

STATE OF KANSAS  
BOARD OF HEALING ARTS

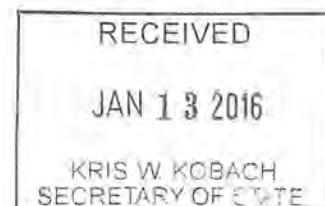
**Notice of Public Hearing on Proposed Administrative Regulations**

A public hearing will be conducted on Thursday, March 24, 2016, at 11:00 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider proposed amendments to two regulations pertaining to the licensure of and practice by Physical Therapists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulations. All interested parties may submit comments prior to the hearing to Kelli Stevens, General Counsel, at the Board of Healing Arts at the address above, or via e-mail to [healingarts@ksbha.ks.gov](mailto:healingarts@ksbha.ks.gov). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the amendment of the proposed regulations during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations may be obtained from the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas 66612; on the agency website at <http://www.ksbha.org/publicinformation/publicinformation.shtml>, by contacting Jenne Cook at (785) 296-2482, or by e-mailing the agency at [healingarts@ksbha.ks.gov](mailto:healingarts@ksbha.ks.gov).

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or at [bmontgomery@ksbha.ks.gov](mailto:bmontgomery@ksbha.ks.gov). Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8<sup>th</sup> Street and in the building's parking garage. From the street, both the West entrance to the building on Jackson Street and the North entrance on 8<sup>th</sup> Street are accessible.



A summary of the proposed amended regulations and their economic impact follows:

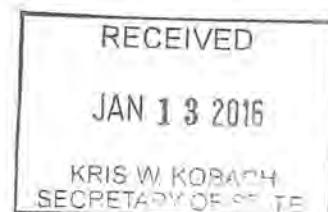
**K.A.R. 100-29-9.**

The purpose of this regulation is to provide clarity regarding the continuing education requirements for licensed physical therapists and certified physical therapist assistants and also add new activities which qualify for continuing education contact hours. A description of the criteria for the Board's exercise of discretion in granting an extension of time of completing continuing education has been added. The terms physical therapy residency or fellowship program, elected delegate, supervision of a student, continuing education program presentation, and physical therapy jurisprudence examination are also defined.

**K.A.R. 100-29-16.**

The purpose for amending this regulation is to define the term "minimum weekly review" in K.S.A. 65-2914(c) setting forth the subsequent review requirement for a physical therapist in instances where a physical therapist assistant has initiated patient care in a hospital setting because the physical therapist was not available. "Minimum weekly review" is defined to mean that the physical therapist evaluates and determines a plan of treatment within seven days of the initiation of treatment by the physical therapist assistant. The amendment also corrects a previous title error which referenced the "physical therapy council" to the correct term of "physical therapy advisory council."

The economic impact of the amendments to these regulations is anticipated to be a minimal cost to the Kansas State Board of Healing Arts for staff time to update continuing education forms and processes, and educate licensees and stakeholders on the definition of "minimum weekly review." There is no anticipated cost to other agencies, businesses or individuals.



**K.A.R. 100-29-9. License and certificate renewal; continuing education.** (a)(1)(A) As a condition of renewal for each odd-numbered year, each licensed physical therapist or certified physical therapist assistant shall submit, in addition to the annual application for renewal of licensure or certification, evidence of satisfactory completion within the preceding two-year period of ~~a minimum of~~ at least 40 contact hours of continuing education for a licensed physical therapist and ~~a minimum of~~ at least 20 contact hours of continuing education for a certified physical therapist assistant.

(B) Evidence of satisfactory completion of a program of continuing education shall not be required to be submitted with the application ~~or~~ for renewal of licensure or certification in even-numbered years.

(2) A contact hour shall ~~be~~ consist of 60 minutes of ~~instruction activity pertaining to the~~ practice of physical therapy.

(3) Meals and breaks shall not be included in the contact hour calculation.


(b) Any applicant for renewal who cannot meet the requirements of paragraph (a)(1)(A) may request an extension from the board to submit evidence of continuing education. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension of up to six months may be granted by the board for ~~good cause shown~~ a substantiated medical condition, natural disaster, death of a spouse or an immediate family member, or any other compelling reason that in the judgment of the board renders the licensee incapable of meeting the requirements of paragraph (a)(1)(A).

