

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1023

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-16-84
DATE FOR REVIEW 4-25-84
DATE DUE 4-30-84

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved 4-30-84 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____
Approved _____ Disapproved _____ Due _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 4/17/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR 1

✓ Order Adopting 4.12.84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 5.2.83

_____ Order for rulemaking
_____ date of Hearing not submitted

_____ Certificate of Board's Authorizing Resolution not submitted

✓ Notice of rulemaking
✓ Sufficiency notice as mailed was identical to notice in SR

✓ Affidavit of Mailing Notice or rulemaking
12.28-30.83 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
12.26.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness (not labelled as such)

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO: Judith Wehrwein
Administration
Attorney General

DATE: April 16, 1984

FROM: John A. Breviu
Special Assistant
Attorney General

PHONE: 341-7272

SUBJECT: In the Matter of the Proposed Rule Regarding the Practice of Physical Therapy

Pursuant to 1 MCAR § 1.203, please find enclosed for your review and approval:

1. Rule as adopted (original and three copies);
2. Order Adopting Rule (original and one copy);
3. Certificate of Board's Resolution;
4. Notice of Intent to Solicit Outside Opinion;
5. Certificate of Board's Authorizing Resolution;
6. Notice of Intent to adopt a Rule Without Public Hearing;
7. Affidavit of Mailing;
8. Mailing List Certificate;
9. Rule as Proposed;
10. Findings of Fact;
11. Statement of Need and Reasonableness;
12. Written comments;
13. Certificate of Compliance with Rulemaking Procedures;
14. Affidavit.

If you have any questions, please feel free to call me.

JAB:jrm

Attachments

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: Arthur W. Poore
Executive Secretary

DATE: April 30, 1984

ATTN: John A. Breviu, Spec. Assistant
FROM: Attorney General

PHONE: 296-4692

Martha J. Casserly
Special Assistant
Attorney General MJC

SUBJECT:

In the Matter of the Proposed Rule Regarding the Practice of Physical Therapy

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

MJC:cb

State Board of Medical Examiners



Adopted Rule Regarding the Practice of Physical Therapy

AG copy

Rules as Adopted

7 MCAR S 4.013 Definitions.

A. Scope. For the purposes of 7 MCAR SS 4.013-4.030 the terms defined in B.-D. have the meanings given them.

B. Board. "Board" means the Board of Medical Examiners.

C. Physical therapist assistant. "Physical therapist assistant" means a skilled technical worker who is a graduate of a physical therapist assistant educational program accredited by the American Physical Therapy Association or a comparable accrediting agency. The physical therapist assistant performs selected physical therapy treatments and related duties as delegated by the physical therapist to assist the physical therapist in patient/client/resident-related activities.

D. Physical therapy aide. "Physical therapy aide" means a supportive worker who has been trained on the job to perform tasks assigned by a supervising registered physical therapist.

7 MCAR S 4.014 Application.

An applicant for admission to a registration examination to practice physical therapy shall file an application with the board. If the board finds that the application is complete and that all of the requirements of Minnesota Statutes, section 148.70 and 7 MCAR SS 4.013-4.030 have been met, it shall advise the applicant of the date and place of the examination.

7 MCAR S 4.015 Contents of application.

The application must be submitted on forms prepared by the board. To be complete, the application must include the following information:

A. a notarized or certified copy of the original diploma, degree, or certificate or evidence satisfactory to the board, taking into consideration the qualifications for applicants set out in Minnesota Statutes, section 148.70, indicating that the

61C

applicant has satisfactorily completed an approved curriculum in physical therapy as set out in Minnesota Statutes, section 148.705, clauses (a) and (b) and has been graduated from a school of physical therapy approved by the board;

B. a recommendation by one physician duly licensed to practice medicine in the United States or Canada and one physical therapist duly registered to practice physical therapy in the United States or Canada;

C. a recent full-faced notarized photograph attached to the application; and

D. an accounting of time beginning with high school education.

7 MCAR S 4.016 Application deadline.

All applications for examination must be fully completed in accordance with 7 MCAR S 4.015 and forwarded to the secretary of the board. An application must be postmarked not later than 30 days before the date of the examination.

7 MCAR S 4.017 Examination.

The examination, as described in Minnesota Statutes, section 148.72, subdivision 3, must be the Professional Examination Service Physical Therapy Examination or a comparable nationally recognized examination. The passing score is one standard deviation below the mean of all persons taking the examination.

7 MCAR S 4.018 Ineligibility for examination.

If the board determines that an applicant is ineligible for examination, the board shall notify the applicant of this determination and the grounds for it. The applicant may be granted a hearing in accordance with the provisions of rule ME 63 of the Board of Medical Examiners by filing a statement of issues with the board within 20 days after receiving notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

7 MCAR S 4.019 Registration without ...

The board may register a person as a physical therapist in this state without examination if that person completes or presents evidence satisfactory to the board of having passed an examination in accordance with Minnesota Statutes, section 148.70 administered by a state licensing agency. An applicant for registration without examination shall submit an application on forms provided by the board with the following information:

A. a notarized or certified copy of a current license or certificate to practice physical therapy, if any, issued by the duly accredited examining agency of the state or foreign country in which the applicant has been licensed or certified;

B. an original or certified copy of a diploma, degree, or certificate or evidence satisfactory to the board indicating that the applicant has satisfactorily completed an approved curriculum in physical therapy as provided in Minnesota Statutes, section 148.70 and has been graduated from a school of physical therapy approved by the board; and

C. a list of the applicant's physical therapy employment during the past five years.

7 MCAR S 4.020 Requirements for foreign-trained applicants.

An applicant for registration who is a foreign-trained physical therapist must fulfill the following requirements, providing certified English translations of board-required relevant documentation:

A. The applicant must present evidence of completion of physical therapy schooling equivalent to that required in Minnesota Statutes, section 148.705 and 7 MCAR S 4.017. This evidence will be evaluated by the Physical Therapy Council with the assistance of a credentials evaluation service familiar with educational standards and professional qualification. Agencies providing evaluation services must be approved by the American Physical Therapy Association or meet its standards. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

B. The applicant must achieve a score of at least 550 on the Test of English as a Foreign Language, or a score of at least 85

percent on the Minnesota Battery Test.

C. The applicant must have practiced satisfactorily for at least six months under the supervision of a registered physical therapist at a board-approved facility. A facility that offers such practice must provide a broad base of experience including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient diagnoses. Supervision must be provided by a registered physical therapist with at least three years of clinical experience. A proposed outline of clinical experiences must be approved by the Physical Therapy Council before the facility begins offering the experience.

D. The applicant must satisfactorily complete the board-approved examination as stated in Minnesota Statutes, section 148.72, subdivision 3.

7 MCAR S 4.021 Address.

Every physical therapist shall provide the board with a current address. A physical therapist who moves from the address on the physical therapist's registration shall notify the board of the change within 30 days.

7 MCAR S 4.022 Initiation and termination of treatment.

A physical therapist may not, without the express direction of the prescribing physician, initiate or terminate treatment. In an emergency, however, the physical therapist may modify or terminate treatment that is not beneficial to the patient or that is not tolerated by the patient. In that case the physical therapist shall notify the prescribing physician promptly.

