

Welcome to the Physical Therapy Section

Breakout Session



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Goals & Objectives of Breakout

- Educate licensees about Board functions by:
 - Exploring recent laws/rules changes
 - Continuing education and renewal
 - Reviewing frequently asked practice questions
 - Recent trends in violations and discipline

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Things to consider...

- Does **YOUR** practice comply with the laws and rules governing physical therapy practice in Ohio?
- How do **YOU** stay current on the laws and rules that govern your profession?
- Do **YOU** understand Ohio's continuing education requirements?
- Have **YOU** ever been aware of, or involved in, a situation that seemed unethical and/or illegal?

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OTPTAT v. OPTA

- ❑ OTPTAT is your state regulatory agency. It licenses individuals and enforces the practice act.
- ❑ OPTA is the state professional association. Along with the APTA, it advocates on the state/federal level for the profession.
- ❑ The professional association ≠ the licensing board.
- ❑ State licensure does not require OPTA membership.

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The Board vs. The Association

The Board can assist you with the following:

- Issuing a License, License Renewal, License Verification
- Filing a Complaint
- Public Records Requests
- Clarification of the Laws and Rules
- Address/Name Changes
- Replacing a Wall License or Pocket ID
- Information Regarding Examinations
- Enforcement Actions

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The Board vs. The Association

- ❑ Contact the Ohio Physical Therapy Association for issues like:
 - Promotion of the profession of physical therapy
 - Obtaining an Ohio Approval Number
 - Locating an Ohio approved CE course

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May 1, 2009 Rule Changes

- 4755-23-03 – License by Examination
 - Removes remediation requirement for exam failures
- 4755-23-04 – License by Endorsement & 4755-23-10 – Reinstatement of License
 - Applicants out of practice >5 years must retake NPTE
 - Out of practice = working less than 500 hours during the previous 5 years
 - If reinstating within 1 month of expiration, amt of CE needed = amount needed for renewal

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May 1, 2009 Rule Changes

- 4755-23-08 – Continuing Education
 - Award CE credit for the following activities:
 - Passing specialty examination (24 contact hrs)
 - Completing APTA credentialed residency or fellowship program (24 contact hrs)
 - Completing a FSBPT practice review tool (12 contact hrs)
 - These activities **do not** require an Ohio Approval Number

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May 1, 2009 Rule Changes

- 4755-23-13 – Requirements for Teaching Physical Therapy
 - Rule required due to 2007 law change
 - PT licensed in another state can to PT theory and procedures course as faculty of record for up to 1 year w/o Ohio license.
 - Foreign licensed PT can teach as faculty of record for up to 1 year w/o Ohio license upon Board approval
 - PT who is not faculty of record is not subject to this rule

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May 1, 2009 Rule Changes

- 4755-27-03 – Delegation
 - Clarification on delegation to other licensed personnel (OLP)
 - Delegation must be in accordance with OLP's professional scope of practice
 - OLP documentation can include patient's response to intervention
- 4755-27-04 – Supervision
 - Clarify that individual supervising a student PT/PTA must be on-site and available to immediately respond to needs of the patient

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May 1, 2009 Rule Changes

- 4755-27-05 – Code of Ethical Conduct
 - Added provisions related to sexual harassment, documentation, and misrepresenting credentials held
- 4755-27-07 – Documentation
 - Physical therapists must use "PT" following signature
 - Physical therapist assistants must use "PTA"
 - Students can use SPT/SPTA, Student PT/PTA, or Student Physical Therapist (Assistant)

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Correct Use of Credentials

- PT is the professional credential that authorizes you to legally practice physical therapy in Ohio
- MSPT, MPT, DPT are academic degrees
- To correctly use both the professional & academic credentials, a physical therapist should use:
 - Jane Doe, PT, DPT or John Doe, PT, MPT
 - A PT should not simply use Jane Doe, DPT or John Doe, MPT

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Rule Changes

- ❑ These rules went into effect on May 1, 2009
- ❑ The full text of the updated rules are available on the Board's website (otptat.ohio.gov)
- ❑ Remember that YOU are responsible for ensuring that your practice is in compliance with the new regulations.

