

Intent to Adopt Proposed Regulation Changes

All changes are in bold. The Regulations will be re-numbered.

1. Currently Section IX: Method of Operation.

New:

Add Method of Operation to index of Regulations and to Section II, 2-4 of the Regulations.

2. Currently Section X: Oral Proceedings on Proposed Rules

New: Add Oral Proceedings on Proposed Rules to index of Regulations and to Section XIII of the Regulations.

3. Currently Section XI: Declaratory Rules

New:

Add Declaratory Rules to the index of Regulations and to Section XIV of the Regulations.

4. Section 1-3.8: Add the word **screening** to this section:

Currently:

"Physical therapist assistant (PTA)" means a person who is licensed in this state and who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapists, but shall not perform the following physical therapy activities: interpretation of referrals; physical therapy initial evaluation and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the skill and knowledge of the physical therapist assistant.

New:

"Physical therapist assistant (PTA)" means a person who is licensed in this state and who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapists, but shall not perform the following physical therapy activities: interpretation of referrals; physical therapy initial evaluation/**screening** and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the

skill and knowledge of the physical therapist assistant.

5. Section 3-1.3: Add two sections:

Currently:

3. Has passed an examination approved by the Board with the minimum passing score set by the Board and published annually; and

New:

3. Has passed an examination approved by the Board with the minimum passing score set by the Board and published annually; and

- 1. Any applicant for licensure who has failed the examination two times must complete a Mississippi State Board of Physical Therapy approved remedial training plan prior to sitting for the exam again.**
- 2. The remedial training requirement is applicable regardless whether the examination was taken in Mississippi or other jurisdictions.**
- 3. An applicant who has taken the exam more than five times in any jurisdiction and who is not licensed is not eligible to sit for the examination in Mississippi.**

6. Section 3-1.5: Add social security number:

New:

- 4. Has valid social security number; and**

7. Section 3-1.6, Add language

New:

Effective July 2008 applicant's for licensure must pass the board's jurisprudence exam.

8. Section 3-3.5: Add new minimum scores:

Currently:

5. Demonstrable proficiency in the English language by passing all of the following English language examinations with scores to be determined by the Board:

1. Test of English as a Foreign Language (TOEFL); and
2. Test of Spoken English (TSE); and
3. Test of Written English (TWE).

The Board reserves the right to require a personal interview with any applicant for final determination of the exemption request.

New:

5. Until and including December 31, 2006, Demonstrable proficiency in the English language by passing all of the following English language examinations with scores to be determined by the Board:

1. Minimum scores of:

- 1. 4.5 on the Test of Written English (TWE); and**
- 2. 50 on the Test of Spoken English (TSE); and**
- 3. 220 on the computer based Test of English as a Foreign Language (TOEFL) or 560 on the paper based TOEFL; and**

2. Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination:

1. Minimum scores on the TOEFL iBT:

- 1. 24 on the writing section;**
- 2. 26 on the speaking section;**
- 3. 21 on the reading section; and**
- 4. 18 on the listening comprehension section**

9. Section 3-6 Inactive Status: Add new section and language:

New:

3-6 Inactive Status:

- 1. Inactive status indicates the voluntary termination of the right or privilege to practice physical therapy in Mississippi. The board may allow a licensee who is not actively engaged in the practice of physical therapy in Mississippi to inactivate the license instead of renewing it at the time of renewal. A licensee may remain on inactive status for no more than six consecutive years.**
- 2. Requirements for initiation of inactive status. The following is required to put a license on inactive status:**
 - 1. A signed renewal application form, documenting completion of board-approved Continuing education (CE) for the current renewal period, as described in Section 6-4 of the Regulations;**
 - 2. The inactive fee, and any late fees which may be due; and**
 - 3. A passing score on the jurisprudence exam effective July 2008.**
- 3. Requirements for renewal of inactive status. An inactive licensee must renew the inactive status every two years. The components required to maintain the inactive status are:**

1. A signed renewal application form, documenting completion of board-approved continuing education (CE) for the current renewal period, as described in Section 6-4 of the Regulations;
 2. The inactive renewal fee, and any late fees which may be due; and
 3. A passing score on the jurisprudence exam effective July 2008.
4. Requirements for reinstatement of active status and must otherwise comply with the law, rules and regulations. A licensee on inactive status may request a return to active status at any time. After the licensee has submitted a complete application for reinstatement, the board will send a renewal certificate for the remainder of the current renewal period to the licensee.
1. The components required to return to active status are:
 1. A signed renewal application form, documenting completion of board-approved continuing education (CE) for the current renewal period;
 2. The renewal fee, and any late fees which may be due; and
 3. A passing score on the jurisprudence exam effective July 2008.
 2. The board will allow the licensee to substitute one of the following actions for the Continuing education requirements:
 1. Re-take and pass the national licensure exam;
 2. Attend a university review course pre-approved by the board; or
 3. Complete an internship (equal to 150 hours of continuing education) pre-approved by the board.

