



Dora
Department of Regulatory Agencies

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State Physical Therapy Board
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Director

Corrected Notice of Proposed Rulemaking and Rulemaking Hearing

Pursuant to section 24-4-103 of the Colorado Revised Statutes ("C.R.S."), you are hereby notified that the State Physical Therapy Board ("Board") will be holding a public rulemaking hearing as follows:

Date: May 8, 2012

Time: 9:00 AM

Location: 1560 Broadway
Conference Room 1250 C
Denver, Colorado 80202

The rulemaking concerns proposed rules for the regulation of physical therapists and physical therapist assistants. The basis and purpose of the rules is to implement the requirements of Senate Bill 11-169, as codified in Article 41 of Title 12, C.R.S. The statutory authority for the rules is found in sections 12-41-103.6(2)(b)(I)(II), 12-41-112.5, 12-41-113(1), 12-41-114.6, 12-41-201(3), 12-41-204, 12-41-206(3)(c), C.R.S.

Please be advised that the proposed rules may be changed after public comment and formal hearing.

At the time and place stated in this notice, the Board will afford interested persons an opportunity to submit written data, views, or arguments, and to submit the same orally. The Board may limit the time allotted for oral submissions in its discretion. Written submissions should be filed with the Board at least ten (10) days prior to the hearing. All submissions will be considered. Written submissions may be filed at the following address:

State Physical Therapy Board
1560 Broadway
Suite 1350
Denver, CO 80202

Dated this 6th day of April, 2012.

BY ORDER OF THE STATE PHYSICAL THERAPY BOARD

Deann Conroy
Program Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

State Physical Therapy Board

**COLORADO PHYSICAL THERAPIST LICENSURE
& PHYSICAL THERAPIST ASSISTANT CERTIFICATION
RULES AND REGULATIONS**

4 CCR 732-1

The public hearing for permanent rulemaking for rules regarding Physical Therapist Assistants will take place on Monday, April 2, 2012, at 9:00 a.m. at 1560 Broadway, Denver, Colorado, in Conference Room 110-D.

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PHYSICAL THERAPIST RULES

202. Supervision of Physical Therapist Assistants (to replace Physical Therapy Licensure Rule 2)

The purpose of this rule is to specify supervisory provisions required by § 12-41-113(1), C.R.S. for physical therapist assistants certified in accordance with § 12-41-204, C.R.S. This rule applies to all licensed physical therapists who utilize physical therapist assistants in their practice.

- A. For the purposes of these rules and regulations, the physical therapist may supervise the physical therapist assistant performing all acts included in the practice of physical therapy as defined in § 12-41-103(6), C.R.S., and Rule 2, except for the therapies, procedures or acts that are otherwise prohibited by law.
 1. The physical therapist assistant may perform soft or non-selective wound debridement, but may not perform sharp, enzymatic, selective, and pharmacological wound debridement.
 2. The physical therapist assistant may not perform dry needling.
 3. The physical therapist assistant may not perform joint mobilization, unless the supervising physical therapist has determined that the physical therapist assistant has the necessary degree of education, training and skill.
 4. The physical therapist assistant may not perform physical therapy of animals.
- B. The following condition must be met before a physical therapist may utilize a physical therapist assistant: A licensed physical therapist must be designated and recorded in the patient/client records as responsible for supervising the care and interventions provided by the physical therapist assistant. The designated physical therapist must consistently provide for the planning, evaluating, and supervising of all care rendered to the patient/client.
- C. The physical therapist is responsible for the performance of all services performed by the physical therapist assistant operating under his or her general supervision. That responsibility requires the physical therapist to assure those services are performed with a degree of care and skill appropriate to the physical therapist assistant's education and training.
- D. A physical therapist shall provide general supervision to a physical therapist assistant. General supervision is hereby defined as direction and supervision provided by a physical therapist that assumes accountability for the acts delegated to

or performed by a physical therapist assistant. Before delegating performance of a physical therapy intervention or physical therapy task to a physical therapist assistant working under general supervision, the supervising physical therapist shall ensure that the physical therapist assistant is qualified by education and training to perform the physical therapy intervention or physical therapy task in a safe, effective, and efficient manner.