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Continuing Education

- ❑ Deadline for CE completion = renewal deadline (January 31)
- ❑ OPTA issues Ohio Approval Numbers, not the Board
- ❑ CE tracking form available on the Board's website
- ❑ Board views CE as an essential part of practice

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CE Audit

- ❑ Audit list selected at completion of each renewal
- ❑ 20-30% are **randomly** selected for audit
- ❑ If you're audited, you must send copies of your CE certificates to the Board
- ❑ Failure to respond to the audit and/or failure to complete CE will result in disciplinary action

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Double Check Your CE!

If you are audited, make sure you have:

- ❑ At least 24 hours (PT) or 12 hours (PTA) earned within the 2 year renewal period
- ❑ Copies of all CE certificates, which must include:
 - Name
 - Date
 - Ohio Approval Number
 - Number of contact hours



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Renewal Cycle Update

- ❑ As of February 1, 2009, all licensed PT's and PTA's will be in their updated renewal cycle
 - PT's renew on January 31 of even years
 - PTA's renew on January 31 of odd years

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Criminal Records Checks

- ❑ HB 104 requires the Board to receive the results of a criminal records check before issuance of a license.
- ❑ The law requires the applicant to submit the results of a criminal records check conducted by both the FBI and Ohio BCI.
- ❑ Only applies to initial license applications.
 - No fingerprints needed for renewal or reinstatement.
- ❑ <http://ag.state.oh.us/business/fingerprint/index.asp>

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Frequently Asked Questions

- ❑ Supervision issues
- ❑ Use of unlicensed personnel
- ❑ Transfer of care
- ❑ Patient abandonment
- ❑ Billing
- ❑ Fitness/Wellness programs
- ❑ Medication Reconciliation
- ❑ School Based Therapy

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Supervision & Delegation Rules

- ❑ Changes to rules 4755-27-01 to 4755-27-04 went into effect on May 1, 2008.
- ❑ These changes clarified and modified the role of unlicensed personnel.

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PT Responsibilities

- ❑ Rule 4755-27-03 (C) outlines the tasks that a physical therapist **cannot** delegate.
- ❑ These include, but are not limited to:
 - Interpreting physician referrals
 - Initial patient evaluation
 - Developing plan of care
 - Assessing competence of other personnel
 - Adjustment of plan of care
 - Performing final evaluation/discharge summary

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PTA Responsibilities

- Under PT supervision, the PTA may:
 - Carry out duties appropriate to established PT services
 - Adjust treatment procedure within the established plan of care
 - Review medical information with medical persons, family, or the patient
 - Progress patient treatment program within parameters of the plan of care
 - Perform treatment procedures for which they can demonstrate competency
 - Document in patient records

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PTA Responsibilities

- To meet acceptable standards of care, PTA's must ensure appropriate reviews and assessments by supervising PT's throughout duration of patient's care.

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Other Licensed Personnel vs. Unlicensed Personnel

- | <u>Other Licensed Personnel</u> | <u>Unlicensed Personnel</u> |
|--|--|
| □ Any person holding an Ohio license to practice as a health care practitioner other than a PT/PTA | □ Any person who is on the job trained |

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Other Licensed Personnel

- ❑ Category includes individuals such as: ATs, RNs, OTs, LMTs, etc., providing services pursuant to the PT plan of care
- ❑ Responsibility for care rendered lies at all times with the PT
- ❑ Must work under direct supervision of a PT or PTA, as delegated by the PT

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Other Licensed Personnel

- ❑ Direct supervision means PT/PTA in same building & able to immediately respond to needs of patient
- ❑ PT/PTA must have involvement with patient during each visit
- ❑ Delegation of tasks must be done in accordance with the scope of practice of their professional license

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Other Licensed Personnel

- ❑ Can Other Licensed Personnel document?
 - Yes, as long as documentation is restricted to:
 - ❑ An accounting of the activities provided
 - ❑ Patient's response to intervention
 - ❑ i.e.: objective and subjective information
 - Remainder of documentation is responsibility of supervising PT/PTA
 - Other licensed personnel may document patient's ability to perform or difficulty w/specific components of program
 - Only the PT may identify prognosis or assess progress

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Unlicensed Personnel

- ❑ Responsibility for care rendered lies at all times with the PT
- ❑ Support the delivery of PT services by personally assisting the PT / PTA/ PT Student / PTA Student while one of these individuals is **concurrently** providing services to the **same** patient