10. Section 3-7 Licensees Called to Active Military Service, Add to index and language.

New:

(a) **Renewal.** A licensee who is a member of the reserves and called to active military service must submit renewal fees within 90 days after active service has ended if their license expired within the months of active service. The regular renewal month will not change. The licensee must submit official documentation of active service and its inclusive dates.

(b) **Continuing education units (CEUs).**

(1) A licensee who is a member of the reserves and called to active military service will have his/her CEUs prorated in proportion to the number of months of documented active service.

(2) A licensee whose license expires during the period of active service will be given a complete waiver of CEUs for the past renewal period, and CEUs for months of documented active service in the current renewal cycle will be prorated.

(3) All licensees must take two hours of board-approved programs in ethics and professional responsibility as part of their total CE requirement, which cannot be prorated.

11. Change section 3-6 Abandonment to 3-8: Add language, renumber and change index:

Currently:

An application shall be deemed abandoned by the Board if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Board.

New: Renumber to section 3-8.

An application shall be deemed abandoned by the Board if, after **one (1) year** from the date of filing, the requirements for licensing have not been completed and submitted to the Board.

12. **Section 3-9 - Address/Name Change**

New:

- 1. Change of Address – Each person holding a license who has had a change of address shall file in writing with the board his/her current mailing address, giving both old and new addresses. Such notification should be received in the board’s administrative office no later than thirty (30) days after such change is effective and must reference the individual’s name, profession, and license number.**
- 2. Change of Name – An individual licensed with the board shall notify the board in writing within thirty (30) days of a name change. The notice shall provide both the old and new name, a notarized photocopy of the official document involved, and must reference the individual’s profession and license number.**

The cost of resending any correspondence or materials will be born by the licensee.

13. Section IV. Professional Identification, 4-1 Titles and Abbreviations, Add a 4-3: Add title & language.

Currently:

4-1. Titles and Abbreviations:

A person issued a license to practice pursuant to the Act by the Mississippi State Board of Physical Therapy may use the titles physiotherapist, licensed or registered physical therapist, licensed or registered physical therapist assistant, and the abbreviations PT, DPT,LPT,RPT and PTA or LPTA, depending upon the license issued by the Board.

It shall be unlawful for any person, or business entity, its employees, agents or representatives to in any manner, represent himself/herself or itself as a physical therapist, a physical therapist assistant or someone who provides physical therapy services, or use in connection with his or its name the words or letters physiotherapist, registered or licensed physical therapist, PT, RPT, licensed physical therapist assistant, LPTA, PTA, or any other letters, words, abbreviations or insignia, indicating or implying that he or it is a physical

therapist, a physical therapist assistant, or provides physical therapy services, without a valid existing license as a physical therapist or as a physical therapist assistant, as the case may be, issued to that person. It shall be unlawful to employ an unlicensed physical therapist or physical therapist assistant to provide physical therapy services.

New:

4-1. Professional Titles and Abbreviations:

The preferred title for use by the licensed physical therapist is the initials PT. The licensed physical therapist assistant may use the title PTA.

A person issued a license to practice pursuant to the Act by the Mississippi State Board of Physical Therapy may use the titles physiotherapist, licensed or registered physical therapist, licensed or registered physical therapist assistant, and the abbreviations PT, DPT, LPT, RPT and PTA or LPTA, depending upon the license issued by the Board.

It shall be unlawful for any person, or business entity, its employees, agents or representatives to in any manner, represent himself/herself or itself as a physical therapist, a physical therapist assistant or someone who provides physical therapy services, or use in connection with his or its name the words or letters physiotherapist, registered or licensed physical therapist, PT, RPT, licensed physical therapist assistant, LPTA, PTA, or any other letters, words, abbreviations or insignia, indicating or implying that he or it is a physical therapist, a physical therapist assistant, or provides physical therapy services, without a valid existing license as a physical therapist or as a physical therapist assistant, as the case may be, issued to that person. It shall be unlawful to employ an unlicensed physical therapist or physical therapist assistant to provide physical therapy services.

