

# WV BOPT - BOARD NEWS

Spring Summer 2009

**Dear Physical Therapists and Physical Therapist Assistants:**

(By: Lesleigh B. Sprouse PT, DPT, Board Chair)



## **CHANGES AND ANNOUNCEMENTS:**

I am pleased to announce that many new positive changes have occurred at the Board. We have recently automated many forms and processes to improve the efficiency of our Office. You can download many of our forms, including PT and PTA applications from our website and print them out to be sent in to the Office instead of having to request them in writing. The exception is foreign trained Physical Therapists. The law requires a credential evaluation be performed and English proficiency test be taken prior to filling out an application which would still have to be requested through the Board Office. We sincerely believe this will speed up the process and make it easier for all new and current licensees. Of course, please feel free to call or email the office with any questions.

Those Licensees wishing to reactivate from an Inactive or Lapsed status, will still have to contact the office in order for the appropriate forms to be sent and completed.

Another feature added to the website is the capability to verify your license online. A free license search to find yours or anyone's license number is available; or pay the \$28.00\* fee and verify your license with more detailed information including initial license date, expiration date, disciplinary actions - if any - and status of your license. JCAHO and other organizations require this information. When your information is printed out it will include an authentication number, which will prove it came directly from the West Virginia Physical Therapy Board. You can search this number as well on the website for verification. To view any of these new features visit our website at [www.wvbopt.com](http://www.wvbopt.com)

Those Licensees needing verifications to be sent to other State Boards will still need to make a written request and submit a \$25.00 fee ( in the form of a Money Order or Cashier's Check) to the Office address. These verifications are mailed out directly from one State Board to another and are embossed with the SEAL of the Board.

Employers needing to verify those people working on a 90-day Temporary Permit will also have to contact the Office as the online system will have incomplete information until this individual has passed the NPTE and received his or her permanent License in the State of WV.

Another very important announcement is that the Legislature passed and Governor Manchin recently signed our Emergency Rule Bill that was filed last summer. Throughout the Legislative process a few amendments were added; but again, the Board feels these in no way substantially change the current practice of Physical Therapy in our State. To view the new language of the Rule, please visit the Secretary of State's website at [www.wvsos.com](http://www.wvsos.com)

Lesleigh Sprouse PT, DPT  
Board Chair

\* \$28.00 = license verification fee of \$25.00 + \$3.00 convenience fee that the Treasurer's Office collects

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### **The Practice Review Tool**

By: Melanie Taylor PT, Vice Chair

The Federation of State Boards of Physical Therapy (FSBPT) has formulated a tool that is comparable to the format of the licensing exam. The FSBPT refers to the Practice Review Tool (PRT) as a tool rather than a test, because its goal is to identify areas that a Licensee needs to refresh their knowledge base and/or skills. For best results, it is recommended that the tester should not study but take the test using their own general knowledge base. The results of the tool could then be used to target CEU courses to areas that the tool defines as insufficient knowledge.

There are now several different versions of the test being produced, but I took the general PRT to see if this tool could be utilized by the Board in future disciplinary cases. The general PRT has questions covering each system in all age groups. You can take the PRT in testing centers that give the Licensing Exam. You are allowed 3 hours to complete the PRT and after completion you are given a print out of your results. The test is broken up into systems and types of questions. You can identify the systems you did well on or those in which you may want to improve. You are also given an overall result of either sufficient knowledge or insufficient knowledge.



It is the hope that the PRT would be utilized by Licensees to determine areas of knowledge that have diminished over the years. The Licensee could then take CEU courses or simply review at their own will to bring all areas of knowledge up to sufficiently competent. I do also know at this time that the FSBPT is working on an Orthopedic and Pediatric version of the test. The PRT is not free and that may be a deterrent to utilizing the tool, but as always you must weigh the benefit against the cost to see its worthiness. For more information about the tool, you can go to [www.fsbpt.org/PRT](http://www.fsbpt.org/PRT).

### **Disciplinary Actions Taken by the Board**

#### **Ferdinand Sorongon PT**

**After due investigation of a written complaint, the WV Board of Physical Therapy determined that there was Probable Cause to believe that Respondent has exhibited unprofessional and unethical conduct in the practice of Physical Therapy in violation of the provisions of WV Code § 30-20-1 et seq. and the Rules of the Board §16-1 et seq.**

**In lieu of a Hearing, the parties reached an agreement for the resolution of the above matter.**

**Respondent shall be on a 2-year probationary period until February 5, 2010. Random and unannounced visits to the Respondent's facility at KVPTC to take place. Respondent not permitted to have any PT or PTA students employed or in any volunteer capacity during this two-year probationary period.**

**Respondent to reimburse the Board all costs involved with the dissolution of the matter.**

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**Disciplinary Actions Taken by the Board - (Cont.)**

**Jason Roush PT**

**After due investigation of a written complaint, the WV Board of Physical Therapy determined that there was Probable Cause to believe that Respondent exhibited unprofessional and unethical conduct in the practice of Physical Therapy in violation of the provisions of WV Code § 30-20-1 et seq. and the Rules of the Board §16-1 et seq.**

**In lieu of a Hearing, the parties reached an agreement for the resolution of the above matter.**

**Respondent's license is suspended for a period of 12 months beginning July 1, 2009 and lasting through July 1, 2010. Respondent is to reimburse the Board all costs involved with the dissolution of the matter.**

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**Recently Asked Questions with Answers**

1. **Question:** How much supervision is required for a PT Tech to provide physical therapy services in an acute care or acute rehab setting?