7 MCAR S 4.023 Duration of treatment plan.

The duration of a physical therapy treatment plan shall be designated by the prescribing physician.

7 MCAR S 4.024 Reports.

The physical therapist shall submit written reports to the prescribing physician at intervals determined by the prescribing physician concerning the condition and progress of the patient

progress notes, and a discharge note. Reports must be made more frequently than designated by the prescribing physician if the patient's condition warrants.

7 MCAR S 4.025 Prescriptions.

~~Every physical therapist shall retain all patient records including prescriptions received~~ All patient records including directions and orders within the controls of the physical therapist shall be retained for at least seven years, or six years after the patient's majority. The physical therapist shall provide access to these records to the board.

7 MCAR S 4.026 Delegation of duties.

The physical therapist may delegate patient treatment procedures only to a physical therapist assistant who has sufficient didactic and clinical preparation. The registered physical therapist may not delegate the following activities to the physical therapist assistant or to other supportive personnel: patient evaluation, treatment planning, initial treatment, change of treatment, and initial or final documentation.

The registered physical therapist must observe the patient's status before and after the treatment administered by an a physical therapy aide. The physical therapy aide may perform tasks related to preparation of patient and equipment for treatment, housekeeping, transportation, clerical duties, departmental maintenance, and selected treatment procedures. The tasks must be performed under the direct supervision of a registered physical therapist who is readily available for advice, instruction, or immediate assistance.

The registered physical therapist is responsible for all duties delegated to the physical therapist assistant or tasks assigned to the physical therapy aide.

7 MCAR S 4.027 Observation and documentation of delegated duties.

When components of a patient's treatment are delegated to a physical therapist assistant, a registered physical therapist must provide on-site observation of the treatment and

documentation of its appropriateness at least every six treatment sessions.

7 MCAR S 4.028 Supervision of physical therapist assistants.

A registered physical therapist may supervise no more than two physical therapist assistants.

7 MCAR S 4.029 Renewal of registration.

When they renew their registrations each year in compliance with Minnesota Statutes, section 148.73, physical therapists must submit lists of locations or institutions where they have practiced during the past five years. Applicants for reregistration who have not practiced the equivalent of eight full weeks during the past five years are required to achieve a passing score on retaking the registration examination or complete no less than eight weeks of council approved clinical experience with a broad base of treatment modalities and patient diagnoses.

Repealer. Rule ME 9 of the Board of Medical Examiners is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 30 1984 4:16 P.M.
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
April 30 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Matthew J Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed
Rule Regarding the Practice
of Physical Therapy

ORDER ADOPTING RULE

Notice of the Minnesota Board of Medical Examiner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on December 26, 1983, and was sent by United States mail to all persons on the list maintained by the Minnesota Board of Medical Examiners, pursuant to Minn. Stat. § 14.14, subd. 1a (Supp. 1983), on December 23, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no requests for a public hearing within the 30-day comment period, and determining the need for the reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rule identified as Rule Regarding the Practice of Physical Therapy is adopted this 12th day of April, 1984, pursuant to authority vested in me by Minn. Stat. § 148.70 (1982), and by resolution of the Minnesota Board of Medical Examiners duly adopted at a meeting of the said Board on the 10th day of March, 1984.

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

Arthur W Poore

ARTHUR W. POORE
Executive Secretary

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by July 1, 1983.

Arthur W. Poore
Executive Secretary

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Regarding the Practice of Physical Therapy

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule for the regulation of the practice of physical therapy which will modify the information required on the application form, change the requirements for registration without examination, establish registration requirements for foreign-trained applicants, establishes the legal supervisory and delegatory relationship of the physical therapist with the physical therapist assistant and the physical therapy aide, establishes the Professional Examination Service examination for physical therapists or comparable tests as the examinations for registration, changes in the requirements for the physical therapist to retain records of prescriptions, elimination of the time limits placed upon prescriptions for physical therapists and the establishment of appointment guidelines for the Physical Therapy Council.

This proposed rule is authorized by Minnesota Statute § 148.70, which established authority for the Board of Medical Examiners with the advice and assistance of the Physical Therapy Council to regulate the practice of physical therapy in the interest and protection of the public.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by July 1, 1983.

Arthur W. Poore
Executive Secretary

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Regarding Changes in the Continuing Medical Education Requirements Necessary for Physicians and Osteopaths to Retain their Licenses to Practice Medicine

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which will lower the overall continuing medical education requirement, necessary for relicensure, from 150 hours to 75 hours, modify the maximum and/or minimum level of the five CME categories for which the physician or osteopath may obtain credit, and exempt those physicians or osteopaths under the emeritus registration from the CME requirement.

This proposed rule is authorized by Minnesota Statute § 214.12, which establishes the authority for health manpower regulatory authorities to implement Continuing Medical Education requirements as a means of improving the professional skills of the licensees or registrants on an ongoing basis.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by July 1, 1983.

Arthur W. Poore
Executive Secretary

~~and if he fails, neglects or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same. Upon a licensee described in the first sentence of this paragraph becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the State of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory or country and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same. Upon any licensee described in this paragraph becoming a naturalized citizen of the United States, the restrictions contained in this paragraph shall be of no further force or effect.~~

State Board of Medical Examiners

Proposed Rule Regarding the Practice of Physical Therapy

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Medical Examiners proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21-14.28 (1982).

Minnesota Statutes section 148.70 establishes the authority for the Board of Medical Examiners, with the advice and the assistance of the Physical Therapy Examining Advisory Council (whose existence and role is stipulated by statute) to regulate the practice of physical therapy in the interest and protection of the state. The Board has promulgated rules regulating the practice of physical therapy which fulfills the requirements of 148.70. However, through the administration of the existing physical therapy rules and with the assistance of the Physical Therapy Examining Advisory Council, the Board has developed new rules based upon the Board's experience in regulating physical therapy rules. Additionally, a statement of need and reasonableness that describes the need and reasonableness of the proposed rules has been prepared and is available for inspection by the public during regular business hours or a copy may be provided upon request, at the address below.

Persons interested shall have 30 days, specifically until January 25, 1984, to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written request to the address below.

Unless seven (7) or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota statutes 14.13-14.20 (1982). The agency asks that persons requesting a public hearing identify the particular provisions objected to, the suggested modifications to the proposed rules, and the reasons or data relied on to support the suggested modifications.

Please be advised that Minn. Stat. chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as an individual: (a) engaged for pay or other consideration or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exeptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

A copy of the proposed rule follows this notice. Additional copies may be obtained at the address below.

Persons who wish to submit comments or a written request for a public hearing, or who wish to receive a copy of the final rule or to be informed when the rule is submitted to the Attorney General, should submit such comments to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 Delaware Street SE, Suite #352
Minneapolis, MN 55414

Rules as Proposed (all new material)

7 MCAR § 4.013 Definitions.

A. Scope. For the purposes of 7 MCAR §§ 4.013-4.030 the terms defined in B.-D. have the meanings given them.

B. Board. "Board" means the Board of Medical Examiners.

C. Physical therapist assistant. "Physical therapist assistant" means a skilled technical worker who is a graduate of a physical therapist assistant educational program accredited by the American Physical Therapy Association or a comparable accrediting agency. The physical therapist assistant performs selected physical therapy treatments and related duties as delegated by the physical therapist to assist the physical therapist in patient/client/resident-related activities.

