

RULES AND REGULATIONS
FOR LICENSING PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS
(R5-40-PT/PTA)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health
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with the provisions of section 42-35-
4.1 of the Rhode Island General Laws,
as amended)

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INTRODUCTION

These Rules and Regulations For Licensing Physical Therapists and Physical Therapist Assistants (R5-40-PT/PTA) are promulgated pursuant to the authority conferred under Chapter 5-40-5 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting prevailing standards pertaining to the licensure of physical therapists and physical therapist assistants in this state.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the amendments; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business as defined in Chapter 42-35 of the General Laws. Based on available information, no known alternative approach, duplication or overlap, or significant economic impact was identified.

These rules and regulations shall supersede any previous rules and regulations related to the licensure of physical therapists and physical therapist assistants promulgated by the Rhode Island Department of Health and filed with the Rhode Island Secretary of State.

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PART I **DEFINITIONS**

Section 1.0 **Definitions**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-40 of the General Laws of Rhode Island, as amended, entitled, "Physical Therapists."
- 1.2 **"Board"** means the Board of Physical Therapy within the Department established pursuant to the provisions of section 5-40-3 of the Act.
- 1.3 **"Department"** means the Rhode Island Department of Health.
- 1.4 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.5 **"Examination"** means an examination approved by the Department, in consultation with the Board.
- 1.6 **"License"** means a license issued by the Department to practice physical therapy.
- 1.7 **"On-site supervision"** means the immediate and physical presence of patient, person being supervised, and supervisor.
- 1.8 **"Physical therapist"** means an individual who is licensed by the Department to practice physical therapy.
- 1.9 **"Physical therapist assistant"** means an individual who is licensed by the Department to assist in the practice of physical therapy under the supervision of a physical therapist.
- 1.10 **"Practice of physical therapy"** means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical dysfunction, and pain from injury, disease and any other bodily conditions, and includes the administration, interpretation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices for preventive and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, physical dysfunction and pain.

The practice of physical therapy does not include the practice of medicine as defined in Chapter 5-37 of the General Laws.
- 1.11 **"Supervision"** means that a licensed physical therapist is, at all times, responsible for physical therapist assistants, supportive personnel and students.
- 1.12 **"Supportive personnel"** means an individual, other than a physical therapist assistant, who does not act independently and works under the direction and supervision of a physical therapist

or physical therapist assistant as directed by a physical therapist who is licensed under Chapter 5-40 of the General Laws.

PART II ***PHYSICAL THERAPISTS/LICENSING REQUIREMENTS***

Section 2.0 ***License Requirement***

- 2.1 Pursuant to section 5-40-9 of the Act, to safeguard the welfare and health of the people of the state of Rhode Island, it is unlawful for any person to represent him or herself as a physical therapists in this state or to use any title, abbreviation, sign or device to indicate that such person is a physical therapist, unless such a person has been duly licensed pursuant to the provisions of the Act and the rules and regulations herein.
- 2.1.1 Any person who holds a license to practice physical therapy in this state shall have the right to use the title "physical therapist" and abbreviations "P.T." No other person shall assume such title or use the abbreviation "P.T." or other words, or letters, signs, figures or devices to indicate that the person using the same is a physical therapist.
- 2.1.2 The abbreviation "G.P.T." shall be used to identify a "graduate physical therapist."

Section 3.0 ***Qualifications For Licensure***

- 3.1 Any applicant for licensure shall submit to the Board written evidence on forms furnished by the Department, verified by oath, that said applicant meets all of the following requirements:
- a) is at least eighteen (18) years of age;
 - b) is of good moral character;
 - c) has graduated from an education program in physical therapy accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the Department in consultation with the Board, in the year of said applicant's graduation; and
 - d) has passed the National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as approved by the Department in consultation with the Board to determine the applicant's fitness to engage in the practice of physical therapy. The Board will adopt the criterion-referenced passing point recommended by the Federation (FSBPT).

Section 4.0 ***Application for Licensure and Fee***

- 4.1 Application for licensure to practice physical therapy in this state, shall be made on forms provided by the Department, which shall be completed, notarized and submitted to the Board forty five (45) days prior to the scheduled date of examination. Such application shall be accompanied by the following documents:
- a) *for U. S. Citizens:*
a certified copy of birth certificate;
for Non-U.S. Citizens:
documented evidence of lawful entry into the country;
 - b) supporting official transcripts of education credentials as required in section 3.0 herein;

- c) a statement from the Board of Physical Therapy in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
- d) the scores of the examination submitted to the Board as follows:
 - i. The Board will adopt the criterion-referenced passing point recommended by the Federation (FSBPT). This passing point will be set equal to a scaled score of 600 based on a scale ranging from 200-800.
 - ii. The examination scores of the national examination approved by the Federation of State Boards of Physical Therapy submitted directly to the Board.
- e) the non-refundable application fee of one hundred twenty-five dollars (\$125.00) made payable by check or money order to the General Treasurer, State of Rhode Island.