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Unlicensed Personnel

- ❑ May be assigned ROUTINE duties that assist in the delivery of PT operations, including:
 - Maintenance & care of equipment and supplies
 - Preparation, maintenance, and cleanup of treatment areas
 - Transportation of patients
 - Office & clerical procedures
 - Assisting patients preparing for, during, and at the conclusion of treatment (eg: changing clothes)

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Aides and Exercise Supervision

- ❑ Can PT delegate exercise supervision to an aide?
- ❑ Yes, if...
 1. PT plan of care teaches patient how to do the program and how to monitor the exercise
 2. Not billed as PT
 3. Actual monitoring of exercise session not part of POC & not part of practice of PT
 4. Aide (paid employee) not limited to being 2nd pair of hands as unlicensed personnel

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Supervision

- ❑ PT has ultimate responsibility for all care and services delivered as physical therapy
- ❑ PT shall select appropriate portions of the program to be delegated and shall direct PTA in delegated functions
- ❑ PT must assure that care is provided in accordance with state law

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Supervision of the PTA

- ❑ Supervising PT not required to be physically on site or on location
- ❑ Supervising PT must be available by telecommunications at all times and able to appropriately respond to patient's needs
- ❑ All information completed by the PTA must be countersigned by the PT.
- ❑ Supervising PT should have regularly scheduled & documented conferences with the PTA
 - Board recommends at least 1x per month

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Supervision of Students

- ❑ Students must be enrolled in CAPTE program
- ❑ Must function under on-site supervision at all times
 - Student PT needs PT supervision
 - Student PTA needs PT or PTA supervision
- ❑ Supervisor must countersign all student documentation
- ❑ Supervisor must be on-site and available to immediately respond to patient's needs

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Transfer of Care

- ❑ Patient's care is sole responsibility of evaluating PT
- ❑ If evaluating PT can no longer provide & supervise physical therapy care, patient must be transferred to another PT
- ❑ If no other PT available/willing to accept the transfer, evaluating PT should refer patient to another facility and/or discharge them from their care

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Transfer of Care (cont'd)

- ❑ PT should make every attempt to transfer patient to an eligible provider
- ❑ PT should inform patients if/when they can no longer offer care
- ❑ PT should provide patients with a list of eligible providers
- ❑ Transfer of care must be documented in patient's medical record, identifying the new PT who accepted the transfer

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Patient Abandonment

- ❑ Abandonment is the inappropriate termination of a physical therapist/patient relationship by the physical therapist.
- ❑ Abandonment is generally alleged when the relationship is severed without reasonable notice at a time when the patient continues to require care.
- ❑ Termination of care does not include a PT taking regularly scheduled days off or job sharing

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Billing and Medicare/Medicaid

- ❑ The Board has no jurisdiction over billing or Medicare/Medicaid matters...unless fraud is suspected
- ❑ Board does not give billing advice
- ❑ Board cannot assist in clarification of Medicare/Medicaid issues...contact those entities directly
- ❑ For billing purposes, only 2 physical therapy CPT codes (PT eval & PT re-eval)
 - All other codes are physical medicine codes

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Fitness/Wellness Programs

- ❑ PT's may provide fitness/wellness programs
- ❑ PT must comply with physician notification requirements of direct access law (R.C. 4755.481)
- ❑ The Board is currently drafting a guidance document regarding fitness/wellness and the appropriate use of the PT credential
 - Will be posted on website when drafted



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Medication Reconciliation

- ❑ A physical therapist may perform medication reconciliation that includes interviewing a patient about current meds, comparing those to a list of prescribed meds and implementing a computerized program or referring the lists to other practitioners to identify potential drug interactions.
- ❑ Even though it is not part of the physical therapy plan of care, the reconciliation may be performed as an administrative task of any health care professional.

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School Based Physical Therapy

- A PT must write a plan of care that is separate from the IEP indicating how services will be provided to support the goals and benchmarks
 - Part of this plan of care may be to instruct teachers & educational aides/attendants in activities to be completed on a daily basis
 - These activities are not PT services and must not be represented as such. These activities may include but are not limited to ambulating with assistive devices, standing in a stander, playing games that promote balance & coordination, working on activities that promote strength & fitness, and completing transfers.
 - A PT may provide training for school personnel for safe use of equipment such as wheelchairs and transfer devices both in general and for individual students they are serving as part of an IEP.