D. Physical therapy aide. "Physical therapy aide" means a supportive worker who has been trained on the job to perform tasks assigned by a supervising registered physical therapist.

7 MCAR § 4.014 Application.

An applicant for admission to a registration examination to practice physical therapy shall file an application with the board. If the board finds that the application is complete and that all of the requirements of Minnesota Statutes, section 148.70 and 7 MCAR §§ 4.013-4.030 have been met, it shall advise the applicant of the date and place of the examination.

7 MCAR § 4.015 Contents of application.

The application must be submitted on forms prepared by the board. To be complete, the application must include the following information:

A. a notarized or certified copy of the original diploma, degree, or certificate or evidence satisfactory to the board, taking into consideration the qualifications for applicants set out in Minnesota Statutes, section 148.70, indicating that the applicant has satisfactorily completed an approved curriculum in physical therapy as set out in Minnesota Statutes, section 148.705, clauses (a) and (b) and has been graduated from a school of physical therapy approved by the board;

B. a recommendation by one physician duly licensed to practice medicine in the United States or Canada and one physical therapist duly registered to practice physical therapy in the United States or Canada;

C. a recent full-faced notarized photograph attached to the application; and

D. an accounting of time beginning with high school education.

7 MCAR § 4.016 Application deadline.

All applications for examination must be fully completed in accordance with 7 MCAR § 4.015 and forwarded to the secretary of the board. An application must be postmarked not later than 30 days before the date of the examination.

7 MCAR § 4.017 Examination.

The examination, as described in Minnesota Statutes, section 148.72, subdivision 3, must be the Professional Examination Service Physical Therapy Examination or a comparable nationally recognized examination. The passing score is one standard deviation below the mean of all persons taking the examination.

7 MCAR § 4.018 Ineligibility for examination.

If the board determines that an applicant is ineligible for examination, the board shall notify the applicant of this determination and the grounds for it. The applicant may be granted a hearing in accordance with the provisions of rule ME 63 of the Board of Medical Examiners by filing a statement of issues with the board within 20 days after receiving notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

7 MCAR § 4.019 Registration without examination.

The board may register a person as a physical therapist in this statement without examination if that person completes or presents evidence satisfactory to the board of having passed an examination in accordance with Minnesota Statutes, section 148.70 administered by a state licensing agency. An applicant for registration without examination shall submit an application on forms provided by the board with the following information:

A. a notarized or certified copy of a current license or certificate to practice physical therapy, if any, issued by the duly accredited examining agency of the state or foreign country in which the applicant has been licensed or certified;

B. an original or certified copy of a diploma, degree, or certificate or evidence satisfactory to the board indicating that the applicant has satisfactorily completed an approved curriculum in physical therapy as provided in Minnesota Statutes, section 148.70 and has been graduated from a school of physical therapy approved by the board; and

C. a list of the applicant's physical therapy employment during the past five years.

7 MCAR § 4.020 Requirements for foreign-trained applicants.

An applicant for registration who is a foreign-trained physical therapist must fulfill the following requirements, providing certified English translations of board-required relevant documentation:

A. The applicant must present evidence of completion of physical therapy schooling equivalent to that required in Minnesota Statutes, section 148.705 and 7 MCAR § 4.017. This evidence will be evaluated by the Physical Therapy Council with the assistance of a credentials evaluation service familiar with educational standards and professional qualification. Agencies providing evaluation services must be approved by the American Physical Therapy Association or meet its standards. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

B. The applicant must achieve a score of at least 550 on the Test of English as a Foreign Language, or a score of at least 85 percent on the Minnesota Battery Test.

C. The applicant must have practiced satisfactorily for at least six months under the supervision of a registered physical therapist at a board-approved facility. A facility that offers such practice must provide a broad base of experience including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient diagnoses. Supervision must be provided by a registered physical therapist with at least three years of clinical experience. A proposed outline of clinical experiences must be approved by the Physical Therapy Council before the facility begins offering the experience.

D. The applicant must satisfactorily complete the board-approved examination as stated in Minnesota Statutes, section 148.72, subdivision 3.

7 MCAR § 4.021 Address.

Every physical therapist shall provide the board with a current address. A physical therapist who moves from the address on the physical therapist's registration shall notify the board of the change within 30 days.

7 MCAR § 4.022 Initiation and termination of treatment.

A physical therapist may not, without the express direction of the prescribing physician, initiate or terminate treatment. In an emergency, however, the physical therapist may modify or terminate treatment that is not beneficial to the patient or that is not tolerated by the patient. In that case the physical therapist shall notify the prescribing physician promptly.

7 MCAR § 4.023 Duration of treatment plan.

The duration of a physical therapy treatment plan shall be designated by the prescribing physician.

7 MCAR § 4.024 Reports.

The physical therapist shall submit written reports to the prescribing physician at intervals determined by the prescribing physician concerning the condition and progress of the patient in therapy. Reports should include an initial evaluation, progress notes, and a discharge note. Reports must be made more frequently than designated by the prescribing physician if the patient's condition warrants.

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Every physical therapist shall retain all patient records including prescriptions received for at least seven years, or six years after the patient's majority. The physical therapist shall provide access to these records to the board.

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The physical therapist may delegate patient treatment procedures only to a physical therapist assistant who has sufficient didactic and clinical preparation. The registered physical therapist may not delegate the following activities to the physical

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therapist assistant or to other supportive personnel: patient evaluation, treatment planning, initial treatment, change of treatment, and initial or final documentation.

The registered physical therapist must observe the patient's status before and after the treatment administered by an aide. The aide may perform tasks related to preparation of patient and equipment for treatment, housekeeping, transportation, clerical duties, departmental maintenance, and selected treatment procedures. The tasks must be performed under the direct supervision of a registered physical therapist who is readily available for advice, instruction, or immediate assistance.

The registered physical therapist is responsible for all duties delegated to the physical therapist assistant or tasks assigned to the physical therapy aide.

7 MCAR § 4.027 Observation and documentation of delegated duties.

When components of a patient's treatment are delegated to a physical therapist assistant, a registered physical therapist must provide on-site observation of the treatment and documentation of its appropriateness at least every six treatment sessions.

7 MCAR § 4.028 Supervision of physical therapist assistants.

A registered physical therapist may supervise no more than two physical therapist assistants.

7 MCAR § 4.029 Renewal of registration.

When they renew their registrations each year in compliance with Minnesota Statutes, section 148.73, physical therapists must submit lists of locations or institutions where they have practiced during the past five years. Applicants for reregistration who have not practiced the equivalent of eight full weeks during the past five years are required to achieve a passing score on retaking the registration examination or complete no less than eight weeks of council approved clinical experience with a broad base of treatment modalities and patient diagnoses.