(c) A physical therapist initially licensed or physical therapist assistant initially certified

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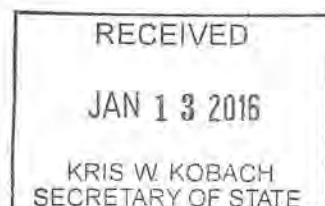
within one year of a renewal date ~~when evidence of continuing education must be submitted in~~ an odd-numbered year shall not be required to submit evidence of satisfactory completion of a program of continuing education required by paragraph (a)(1)(A) for that first renewal period. Each physical therapist or physical therapist assistant initially licensed or certified or whose license or certificate has been reinstated for more than one year but less than two years from a renewal date ~~when continuing education required by paragraph (a)(1)(A) must be submitted in an~~ odd-numbered year shall be required to submit evidence of satisfactory completion of at least ~~1/2~~ half of the contact hours of continuing education required by paragraph (a)(1)(A).

(d) All continuing education ~~classes and literature~~ activities shall be related to the ~~field~~ practice of physical therapy.

(e) ~~All continuing education shall meet the requirements of subsection (f).~~


(~~f~~) All continuing education ~~experiences~~ activities shall be related pertain to the following:

- (1) Clinical skills;
- (2) administration and management techniques;
- (3) educational principles when providing service to patients, families, health professionals, health professional students, or the community;
- (4) research projects with peer-reviewed, published results;
- (5) ~~interaction with the community;~~
- (6) legislative issues involving the profession;
- (~~7~~) (6) health care and the health care delivery system;



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~~(8)~~ (7) documentation, reimbursement, cost-effectiveness, and activities regulatory compliance; and

~~(9)~~ (8) problem solving, critical thinking, and ethics; ~~and~~

~~(10)~~ multidisciplinary care.

~~(g)~~ (f) ~~Continuing education experiences shall include~~ The following shall qualify as continuing education activities:

(1) Lecture. "Lecture" shall mean a live discourse for the purpose of instruction given before an audience ~~for instruction~~. One contact hour shall be awarded for each hour of instruction.

(2) Panel. "Panel" shall mean the presentation ~~of a number of~~ multiple views by several professional individuals on a given subject, with none of the views considered a final solution. One contact hour shall be awarded for each hour of panel presentation.

(3) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest. One contact hour shall be awarded for each hour of workshop meeting.

(4) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest. One contact hour shall be awarded for each hour of seminar.

(5) Symposium. "Symposium" shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers. One contact hour shall be awarded for each hour of symposium.

(6) In-service training. "In-service training" shall mean an educational presentation

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pertaining given to employees during the course of employment that pertains solely to the enhancement of physical therapy skills in the evaluation, assessment, or treatment of patients. One contact hour shall be awarded for each hour of in-service training.

(7) College or university courses. "College or university course" shall mean a course at the college or university level ~~that directly enhances~~ related to the practice of physical therapy ~~skills or knowledge~~. Ten contact hours shall be given for each semester credit hour for which the student received a grade of at least ~~"C"~~ C or its equivalent; or a "pass" in a pass/fail course that is documented in an official transcript.

(8) Administrative training. "Administrative training" shall mean a presentation that enhances the knowledge of a physical therapist or physical therapist assistant ~~and that does not pertain solely to patient care~~. ~~Approved presentation topics shall include~~ on the topic of quality assurance, risk management, reimbursement, hospital and statutory requirements, ~~and~~ or claim procedures. One contact hour shall be awarded for each hour of administrative training.

(9) Self-instruction. "Self-instruction" shall mean the following:

(A) Reading professional literature directly related to the practice of physical therapy. A maximum of two contact hours shall be ~~given~~ awarded for reading professional literature;

(B) completion of a home study, correspondence, audio, video, or internet course for which a printed verification of successful completion is provided by the person or organization offering the course. One contact hour shall be awarded for each hour of coursework for each completed course. A maximum of 10 contact hours shall be ~~given~~ awarded for each course; and

(C) passage of a specialty certification examination approved by the board. ~~A maximum~~

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of 40 Forty contact hours shall be ~~given~~ awarded for passage of a specialty certification examination.

(10) Professional publications. Contact hours for writing a professional publication shall be allotted as follows:

(A) Original paper	single author	20
	senior author	15
	coauthor	8
(B) Review paper or case report		
	single author	15
	coauthor	8
(C) Abstract or book review		8
(D) Publication of a book		20

(11) Physical therapy residency or fellowship program. “Physical therapy residency or fellowship program” shall mean a post-professional program that is directly related to the practice of physical therapy and requires at least 1,000 combined hours of instruction and clinical practice for completion. Forty contact hours shall be awarded for successful completion of a physical therapy residency or fellowship program.

