



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

FILED

04/29/2022 10:37 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending pain management continuing competence requirements as result of HB2078(2021).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/26/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

HB2078(2021) modified the pain management education requirements for certain health professionals, including physical therapists. The statutory change modified the requirements, reducing them from a one-time seven hour requirement to a one-hour course required at initial application and at renewal. The OBPT passed a temporary rule to amend the pain management requirements in this rule to align with the statutory changes as a result of the bill by the effective date of 1/1/2022. This proposed rulemaking would make permanent that temporary language, with one minor clarification in the rule language. If this permanent rule did not move forward, the OBPT pain management requirements would revert to the old language at the end of June, and would be out of alignment with the statutory requirements for licensees.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Statutory language, board meeting minutes. Available at Board office.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The required pain management is established by statute and the content is not managed by the OBPT. However, the statutory language was modified as part of HB2078(2021) to require that the curriculum must take into account the needs of Oregon Tribal communities, communities of color and other groups who have been disproportionately affected by adverse social determinants of health, such as racism, trauma, adverse childhood experiences and other factors that influence how an individual experiences chronic pain. Therefore, completion of the pain management course should bring greater awareness of racial equity elements impacting pain management and treatment. The course itself is free, but is required to be completed online. The Board is prepared to assist licensees with barriers to completing the requirement online by providing a means of accessing the course from the Board's office, or helping identify another location to gain access in order to do so.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact is expected as a result of the course requirement. The course itself is free, and licensees receive credit for completion against their required continuing education requirements.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no entities expected to be economically impacted by the rule change. There is no net change in the total administrative burden for individuals to complete and track completion of this course, as the requirement does not result in a net change in the total number of continuing education courses that must be completed to maintain licensure. This course adds a requirement for completion of a specific course, which itself is free.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The requirement for the course completion impacts individual licensees, some of whom are small business owners with respect to PT practice. All licensees had opportunity to comment on the rule changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The changes are a result of a statutory change; the rule changes were communicated to licensees and all had an opportunity for comment.

AMEND: 848-035-0030

RULE SUMMARY: Amending rule as result of HB2078(2021) to align OBPT continuing competence requirements with the modified statutory requirements. Removes requirement for additional six hours of pain management education for physical therapists. Adds requirement for completion of the online module at renewal, in addition to existing requirement for completion at initial application.

CHANGES TO RULE:

848-035-0030

Continuing Competence Requirements and Restrictions ¶

(1) Mandatory Requirements: Of the 24 required hours of continuing competence, all licensees must complete the following mandatory course requirements as follows, when applicable:¶

(a) Pain Management: ~~Effective January 2, 2008, all Oregon licensed physical therapists must fulfill a one-time only pain management education requirement as defined in ORS 413.590.¶~~

~~(A) All Oregon physical therapists and physical therapists must complete this coursework requirement within a period of 24 months from initial date of licensure.¶~~

~~(B) The requirement is seven hours of pain management education, which includes the assistants must completion of the on-line pain management course described under part (D) below.¶~~

~~(C) The seven hours of pain management education may be used to satisfy part of the physical therapist's continuing competence requirement under OAR 848-035-0020 for the current certification period. However, pmodule provided by the Oregon Pain mManagement education hours taken in a prior certification period and used to satisfy the pain management requirement cannot be used to satisfy part of the continuing competence requirement for the current certification periodCommission as follows:¶~~

~~(A) At initial licensure.¶~~

~~(DB) Effective November 1, 2012, all physical therapist license applicants must provide evidence of completion of the on-line pain management course, sponsored and provided by the Oregon Pain Management Commission, as part of the initial application process.¶~~

~~(E) Effective July 1, 2020, all physical therapist assistant license applicants must provide evidence of completion of the on-line pain management course, sponsored and provided by the Oregon Pain Management Commission, as~~
~~p~~At each renewal, unless the date course was completed for initial licensure was within one year of the initial application process renewal date.¶

(b) Cultural Competence: Effective April 1, 2020, all licensed physical therapists and physical therapist assistants must complete a minimum of one hour of continuing competence that meets the criteria for cultural competency education. This requirement must be completed each certification period.¶

(A) The Board shall accept courses approved by the Oregon Health Authority (OHA) under ORS 413.450.¶

(B) The Board may accept other courses to the extent that the course addresses attitudes and skills that enhance a licensee's ability to communicate and interact effectively with individuals across various cultures, groups and communities.¶

(2) Clinical Courses or Activities: In addition to the mandatory requirements in part (1) of this rule, the continuing competence requirements of this Division 35 may be satisfied through clinical courses or activities, directly related to the delivery or provision of physical therapy which may include:¶

(a) Courses, seminars, activities, and workshops sponsored, certified, or approved by an established and recognized health related organization or professional association recognized by the Board, excluding webinars or online courses that do not require an examination or that would otherwise be excluded under part (4). The examination requirement is waived for the 2020-2022 certification period;¶

(b) Courses, seminars or activities approved for continuing education or competency by other states which require continuing education or competency for physical therapists or physical therapist assistants, excluding jurisprudence exams, webinars, or online courses that do not require an examination or that would otherwise be excluded under part (4). The examination requirement is waived for the 2020-2022 certification period;¶