Section 5.0 *Examinations for Licensure of Physical Therapists*

5.1 Applicants, except those exempt pursuant to section 5.2 herein, shall be required to pass a national examination approved by the Federation of State Boards of Physical Therapy (FSBPT), or such other national examination as may be determined by the Department in consultation with the Board to test the applicant's fitness to engage in the practice of physical therapy pursuant to section 5-40-6 of the Act.

5.1.1 The Board will adopt the criterion-referenced passing point recommended by the Federation.

Without Examination by Endorsement

5.2 A license to practice physical therapy may be issued without examination to an applicant who has been duly licensed by examination as a physical therapist under the laws of another state or territory or District of Columbia, if, in the opinion of the Board, the applicant meets the qualifications required of physical therapists in this state. Said applicant must submit thirty (30) days prior to the scheduled meeting of the Board, completed licensure application forms and fee, in accordance with section 4.0 herein, including additional supporting documentation as may be required.

5.2.1 Until such time as a license has been issued, the candidate for licensure by endorsement may not practice as a physical therapist in Rhode Island.

Re-Examination

5.3 In case of failure of any applicant to satisfactorily pass an examination such applicant shall be entitled to a re-examination upon submission of an application and fee.

5.3.1 In order to qualify for re-examination after three (3) failures, the applicant must request a formal meeting with the Board, at which time requirements (consisting of additional

coursework and/or training) for re-examination will be determined and must be fulfilled prior to admittance to a future examination.

Foreign Trained Applicants

5.4 Applicants from foreign physical therapy schools must present evidence that their educational credentials have been evaluated by and determined to be the equivalent of those requirements set forth in section 3.1(c) herein by an agency approved by the Board. Furthermore, foreign trained applicants must meet all of the requirements for licensure, as listed below, to the satisfaction of the Board and in accordance with the statutory and regulatory provisions herein:

- a) be of good moral character;
- b) have completed the application process;
- c) provide written proof of authorization to practice as a physical therapist without limitation(s) in the country(ies) where the professional education occurred and/or in country(ies) where the applicant practiced physical therapy;
- d) provide proof of legal authorization to reside and seek employment in the United States or its territories;
- e) have successfully passed the national examination as described in section 5.0 herein.

5.4.1 Any applicant for licensure as a physical therapist or a physical therapist assistant who has received his or her physical therapy training in a country other than the United States of America, the United Kingdom, the Republic of Ireland, Canada except Quebec Province, Australia or New Zealand, shall submit to the Board evidence of attainment of a passing score, as determined by the Board, on the Test of English as a Foreign Language (TOEFL) examination, which test shall have been taken within the two (2) years immediately preceding the filing of the application for licensure. Such evidence must be submitted with the application for licensure.

Graduate Practice

5.5 Every student, upon graduating from a physical therapy school accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE), who has filed with the Board a completed application with supporting documents for licensure as a physical therapist, may upon receiving a permit from the Department for said application and documents, perform as a physical therapist under the supervision of a physical therapist licensed in this state.

5.5.1 During this interim period, an applicant shall identify him or herself only as a "graduate physical therapist." The abbreviation G.P.T. shall be used to identify a "graduate physical therapist."

5.5.2 If such an applicant fails to take the examination within ninety (90) days from the effective date of graduate status, without due cause, or fails to pass the examination and

receive a license in any state, all aforementioned privileges (see sections 5.5 and 5.5.1) shall automatically cease.

(The provisions of this section 5.5 apply only to students upon graduating from a physical therapist educational program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and do not apply to physical therapists previously licensed under any licensing jurisdiction).

Section 6.0 *Issuance and Renewal of License*

- 6.1 Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements herein, a license to practice physical therapy in this state. Said license, unless sooner suspended or revoked, shall expire on the first day of May of the next even year following the date of issuance of the original license.
- 6.2 On or before the first day of March of each even year, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Department such renewal application duly executed, together with a renewal fee of sixty-two dollars and fifty cents (\$62.50) payable to the General Treasurer, state of Rhode Island, on or before the thirty-first (31st) day of March of each even year.
- 6.3 Upon receipt of such renewal application and payment of said fee, the accuracy of the application shall be verified, and the Department shall grant a renewal license effective the second day of May, and expiring on the first day of May of the next even year.
- 6.4 Any person who allows his or her license to lapse by failing to renew it on or before the thirty-first day of March of the next even year, as provided above may be reinstated by the Department on payment of the current renewal fee plus an additional fee of twenty-five dollars (\$25.00)
 - 6.4.1 Any person using the title "physical therapist" during the time that his or her license has lapsed shall be subject to the penalties provided for violations of these regulations and the Act.

Section 7.0 *The Practice of Physical Therapy*

- 7.1 Whenever a patient seeks or receives treatment from a physical therapist without referral from a doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic, the physical therapist shall:
 - a) disclose to the patient in writing the scope and limitations of the practice of physical therapy and shall obtain their consent thereto in writing (see reference 5 herein); and
 - b) refer the patient to such a practitioner within ninety (90) days after the date treatment commenced; provided, however, a physical therapist shall not be required to make such a referral after treatment is concluded.

