

Minnesota Board of Physical Therapy**Proposed Permanent Rules Relating to Physical Therapy Practice Licensure****5601.1700 RENEWAL OF LICENSURE; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.**

Subpart 1. Practice requirement; physical therapists and physical therapist assistants. ~~When they renew their licenses~~ Each year upon license renewal in compliance with Minnesota Statutes, section 148.73, physical therapists and physical therapist assistants must submit lists of locations or institutions where they have practiced during the past five years. Applicants for licensure who have not ~~practiced the equivalent of eight full weeks~~ engaged in the practice of physical therapy as defined in Minnesota Statutes, section 148.65, subdivision 1, for 320 hours during the past five years are required to achieve a passing score on retaking the licensure examination or complete no less than ~~eight weeks~~ 320 hours of board-approved clinical experience with a broad base of ~~treatment modalities~~ interventions and patient diagnoses. In addition, every two years, the applicant must submit verification of compliance with the continuing education requirements of parts 5601.2100 to 5601.2500. An application submitted after the deadline date must be accompanied by the late fee described in ~~part 5601.3000~~ Minnesota Statutes, section 148.715.

Subp. 2. Jurisprudence continuing education; physical therapists and physical therapist assistants. Beginning January 1, 2019, when a license is renewed each year in compliance with Minnesota Statutes, section 148.73, a licensee must complete self-study and take a jurisprudence examination on the Board of Physical Therapy Practice Act, and receive a passing score as established by the board on an open-book examination. The examination may be retaken as many times as is necessary to pass.

5601.2100 CONTINUING EDUCATION REQUIREMENT; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

Every two years, each physical therapist and physical therapist assistant licensed by the board shall obtain 20 contact hours of continuing education credit as required by parts

5601.2200 to 5601.2600. A minimum of two of the 20 hours of continuing education each cycle shall be on professional ethics directly related to the practice of physical therapy.

5601.2200 TWO-YEAR CONTINUING EDUCATION CYCLE; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

Subpart 1. ~~Initial registration or licensure on or after January 1, 1991.~~ For physical therapists ~~initially registered or licensed on or after January 1, 1991,~~ and physical therapist assistants, the first two-year continuing education cycle begins on the January 1 following the date of initial ~~registration or licensure.~~ Future cycles will run consecutively from that point. Continuing education courses taken between the date of initial ~~registration or licensure~~ and January 1 of the following year may be credited toward the first cycle.

Subp. 2. [See repealer.]

5601.2300 CATEGORIES OF CREDITED ACTIVITIES FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

Continuing education credit for physical therapists and physical therapist assistants may be obtained from the following activities:

~~A. Category 1: No less than ten hours of credit must be obtained in a cycle by attendance at educational activities recognized by the board under part 5601.2400. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no less than 15 hours of credit under this item.~~

~~B. Category 2: No more than ten hours of credit may be obtained in a cycle through in-service educational activities sponsored by organizations or individuals not designated in Category 1. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than 15 hours of credit under this item.~~

~~C. Category 3: No more than four hours of credit may be obtained in a cycle through teaching, lecturing, or similar presentation programs. Physical therapists who must~~

~~submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than six hours of credit under this item.~~

A. Scholarship. Up to nine total hours may be earned by a physical therapist or physical therapist assistant for any combination of the following activities:

(1) authoring a book, chapter, or article directly relating to the practice of physical therapy. The publication must be peer-reviewed; and

(2) preparing and presenting a scientific poster, directly related to the practice of physical therapy. The poster must be peer-reviewed and continuing education hours may be earned only for the first time the licensee presents the poster.

B. Education and teaching. Up to nine total hours may be earned by a physical therapist or physical therapist assistant for any combination of the following activities:

(1) developing and teaching an academic course in physical therapy at an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. For purposes of this subitem, an updated course is considered a new course if 51 percent of the content has been changed;

(2) serving as a guest lecturer for an academic course in physical therapy at an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. For purposes of this subitem, an updated course is considered a new course if 51 percent of the content has been changed. The licensee may claim up to two hours of credit for preparation per one hour of presentation claimed;

(3) developing and presenting a course for a workshop or seminar approved under part 5601.2400. Continuing education hours may be earned only for development for the licensee's first presentation on the subject developed. For purposes of this subitem, an updated course is considered a new course if 51 percent of the content has been changed.

