



# West Virginia Board of Physical Therapy

Newsletter

September 2012

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## Change of Board Chair

(by Lesleigh Barber, PT, DPT)

### Greetings Physical Therapist and Physical Therapist Assistants,

It has been my pleasure to serve as chairman of the WV Board of Physical Therapy since 2007; however, I decided to relinquish my position as Chairman in January of this year. I am very proud of all the accomplishments and gains we as a board made during this time and I do plan to continue to serve on the board as a member.

Melanie Taylor, who was Vice Chairman, will now be the board Chairman and Shannon Snodgrass will serve as Vice Chairman. Our board continues to be dedicated to protecting the public and advancing our board to be comparable to other states.

Thank you to all the board members and office staff who provided me support through many changes at with the board office and with our rules and regulations.

## Resignation of Board Member—John Spiker

(by Melanie Taylor, PT)

John Spiker has resigned from the board effective June 30, 2012. John was a tremendous board member, being a private practice owner, ATC, and PT he brought great insight to the board. He has served on the Board for 6 years, and will be difficult to replace. The Board appreciates and thanks John for his years of service and wishes him well in his future years.

## Dry Needling Conclusion July 18, 2012

The board has provided a written opinion regarding dry needling. The entire opinion can be found on our website under "Current Information". Below is the board's conclusion:

- *As the agency authorized by the West Virginia Legislature to regulate the practice of physical therapy in this State, the Board is empowered to interpret its statutes and regulations. In summary, the Board is of the opinion that dry needling is within the scope of the practice of "physical therapy" as defined by West Virginia Code §30-20-9.*

**NEWS  
FLASH!**



## NEW §16-1 RULE CLARIFICATIONS EFFECTIVE JUNE 16, 2012

### 40% Rule

There have been numerous questions about the new 40% rule. Simply the PTA must have onsite supervision by a PT, at least 60% of their work week. The PTA may then practice the other 40% of the time under the general supervision rule.

- General Supervision requires the supervising PT must be available by telecommunications during the time the PTA is treating patients and the PT must complete a supervisory visit on those patients by the 10<sup>th</sup> visit or 30 days.
- The PT can only supervise 4 support personnel at any one time including those under general supervision as well as onsite supervision.

### Change of Supervision

With the new rule in June 2011, the supervision requirements have changed. A PT is still able to supervise 4 support personnel at any one time. Onsite supervision remains the same; however now a PTA may practice under general supervision in more settings, under the 40% rule already discussed. Under general supervision, a PT must be available by telecommunications at all times, must make a supervisory visit by the 10<sup>th</sup> PTA visit or by day 30 whichever occurs first, and must be able to make a supervisory visit within 24 hours if needed.

- A PTA cannot treat a patient under general supervision without first discussing with the PT the patient diagnosis and plan of care.
- If the supervising PT changes, there must be communication between the old and new PT about the patient diagnosis, treatment plan and goals and this communication must be documented by either therapist. A new PT may also complete a patient visit and review plan of treatment and write a supervisory note to begin supervising a PTA.

### Notification of Discipline from Other Jurisdictions

There have been recent situations where the licensee is not reporting discipline from other jurisdictions. Please refer to Section §16-1.7.7 which states that a licensee must report to the board any discipline received by another jurisdiction within 30 days.

- *A licensee must report to the board any discipline received in another jurisdiction within 30 days of that discipline. The board reserves the right to discipline up to and including revocation of a license until disciplinary process in the other jurisdiction is completed. If the licensee fails to report discipline in another jurisdiction, they are subject to disciplinary procedures in our jurisdiction determined by the board.*

## License Application Renewal Instructions-Online or Mail

If you answer “Yes” in the “Questions” section, you must mail in your application along with explanation of answer; you will not be able to renew online.

### MAILING RENEWAL INSTRUCTIONS

1. You will receive a renewal application in the mail from our board ; also you can go to our website for the form.
2. Complete the application.
3. If you answered “Yes” in the Questions section, you need to provide full explanation and official notarized copies of charges and convictions.
4. Mail the form and payment. We do not accept personal checks or cash payments; we only accept money order, cashier’s check, or company check.
5. After renewing, the board will mail your license to you.

### TEMPORARY/EMERGENCY FORM

1. When renewing, all PT’s that have used temporary or emergency absence, must complete the form for absences used.
2. PTA’s does not need to complete this form, only the supervising PT.
3. This form is located on our website under “Forms”.

### RENEWAL TIME LIMITS

**There is no grace period**

1. License renewals are October 1 – December 31.
2. License renewals completed online must be renewed by midnight on December 31.
3. Mail in renewals must be postmarked by December 15.

**PENALTIES – If fees and renewal application are not received within the time limits:**

License will automatically be placed in delinquent status and you will have to go through the delinquent process to renew your license.

