexually demeaning or sexually suggestive comments about or to a patient, including comments about a patient's body or undergarments.
- (ii) Unnecessarily exposing a patient's body or watching a patient dress or undress, unless for therapeutic purposes or the patient specifically requests assistance.
- (iii) Examining or touching genitals without the use of gloves when performing an otherwise appropriate examination.
- (iv) Discussing or commenting on a patient's potential sexual performance or requesting details of a patient's sexual history or preferences dur-

ing an examination or consultation, except when the examination or consultation is pertinent to the issue of sexual function or dysfunction or reproductive health care.

(v) Soliciting a date from a patient.

(vi) Volunteering information to a patient about one's sexual problems, preferences or fantasies.

Sexual violation—The term includes the following offenses:

(i) Sexual intercourse between a physical therapist or physical therapist assistant and a patient during the professional relationship.

(ii) Genital to genital contact between a physical therapist or physical therapist assistant and a patient during the professional relationship.

(iii) Oral to genital contact between a physical therapist or physical therapist assistant and a patient during the professional relationship.

(iv) Touching breasts, the genitals, or any other part of the body of a patient in a sexual, erotic or romantic manner. Touching for the purpose of an appropriate examination or treatment does not constitute a sexual violation.

(v) Encouraging a patient to masturbate in the presence of the physical therapist or physical therapist assistant or masturbating while a patient is present.

(vi) Providing or offering to provide treatment in exchange for sexual favors.

Cross References

This section cited in 49 Pa. Code § 40.304 (relating to disciplinary actions).

§ 40.302. Procedural matters.

(a) The consent of the patient to any sexual impropriety or sexual violation is not a defense to any disciplinary charge for violation of the act or this chapter.

(b) Evidence of specific instances, opinion evidence or reputation evidence of a patient's past sexual conduct is not admissible in proceedings brought under §§ 40.52 and 40.181 (relating to unprofessional conduct; physical therapists; and refusal, suspension or revocation of registration). The Board may consider sexual relationships between the physical therapist or the physical therapist assistant and the patient occurring prior to the professional relationship.

(c) A physical therapist or the physical therapist assistant who attempts to raise as a defense an argument that conduct prohibited as a sexual violation or sexual impropriety was necessary or appropriate to the treatment of any patient shall be required to demonstrate the relevancy of the conduct in question to the patient's condition or diagnosis. Appropriate discussions of sexual matters between a physical therapist or the physical therapist assistant and a patient shall be fully documented in patient records.

§ 40.303. Impaired professional program.

When the Board is empowered to take disciplinary or corrective action against a physical therapist or the physical therapist assistant for conduct defined as a sexual violation or sexual impropriety, the physical therapist or physical therapist assistant will not be eligible for placement into an impaired professional program under section 13 of the act (63 P. S. § 1313).

§ 40.304. Disciplinary action.

A physical therapist or physical therapist assistant who engages in sexual impropriety or sexual violation as defined in § 40.301 (relating to definitions) will be subject to disciplinary action under §§ 40.52 and 40.181(a)(6) (relating to unprofessional conduct; physical therapists; and refusal, suspension or revocation of registration) and section 11 of the act (63 P. S. § 1311).

[Next page is 41-1.]

40-76

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