**Answer:** The Board agreed that the PT Tech can assist in the performance of the Physical Therapy treatments and or service, but can only be supportive in nature when with the PTA, i.e. holding wheelchair, assisting with transfers for safety, moving IV pole, etc.... The Members also agreed that the PT Tech must be supervised by the PT and "supervision" is defined as "authoritative procedural guidance with initial direction and periodic inspection on a regular basis by a PT and that it requires the "actual physical presence of the PT in the immediate treatment area where the treatment is being rendered." (According to §16-2.6. and WV Code §30-20-2. Definitions (h) (1).)

2. **Question:** Can a PT or PTA bill for an exercise group done solely by a PT Tech? Such as a 15-20 person group in the middle of the gym while the PTAs and PTs are working with other patients? Does a PT need to be in the same room or participating in the group?

**Answer:** The Board agreed that the supervising PT must initiate, monitor and participate in the activity; and that the activity cannot be physical therapy if done by a PT Tech.

**The Board agreed that the PT must supervise "Other Assistive Personnel"; not the PTA (According to §16-2.5. & 2.6 )**

**The Board agreed that they cannot give advice regarding billing issues and that such questions should be referred to the appropriate third party payer or CMS for what they require for supervision to make payment on such services rendered.**

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### **Recently Asked Questions with Answers - (Cont.)**

3. **Question:** Is there a limit on the number of patients that can be seen in a group setting for exercises?

**Answer:** The Board agreed that there is no provision in the Statute or Rules governing the practice of Physical Therapy; and that ultimately the PT should decide the appropriate number to safely allow in a group activity.

The Board agreed that they cannot give advice regarding billing issues and that such questions should be referred to the appropriate third party payer or CMS for what they require for supervision to make payment on such services rendered.

4. **Question:** Would it be unethical or improper for a PT to see patients (and not bill for the service) in order to “walk” or “ambulate” to maintain their skills? Documentation would show the service as being non-skilled service.

**Answer:** The Board agreed that there is nothing in the Statute or Rules governing the practice of Physical Therapy that would indicate this as being inappropriate. It would not be, therefore, in violation of the Physical Therapy Law.

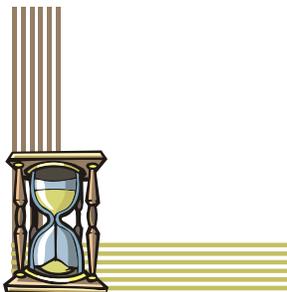
The Board agreed that they cannot give advice regarding billing issues and that such questions should be referred to the appropriate third party payer or CMS for what they require for supervision to make payment on such services rendered

5. **Question:** Since the Ohio Board of PT has decided to drop the “licensure applicant status” for new grads, is the WV Board considering dropping a temporary License?

**Answer:** The Board agreed that this answer to this question is “No”.

6. **Question:** How long does a facility have to keep hard copy patient records? Records are being transferred to storage devices and they want to discard the hard copy records.

**Answer:** The Board agreed that the facility should pose this question to their own legal counsel.



(Have a question you would like the Board to Answer? Submit it in writing to the Board Office via email, postal mail or fax. Questions are added to the Agenda for the next, upcoming Board Meeting. Answers as agreed to by the whole Board are then documented and responses are mailed out to the person(s) inquiring. Answers are also printed in the next issue of the Board News Letter that is printed twice yearly.)

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**Recently Asked Questions with Answers - (Cont.)**

7. **Question:** I am a PT in a nursing home with 2 PTAs as well as another PT as our Director of Rehab. We will be having another PTA as weekend PRN help and I have a question regarding the legalities of the supervised visits. The practice act states that the PTA's first visit with the patient must be supervised by a PT. (#1) Is this direct supervision; and (#2) Must supervision be performed for 100% of the visit or is there a minute/unit guideline.

**Answer:** The Board agreed that the answer to the first part of the question is "Yes"; and the answer to the second part of the question is also "Yes".

As an example, could the patient, the PT and the PTA perform gait training together for approximately 15 minutes and the PTA be able to perform therapeutic exercises w/o the PT being present as long as instruction was given by the PT. Or, does the PT need to be present for the entire initial or joint visit?

**Answer:** The Board agreed that the PT needs to be present for 100% of the entire initial visit and also 100% for the joint visit.

According to §30-20-2.(h)(1) "As contained in this section, the term "direct supervision" means the actual physical presence of the physical therapist in the immediate treatment area where the treatment is being rendered.