### ONLINE RENEWAL INSTRUCTIONS

**You must print your license from your account login within 90 days of renewing. You will not receive a copy of your license by mail. If you need a copy after 90 days, there will be a fee.**

- Must pay with Credit Card
  - \$3.00 convenience fee
1. Go to [www.wvbopt.com](http://www.wvbopt.com)
  2. Click on “Licensee Account Login”
  3. Contact the board if you cannot login. Some licensees have the same user name causing a different login for those individuals.
    - **User Name:** First letter of first name with last name: (e.g. EBaker)
    - **Password:** Last 4 digits of SS#
  4. From here , it will guide you through the rest of the process.
  5. If you answer “Yes” in the Questions section, you must mail in your renewal application and provide full explanation and official notarized copies of charges and convictions. **(cannot renew online)**
  6. You must print your license within 90 days of renewing, the board will not mail your license to you.

### INACTIVE STATUS

1. Go to [www.wvbopt.com](http://www.wvbopt.com) (or use the one the board mailed to you)
2. Choose “Forms” tab
3. Print the “ 2012 PT or PTA Biennial Renewal or Inactive Status Application ”
4. Check the “Inactive Application” box on application
5. You do not need to complete the “Questions” section.
6. Mail the form and \$25.00 payment. We do not cash payments; we only accept personal check up to \$25, money order,

### PROOF OF CE

You must keep your own CE records for a 5 year period of attendance and only submit proof of attendance if you are notified that your name has came up in the annual random audit. You can also keep a log of your WV board approved courses by logging onto your [wvbopt.com](http://wvbopt.com) account.

### CHANGES OF LICENSEE INFORMATION

1. Must be done prior to renewing by forwarding the updated information to the board via fax, email, or mail.
2. Changes cannot be made online or by phone.
3. If your name has changed, you need to send a copy of the legal document/s changing your name .This document must be an original or notarized as an original copy.

# RECENT QUESTIONS & ANSWERS

**QUESTION:**

Can Physical Therapists accept an order from a Chiropractor for services? It is our hospital's policy that we have an order to provide services.

**ANSWER:**

Yes

**QUESTION:**

Can a PTA satisfy the 40/60 rule if they are directly supervised by a PT in one clinic but travel 1 day a week to another clinic within our group to cover patients without a PT present in that clinic on that day. In other words, can a PTA fulfill the 40% rule while working at 2 different clinics with 2 different P.T.s? Must a PTA spend 60% of their time with the same PT whose patients they are going to treat?

- For example: we have a PTA who will spend 60% of her work week with a supervising PT. However we would like her to be able to treat patients at one of our other clinics 1 day per week without the PT from that clinic present. Is this allowed?

**ANSWER:**

A PTA must receive onsite supervision by a PT at least 60% of the time during a typical workweek. Please refer to §8.2.b. 1-2-3 when using general supervision.

**Question:**

In looking at the Practice act it says the providing 4 weeks of clinical instruction is equal to 1 unit of CE. Is it correct to assume that providing 6 weeks of clinical instruction is equal to 1.5 units of CE?

**Answer:**

Yes

**Question:**

We have a PT supervising 4 PTA's so she is unable to supervise a 5th PTA assisting due to an unexpected increase in caseload at the SNF. The 5th PTA has her own supervising therapist at another SNF. For supervision purposes, can the PT supervising the 5th PTA review the plan of care and documentation and provide communication with the 5th PTA so she is able to treat? Or, does that PT have to directly see the patients before the 5th PTA can see them?

**Answer:**

No, because one PT cannot supervise 5 PTA's at any given time. In order to transfer supervision from PT # 1 to PT #2, PT #1 would have been supervising 5 PTA's at one given point. However, if PT#2 performed the evaluation of the patient, then they could supervise the 5<sup>th</sup> PTA.

**Question:**

PTA #1 is over the department in a nursing home and does the patient care coverage. If a 2<sup>nd</sup> PTA sees a patient without the PT knowing that the PTA changed, is the PT held liable?

**Answer:**

A PTA should always know who their supervising PT is and communicate with the PT before treating the patient.

**Question:**

I have a question regarding the supervision of PTAs in the home health setting. It says that the PT must be available via tele-communications at all times that the PTA is treating. I work in a very rural area where there are long periods without cell phone signal throughout the day. There is even a part of Pendleton County that blocks the cell phone signal for a satellite. Is there any clarification that can be made of what to do in situations such as this?

**Answer:**

The board suggests that the PTA have the PT schedule and vice versa for the PTA so if there are questions, they can be located on a landline.

**Question:**

In the home health setting, when a plan of care needs to be changed or modified, should the PT always make a visit to the patient before changing or modifying the plan of care?

**Answer:**

This is up to the discretion of the supervising PT.

**Question:**

Can PTA 's in their documentation put that the patient has met a goal?

**Answer:**

The PTA can document the progress of the patient but it's up to the PT to interpret if the patient has met the goal.

**Question:**

In a hospital setting on a telemetry floor. we sit a patient up and 1 or 2 of the EKG leads comes / falls off. Can we reapply the leads or should we call nursing to reapply?

**Answer:**

You need to follow your facility guidelines; however it is the opinion of the board that you need to contact someone that is trained in the applications and monitoring of the equipment.