Repealer. Rule ME 9 of the Board of Medical Examiners is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Health
Health Systems Division

Adopted Schedule of Fines for Noncompliance with Correction Orders issued to Nursing Homes

The rules proposed and published at *State Register*, Volume 8, Number 7, pages 225-240, August 15, 1983 (8 S.R. 225) are adopted with the following modifications:

Rules as Adopted

7 MCAR § 1.059 Schedule of fines for uncorrected deficiencies.

A. Scope. The provisions of this rule establish the schedule of fines to be assessed against nursing homes for the failure to comply with a correction order. Penalty assessments are issued under the provisions of Minnesota Statutes, section 144A.10, subdivision 6 and will accrue on a daily basis. This rule supersedes those provisions contained in 7 MCAR § 1.057 which

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed
Rule Regarding the Practice
of Physical Therapy

AFFIDAVIT

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Arthur W. Poore, being first duly sworn upon oath, deposes and says:

1. That on December 26, 1983, a Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register and on December 28-30, 1983, the same Notice was mailed to persons who have requested to be informed of rulemaking activity by the Minnesota Board of Medical Examiners;

2. That to date, no one has requested a rule hearing nor has anyone requested to be informed of submission of the rule to the Attorney General's Office for review as to form and legality.

FURTHER AFFIANT SAYETH NOT.

Dated: April 12, 1984

Arthur W Poore

ARTHUR W. POORE
Executive Secretary

Subscribed and sworn to before me
this 12th day of April, 1984.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

COUNTY OF HENNEPIN

CERTIFICATE

In the Matter of the Proposed
Rule Regarding the Practice
of Physical Therapy

I hereby certify that the attached list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14 subd. 1a (Supp. 1983), that their names be placed on file with and maintained by the Minnesota Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 4:30 PM, the 23rd day of December, 1983.

Arthur W Poore

ARTHUR W. POORE
Executive Secretary

CITIZENS RECEIVING INFORMATION ON ALL THE RULES

Kathy Meyerle
Minnesota Medical Association
2221 University Avenue SE #400
Minneapolis, MN 55414

Lynn Gruber
Hennepin County Medical Society
2221 University Avenue SE #423
Minneapolis, MN 55414

Frundt, Frundt, & Johnson
Attorneys at Law
117 West 5th Street
Blue Earth, MN 56013

Broeker Hartfeldt Hedges & Grant
Attorneys at Law
2850 Metro Drive - Suite 800
Minneapolis, MN 55420

Dorsey Windhorst Hannaford Whitney
& Halladay
2300 First National Bank Bldg
Minneapolis, MN 55402

Minnesota State Pharmaceutical
Association
2469 University Avenue
St. Paul, MN 5511
Attn: Donald A. Dee, Exec. Dir.

Thomas M. Polt
Attorney at Law
McCarthy Bldg.
Eyota,MN 55934

Peterson Popovich Knutson & Flynn
Professional Association
314 Minnesota Bldg.
St. Paul, MN 55101

Minnesota Association of Health Care
Facilities
Attn: Rick Carter
2850 Metro Drive, Suite 429
Minneapolis, MN 55420

Minnesota Board of Optometry
Executive Secretary
717 Delaware Street SE
Minneapolis, MN 55414

Minnesota Board on Aging
204 Metro Square Building
St. Paul, MN 55101

Board of Psychology
Executive Secretary
717 Delaware Street SE #343
Minneapolis, MN 55414

Department of Professional Regulation
Complaint Analysis Section
2009 Apalachee Parkway
Tallahassee, FL 32301

All other health licensing boards were sent notices, although the notices were not requested.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed
Rule Regarding the Practice
of Physical Therapy

FINDINGS OF FACT

Notice of the Minnesota Board of Medical Examiner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on December 26, 1983, and was sent by United States mail to all persons on that list maintained by the Minnesota Board of Medical Examiners, pursuant to Minn. Stat. § 14.14, subd. 1a (Supp. 1983), on December 23, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no requests for a public hearing within the 30-day comment period, and determining the need for and reasonableness of the above-captioned rule, the Minnesota Board of Medical Examiners makes and enters the following findings,

FINDINGS OF FACT

The Rules as Proposed which appeared in the State Register on December 26, 1983, are hereby adopted except for the following changes:

1. 7 MCAR § 4.025 Prescriptions (page 1523).

In the first sentence, "Every physical therapist shall retain all patient records including prescriptions received" was deleted and "All patient records including directions and orders within the control of the physical therapist shall be retained" was inserted.

This change consists of two distinct alterations with separate reasonings. The intent of the rule was to ensure that the

Board of Medical Examiners always had access to patient records so as to facilitate enforcement of the rule. However, in certain institutional settings, such as schools, hospitals, and state facilities, the institution controls access to the records. In situations such as this, where the physical therapist had no control over retention of the records, it was not the Board of Medical Examiner's intent to impose an obligation on the physical therapist which could not be fulfilled. However, adding "within the control of the physical therapist" makes it clear that the physical therapist is not responsible for records that he or she is not allowed to possess.

The second change is to replace the term "prescription" with the term "direction and order." Both terms have essentially the same meaning, however, "direction and order" is the term used in Minn. Stat. § 148.76, subd. 2.a. and in the interest of consistency this term should be used wherever possible.

2. 7 MCAR § 4.026 Delegation of duties (page 1524).

In the first and second lines of the first full paragraph, the words "physical therapy" were inserted before the word "aide." The intent of this rule was to cover physical therapy aides, even though the full term was omitted. The full term is defined at the beginning of the rule and should be used in any part of the rule referring to physical therapy aides. ✓ P.5

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

Arthur W. Poore

ARTHUR W. POORE
Executive Secretary

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Arthur W. Poore, do hereby certify that I am the Executive Secretary of the Minnesota Board of Medical Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of the resolution adopted at a meeting of the said Board of Medical Examiners duly and properly called and held on the 10th day of March, 1984; that a quorum was presented at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the practice of physical therapy identified as 7 MCAR §§ 4.013-4.029 are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. § 148.70 and that Arthur W. Poore, Executive Secretary of the Minnesota Board of Medical Examiners, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th, day of April, 1984.

STATE OF MINNESOTA

BOARD OF MEDICAL EXAMINERS

Arthur W. Poore

ARTHUR W. POORE
Executive Secretary

RESOLUTION

"RESOLVED, that the rules relating to the practice of physical therapy identified as 7 MCAR §§ 4.013-4.029 are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. § 148.70 and that Arthur W. Poore, Executive Secretary of the Minnesota Board of Medical Examiners, be and hereby is authorized to sign an order adopting those rules."

Passed on 3/10/84

It is the responsibility of the Board of Medical Examiners with the advice and assistance of the Physical Therapy Council (Minn. Stat. 148.70) to develop and promulgate rules which will regulate the practice of physical therapy in Minnesota. The Board has been regulating physical therapists under the provisions of ME 9 of the Board of Medical Examiner's rules. With the experience gained in administering that rule and to reflect changes in statutory intent and societial changes, the Board proposes the following rules so as to most effectively regulate the practice of physical therapy and to provide the most good to the citizens of Minnesota.