(12) Elected delegate. “Elected delegate” shall mean an elected delegate in a national assembly of delegates with the objective to create policy related to the practice of physical therapy. Ten contact hours shall be awarded for serving one term as an elected delegate.

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(13) Supervision of a student. "Supervision of a student" shall mean clinical instruction and evaluation of a physical therapist student or physical therapist assistant student in a clinical setting. One contact hour shall be awarded for each documented 40 hours of providing supervision of a student. A maximum of three contact hours shall be awarded in each two-year continuing education period.

(14) Continuing education program presentation. "Continuing education program presentation" shall mean the preparation and presentation of a continuing education program that meets the requirements of subsection (e). Three contact hours shall be awarded for each hour spent presenting.

(15) Physical therapy jurisprudence examination. "Physical therapy jurisprudence examination" shall mean the board physical therapy jurisprudence examination. One contact hour shall be awarded for completion of the physical therapy jurisprudence examination with a score of at least 88 percent correct.

~~(h)(1) Each licensed physical therapist or certified physical therapist assistant who presents a continuing education program shall receive three contact hours for each hour of presentation.~~

~~(2) No credit shall be granted for any repeated presentations of the same subject matter.~~

(g) No contact hours shall be awarded for any repeated continuing education activity on the same topic within a two-year continuing education period.

~~(i) (h) To provide evidence of satisfactory completion of continuing education activities, the following shall be submitted each licensed physical therapist and each certified physical~~

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therapist assistant shall submit the following to the board:

- (1) Documented evidence of any attendance at or successful completion of continuing education ~~experiences~~ activities;
- (2) personal verification of any self-instruction from reading professional literature; and
- (3) ~~copies~~ one copy of any peer-reviewed professional publication. (Authorized by K.S.A. ~~2004~~ 2015 Supp. 65-2910 and 65-2911; implementing K.S.A. ~~2004~~ 2015 Supp. 65-2910; effective March 21, 1997; amended Nov. 14, 2003; amended May 26, 2006; amended P-  
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**K.A.R. 100-29-16. Supervision of physical therapist assistants and support personnel.** (a) Each physical therapist shall be responsible for the following:

(1) The physical therapy services provided to a patient or client by any physical therapist assistant working under the direction of the physical therapist; and

(2) the tasks relating to the physical therapy services provided to a patient or client by any support personnel working under the personal supervision of the physical therapist or by the physical therapist assistant acting under the direction of the physical therapist.

(b) Each physical therapist and each physical therapist assistant acting under the direction of a physical therapist shall provide personal supervision of the support personnel during any session in which support personnel are utilized to carry out a task.

(1) "Personal supervision" shall mean oversight by a physical therapist or by a physical therapist assistant acting under the direction of the physical therapist who is on-site and immediately available to the support personnel.

(2) "Support personnel" shall mean any person other than a physical therapist or physical therapist assistant. Support personnel may be designated as or describe themselves as physical therapy aides, physical therapy technicians, physical therapy paraprofessionals, rehabilitation aides, or rehabilitation technicians.

(3) "Task" shall mean an activity that does not require the formal education or training of a physical therapist or a physical therapist assistant.

(c) The determination by the physical therapist to utilize a physical therapist assistant for selected components of physical therapy interventions shall require the education, expertise, and professional judgment of the physical therapist. Before delegating an intervention by a physical

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therapist to a physical therapist assistant and before delegating a designated task to support personnel, the physical therapist shall consider the following:

- (1) The education, training, experience, and skill level of the physical therapist assistant;
- (2) the complexity and acuteness of the patient's or client's condition or health status;
- (3) the predictability of the consequences;
- (4) the setting in which the care is being delivered to the patient or client; and
- (5) the frequency of reexamination of the patient or client.

(d) Pursuant to K.S.A. 65-2914 and amendments thereto, if patient care is initiated by a physical therapist assistant in a hospital setting because the physical therapist is not immediately available, "minimum weekly review" shall mean that the physical therapist shall evaluate the patient and determine a plan of treatment within seven days of the initiation of treatment by the physical therapist assistant.

(e) Only a physical therapist may perform any of the following:

- (1) Interpretation of a referral;
- (2) performance and documentation of an initial examination, testing, evaluation, diagnosis, and prognosis;
- (3) development or modification of a plan of care that is based on a reexamination of the patient or client that includes the physical therapy goals for intervention;
- (4) determination of the qualifications of support personnel performing an assigned task;
- (5) delegation of and instruction about the service to be rendered by the physical therapist assistant;
- (6) timely review of documentation, reexamination of the patient or client, and revision of the plan of care when indicated;

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(7) establishment and documentation of the discharge plan and discharge summary; and

(8) oversight of all documentation for services, including documents for billing, rendered to each patient or client under the care of the physical therapist.