- E. A physical therapist assistant may not supervise other personnel in the provision of physical therapy services to a patient.

PHYSICAL THERAPIST ASSISTANT RULES

301. Supervision Required for Physical Therapist Assistant Practice (New Rule)

The purpose of this rule is to clarify supervision parameters pursuant to § 12-41-203(2), C.R.S.

A physical therapist assistant (“P.T.A.”) shall not provide physical therapy services unless the physical therapy assistant works under the general supervision of a licensed physical therapist.

302. Supervision by Physical Therapist Assistants of Others Prohibited (New Rule)

The purpose of this rule is to clarify supervisory parameters pursuant to § 12-41-103.6(2)(b), C.R.S.

A physical therapist assistant may not supervise other personnel in the provision of physical therapy services to a patient. A physical therapist assistant under the supervision of a licensed physical therapist may act as a clinical instructor of a physical therapist assistant student who is providing physical therapy services.

303. Certification of Foreign-Trained Physical Therapist Assistant Applicants (New Rule)

The purpose of this rule is to establish procedures for determining whether a foreign-trained applicant has substantially equivalent education and training as required pursuant to § 12-41-207(1)(a), C.R.S.

A. A foreign-trained applicant must have education and training as a physical therapist assistant substantially equivalent to the entry-level education and training required at accredited physical therapist assistant programs in the United States in effect at the time of the applicant’s graduation. This includes but is not limited to an assessment of the applicant’s foundational studies and applied and technical education, as well as training in soft tissue and non-selective wound debridement and administration of topical and aerosol medications.

B. Applicants who wish to have their foundational studies and applied and technical education considered “substantially equivalent” must submit their credentials to the foreign Credentialing Commission of Physical Therapy (“FCCPT”) or International Consultants of Delaware (“ICD”). The credentialing agencies shall use the most current version of the Coursework Tool for Foreign Educated Physical Therapist Assistants developed by the Federation of State Boards of Physical Therapy (“FSBPT”) to evaluate

the applicant's credentials against the requirements at accredited physical therapist assistant programs in place at the time of the applicant's graduation. A credentials evaluation from an organization not listed in this rule will not be accepted.

C. All expenses associated with the credentials evaluation are the responsibility of the applicant.

D. In the event a foreign-trained applicant's foundational studies are found to be deficient, the applicant may take and pass subject examinations from the College-Level Examination Program (CLEP) to overcome the deficiency in general education.

E. In the event a foreign-trained applicant's applied and technical education is found to be deficient, the applicant will need to overcome the deficiency by obtaining an associate degree from an accredited physical therapist assistant program.

304. Certification by Endorsement for Physical Therapist Assistants (New Rule)

The purpose of this rule is to delineate the requirements for certification by endorsement under § 12-41-206, C.R.S.

A. Subject to the provisions of § 12-41-206(4), C.R.S., an applicant may be certified by endorsement if the applicant submits an application in a manner designated by the Director, pays a fee in an amount determined by the Director, possesses an active, valid physical therapist assistant license, certification or registration in good standing from another state or territory of the United States, and:

1. the applicant graduated from an accredited physical therapist assistant program within the past two years and passed an examination substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.; OR
2. the applicant has practiced as a licensed, certified, or registered physical therapist assistant for at least two of the five years immediately preceding the date of receipt of the application; OR
3. the applicant meets the criteria of either paragraph (C) or (D) of this rule.

B. Certification by endorsement through internship.

1. An applicant seeking certification by endorsement under the internship provisions of § 12-41-206(3)(c), C.R.S., shall:
 - a. arrange for a Colorado-licensed, practicing physical therapist (the "supervising physical therapist") to supervise the internship; AND

b. ensure that the supervising physical therapist immediately notifies the Board in writing of the establishment of the internship and submits for the Board's approval a plan for supervision using the physical therapist assistant Clinical Performance Instrument ("CPI").

2. The internship shall not commence without the Board's written approval of the supervising physical therapist's plan for supervision specified in subparagraph (1)(b) of this paragraph.

3. The internship shall consist of:

a. the applicant's actual practice of physical therapy as defined in § 12-41-103(6), C.R.S.; AND

b. supervision of the applicant at all times by any Colorado-licensed, practicing physical therapist on the premises where physical therapy services are being rendered; AND

c. a minimum of 240 hours active practice in no longer than a six-month period commencing from the Board's written approval of the plan for supervision.