7 MCAR S 4.013 DEFINITIONS.

A. SCOPE. FOR THE PURPOSES OF 7 MCAR §§ 4.013 - 4.030 THE TERMS DEFINED IN B.-D. HAVE THE MEANINGS GIVEN THEM.

B. BOARD. "BOARD" MEANS THE BOARD OF MEDICAL EXAMINERS.

C. PHYSICAL THERAPIST ASSISTANT. "PHYSICAL THERAPIST ASSISTANT" MEANS A SKILLED TECHNICAL WORKER WHO IS A GRADUATE OF A PHYSICAL THERAPIST ASSISTANT EDUCATIONAL PROGRAM ACCREDITED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION OR A COMPARABLE ACCREDITING AGENCY. THE PHYSICAL THERAPIST ASSISTANT PERFORMS SELECTED PHYSICAL THERAPY TREATMENTS AND RELATED DUTIES AS DELEGATED BY THE PHYSICAL THERAPIST TO ASSIST THE PHYSICAL THERAPIST IN PATIENT/CLIENT/RESIDENT-RELATED ACTIVITIES.

D. PHYSICAL THERAPY AIDE. "PHYSICAL THERAPY AIDE" MEANS A SUPPORTIVE WORKER WHO HAS BEEN TRAINED ON THE JOB TO PERFORM TASKS ASSIGNED BY A SUPERVISING REGISTERED PHYSICAL THERAPIST.

These terms are crucial to the understanding and interpretation of the rule, it is reasonable and in the best interest of the public that those who interpret this rule thoroughly understand the meaning of these terms as they apply to the rule. The terms used may not be common usage, as the purpose is to clarify the usage under enforcement.

7 MCAR § 4.014 APPLICATION. AN APPLICANT FOR ADMISSION TO A REGISTRATION EXAMINATION TO PRACTICE PHYSICAL THERAPY SHALL FILE AN APPLICATION WITH THE BOARD. IF THE BOARD FINDS THAT THE APPLICATION IS COMPLETE AND THAT ALL OF THE REQUIREMENTS OF MINNESOTA STATUTE SECTION 148.70 AND OF 7 MCAR §§ 4.013 4.030 HAVE BEEN MET, IT SHALL ADVISE THE APPLICANT OF THE DATE AND PLACE OF THE EXAMINATION.

The Board must have adequate information to evaluate the applicant's qualifications to take the qualifying examination. This rule fulfills the requirements of Minn. Stat. 148.70 (1980).

7 MCAR § 4.015 CONTENTS OF THE APPLICATION. THE APPLICATION MUST BE SUBMITTED ON FORMS PREPARED BY THE BOARD. TO BE COMPLETE THE APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION.

A. A NOTARIZED OR CERTIFIED COPY OF THE ORIGINAL DIPLOMA, DEGREE OR CERTIFICATE OR EVIDENCE SATISFACTORY TO THE BOARD, TAKING INTO CONSIDERATION THE QUALIFICATIONS FOR APPLICANTS SET OUT IN MINN. STAT. § 148.70, INDICATING THAT THE APPLICANT HAS SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN PHYSICAL THERAPY AS SET OUT IN MINN. STAT. § 148.705, CLAUSES (A) AND (B) AND HAS BEEN GRADUATED FROM A SCHOOL OF PHYSICAL THERAPY APPROVED BY THE BOARD;

In some instances an applicant will attempt to take a qualifying examination prior to completion of the requirements of their physical therapy educational program. Since Minn. Stat. 148.70 precludes an applicant from taking a qualifying examination prior to completion of all didactic requirements, an original or certified copy of a

degree, certificate or diploma is necessary as proof that the applicant has completed all the didactic and clinical educational requirements in an approved program.

B. A RECOMMENDATION BY ONE PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE IN THE UNITED STATES OR CANADA AND ONE PHYSICAL THERAPIST DULY REGISTERED TO PRACTICE PHYSICAL THERAPY IN THE UNITED STATES OR CANADA.

A recommendation by one physical therapist and one physician will provide identification of the applicant and will verify the applicant's capacity to practice competently.

C. A RECENT FULL-FACED NOTARIZED PHOTOGRAPH ATTACHED TO THE APPLICATION; AND

An unmounted recent photograph with notarization will provide proof to the examiner that the applicant is the person to whom the enterance examination is given.

D. AN ACCOUNTING OF TIME BEGINNING WITH HIGH SCHOOL EDUCATION.

Information on past employment history provides additional and pertinent sources for references regarding the applicant's competence **and character.**

7 MCAR § 4.016 APPLICATION DEADLINE. ALL APPLICATIONS FOR EXAMINATION MUST BE FULLY COMPLETED IN ACCORDANCE WITH 7 MCAR S 4.015 AND FORWARDED TO THE SECRETARY OF THE BOARD. AN APPLICATION MUST BE POSTMARKED NO LATER THAN 30 DAYS BEFORE THE DATE OF THE EXAMINATION.

A thirty day period following completion of an application is necessary to process the information and to obtain the examination from the testing agency.

7 MCAR § 4.017 EXAMINATION. THE EXAMINATION, AS DESCRIBED IN MINNESOTA STATUTES SECTION 148.72, SUBDIVISION 3, MUST BE THE PROFESSIONAL EXAMINATION SERVICE PHYSICAL THERAPY EXAMINATION OR A COMPARABLE NATIONALLY RECOGNIZED EXAMINATION.

THE PASSING SCORE IS ONE STANDARD DEVIATION BELOW THE MEAN OF ALL PERSONS TAKING THE EXAMINATION.

Currently, the Professional Examination Service's (P.E.S.) Physical Therapy Examination is the only nationally recognized examination for physical therapists. Other examinations may be developed, it is important to allow the Board in the future, to adopt such an examination. The passing score of one standard deviation below the mean is based upon performance standards of recent graduates of educational programs in Minnesota.

7 MCAR § 4.018 INELIGIBILITY FOR EXAMINATION. IF THE BOARD DETERMINES THAT AN APPLICANT IS INELIGIBLE FOR EXAMINATION, THE BOARD SHALL NOTIFY THE APPLICANT OF THIS DETERMINATION AND THE GROUNDS FOR IT. THE APPLICANT MAY BE GRANTED A HEARING IN ACCORDANCE WITH THE PROVISIONS OF RULE ME 63 OF THE BOARD OF MEDICAL EXAMINERS BY FILING A STATEMENT OF ISSUES WITH THE BOARD WITHIN 20 DAYS AFTER RECEIVING NOTICE FROM THE BOARD. AFTER THE HEARING, THE BOARD SHALL NOTIFY THE APPLICANT IN WRITING OF ITS DECISION.

Any applicant who is inelibible for examination based on the applicant's credentials has a right to appeal the Board's decision by requesting a hearing under 7 MCAR § 4.063 (ME 63, 1979). This procedure allows the applicant due process.