(e) (f) In all practice settings, the performance of selected interventions by the physical therapist assistant and the delegation of designated tasks to support personnel shall be consistent with the safe and legal practice of physical therapy and shall be based on the following factors:

(1) The complexity and acuteness of the patient's or client's condition or health status;

(2) the physical therapist's proximity and accessibility to the patient or client;

(3) the supervision available for all emergencies or critical events;

(4) the type of setting in which the physical therapy intervention is provided;

(5) the ability of the physical therapist assistant to perform the selected interventions or the support personnel to perform designated tasks; and

(6) an assessment by the physical therapist of the ability of the support personnel to perform designated tasks.

(f) (g) Except as specified in this subsection, a physical therapist shall not have more than four physical therapist assistants working concurrently under the direction of that physical therapist. A request by a physical therapist to supervise additional physical therapist assistants may be granted by the board if it finds that significant hardship to the health and welfare of the community will occur if the physical therapist's request to supervise more than four physical therapist assistants is not granted.

(g) (h) Each physical therapist wishing to provide personal supervision to more than four physical therapist assistants in a clinic or hospital setting shall provide a written and signed request to the physical therapy advisory council with the following information:

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(1) The name of each physical therapist assistant to whom the physical therapist proposes to provide personal supervision;

(2) the reason for the request; and

(3) a written statement from the clinic or hospital director documenting the hardship and the plan for alleviating future staffing shortages of physical therapists.

(h) (i) The physical therapy advisory council shall review each request granted by the board pursuant to subsection (f) (g) at least every six months to determine whether a significant hardship to the health and welfare of the community will exist if the request is no longer granted. The physical therapy advisory council shall prepare and submit a written recommendation of each review to the board. A determination of whether the exemption should be renewed for another six-month period shall be made by the board at the recommendation of the physical therapy advisory council.

(i) (j) Failure to meet the requirements of this regulation shall constitute unprofessional conduct. (Authorized by K.S.A. 2008 2015 Supp. 65-2905 and 65-2911; implementing K.S.A. 2008 2015 Supp. 65-2912 and 65-2914; effective July 14, 2006; amended July 17, 2009; amended P-  
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**KANSAS STATE BOARD OF HEALING ARTS  
ECONOMIC IMPACT STATEMENT  
For Proposed Amendments to K.A.R. 100-29-9 and 100-29-16**

Pursuant to the requirements of K.S.A. 77-416(b), the Kansas State Board of Healing Arts submits the following Economic Impact Statement relating to two proposed amended regulations.

**I. Summary of Proposed Regulations:**

**K.A.R. 100-29-9. (amended)**

The purpose of this regulation is to provide clarity regarding the continuing education requirements for licensed physical therapists and certified physical therapist assistants and also add new activities which qualify for continuing education contact hours. A description of the criteria for the Board's exercise of discretion in granting an extension of time of completing continuing education has been added. The terms physical therapy residency or fellowship program, elected delegate, supervision of a student, continuing education program presentation, and physical therapy jurisprudence examination are also defined.

**K.A.R. 100-29-16. (amended)**

The purpose for amending this regulation is to define the term "minimum weekly review" in K.S.A. 65-2914(c) setting forth the subsequent review requirement for a physical therapist in instances where a physical therapist assistant has initiated patient care in a hospital setting because the physical therapist was not available. "Minimum weekly review" is defined to mean that the physical therapist evaluates and determines a plan of treatment within seven days of the initiation of treatment by the physical therapist assistant. The amendment also corrects a previous title error which referenced the "physical therapy council" to the correct term of "physical therapy advisory council."

**II. Federal Mandate:**

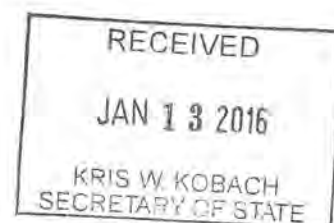
These regulations are not mandated by any federal law.

**III. Anticipated Economic Impact upon the Kansas Board of Healing Arts:**

Minimal cost to the Kansas State Board of Healing Arts for staff time to update continuing education forms and processes, and educate licensees and stakeholders on the definition of "minimum weekly review."

**IV. Anticipated Economic Impact upon Other Governmental Agencies and upon Private Business or Individuals:**

There is no anticipated cost to other agencies, businesses or individuals.



**V. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection:**

No other less costly or less intrusive methods were identified or considered for the purpose of these regulations.