The licensee may claim up to two hours of credit for preparation per one hour of presentation claimed; and

(4) for physical therapists, serving as a mentor for a physical therapy residency or fellowship credentialed by the American Physical Therapy Association (APTA).

C. Coursework. A maximum of 18 hours may be earned for the following activities:

(1) for physical therapists and physical therapist assistants, successful completion of an academic course in physical therapy at an institution accredited by a regional accrediting association;

(2) for physical therapists, completing a physical therapy clinical residency program or fellowship credentialed by the APTA;

(3) for physical therapists, completion of an APTA American Board of Physical Therapy Specialties (ABPTS) certification;

(4) for physical therapist assistants, completion of an APTA advanced proficiency program certification; and

(5) for physical therapists and physical therapist assistants, attendance at workshops, seminars, or conferences approved under part 5601.2400.

D. Self-assessment. A maximum of three hours may be earned for completion of the Federation of State Boards of Physical Therapy (FSBPT) self-assessment tools or APTA self-assessment tools.

5601.2400 ~~CATEGORY 1 CREDIT APPROVAL.~~

Subpart 1. **Courses.** The board shall automatically grant ~~Category 1~~ continuing education credit meeting the standards of part 5601.2500 for educational activities in items A to C as follows:

A. any course planned, sponsored, or cosponsored by an accredited university or college, medical school, state or national medical or osteopathic association, or a national medical specialty society;

B. any course planned, sponsored, or cosponsored by the American Physical Therapy Association or other national or state physical therapy association; and

C. any course ~~planned, sponsored, or cosponsored by the Arthritis Foundation, American Heart Association, or other national or state health organization~~ approved by the Federation of State Boards of Physical Therapy (FSBPT) for the credit hours awarded by FSBPT.

Subp. 2. **Other educational activity.** Any educational activity not included under subpart 1 that meets the standards of part 5601.2500 shall be approved for ~~Category 1~~ continuing education credit by the board.

An individual or organization seeking board approval of an educational activity for ~~Category 1~~ continuing education credit as provided under this subpart shall provide to the board documents describing the name and address of the organization sponsoring the activity, the name and address of the facility at which the activity will be presented, the name and credentials of each instructor or person making a presentation, and the course content in detail, including a time schedule for the activity.

5601.2600 VERIFICATION OF COMPLIANCE; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

At the ~~January~~ license renewal immediately following ~~their~~ the physical therapist and physical therapist assistant two-year continuing education cycle, licensees shall ~~provide a signed statement to the board on a form provided by the board indicating~~ attest to compliance with parts 5601.2100 to 5601.2500. ~~The board shall also accept certification of other state regulatory agencies whose continuing education requirements are equal to or greater than those in parts 5601.2100 to 5601.2500.~~

Periodically, the board shall select a sample of the licensed physical therapists and physical therapist assistants and request evidence of the continuing education to which they attested. The board may request evidence of continuing education for up to two consecutive compliance periods. The compliance period or periods for which the board requests evidence of continuing education must be those immediately preceding the current compliance period. Documentation may come directly from the licensee or from state or national organizations that maintain those types of records.

A licensee failing to submit a statement or who submits a statement that, on its face, indicates noncompliance with parts 5601.2100 to 5601.2500 may be subject to the disciplinary provisions in part 5601.2700.

5601.3200 CODE OF ETHICAL PRACTICE; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

Subpart 1. **Scope.** Unless otherwise specified, the code of ethical practice for licensees and applicants constitutes the code of ethics required by Minnesota Statutes, section 148.66, clause (7).

Subp. 2. **Prohibited activities.** Violation of the conduct rules in items A to E is prohibited and is grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6).

A. Physical therapists and physical therapist assistants shall not engage in conduct that constitutes harassment or abuse of, or unlawful discrimination against, patients.

B. Information relating to the physical therapist-patient and physical therapist assistant-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.

C. Physical therapists and physical therapist assistants shall not engage in any sexual relationship or activity with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a physical therapist-patient or physical therapist assistant-patient relationship exists. A physical therapist or physical therapist assistant shall not exploit the ~~physical~~ therapist-patient relationship for sexual purposes, and termination of the ~~physical~~ therapist-patient relationship is not a defense to exploitation involving sexual misconduct.