7 MCAR § 4.019 REGISTRATION WITHOUT EXAMINATION. THE BOARD MAY REGISTER A PERSON AS A PHYSICAL THERAPIST IN THIS STATE WITHOUT EXAMINATION IF THAT PERSON COMPLETES OR PRESENTS EVIDENCE SATISFACTORY TO THE BOARD OF HAVING PASSED AN EXAMINATION IN ACCORDANCE WITH MINNESOTA STATUTE SECTION 148.70 ADMINISTERED BY A STATE LICENSING AGENCY. AN APPLICANT FOR REGISTRATION WITHOUT EXAMINATION SHALL SUBMIT AN APPLICATION ON FORMS PROVIDED BY THE BOARD WITH THE FOLLOWING INFORMATION:

If an applicant has successfully completed a Board approved examination and is currently practicing in another state, it is unnecessary to retest. This will also decrease the cost to the applicant and agency while maintaining competent practice of physical therapy in the state.

A. A NOTARIZED OR CERTIFIED COPY OF A CURRENT LICENSE OR CERTIFICATE TO PRACTICE PHYSICAL THERAPY, IF ANY, ISSUED BY THE DULY ACCREDITED EXAMINING AGENCY OF THE STATE OR FOREIGN COUNTRY IN WHICH THE APPLICANT HAS BEEN LICENSED OR CERTIFIED.

This registration option is based upon the assumption that the applicant has already met the examination requirements in another state and it is not cost-efficient nor serving any protective function to require that the examination be retaken. However, it is reasonable and in the best interest of the public to require some documentation of having taken the examination, to insure that all of Minnesota's requirements for testing were met.

B. AN ORIGINAL OR CERTIFIED COPY OF A DIPLOMA, DEGREE, OR CERTIFICATE OR EVIDENCE SATISFACTORY TO THE BOARD INDICATING THAT THE APPLICANT HAS SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN PHYSICAL THERAPY AS PROVIDED IN MINN. STATATUTE SECTION 148.70 HAS BEEN GRANTED FROM A SCHOOL OF PHYSICAL THERAPY APPROVED BY THE BOARD; AND

In some instances an applicant will attempt to become registered as a physical therapist prior to the completion of the requirements of their physical therapy education program. Since Minn. Stat. 148.70 precludes registraion prior to the completion of all didactic requirements, an original or certified copy of a degree, certificate, or diploma is necessary as proof that the applicant has completed all the didactic and clinical educational requirements in an approved program.

C. A LIST OF THE APPLICANT'S PHYSICAL THERAPY EMPLOYMENT DURING THE PAST FIVE YEARS.

Information on the past employment provides pertinent sources for reference regarding the applicant's competence and character.

7 MCAR § 4.020 REQUIREMENTS FOR FOREIGN-TRAINED APPLICANTS. AN APPLICANT FOR REGISTRATION WHO IS A FOREIGN-TRAINED PHYSICAL THERAPIST MUST FULFILL THE FOLLOWING REQUIREMENTS, PROVIDING CERTIFIED ENGLISH TRANSLATIONS OF BOARD-REQUIRED RELEVANT DOCUMENTATION:

This rule relates to the registration of foreign-trained physical therapists. It is reasonable and necessary to establish a separate route of registration requirements for foreign trained physical therapists which will take into consideration the differences with foreign physical therapists training programs and will help to insure that the applicants are able to function in an American medical employment situation.

A. THE APPLICANT MUST PRESENT EVIDENCE OF COMPLETION OF PHYSICAL THERAPY SCHOOLING EQUIVALENT TO THAT REQUIRED IN MINNESOTA STATUTE SECTION 148.705 AND 7 MCAR § 4.017. THIS EVIDENCE WILL BE EVALUATED BY THE PHYSICAL THERAPY COUNCIL WITH THE ASSISTANCE OF A CREDENTIALS EVALUATION SERVICE FAMILIAR WITH EDUCATIONAL STANDARDS AND PROFESSIONAL QUALIFICATION. AGENCIES PROVIDING EVALUATION SERVICES MUST BE APPROVED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION OR MEET ITS STANDARDS. THE APPLICANT SHALL BE RESPONSIBLE FOR THE EXPENSES INCURRED BY THE EVALUATION.

Due to differneces in international education standards for physical therapists and the inability of this Board to accurately assess foreign educational records an external organization is necessary to evaluate the credentials of foreign trained applicants. At present, there are two credential evaluation services approved by the American Physical Therapy Association: The International Educational Research Foundation, Incorporated, Los Angeles and

the International Consultant's of Delaware, Newark, Delaware. These agencies provide evaluations at no charge to the Board since the applicant pays a fee directly to the credentials evaluation service. Since the cost of the evaluation is not prohibitive and since it may lead to the applicants registration, having the applicant fund the evaluation is reasonable. It would also represent a reduced program cost for the public.

B. *THE APPLICANT MUST ACHIEVE A SCORE OF AT LEAST 550 ON THE TEST OF ENGLISH AS A FOREIGN LANGUAGE, OR A SCORE OF AT LEAST 85 PERCENT ON THE MINNESOTA BATTERY TEST.*

Language skills are essential for health care personnel. In order to evaluate basic competency in the use of English, applicants are required to take an English proficency test. The level of proficiency is set at 550 on the Test of English as a Foreign Language (TOEFL) or 85% on the Minnesota Battery Test. This level of performance is the minimum standard for foreign students for acceptance at the University of Minnesota. The test is available at the Student Counceling Bureau at the University of Minnesota and is offered nationaly through TOEFL, Princeton, New Jersey.

C. *THE APPLICANT MUST HAVE PRACTICED SATISFACTORILY FOR AT LEAST SIX MONTHS UNDER THE SUPERVISION OF A REGISTERED PHYSICAL THERAPIST AT A BOARD-APPROVED FACILITY. A FACILITY THAT OFFERS SUCH PRACTICE MUST PROVIDE A BROAD BASE OF EXPERIENCE INCLUDING A VARIETY OF PHYSICAL AGENTS, THERAUEUTIC EXCERCISES, EVALUATION PROCEDURES, AND PATIENT DIAGNOSIS. SUPERVISION MUST BE PROVIDED BY A REGISTERED PHYSICAL THERAPIST WITH AT LEAST THREE YEARS OF CLINICAL EXPERIENCE. A PROPOSED OUTLINE OF CLINICAL EXPERIENCES MUST BE APPROVED BY THE PHYSICAL THERAPY COUNCIL BEFORE THE FACILITY BEGINS OFFERING THE EXPERIENCE.*

Based on American Physical Therapy Association recommendations, a minimum of six months supervised practice at a Board approved facility is necessary to expose foreign trained physical therapists to the health care delivery system and specifically to the practice of physical therapy in the United States. This is set forth in Minn. Stat. 148.72 subd. 2 and 7 MCAR 4.009c (ME, 9c, 1979).

D. THE APPLICANT MUST SATISFACTORILY COMPLETE THE BOARD-APPROVED EXAMINATION AS STATED IN MINNESOTA STATUTE SECTION 148.72, SUBDIVISION 3.

The foreign trained applicant, as any other applicant who has not been previously examined in another state of the United States, must meet the requirements as set forth in 7 MCAR 4.009c (ME 9, 1979.

