

Colorado Physical Therapists Licensure

➤ Update 2006

<i>State of Colorado Bill Owens, Governor</i>	<i>Department of Regulatory Agencies Tambor Williams, Executive Director</i>	<i>Division of Registrations Rosemary McCool, Director</i>
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HOUSE BILL 06-1048

This year, the House introduced a bill that will make practicing without an active physical therapy license a Class 2 misdemeanor for a first offense. A second or any subsequent offense for practicing without an active license will be a Class 6 felony. Governor Owens signed the bill on March 27, 2006.

CHANGES TO THE CORPORATE PRACTICE ACT

On April 22, 2005, Governor Owens signed House Bill 05-1016 into law, which amended the corporate practice provisions in the Physical Therapy Practice Act ("the Act"). Specifically, section 12-41-124 of the Act was amended to broaden the employment of physical therapists in more entities such as hospitals, skilled nursing facilities, home health agencies, hospices, outpatient rehabilitation facilities, HMOs, accredited schools, and government-owned entities.

TOP 10 THINGS A PHYSICAL THERAPIST SHOULD KNOW

1. It's against the law to practice on an expired license and practicing after a license expires may interfere with insurance reimbursements.
2. A physical therapist can only supervise a total of three assistive personnel, regardless if the individuals are PTAs, aides, massage therapists, students, or athletic trainers.
3. A physical therapist assistant (PTA) requires "responsible direction and supervision" while a physical therapy aide needs "direct supervision" by a licensed physical therapist.
4. When providing physical therapy services, physical therapists are also responsible and accountable for the billing.
5. Any person who supervises a physical therapist shall report to the Colorado Physical Therapy Licensure when a physical therapist is dismissed because of incompetence in physical therapy or failure to comply with the physical therapy practice act.
6. Grade 5 joint mobilizations, needle EMG, and IMS require a level of competence to perform such procedures.
7. A sexual or intimate relationship with a patient is inappropriate while a patient-physical therapist relationship exists.
8. A physical therapist cannot receive, offer, or give commissions, rebates, or other forms of remuneration for the referral of clients.
9. A physical therapist must notify the Colorado Physical Therapy Licensure of any malpractice judgment or settlement of malpractice claims within ninety (90) days of the judgment or settlement.
10. A physical therapist cannot be an employee of a physician-owned physical therapy clinic.

PROTECT YOUR LICENSE AND REPUTATION

When treating a patient of the opposite sex, or a patient with a history of trauma, protect your patient and yourself by considering the treatment and the treatment environment. It is sometimes wise to have another person in the room while treating such a patient.

PHYSICAL THERAPY ASSISTANTS AND PHYSICAL THERAPY AIDES

Our office has seen a rise in complaints involving PTAs and physical therapy aides. The Physical Therapy Practice Act, section 12-41-113 CRS, specifies two categories of individuals that a physical therapist may supervise: Physical Therapy Assistants (PTAs), and Physical Therapy Aides (aides). Colorado does not license PTAs. Instead, one of three conditions must be met for a person to work as a PTA in Colorado:

1. They must successfully complete a physical therapist assistant program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or any comparable successor entity,
2. They are registered, licensed, or certified as a physical therapist assistant in another state, or
3. They are qualified to take the physical therapy examination.

If a person does not satisfy one of the PTA criteria listed above, that person is an aide. An aide can be a CNA, an athletic trainer, occupational therapist, massage therapist, or other skilled individual.

There are certain duties that cannot be performed by a PTA or an aide. The physical therapist is responsible for initial examination and evaluation; interpretation of referrals; diagnosis and prognosis; development and modifications of plans of care; grade 5 mobilizations; wound debridement; and determination of discharge outcomes. A PTA may do soft or non-selective wound debridement.

A physical therapist shall rely on his/her expertise and decision-making capability when determining the most appropriate utilization of unlicensed persons in assisting the physical therapist in the delivery of services in a safe, effective, and efficient manner to the patient. Keep in mind that the physical therapist is legally accountable for all care provided by unlicensed personnel under his/her supervision.

Once a task is delegated, it requires supervision. The degree of supervision depends on whether the task is delegated to a PTA or an aide. A PTA is under the "responsible direction and supervision" of the physical therapist. "Responsible direction and supervision" is defined as direction and supervision provided by the physical therapist who assumes accountability for the delegated acts. An aide is under "direct supervision" of the physical therapist. "Direct supervision" is defined as supervision that is on the premises and in the same building where any such unlicensed personnel are practicing.

DISCIPLINARY ACTIONS

The following people were disciplined between July 1, 2004 and June 30, 2006:

Licensee	Date	Conduct	Disciplinary Sanction
Pamela Brownlie	2/3/05	Failed to make essential entries in patient record; use of light force therapy without a proper order	Letter of Admonition
Jos Dorrestein	3/16/05	Sexual contact with patient	Stipulation
Ahmed Omran	1/17/06	Fraudulent insurance claim	Letter of Admonition
Carol Ramsey	4/6/06	Unlicensed practice	Letter of Admonition
Lori Saige	9/23/04	Failure to supervise unlicensed personnel	Stipulation
Vaheed Savvom	7/6/04	Unlicensed practice of physical therapy	Injunction
Fred Schmidt	3/8/06	Sexual contact with patient	Stipulation
Kathryn Schnepf	1/12/06	Substandard care	Stipulation

Between July 1, 2004 and June 30, 2006, 42 new complaints were filed against physical therapists in Colorado. This is down from the 50 complaints filed between July 1, 2002 and June 30, 2004. The allegations filed against physical therapists include substandard care, practicing without a license, poor supervision of unlicensed personnel, excess treatment, sexual misconduct, failure to make essential entries, violations of the Corporate Practice Act, substance abuse, patient injury, false advertising, and insurance fraud. A total of 36 complaints were dismissed between July 1, 2004 and June 30, 2006.