

Colorado Physical Therapists Licensure

-- *Update 2002* --

*State of Colorado
Department of Regulatory Agencies
Bill Owens, Governor
M. Michael Cooke, Executive Director
Rosemary McCool, Division Director*

PERSONNEL CHANGES

Since the 2000 license renewal, the Colorado Physical Therapists Licensure has seen a number of personnel changes. Bruce Douglas retired in August 2001 and Rosemary McCool became the new Director of Registrations on September 1, 2001. Linda Fleming, the former Program Administrator for the Physical Therapists Licensure, took a promotion within the Department of Regulatory Agencies in October 2001. In November 2001, Kevin Heupel left the Attorney General's Office and became the new Program Administrator. The Division of Registrations is currently reorganizing, and as a result, more changes are in store.

Before assuming the duties of Program Administrator, Mr. Heupel spent five years at the Colorado Office of the Attorney General and served as an Assistant Attorney General and General Counsel to the Physical Therapists Licensure as well as several other boards and professions.

Rosemary McCool is the new Director of the Colorado Division of Registrations and is responsible for the enforcement of the Physical Therapy Practice Act. Ms. McCool joined the Division of Registrations in 1992 and has served in several capacities. During her tenure, she managed the Division's centralized investigation section and served as the program administrator for the Colorado State Boards of Dental Examiners, Chiropractic Examiners, and Nursing Home Administrators. She was promoted to the position of Director in September 2001.

NEW OFFICE LOCATION

By the time you receive this packet, our physical location will have changed. As of September 5, 2002, the Colorado Physical Therapists Licensure will be in Suite 1340 of the same building as before, the Denver Post Tower. Our mailing address will be 1560 Broadway, Suite 1340, Denver, Colorado, 80202. The phone number remains the same: 303-894-2440, but our fax number changes to 303-894-7802.

RENEWAL FEE GOES DOWN!

Because of the decrease in the number of complaints, investigations, and disciplinary actions involving licensed physical therapists over the past four years, the cost to administer the physical therapy program has dropped significantly. As a result, the renewal fee for this two-year period, November 1, 2002 through October 31, 2004, is only \$10. The reinstatement fee has also dropped; it now costs \$42 to reinstate your PT license. So, renew your license promptly and save money!

RENEWAL STATUS

Your renewal application is processed through our bank's lockbox. As a result, it can take several days to complete the renewal process once you mail the coupon and check. To check the status of your renewal, please be patient, and visit our website at www.dora.state.co.us/physical-therapy and click on "Search the Automated Licensure Information System Online-ALISON."

NUMBERS: UP? DOWN? SIDEWAYS?

As of this renewal date, there are 4,890 physical therapists licensed in Colorado. Between July 1, 2000 and June 30, 2002, nearly 861 new physical therapists have been licensed in Colorado. By comparison, in the two years between July 1, 1998 and June 30, 2000, there were 784 people licensed (459 in 1999 and 325 in 2000). In 2001, there were 221 applicants licensed by reciprocity and 252 by examination. Licensure by examination applies to recent graduates from a physical therapy program, and licensure by reciprocity applies to physical therapists that currently possess an active and valid license in good standing from another state. During 2002, there were 226 applicants licensed by reciprocity and 162 by examination. Thus, the number of out-of-state applicants remains steady while the number of new graduates is declining.

RETIRED FROM PTAC

Mike Malament, PT, of Highlands Ranch, Colorado, retired from the Physical Therapy Advisory Committee ("PTAC") in March 2001 after nine years on the committee. His service to the PTAC and the people of Colorado over the years is greatly appreciated. His place on the Committee was filled by Christina Rathke-Bishop, PT, of Golden, Colorado. She will serve a four-year term, until June 30, 2006. Meanwhile, PTAC members Kate Brannan, PT, and Dina Robke, LCSW, were reappointed to the PTAC when their terms expired on June 30, 2002. They will serve until June 30, 2006.