7 MCAR § 4.021 ADDRESS. EVERY PHYSICAL THERAPIST SHALL PROVIDE THE BOARD WITH A CURRENT ADDRESS. A PHYSICAL THERAPIST WHO MOVES FROM THE ADDRESS ON THE PHYSICAL THERAPIST'S REGISTRATION SHALL NOTIFY THE BOARD OF THE CHANGE WITHIN 30 DAYS.

It is necessary for the Board to have the current address of a registrant to handle registration, surveys and complaints and other matters pertinent to the council

7 MCAR § 4.022 INITIATION AND TERMINATION OF TREATMENT. A PHYSICAL THERAPIST MAY NOT, WITHOUT THE EXPRESS DIRECTION OF THE PRESCRIBING PHYSICIAN, INIITATE OR TERMINATE TREATMENT. IN AN EMERGENCY, HOWEVER, THE PHYSICAL THERAPIST MAY MODIFY OR TERMINATE TREATMENT THAT IS NOT BENEFICIAL TO THE PATIENT OR THAT IS NOT TOLERATED BY THE PATIENT. IN THAT CASE THE PHYSICAL THERAPIST SHALL NOTIFY THE PRESCRIBING PHYSICIAN PROMPTLY.

Initiating and terminating physical therapy treatment is an integral part of the physician's medical plan and is primarily at the physician's discretion. In instances where treatment is not beneficial or tolerated by the patient, it is important that a physical therapist be given the discretion to modify or terminate treatment with the stipulation that the ordering physician be promptly notified.

7 MCAR § 4.023 DURATION OF TREATMENT PLAN. THE DURATION OF A PHYSICAL THERAPY TREATMENT PLAN SHALL BE DESIGNATED BY THE PRESCRIBING PHYSICIAN.

Since the duration of treatment is ultimately determined by the patient's diagnosis, condition, projected response to treatment and progress, the physician, in consultation with the physical therapist, is the most qualified person to determine the duration of treatment orders.

7 MCAR § 4.024 REPORTS. THE PHYSICAL THERAPIST SHALL SUBMIT WRITTEN REPORTS TO THE PRESCRIBING PHYSICIAN AT INTERVALS DETERMINED BY THE PRESCRIBING PHYSICIAN CONCERNING THE CONDITION AND PROGRESS OF THE PATIENT IN THERAPY. REPORTS SHOULD INCLUDE AN INITIAL EVALUATION, PROGRESS NOTES, AND A DISCHARGE NOTE. REPORTS MUST BE MADE MORE FREQUENTLY THAN DESIGNATED BY THE PRESCRIBING PHYSICIAN IF THE PATIENT'S CONDITION WARRENTS.

Communication with the physician regarding the patient's condition, responses to the treatment and progress are in the best interest of the patient. It is only through communication to the physician that orders may be changed or terminated to best meet the needs of the patient.

7 MCAR § 4.025 PRESCRIPTIONS. EVERY PHYSICAL THERAPIST SHALL RETAIN ALL PATIENT RECORDS INCLUDING PRESCRIPTIONS RECEIVED FOR AT LEAST SEVEN YEARS, OR SIX YEARS AFTER THE PATIENT'S MAJORITY. THE PHYSICAL THERAPIST SHALL PROVIDE ACCESS TO THESE RECORDS TO THE BOARD.

The retention of prescriptions should be consistent with guidelines utilized by hospitals and physicians in that physical therapy is an integral part of a patient's medical care. The wording of this rule reflects the current Minnesota Medical Association and American Medical Association guidelines. The rule also enables the board to fulfill it's regulatory responsibilities by providing access to records. Such access is necessary to evaluate a complaint concerning the competency or appropriateness of care rendered by a physical therapist.

7 MCAR § 4.026 DELEGATION OF DUTIES. THE PHYSICAL THERAPIST MAY DELEGATE PATIENT TREATMENT PROCEDURES ONLY TO A PHYSICAL THERAPIST ASSISTANT WHO HAS SUFFICIENT DIDATIC AND CLINICAL PREPERATION. THE REGISTERED PHYSICAL THERAPIST MAY NOT DELEGATE THE FOLLOWING ACTIVITIES TO THE PHYSICAL THERAPIST ASSISTANT OR TO OTHER SUPPORTIVE PERSONNEL: PATIENT EVALUATION, TREATMENT PLANNING, INITIAL TREATMENT, CHANGE OF TREATMENT, AND INITIAL OR FINAL DOCUMENTATION.

THE REGISTERED PHYSICAL THERAPIST MUST OBSERVE THE PATIENT'S STATUS BEFORE AND AFTER THE TREATMENT ADMINISTERED BY AN AIDE. THE AIDE MAY PERFORM TASKS RELATED TO THE PREPARATION OF PATIENT AND EQUIPMENT FOR TREATMENT, HOUSEKEEPING, TRANSPORTATION, CLERICAL DUTIES, DEPARTMENTAL MAINTENANCE, AND SELECTED TREATMENT PROCEDURES. THE TASKS MUST BE PERFORMED UNDER THE DIRECT SUPERVISION OF A REGISTERED PHYSICAL THERAPIST WHO IS READILY AVAILABLE FOR ADVICE, INSTRUCTION, OR IMMEDIATE ASSISTANCE.

THE REGISTERED PHYSICAL THERAPIST IS RESPONSIBLE FOR ALL DUTIES DELEGATED TO THE PHYSICAL THERAPIST ASSISTANT OR TASKS ASSIGNED TO THE PHYSICAL THERAPY AIDE.

It is not always practical for the supervising physical therapist to be accessible for the purpose of assigning specific treatments and supervising physical therapy assistants and aides. Very often it is in the best interest of the patient, when the treatment required is within the capabilities of the physical therapist for the physical therapist or a supervised physical therapy assistant or aide to initiate certain specific therapeutic procedures rather than to wait for the physician. Therefore it is reasonable and in the best interest of any patients to establish guidelines for when the physical therapist may assign treatment and supervise the work of physical therapy assistants and aides.

7 MCAR § 4.027 OBSERVATION AND DOCUMENTATION OF DELEGATED DUTIES. WHEN COMPONENTS OF A PATIENT'S TREATMENT ARE DELEGATED TO A PHYSICAL THERAPIST ASSISTANT, A REGISTERED PHYSICAL THERAPIST MUST PROVIDE ON-SITE OBSERVATION OF THE TREATMENT AND DOCUMENTATION OF ITS APPROPRIATENESS AT LEAST EVERY SIX TREATMENT SESSIONS.

Many of the duties of the physical therapist are of a routine nature which are within the educational and professional capacity of the physical therapy assistant or aide. It is reasonable for the physical therapy assistant or aide to be able to perform these services, helping to relieve the physical therapist of the more routine tasks while still allowing him or her to use any information obtained from the treatment sessions. However, it is reasonable for the supervising physical therapist to review the work of the physical therapist assistant or aide on a regular ongoing basis, to insure that the procedures are being carried out correctly, and that the interests of the public who may be under their care are being protected.

