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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

FILED

09/15/2021 9:33 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Make permanent exam requirement exemption for online courses for 2020-2022 certification period; other clarifications.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/26/2021 4:00 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.

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Filed By:
Michelle Sigmund-Gaines
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/26/2021

TIME: 11:00 AM

OFFICER: Michelle Sigmund-Gaines

ADDRESS: Virtual Public Hearing

800 NE OREGON ST

Suite 407

PORTLAND, OR 97232

SPECIAL INSTRUCTIONS:

Register to attend at

<https://us02web.zoom.us/j/8446121269>

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NEED FOR THE RULE(S):

To make permanent the online course exam requirement exemption for the 2020-2022 certification period, which was implemented via temporary rule due to impacts on access to continuing education options as a result of the COVID-19 pandemic. The amendments also allow for licensees to receive more than 1 hour of credit for the online pain management module if the course taken was greater than 1 hour, as the Pain Management Commission has recently increased the course to 1.5, and the duration may change again in the future.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board meeting minutes, notes from rule advisory meetings; located at the board office.

FISCAL AND ECONOMIC IMPACT:

No impact is expected as none of the changes relate to fees or otherwise create a fiscal or economic impact on licensees.

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).

The amendments do not result in any change to current compliance requirements or impacts.

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

The board licenses individuals; many individuals are also small business owners. All licensees were notified of proposed amendments, and had opportunity to participate via the public process at board meetings as well as through the rulemaking process itself.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 848-035-0030

RULE SUMMARY: Amending existing rule to make permanent online exam waiver for 2020-2022 certification period; allow for pain management course credit greater than one hour, if course is greater than one hour, and clarify that CI certification must be completed prior to supervising a student.

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) 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 completion of the ~~one hour~~ 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, pain management 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 period.¶¶

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

(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 or home study~~ courses that do not require an examination or that would ~~be 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, ~~or webinars, or online or home study~~ courses that do not require an examination or that would ~~be 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, ~~online courses and webinars, approved by an entity under (a), (b) or (c) above which requiring~~ 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 ~~1 hour~~ 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 ~~[that]~~ 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)