NEW PRACTICE ACT

The Colorado General Assembly amended the Physical Therapy Practice Act ("the Act") during the sunset review in early 2001. The revised law went into effect on July 1, 2001. The most significant change was the elimination of temporary permits and licenses. These permits were originally instituted due to the shortage of PTs in Colorado, which no longer exists. Therefore, the Legislature removed this provision from the Act, and temporary permits and licenses are no longer available.

The regulation of physical therapist assistants ("PTAs") also changed. In the past, this office issued a "letter of recognition" to PTAs who met qualifications set by the Director. Now, the Act requires a PTA to be someone who has either: (1) completed an accredited physical therapy assistant program; (2) been registered, certified, or licensed as a PTA in another state; or (3) who is otherwise qualified to take the PT examination. PTAs are no longer "recognized" by the state because it appeared to grant a licensure that, in fact, did not exist. Now, the burden of determining whether a person is qualified to practice as a PTAs is on the licensed physical therapist. As such, the Act holds the PT responsible and accountable for all acts of the PTA. Failure to properly supervise a PTA or ensure an individual is qualified to practice as a PTA may result in a disciplinary action against the licensed PT.

There were a few miscellaneous changes as well. First, a PT who is licensed in another state and employed by the federal government may practice in Colorado without obtaining a Colorado license. Second, malpractice insurance requirements for corporations have increased. The maximum limit of coverage now depends on the number of licensed persons employed by the corporation. Finally, wound debridement has been changed so it can be done under a physician's order rather than under a physician's immediate supervision.

The revised Act is posted to our website and may be viewed at www.dora.state.co.us/physical-therapy by clicking on the "Statute" button. As a licensed PT, you are required to comply with all amendments to the Act.

NEW RULES

As a result of the above statutory changes, the existing rules had to be amended. The new physical therapy rules went into effect on June 1, 2002. Briefly, the rules changes are as follows:

- Rule 1:** Amended to conform to changes in the Practice Act regarding delegation of duties.
- Rule 2:** Amended to conform to changes in the Practice Act regarding supervision of PTAs.
- Rule 3:** Amended to conform to changes in the Practice Act regarding supervision of other unlicensed personnel.

- Old Rule 4: Deleted because the Practice Act no longer allows for temporary permits.
- New Rule 4: Amended to address the practice of physical therapy by unlicensed persons on a temporary basis.
- Rule 5: A new rule that addresses educational requirements for foreign-trained applicants.
- Rule 6: Minor editing and formatting modifications were made to the existing rule regarding licensure reinstatement.
- Rule 7: Minor editing and formatting modifications were made to the existing rule regarding declaratory orders.

If you still haven't seen the new rules, please go to our website at www.dora.state.co.us/physical-therapy. If you do not have access to the Internet, contact our office and we will mail you a copy.

Oops!!!

Instead of mailing a copy of the new rules to all licensed PTs, we decided to save mailing costs by sending a postcard asking you to review the new rules on our website. Unfortunately, there was an error when our database was formatted by the printing facility, and most of you received a card with your address but someone else's name on it. Again, we want to assure you that the mailing label on that first postcard is not the same information in our database! We do have the correct information – provided you keep us updated.

ELECTROMYOGRAPHY

An issue that appeared before the Physical Therapy Advisory Committee ("PTAC") several times in 2000-2001 was about the use of electromyography and invasive nerve conduction studies. A related question was whether PTs have the expertise to conduct and interpret the results of such tests. The PTAC determined that such tests were within the scope of practice for PTs. As for whether PTs are competent to conduct and interpret such tests, that depends upon the PT's training and experience. Physical therapy, as with other healthcare professions, has expanded greatly, and PTs must continually update and expand their skills. If a PT does not have the necessary training and skills needed to perform these tests, he or she must refer the patient to another practitioner. Collaboration with other health care professionals is becoming more common as the complexity of health care increases. Thus, if something is beyond your training and experience, don't take unneeded risks and be sure to refer your patient to someone who is competent to perform the task at hand.