**Question:**

I have a question regarding PTAs providing aspects of the Allen Cognitive Model with nursing home residents. This model is a series of activities and skilled observations that result in a numeric level being determined as a benchmark indicating a general cognitive status. Based on this score, treatment strategies can be determined to help the person with dementia function at their best in regards to safety, mobility and ADL skills. The information revealed provides a guideline to maximizing appropriate interventions. This is considered a cognitive screen and is not intended for use in isolation of other assessments or as a diagnostic tool. I am asking for clarification as to whether or not this type of intervention would be acceptable for PTAs to provide.

**Answer:**

Yes, as long as it is not used as a patient evaluation.

**Question:**

I need to know if a facility can bill for a PT applicant with a temporary permit practicing only under supervision. Can they bill the patient, insurance, and/or Medicare?

**Answer:**

The board does not address billing issues; please refer our temporary rule language: §16-1-6. Temporary Permit for Physical Therapists and Physical Therapist Assistants.

## CE AUDIT REQUIREMENTS

### ANNUAL CE AUDIT RESULTS

**28% Non-Compliant**

In February 2012, we conducted a 10% random CE audit of Physical Therapist and Physical Therapist Assistants that license expired on December 31, 2011 and **28%** of the licensees were in non-compliance.

#### IMPORTANT CE POINTS TO AVOID BEING NON-COMPLIANT

- **All courses must be WV Board approved CE courses**
  - Approved courses are listed on our website under "CE Info".
  - Do not "assume" courses are approved, verify by our website or by contacting our office either phone or email wvbopt@wv.gov.
  - APTA, WVPTA, or CAPTE accredited courses are only automatically approved if they were "sponsored" by these organizations. The organization has to administer the training.
  - Approved courses through other jurisdictions does not mean they are automatically approved through WV. The course will still need to go through the WV CE approval process.
- **New CE Rule (located on our website under "PT/PTA")**
  - Must have 24 WV Board approved CE hours per licensing period
  - Additional approved CE hours are listed on our "Continuing Guidelines" located on our website under "CE Info"
- **CE Approval Process**—If the course you have attended or plan to attend is not already WV board approved, you will want to go through the CE approval process.
  - There are CE approval forms located on our website under "CE Info" and a \$50.00 fee per course per year .
  - CE approvals are only good for the calendar year requested; they must be submitted separately for each calendar year. Some companies may not request the course to be approved every year; so be sure the course you take is approved for the year you actually took it.
- **Non-Compliant Consequences—Delinquent Status**
  - Licensees that are in non-compliance with the CE audit will immediately be placed in delinquent status.
  - Employers will be notified of delinquent status.
- **Reactivation Process to Reactivate License from Delinquent Status**
  - Complete an Application for Reactivation located on our website and a \$25.00 application fee.
  - Fees for reactivation \$250PT/ \$170 PTA.—also there is a \$25.00 application fee.
  - Provide 12 WV Board approved CE's.
  - Provide verifications if ever held a license in another jurisdiction (whether active or not).
  - Depending on required documents, the process can take several weeks to reactivate a delinquent license.
- **2013 CE Audit (licenses that expire on December 31, 2012)**
  - Because of the new Rule change in the middle of 2011, the licensees that have license that expire 12/31/12 may choose between 10 CE board approved hours per year or 24 board approved CE units for the licensing period.
- **2014 CE Audit and thereafter (licenses that expire on December 31, 2013 and thereafter)**
  - All licensees must have completed 24 WV board approved CE units for the 2 year licensing period. The 24 hours can be taken in 1 year or combined within 2 years

## CE WAIVER REQUEST

The board may grant a waiver of the continuing education requirements in the case of illness, disability or undue hardship.

- All completed forms must be received by the board for consideration **no later than the 1st day of October** of the year preceding the renewal date.
- A waiver may be granted for any period of time not to exceed 1 renewal cycle.
- Should a waiver be granted due to disability or illness, the board may require the individual to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the individual's competency and ability to practice physical therapy in the state of WV prior to the return to active practice of physical therapy in WV.
- CE Waiver Request Form is located on our website under "Forms".



## West Virginia Board of Physical Therapy

101 Dee Drive

Charleston, WV 25311

Phone: (304) 558-0367

Fax: (304) 558-0369

Email: [wvbopt@wv.gov](mailto:wvbopt@wv.gov)

[www.wvbopt.com](http://www.wvbopt.com)

### DISCIPLINARY ACTION DETAIL

**Disciplinary Date:** 8/29/11

**PT/PTA Name:** Ferdinand Sorongon, PT

**Violated Law:** WV Code §30-20-2(h)(1), §30-20-10(b)(9) and (10) and §16-1-9.1c.(3) and §16-1-2.4

**Violation:** Failed to properly supervise physical therapy aides and exceeding the supervision ratio.

**Penalty:** License was revoked effective August 29, 2011. Reimburse administrative and legal fees.

#### **MEMBERS OF THE BOARD:**

Melanie Taylor, PT, Board Chair  
Shannon Snodgrass, PT, Vice Board Chair  
Lesleigh Barber PT, DPT  
Jack Spatafore, PT, DPT, MS  
Gina Brown, PTA  
D.C. Offutt, Jr., Lay Member

#### **OFFICE STAFF:**

Trish Holstein, Executive Secretary  
Summar Steele, Office Assistant