New:

4-3. Consumer Information Sign:

There should at all times be prominently displayed in the place of business of each licensee a sign containing the name, mailing address, and telephone number of the board and a statement informing consumers that complaints against licensees can be directed to the board.

The consumer information sign shall read: Complaints regarding non-compliance with the Mississippi Physical Therapy Practice Act can be directed to the Mississippi State Board of Physical Therapy, P.O. Box 55707, Jackson, MS 39296-5707, Phone: (601) 939-5124, Fax: (601) 939-5246, Email: info@msbpt.state.ms.us. The minimum size of the sign shall be 6

inches by eight inches.

14. Add Section called Practice as Section V., and add to index and renumber subsequent sections.

New:

5-1.1 Physical Therapist may evaluate or provide wellness fitness without a referral.

5-1.2 A physical therapist licensed under the physical therapy law shall not perform physical therapy services without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor or nurse practitioner. However, a physical therapist may perform physical therapy services without a prescription or referral under the following circumstances:

- 1. To children with a diagnosed developmental disability pursuant to the patient's plan of care.**
- 2. As part of a home health care agency pursuant to the patient's plan of care.**
- 3. To a patient in a nursing home pursuant to the patient's plan of care.**
- 4. Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress or promotion of fitness.**
- 5. To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis must have been made within the previous one hundred eighty (180) days. The physical therapist shall provide the health care provider who rendered the diagnosis with a plan of care for physical therapy services within the first fifteen (15) days of physical therapy intervention.**

15. Add to 5-3 (new paragraph):

New:

1. Any person whose license has been expired for more than five years may apply for licensure upon the payment of an application & license fee with the following conditions:

- 1. Licensee will be subjected to a three (3) month supervisory period;**
- 2. Licensee may only practice under the direct on-site supervision of a currently Mississippi licensed physical therapist;**
- 3. Shall restrict his/her practice to the State of Mississippi;**
- 4. Supervision agreement must be on file and satisfactory to this office prior to the license being issued. The supervision agreement shall be enforce for the entire three (3) month supervisory period. This licensee may only practice in the facilities and under the supervision of the licensed physical therapist listed on the supervision agreement on file in this office. Any changes in practice**

sites and/or supervisors must be reported to this office on a supervision agreement prior to the change taking place. At the end of the supervisory period the supervising physical therapist shall report to the board completion of satisfactory or unsatisfactory supervision period. If an unsatisfactory supervision period is reported by the supervising physical therapist, the board, in its discretion may require an additional three (3) month supervisory period;

- 5. During the supervisory period the supervised physical therapist/physical therapist assistant shall not supervise any currently licensed physical therapist or physical therapist assistant;**
- 6. Complete prescribed remedial courses.**

16. Section 6-2.1: Requirements, Add language: Renumber this section

Currently:

Requirements:

1. Regulations set the requirement of 24 contact hours (CH) or 2.4 Continuing Education Units (CEU) to be accrued during the licensing period (July 1- June 30). No carryover of continuing education hours from one licensure period to another shall be allowed. At least 25 percent (6 Contact Hours or .6 CEUs) of the required continuing education must be directly related to the clinical practice of physical therapy. CE hours claimed as clinical may need to be reviewed if considered questionable.

New: Requirements:

1. Regulations set the requirement of 24 contact hours (CH) or 2.4 Continuing Education Units (CEU) to be accrued during the licensing period (July1 – June 30). No carryover of continuing education hours from one licensure period to another shall be allowed. At least 25 percent (6 Contact Hours or .6 CEUs) of the required continuing education must be directly related to the clinical practice of physical therapy. CE hours claimed as clinical may need to be reviewed if considered questionable. **Effective July 2007, all licensees must take two hours of board-approved programs in ethics, professional responsibility and patient safety as part of their total CE requirements.**

17. Section 6-2.3: Add language for 90 proof and a section 4:

Currently:

3. Persons who fail to accrue the required continuing education hours shall be issued a probationary license not to exceed 90 days. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the

current (probationary) licensing term.

Probationary licenses will be issued for one licensure period only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

Note: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Board. If said license is permitted to be reinstated, the renewal fee, the late fee, and the reinstatement fee as stated in Section XI of these regulations will be required.

New:

3. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for one licensure period only. No ensuing license may be probationary as a result of not meeting continuing education requirements. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the current (probationary) licensing term.