D. A physical therapist, unless otherwise allowed by law, shall not provide patient care without disclosing benefits and substantial risks, if any, of the recommended examination, intervention, and the alternatives to the patient or patient's legal representative.

E. A physical therapist or physical therapist assistant shall not provide care to patients when impaired by illness, chemical use, or chemical dependency that affects the ~~physical therapist's~~ licensee's ability to practice with reasonable skill and safety.

Subp. 3. **Reporting requirements.** A physical therapist or physical therapist assistant shall self report to the board within 30 days:

A. any personal actions which may be grounds for disciplinary actions in Minnesota Statutes, sections 148.75 and 148.76;

B. impairment by illness, chemical use, or chemical dependency that affects the practitioner's ability to practice with reasonable skill and safety; a report of the impairment to the health professional services program satisfies this reporting obligation;

C. conviction of a misdemeanor, gross misdemeanor, or felony relating to patient care; and

D. the termination, revocation, or suspension of membership by a state or national physical therapy professional association.

Failure to comply with items A to D ~~is considered conduct detrimental to the best interests of the public~~ constitutes failure to conform to minimum standards of acceptable and prevailing practice and grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6).

Subp. 4. **Cooperation.** A physical therapist or physical therapist assistant shall cooperate with an investigation of the board. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6). Cooperation includes responding fully and promptly to any question raised by the board and providing copies of the medical records and other documents requested by the board.

Subp. 5. **Ethical integrity.** Physical therapist and physical therapist assistant licensees and applicants shall use the principles in items A to H as ~~nonbinding~~ guidelines for promoting ethical integrity and professionalism.

A. A physical therapist or physical therapist assistant shall respect the rights and dignity of all patients and provide compassionate care as described in subitems (1) and (2).

(1) A physical therapist or physical therapist assistant shall recognize individual differences with patients and shall respect and be responsive to those differences.

(2) A physical therapist or physical therapist assistant shall be guided by concern for the physical, psychological, and socioeconomic welfare of patients.

B. A physical therapist or physical therapist assistant shall exercise sound judgment and act in a trustworthy manner toward patients and in all other aspects of physical therapy practice. Regardless of practice setting, physical therapists and physical therapist assistants shall maintain the ability to make independent judgments. A physical therapist or physical therapist assistant shall strive to effect changes that benefit patients.

C. A physical therapist or physical therapist assistant shall maintain professional competence and promote high standards for physical therapy practice, education, and research. Physical therapists and physical therapist assistants shall participate in educational activities that enhance their basic knowledge and provide new knowledge.

D. A physical therapist or physical therapist assistant shall seek only such remuneration as is deserved and reasonable for physical therapy services performed and shall never place the therapist's own financial interest above the welfare of patients under the therapist's care.

E. A physical therapist or physical therapist assistant shall endeavor to address the health needs of society.

F. A physical therapist or physical therapist assistant shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

G. A physical therapist or physical therapist assistant shall safeguard the public from underutilization or overutilization of physical therapy services.

H. A physical therapist or physical therapist assistant shall provide and make available accurate and relevant information to patients about their care and to the public about physical therapy services.

Subp. 6. **Aid to interpretation.** The American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant and APTA Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant shall be used as aids in resolving any ambiguity that may arise in the interpretation of this part. However, in a conflict between this part and the APTA Code of Ethics for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant, and Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant, this part shall prevail.

Subp. 6a. **Incorporations by reference.** The Code of Ethics for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant published by the American Physical Therapy Association in ~~July 2000~~ June 2010, and Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant published by the American Physical Therapy Association in ~~January 2001~~ November 2010, are incorporated by reference, are available at the State Law Library, and are not subject to frequent change.

Subp. 7. **Interpretation.** The conduct rules found under subparts 2, items A to D; 3; and 4, do not represent the exclusive grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6), and must not be construed as limiting the grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6), for conduct not listed in this part. Violation of the guidelines in subpart 5 is not grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause ~~(5)~~ (6).

REPEALER. Minnesota Rules, part 5601.2200, subpart 2, is repealed.