7 MCAR § 4.028 SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS. A REGISTERED PHYSICAL THERAPIST MAY SUPERVISE NO MORE THAN TWO PHYSICAL THERAPIST ASSISTANTS.

This recognizes the great demand of time placed upon the supervising physical therapist by the act of supervision and the other requirements in this rule. So as to insure that all physical therapy assistants and aides are being adaquately and thoroughly supervised, and that the physical therapist will have the time for the supervision, it is reasonable that the number of physical therapist assistants and aides that a physical therapist may supervise be limited to two. It would be in the interst of the public who may be under the care of a physical therapist assistant or aide that the time and resources of the supervising physical therapist not be spread out too thin.

7 MCAR S 4.029 RENEWAL OF REGISTRATION. WHEN THEY RENEW THEIR REGISTRATION EACH YEAR IN COMPLIANCE WITH MINNESOTA STATUTES SECTION 148.73, PHYSICAL THERAPISTS MUST SUBMIT LISTS OF LOCATIONS OR INSTITUTIONS WHERE THEY HAVE PRACTICED DURING THE PAST FIVE YEARS. APPLICANTS FOR REREGISTRATION WHO HAVE NOT PRACTICED THE EQUIVALENT OF EIGHT FULL WEEKS DURING THE PAST FIVE YEARS ARE REQUIRED TO ACHIEVE A PASSING SCORE ON RETAKING THE REGISTRATION EXAMINATION OR COMPLETE A COUNCIL APPROVED CLINCAL EXPERIENCE.WITH A BROAD BASE OF TREATMENT MODALITIES AND PATIENT DIAGNOSIS.

It is imperative that the Board have an up-to-date record of a registered physicial therapist's history so that the Board will be able to send correspondence to the registrant regarding his or her registration and so the Board will be able to obtain references and work information about the registration when and if an investigation is necessary. Requiring training for those physical therapists who have not practiced physical therapy for at least eight full weeks over the previous five years based on the logic that a person who practices physical therapy is more likely to maintain or develop competence than one who does not. An individual not active in physical therapy for a period of five years will be required to participate in a Council approved refresher program of no less than eight weeks and/or retake the qualifying registration examination. In order to enforce this rule it is imperative that the Board have an up-to-date record of a registered physical therapist's history.

REPEALER. RULE ME 9 OF THE BOARD OF MEDICAL EXAMINERS IS REPEALED.

This rule is proposed to regulate the practice of physical therapy and to replace the existing rule ME 9 of the Board of Medical Examiners. This is done so as to reflcect changes in the practice and changes in society overall. Sicne ME 9 will not be used if this rule is approved, it is reasonable and necessary that ME 9 be repealed.

minnesota chapter
american physical therapy association
2353 rice street north, st. paul, minnesota 55113

January 12, 1984

State Board of Medical Examiners
Art Poore, Executive Secretary
717 Delaware Street SE, Suite #352
Minneapolis, MN 55414

SUBJECT: Proposed Rule Regarding the Practice of Physical Therapy

We have reviewed the rule and do not find any significant concern with the regulations, and strongly support the provisions relating to the physical therapist assistant and physical therapy aide. Some corrections need to be made in provisions 4.022, 4.023, 4.024, and 4.025 in the usage of the term "prescribing" and "prescription" which is not consistent with the statuatory language of "direction and order". We are certain these changes can be accomplished without difficulty however.

We appreciate the opportunity to make comment.

Yours truly,

Dennis Isernhagen

Dennis Isernhagen, RPT

DI/lib

MINNESOTA MEDICAL ASSOCIATION

Delwin K. Ohrt, M.D. — CHAIRMAN OF THE BOARD
Donald C. Bell, M.D. — PRESIDENT
Thomas G. Briggs, M.D. — PRESIDENT-ELECT
Douglas A. Shaw — CHIEF EXECUTIVE OFFICER

Area 612 Phone 378-1875

January 19, 1984

Arthur W. Poore
Executive Secretary
Minnesota Board of Medical Examiners
717 Delaware Street SE, Suite 352
Minneapolis, MN 55414

Dear Mr. Poore:

The Minnesota Medical Association is pleased to offer comments on the Proposed Rule Regarding the Practice of Physical Therapy. These comments are "not an objection" to the rule, rather comments on terms which seem unclear and need further clarification.

7 MCAR §4.022 initiation and termination of treatment

> A physical therapist may not, without the express direction of the prescribing physician, initiate or terminate treatment. In an emergency, however, the physical therapist may modify or terminate treatment that is not beneficial to the patient or that is not tolerated by the patient. In that case the physical therapist shall notify the prescribing physician promptly.

The word "promptly" is vague and should be replaced with the word "immediately" or a specific time should be set to clarify when the physical therapist needs to notify the prescribing physician.

7 MCAR §4.026 Delegation of duties.

> The physical therapist may delegate patient treatment only to a physical therapist assistant who has sufficient didactic and clinical preparation. The registered physical therapist may not delegate the following activities to the physical therapist assistant or to other supportive personnel: patient evaluation, treatment planning, initial treatment, change of treatment, and initial or final documentation.
>
> The registered physical therapist must observe the patient's status before and after the treatment administered by an aide. The aide may perform tasks related to preparation of patient and equipment for treatment, housekeeping, transportation, clerical duties, departmental maintenance, and

> selected treatment procedures. The tasks must be performed under the direct supervision of a registered physical therapist who is readily available for advice, instruction, or immediate assistance.
>
> The registered physical therapist is responsible for all duties delegated to the physical therapist assistant or tasks assigned to the physical therapy aide.

The phrase "selected treatment procedures" is unclear. It should be more clearly defined to protect the therapist and clearly limit the aide.

7 MCAR §4.028 Supervision of physical therapist assistants.

> A registered physical therapist may supervise no more than two physical therapist assistants.

No mention is made of physical therapist aides. Aides should be included under the supervision section, and more specifically, the number of aides should be designated.

Thank you for the opportunity to express the concerns of the Minnesota Medical Association. While non-controversial in nature, the changes noted would clarify the proposed rule, allowing the rule to stand without question.

At your earliest opportunity, please forward to me the Statement of Need and Reasonableness which accompanies this rule.

Sincerely,

Linda K. Lacher

Linda K. Lacher
Division of Policy Analysis and Advocacy

LKL:ban
cc: Dr. Richard Tompkins

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF MEDICAL EXAMINERS

In the Matter of the Proposed
Rule Regarding the Practice
of Physical Therapy

CERTIFICATE OF
COMPLIANCE WITH
RULEMAKING PROCESS

I, Special Assistant Attorney General John A. Breviu, do hereby declare that I have examined the above-captioned and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed without any exceptions.

Dated: April 16, 1984

JOHN A. BREVIU
Special Assistant
Attorney General

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of the Proposed Rule Regarding the Practice of Physical Therapy

AFFIDAVIT OF MAILING

Barbara DeLong, being first duly sworn, deposes and says:

That between the 28th and 30th days of December, 1983, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Board of Medical Examiners for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Medical Examiners.

Barbara DeLong
BARBARA DeLONG

Subscribed and sworn to before me
this 12th day of April, 1984.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988