4. Licensees who have accrued the required CE hours within the licensure period but who have not received proof of course completion from CE providers or who have lost or misplaced proof shall be granted 90 days from expiration of licensure in which to provide the Board with proof of completion of courses. Failure to provide proof within 90 days will result in license being placed on CE probationary status for the entire licensure period.

Note: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Board. If said license is permitted to be reinstated, the renewal fee, the late fee, and the reinstatement fee as stated in Section XI of these regulations will be required.

18. Add section 6-6 to index and add language:

New:

Waiver of Continuing Education Units (CEUs):

CEUs required for renewal of license may be waived or extended by the board if there is a gubernatorial declared emergency.

19. Section 7-1.18 Standards of Contact: Add language

Current:

For applying or offering to apply physical therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of physical therapy, other than upon the referral of a licensed physician, dentist, osteopath, podiatrist, chiropractor, or nurse practitioner, or for acting as a physical therapist assistant other than under the direct, on-site supervision of a licensed physical therapist.

New:

Except as authorized in Section V, for applying or offering to apply physical therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of physical therapy, other than upon the referral of a licensed physician, dentist, osteopath, podiatrist, chiropractor, or nurse practitioner, or for acting as a physical therapist assistant other than under the direct, on-site supervision of a licensed physical therapist.

20. Section 7-1.23: Add to Standards of Conduct: Add language

New:

The board is authorized by Section 93-11-153 of the Mississippi Code to suspend the license of any licensee being out of compliance with an order for support. The procedure for the suspension of a license for being out of compliance with an order for support, and the procedure for the re-issuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the re-issuance or reinstatement of a license suspended by that purpose, shall be governed by section 93-11-157 or 93-11-163, as the case may be.

21. Section 7-5.11(1): Add language

New:

#11. The board or its designee shall conduct all administrative hearings in contested cases that are before the board.

- 1. Transcript of Hearing. Each hearing will be recorded by a court reporter. The cost of the transcription shall be borne by the person making the request.**

22. Sanctions: 7-6.4: Add new language

Currently:

Impose a monetary penalty of not more than two hundred dollars (\$200.00).

New:

Impose a monetary penalty of not more than two hundred dollars (\$200.00) per violation or offense.

23. Section 8-1.8: Add exemption on disaster:

New:

8. A physical therapist or physical therapist assistant who is licensed in a jurisdiction of the United States and who enters this state to provide physical therapy during a lawfully declared local, state or national disaster or emergency. This exemption applies for no longer than 60 days or the period prescribed by the board following the declaration of the emergency. In order to be eligible for this exemption the physical therapist or physical therapist assistant shall:

- 1. Notify the board in writing of their intent to practice;**
- 2. Shall provide a copy their license in good standing;**
- 3. Shall practice only under the supervision of a physical therapist who is duly licensed in the State of Mississippi. Any licensee who will supervise a person in this category shall**

provide the board with a schedule indicating when the person will be performing therapy services and with the names of the facilities at which the person will perform the services.

24. Section 9-2.2.5: Add language

Current:

Regardless of the setting, a physical therapist may not supervise more than two (2) physical therapist assistants.

New:

Regardless of the setting, a physical therapist may not supervise more than four (4) physical therapist assistants.

25. Add & Increase Schedule of Fees in section 11-2:

Current:

Schedule of Fees

1. Application Fee.....	\$125.00
2. Initial License Fees:	
a. Physical Therapist	\$150.00
b. Physical Therapist Assistant	\$125.00
3. Renewal Fees:	
a. Physical Therapist	\$150.00
b. Physical Therapist Assistant	\$125.00
4. Late Fee.....	\$150.00
5. Reinstatement Fee.....	\$200.00
6. License Certificate Replacement Fee.....	\$25.00
7. Duplicate License Certificate Fee.....	\$25.00
8. ID Card Replacement Fee.....	\$25.00
9. License Verification Fee	\$25.00
10. Examination Registration Fees:	
a. Physical Therapist.....	\$50.00
b. Physical Therapist Assistant	\$50.00

Examination Fee(s):

Fees for the examination are to be paid to the appropriate examination

administrant.

New:

- 6. License Certificate Replacement Fee - \$35.00**
- 7. Duplicate License Certificate Fee - \$35.00**
- 9. License Verification Fee - \$35.00**
- 12. Inactive Status Fee - \$50**
- 13. Insufficient Funds Check Fee - \$40.00**
- 14. Mailed Copy of Regulations - \$10.00**
- 15. Failure to Notify Change of Name/Address - \$25.00**