

January 2010

Summary of Changes to WV Physical Therapy Practice Act

Chapter 30 Article 20

In an effort to modernize the regulation of the practice of physical therapy in WV and in response to House Concurrent Resolution No. 83 from the 2009 legislative session the following changes to the Practice Act are being recommended and legislation introduced to effectuate the changes.

The Joint Committee on Government has incorporated language in the bill that makes it more consistent with others in Chapter 30.

Many parts of the “old” practice act remain, but have been re-ordered.

- Under unlawful acts we have added term protection for Doctor of Physical Therapy and the initials DPT to reflect the degree now conferred to graduates of physical therapist education programs.
- A definition for “consultation” has been included
- Definitions for levels of supervision have been written into the code. These include Direct, General, and on-site supervision. This allows the Board of Physical Therapy to draft appropriate rules regarding the supervision of the PTA, and physical therapy aides.
- Telecommunications has been defined to encompass the many types of communication devices available today.
- A licensed physical therapist assistant has been added to the Board of Physical Therapy replacing one of the citizen member positions. The board will consist of 5 physical therapists, 1 physical therapist assistant and one citizen member.
- The number of years of experience for Board members is increasing from 3 to 5 years, and there is now a limit of 2 consecutive full terms that one may serve on the Board.
- A section (30-20-6) on rulemaking has been added to clearly define what areas the WVBOPT needs to promulgate rules--specifically the scope and supervision of physical therapist assistants, and the supervision of physical therapy aides.
- In this section, the WVBOPT will promulgate rules to specify the ratio of physical therapist to physical therapist assistant ratio thus allowing the licensure of additional physical therapist assistants.

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- The WVBOPT will also be required to develop rules that allow for changes in supervision levels in emergency situations such as illness.
- The WVBOPT will have to form ethics rules
- In the “old” act scope of physical therapist practice was found in the definition of physical therapy. The new act has a new section 30-20-9 that defines the scope. It uses predominately model practice act language as well as APTA’s Guide to Physical therapist Practice.
- Scope maintains the fact that we do manual therapy and mobilization of the joints.
- Scope recognizes that the physical therapist is involved in reducing risk of disease through health promotion and fitness; we are involved in administration and research. All of which were contained in “old” act but were not detailed.
- A new section 30-20-11 is dedicated to more clearly defining how someone from another jurisdiction may obtain a license to practice in WV.
- Section 30-20-13 regarding Special Volunteer Physical Therapist and Physical Therapist License was added during the 2008 legislative session. It allows retired therapists to volunteer and donate their expertise for the care and treatment of indigent and needy patients in the clinic setting of clinics organized for the delivery of health care services without charge.
- Under complaints, the WVBOPT now has the power to “restrict” the license or permit of a licensee rather than just suspend or revoke. This allows a PT/PTA to continue to work, but may have to meet certain conditions such as direct supervision.
- The Board may recover costs from a licensee for proceedings.