4. The applicant shall ensure that the supervising physical therapist files a written report at the completion of the internship. This report shall indicate whether the applicant successfully demonstrates entry level performance in all skills assessed by the CPI. Hard copy or electronic copies of the CPI are acceptable.

5. Subject to the provisions of this rule, the Board shall issue a certification by endorsement under this paragraph based upon:

a. the Board's approval of the supervising physical therapist's written report specified in subparagraph (4) of this paragraph; AND

b. proof that the applicant has passed an examination, which examination is substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.

C. Certification by endorsement through demonstrated competency.

1. An applicant seeking certification by endorsement under the demonstrated

competency provisions of § 12-41-206(3)(c), C.R.S., may demonstrate competency by providing proof that:

a. The applicant has passed an examination, which examination is substantially equivalent to that specified in § 12-41-205(1)(b), C.R.S.;
AND

b. the applicant has completed sixty-four hours of continuing education related to the practice of physical therapy during the two years immediately preceding the application, provided that the continuing education meets the approval of the Board.

2. An applicant who is unable to demonstrate competency under subparagraph (1) of this paragraph may request to demonstrate competency by any other means. The Board shall consider such a request on a case-specific basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants certification under this subparagraph (3), the Board may subject said certification to such lawful conditions as the Board finds are necessary to protect the public.

3. Subject to the provisions of this rule, the Board shall issue a certification by endorsement under this paragraph following demonstration of the applicant's competency.

305. Reinstatement of Expired Certification of Physical Therapist Assistants (New Rule)

The purpose of this rule is to establish the qualifications and procedures for reinstatement of expired certification pursuant to § 12-41-208, C.R.S.

A. An applicant seeking reinstatement of an expired certification shall complete a reinstatement application and pay a reinstatement fee as established by the Director.

B. If the certification has been expired for more than two years, but less than five years, an applicant must establish "competency to practice" under § 24-34-102(8)(d)(II)(A) & (D), C.R.S., as follows by submitting:

1. Verification of an active, valid physical therapist assistant license, certification or registration in good standing from another state, along with proof of active physical therapy practice in that state with a minimum of 400 hours per year for the two years immediately preceding the date of application. The work

experience shall be attested as to the number of hours.

OR

2. Evidence of completing thirty-two hours per year in physical therapy continuing education courses since the date the certification expired.

C. An applicant seeking to reinstate a certification that has been expired for more than five years must demonstrate “competency to practice” as required in § 24-34-102(8)(d)(II)(B) & (F), C.R.S., by one of the following methods:

1. Verification of an active, valid physical therapist assistant license, certification or registration in good standing from another state, along with proof of active physical therapy practice in that state with a minimum of 400 hours per year for the two years immediately preceding the date of application. The work experience shall be attested as to the number of hours. OR
2. Practice for six months on probationary status with a practice monitor subject to the terms established by the Board. OR
3. Completion of a 240-hour internship within 6 months using the physical therapist assistant Clinical Performance Instrument (CPI) as the professional standard and measure of continued competency. Satisfactory completion of the internship shall require both 240 hours of internship practice and successful demonstration of entry level performance on all skills on the CPI on electronic or paper form. OR
4. Any other means as approved by the Board.

An applicant for reinstatement who has actively practiced in Colorado on an expired certification in violation of § 12-41-204, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Physical Therapy Practice Act at § 12-41-201 et seq., C.R.S., and in accordance with § 24-34-102 et seq., C.R.S.

306. Use of Title for Physical Therapist Assistants (New Rule)

The purpose of this rule is to clarify the use of titles permitted under § 12-41-202, C.R.S.

A certified physical therapist assistant may use the title “certified physical therapist assistant”, “physical therapist assistant”, “physical therapy assistant”, or the letters “P.T.A.”, “C.P.T.A.” or any other generally accepted terms, letters, or figures that indicate a physical therapist assistant.

307. Physical Therapy of Animals by Physical Therapist Assistants Prohibited (New Rule)

A physical therapist assistant may not provide physical therapy services of animals.