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Ethical Scenario

- What would you do?



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The Investigative Process

- All cases reviewed by the Physical Therapy Enforcement Review Panel
- PTERP composed of 2 Board members, investigative staff, and AAG
- Disciplinary remedies include fines, probation, reprimand, suspension, and revocation
- No "set" discipline for specific violations, but PTERP follows guidelines to maintain consistency in regards to discipline for specific violations.
- Discipline is case specific.

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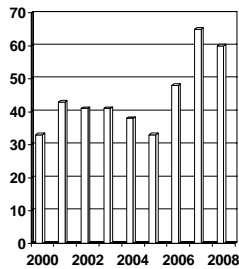
What Does the Board Investigate?

- ❑ Physical abuse/injuries to a patient
- ❑ Patient neglect
- ❑ Falsification of documentation*
- ❑ Billing fraud*
- ❑ Failure to complete documentation prior to ending employment
- ❑ Mental impairment issues
- ❑ Drug/alcohol abuse
- ❑ Competency issues
- ❑ Criminal convictions
- ❑ Unprofessional behavior
- ❑ Unlicensed practice
- ❑ Failure to complete CE
- ❑ Falsifying an application

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Number of Cases Investigated Per Year

- ❑ Average of 44 PT cases/year over the last eight years
- ❑ Not all investigations result in discipline
- ❑ PT Section tends to see the most cases per year
- ❑ Very small percentage of the licensee population is actually involved in an investigation



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Most Common Violations

- ❑ CE/Audit violations
- ❑ Unlicensed practice
- ❑ Practice prior to licensure
- ❑ Practice on expired license
- ❑ Negligence/gross misconduct
- ❑ Supervision issues
- ❑ Illegal advertising/soliciting of patients
- ❑ Fraud
- ❑ Documenting services not actually provided

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Tips for a Discipline Free License

- ❑ Familiarize yourself with the laws & rules
- ❑ Visit the website to stay abreast of changes
- ❑ Use the website to verify your license status
- ❑ Notify the Board of address/name change (in writing) w/in 30 days of the change
- ❑ Do your CE
- ❑ Contact the Board if you have questions

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Things to Keep in Mind...

- ❑ If you didn't receive your new pocket ID card after renewal, verify your licensure status prior to practicing after your previous expiration date
- ❑ As healthcare professionals, you have an ethical obligation to report any behavior you believe is unethical and/or illegal
- ❑ Disciplinary actions are public record and are permanent; be aware of your practice act and any changes that occur over the years

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Web Site Overview

- ❑ Licensure verification
- ❑ Expired license listing
- ❑ On-line license renewal
- ❑ Laws and rules
- ❑ Continuing education requirement grid
- ❑ Continuing education tracking form
- ❑ Enforcement actions/complaint form
- ❑ Change of name/address/employment form



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PT Section Board Members

- ❑ Raymond Bilecky, PT, Chair
- ❑ Marilyn Mount, PT, Secretary
- ❑ Donna Baker, PT
- ❑ Thomas Caldwell, PT
- ❑ Sam Coppoletti, PT
- ❑ Dale Deubler, PT
- ❑ Mary Kay Eastman, PT
- ❑ Robert Frampton, PT
- ❑ Kimberly Payne, PT

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We're here to help... except on the weekends

Questions? Concerns?
Information is available....

- ❑ <http://otptat.ohio.gov>
- ❑ Join the Board's listserv
- ❑ Review the laws and rules
- ❑ Contact the Board office



Office Hours are 8am-5pm

- Email
- Fax
- Telephone
- Snail mail



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The Bottom Line...

- ❑ It's your license
- ❑ You determine the environment you work in
- ❑ Don't let the company/facility/school you work for, compromise the standing of your license

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Before You Leave...

- ❑ Take the Post-Test
- ❑ Please complete the Evaluation Form for the Physical Therapy Breakout Session
- ❑ Turn in the Post-Test
- ❑ Award letters will be sent to you via e-mail or regular mail



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