OUT-OF-STATE INSTRUCTORS

If you plan to bring a PT from another state into Colorado to conduct a seminar, or other type of teaching activity that involves patient contact, you must notify this office ahead of time. The Physical Therapy Practice Act at 12-41-114(1)(g) permits legally qualified physical therapists from another state to participate in an educational program so long as notice is given and subject to the Director's approval. The educational program cannot exceed six weeks, unless the Director grants an extension. Failure to provide such notice can result in an injunction against the out-of-state physical therapist.

NAME AND ADDRESS CHANGES

Have you moved? Do you want your patients, old and new, to know where to find you? Did you change your name? Remember, it is your responsibility to submit name and address changes, in writing, to our office. You can submit address changes via US Mail, email, or fax. (Email to: pt@dora.state.co.us) Name changes need to include a copy of the legal document that made the change such as a marriage certificate, divorce decree, etc. We cannot accept any address or name changes over the telephone. When making a name or address change, be sure to include your license number in the correspondence.

COMPLAINTS AND DISCIPLINE

Between July 1, 2000 and June 30, 2002, 23 new complaints were filed against PTs in Colorado. This is down a bit from the 28 complaints filed between July 1, 1998 and June 30, 2000, and reduced considerably from the 45 cases filed in the period from July 1, 1996 through June 30, 1998.

The allegations filed against PTs include engaging in substandard care, practicing without a license, poor supervision, excess treatment, monetary dispute, sexual misconduct, practicing beyond the scope of physical therapy, providing false information, failure to inform of judgment, insurance fraud, and substance abuse.

Sixteen complaints were dismissed between July 1, 2000 and June 30, 2002, and the following licensees were disciplined:

<u>Licensee's Name</u>	<u>Date</u>	<u>Conduct</u>	<u>Disciplinary Sanction</u>
Scott Anderson	June 5, 2002	Substandard care & poor record keeping	Probation
Ruth Harris Cross	Oct. 5, 2000	Inadequate supervision	Letter of Admonition
Daniel Hydinger	May 4, 2001	Substandard care, abuse of health insurance, & poor record keeping	Probation
Gerald Newman	Aug. 31, 2001	Substandard care	Letter of Admonition
Philip Plante	May 6, 2002	Poor record keeping	Letter of Admonition
LaDonna Swinney	Dec. 14, 2000	Felony conviction	Relinquishment
Raymond Vigil	July 25, 2002	Substandard care & poor record keeping	Letter of Admonition

CONSULTANTS NEEDED

Although the number of complaints has dropped, there is still a need for individuals to serve as consultants when the need should arise. We would like to compile a list of licensed PTs willing to serve in this capacity. As a consultant, you would assist an investigator by reviewing charts, documentation, or billing, to determine whether a patient was appropriately evaluated and treated. In the unlikely event the complaint was to go to hearing, you would assist the Assistant Attorney General and may be called to testify. Please note that Section 12-41-117(7) of the Physical Therapy Practice Act provides immunity to such persons who serve as consultants. Unfortunately, due to limited resources, we are unable to pay a consultant fee comparable to the private sector. Our fee is \$60.00/hour. However, you will have the added benefit of knowing that you contributed to protecting the citizens of Colorado.

NOTICE TO PHYSICAL THERAPISTS REGARDING SOCIAL SECURITY NUMBERS

Section 24-34-107(1) of the Colorado Revised Statutes requires that every application by an individual for a license issued pursuant to the authority set forth in title 12, C.R.S., by the Department of Regulatory Agencies, shall require the applicant's social security number. Disclosure of your social security number is mandatory for purposes of establishing, modifying, or enforcing child support under § 14-14-113 and § 26-13-126, C.R.S.; locating an individual who is under an obligation to pay child support as required by § 26-13-107(3)(a)(I)(A), C.R.S.; and reporting disciplinary actions to the Health Integrity and Protection Data Bank as required by 45 CFR §§ 61.1 et seq. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Disclosure of your social security number is voluntary for disclosure to other state regulatory agencies, testing and examination vendors, law enforcement agencies, and other private federations and associations involved in professional regulation for identification purposes only. Your social security number will not be released for any other purpose not provided for by law.