(c) Courses provided by an accredited institution of higher education, which may include but are not limited to, courses leading to an advanced degree in physical therapy or other courses that advance the licensee's physical therapy competence. For purposes of this rule, one college credit is equal to 10 (ten) contact hours;¶

(d) Individual home study courses approved by an entity under (a), (b) or (c) above which require an examination;¶

(e) Courses in cardiopulmonary resuscitation (CPR), Basic Life Support (BLS), or Advanced Cardiac Life Support (ACLS), will be limited to one hour of continuing competence credit, regardless of the length of the course. A licensee may receive credit for completion of a CPR, BLS, or ACLS course only one time during any certification period, however, a course may be repeated during each subsequent certification period;¶

(f) Courses or lectures which a licensee presents if the course or lecture awards continuing competence hours to participants and the licensee requests continuing competence credit from the Board;¶

(A) The licensee may receive continuing competence hours equivalent to the actual credit hours awarded to participants for that portion of the program which the licensee presents;¶

(B) The maximum cumulative credit granted for presenting courses or lectures shall be no more than one third of the total continuing competence requirement during any certification period and;¶

(C) A licensee may receive credit for presenting a particular course or lecture only one time during any certification period, regardless of how many times the licensee presents that course or lecture;¶

(g) Publishing an article in a peer review journal;¶

(A) The maximum credit granted for publishing an article shall be one third of the total continuing competence requirement during any certification period, up to 8 hours and;¶

(B) A licensee may receive credit for publishing an article only one time during any certification period;¶

(h) Serving as a certified clinical instructor as follows:¶

(A) A licensee who has completed a Board-approved clinical instructor certification program prior to supervising a student may receive continuing competence credit equivalent to 1 credit hour for each 40 hours of direct clinical instruction to a physical therapist student or physical therapist assistant student enrolled in a physical therapy or physical therapy assistant program.¶

(B) The maximum cumulative credit granted for serving as a clinical instructor shall be no more than one-third of the total continuing competence requirement during any certification period, up to 8 hours.¶

(C) The licensee must obtain a letter or certificate from the student's academic institution verifying that the student has completed the course of clinical instruction;¶

(i) Completion of a specialty certification through the American Board of Physical Therapy Specialists (ABPTS), which shall qualify for a maximum 24 hours of continuing competence during the period in which the specialist certification is awarded;¶

(j) Completion of a clinical residency or fellowship program accredited or recognized by the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE), which shall qualify for a maximum of 24 hours of continuing competence during the period in which the residency or fellowship was completed;¶

(k) Passing the Board approved Oregon jurisprudence examination which shall qualify for 3 hours of continuing competence. A licensee may receive credit for completion of the jurisprudence examination only one time during

any certification period, however, the course may be repeated each certification period;¶

(l) Successful completion of the Oregon Pain Management Commission's web based pain management module which shall qualify for the amount of continuing competence credit shown on the certificate. A licensee may receive credit for completion of the pain management module only one time during any certification period and;¶

(m) Courses or activities approved by the Board by special request. Request for approval shall be made to the Board, in writing, at least 60 days prior to license expiration.¶

(3) Non-clinical courses or activities; optional: A portion of the continuing competence requirements of this Division 35 may be satisfied through the following non-clinical courses or activities recognized by an accredited institution or recognized health-related organization or professional association recognized by the Board. Courses completed under this part (3) may qualify for up to a maximum of 8 hours total, with no more than 4 hours maximum from any single category of coursework (a) to (d) within a certification period. A licensee initially licensed or whose lapsed license is renewed in the second year of a certification period, may complete up to 4 maximum hours total from any or all category of coursework (a) to (d).¶

(a) Personal Development/Self Care¶

(b) Business/Leadership¶

(c) Professional Conduct/Ethics¶

(d) Committee work or serving as an officer for the following: Oregon Board of Physical Therapy (OBPT), Oregon Physical Therapy Association (OPTA), American Physical Therapy Association (APTA) or the Federation of State Boards of Physical Therapy (FSBPT). Each meeting will count as one hour and must be documented with a certificate or letter signed by the Chair, Vice Chair, or officer of the organization.¶

(4) Notwithstanding part (2) or (3) of this rule, activities which will not satisfy the continuing competence requirement include:¶

(a) Courses provided by an accredited institution of higher education taken as part of the curriculum requirements of a CAPTE accredited physical therapy program;¶

(b) Workplace non-clinical employee orientation programs or trainings completed as a condition of employment;¶

(c) Courses, seminars or activities for which continuing competence hours were applied to an individual's license renewal during the most immediate prior certification period;¶

(5) A licensee may receive credit for completing a course, seminar or activity only one time during a certification period regardless of how many times the licensee attends that course, seminar or activity.¶

(6) A licensee who completes more than the required number of continuing competency hours during a certification period, may request to carryover a maximum of 8 hours to the next immediate certification period. Requests to carryover hours shall be made to the Board, in writing, at least 60 days prior to license expiration.

Statutory/Other Authority: ORS 688.160

Statutes/Other Implemented: ORS 688.160(6)(g)