8. **Question:** I am a PT practicing in WV. I am currently employed by a company holding several long term care contracts in my area. I supervise a PTA at one of these facilities. I am no longer interested in supervising this PTA secondary to a variety of issues, including delinquent documentation, frequent patient/family/staff complaints of poor physical therapy treatments, not adhering to plan of care, etc... The company employing both the PTA and myself have issued several improvement plans for the PTA - - none of which have been adhered to.

My questions are:

1. Can I legally pull my supervision from this PTA?
2. If so, am I required to give Notice, and if so, how much notice?
3. So long as I agree to see these patients independently, can I legally be subject to disciplinary action from my employer for refusing to supervise this PTA?

**Answer:** The Board agreed that the person inquiring should consult with a private attorney or an Employment Lawyer.

9. **Question:** Is it contradictory to utilize a laser on the knee if a patient has a pace maker?

**Answer:** After discussion, the Board Members determined that this is not within Board jurisdiction and that the person asking should contact the manufacturer.

### **Recently Asked Questions with Answers - (Cont.)**

10. **Question:** I would appreciate your input regarding the following scenario's legality:

A Physical Therapist is temporarily wheelchair mobility level with the inability to stand. In order to complete evals in the Home Health care setting, she has her PTA transfer and ambulate the patient while the PT observes. The PTA also does the muscle testing since the PT cannot achieve standing or assess leverage for testing in most circumstances. The PT then writes the POC and follows up with supervisory visits with the PTA.

**Answer:** According to Title 16-1-9.2 subsection b, a Physical Therapist Assistant shall not perform physical therapy initial evaluation and re-evaluation.

11. **Question:** In what settings do PTA's documentation needs cosigned?...i.e., daily notes, weekly notes, etc.... We are currently having everything cosigned and we were wondering if it is necessary. We work in a Rehab. setting with direct PT supervision.

**Answer:** The West Virginia State Practice Act does not require co-signature of PTA notes except as noted in §16-1-7.2. which states: ".....All progress notes written by the Physical Therapist Assistant with a temporary permit shall be cosigned by a Physical Therapist supervisor within twenty-four (24) hours."

**Disclaimer:** Please note that all responses the West Virginia Board of Physical Therapy (hereinafter "Board") gives to individual questions are based solely upon WV Code § 30-20-1 et seq. and the Code of State Rules 16-1-1 et seq. These Statutory and Regulatory provisions govern the jurisdiction of the Board, and its sole purpose of regulating the practice of Physical Therapy and the protection of the public. As such, the responses do not take into account any billing issues and the regulations that govern such reimbursement. Moreover, a provider should consult with his/her legal counsel for questions pertaining to billing for Physical Therapy services.

12. **Question:** The question I have is related to supervision. Can a physical therapist reside in another State and provide the required ongoing supervision to a PTA simply by visiting the State periodically? When I am referencing living in another State, I am asking about a driving distance of 6 - 6.5 hours from WV.

**Answer:** After discussion, the Board Members determined that the answer would be "yes" provided they are meeting the supervisory requirements and as long as they are working within the parameters of the work setting as stipulated in §16-1-9. Supervision of a Physical Therapist Assistant, assuming that the Physical Therapist is Licensed in WV.

### CONTINUING EDUCATION AUDIT



**F.Y.I.** The number of Licensees who will be audited for the calendar year 2009 will be increasing. Please make sure that you are in compliance with the Law and with the Board's requirement to achieve ten (10) contact hours of Continuing Education. You do not have to provide proof of completion of CE unless your name comes up in the Random Audit and you

receive a Certified Audit Letter. Audit Letters are mailed out in January of each year.

If you receive an Audit Letter, submit proof of compliance by sending into the Board Office notarized copies of all Certificates received which clearly state the name of the course, your name, and the number of contact hours awarded for participation in the course and/or study.



All Licensees who had an Active Status for all or any part of the calendar year are required by Law to obtain Continuing Education. It makes no difference if you did not practice in West Virginia during that time frame. If your License was Active, your name will be included in the random computer program that selects audit participants.

Failure to comply with the request to submit your Certificate (s), will result in your License status being changed to "Lapsed" effective January 1, 2010.

### ONLINE LICENSE RENEWALS

Online License Renewals will be accessible beginning October 1, 2009 for those Licensees whose License expires 12/31/2009. The link is <http://www.wvlicense.com/sites/wvbopt> . Log in using the first letter of your first name and your last name as though it were one word: i.e. TBragg , this is your User Name. Your Pass Code is the last four digits of your Social Security Number.



Log in, then click the "License" link at the top, select license, and then click the option to renew online. From here it will guide you through the rest of the process. Anyone renewing after mid-night 12/31/2009 will automatically pay the higher fee.



If any of your permanent information has changed, you must send in the updated information to the Office by email, fax, or regular mail. A form that can be utilized is available via the Board's website at the Forms link that may be downloaded for changes to your address or work location. In the event your name has changed, then the form must be completed and sent into the Office along with the appropriate official documentation: i.e. divorce decree, marriage certificate, etc.... Any copies of official documents submitted to the Office must be notarized.

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**Board Members:**

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Melanie Taylor PT, Vice Chair  
Shannon Snodgrass PT  
Jack Spatafore PT, MS, DPT  
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