- c) no physical therapist who shall have less than one (1) year clinical experience as a physical therapist shall commence treatment on a patient without a referral from a doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic.
- 7.2 The physical therapist and the physical therapist assistant is responsible for his/her individual professional development and continued competence in physical therapy. (See references 3 and 5 herein).
- 7.3 The physical therapist shall be responsible for the physical therapy record of a patient, which shall be documented in accordance with current practice standards. (See reference 5 herein).
- 7.4 The physical therapist and physical therapist assistant shall adhere to the current standards of practice and code of ethics as adopted by the Board. (See references 3 and 5 herein).

Section 8.0 *Supervision*

- 8.1 Pursuant to section 5-40-1(i) of the Act, a licensed physical therapist shall at all times be responsible for the supervision of physical therapist assistants, supportive personnel, and students to ensure the safety and welfare of patients. Such supervision shall include but not be limited to the following:
 - 8.1.1 A physical therapist shall be present on the premises, and immediately available whenever a physical therapist student is performing treatment procedures or patient-related activities. A physical therapist or physical therapist assistant shall be present on the premises, and immediately available whenever a physical therapist assistant student or supportive personnel is performing treatment procedures or patient-related activities.
 - 8.1.2 A qualified physical therapist must be accessible by telecommunications to the physical therapist assistant at all times while the physical therapist assistant is treating patients.
 - 8.1.3 The physical therapist shall maintain the following written documentation regarding the supervision of a physical therapist assistant:
 - a) necessary instruction;
 - b) on-site supervision of the physical therapist assistant's performance;
 - c) review of the physical therapist assistant's documentation;
 - d) a reassessment; and,
 - e) appropriate update of the patient's program and goals.

All of the above shall occur when re-evaluation of the patient is indicated but no less than once during a one (1) month period.

- 8.1.4 The physical therapist or physical therapist assistant shall maintain the following written documentation regarding the supervision of supportive personnel:
 - a) necessary instruction and documented competence;
 - b) line-of-sight supervision of the treatment performed by the supportive personnel; and

- c) review of the supportive personnel's documentation on a daily basis.

8.1.5a) In licensed facilities providing chronic long term care services, in licensed facilities providing services for the developmentally impaired population, or in school settings certified by the Department of Education, physical therapist assistants and supportive personnel may implement programs designed and supervised by the physical therapist in the above-mentioned settings, if these programs are of the nature and purpose of practicing or maintaining a skill.

These programs will be implemented under the direction of the physical therapist with regular interval on-site supervision by the physical therapist, no less than quarterly for physical therapist assistants, and no less than monthly by the physical therapist or physical therapist assistant for supportive personnel.

- b) In the settings noted in subsection (a) above, the physical therapist shall maintain the following written documentation regarding the supervision of a physical therapist assistant or supportive personnel:
 - i) necessary instruction;
 - ii) on-site supervision of the physical therapist assistant's/ supportive personnel's performance;
 - iii) review of the physical therapist assistant's/supportive personnel's documentation;
 - iv) a reassessment; and,
 - v) appropriate update of the patient's program and goals.

All of the above shall occur no less than quarterly for a physical therapist assistant supervised by a physical therapist and no less than monthly for supportive personnel supervised by either a physical therapist or physical therapist assistant.

8.1.6 When supervising supportive personnel, the physical therapist shall provide a written plan(s) for the training and supervision of supportive personnel. The plan shall be in accordance with current standards of professional practice and shall be reviewed at least annually and revised as necessary. The plan shall be readily available for review by all physical therapists and physical therapist assistants who work with the supportive personnel and shall include:

- a) a list of clinical competencies of each supportive personnel;
- b) the method for monitoring and supervising care provided by the supportive personnel; and
- c) the date reviewed and signatures of the supervisor and supportive personnel governed by the plan.

8.1.7 No physical therapist assistant and/or supportive personnel shall evaluate new patients admitted for physical therapy service and/or establish a physical therapy treatment program based on the physician's referral or prescription; and

- 8.1.8 The physical therapist shall discharge such other supervisory activity (ies) as may be deemed appropriate and in accordance with policies and procedures of the health care facility and/or agency.

PART III ***PHYSICAL THERAPIST ASSISTANT / LICENSE REQUIREMENTS***

Section 9.0 ***License Requirement***

9.1 Pursuant to section 5-40-9 of the Act, to safeguard the welfare and health of the people of the state of Rhode Island, it is unlawful for any person to represent him or herself as a physical therapist assistant in this state or to use any title, abbreviation, sign or device to indicate that such person is a physical therapist assistant, unless such a person has been duly licensed pursuant to the provisions of the Act and the rules and regulations herein.

9.1.1 Any person who holds a license to practice as a physical therapist assistant in this state shall have the right to use the title "physical therapist assistant" or use the abbreviation "PTA." No other person shall assume the title or other words, or letters, signs, figures or devices to indicate the person using the same is a physical therapist assistant.

Section 10.0 ***Qualifications For Licensure***

10.1 Any applicant for licensure shall submit to the Board written evidence on forms furnished by the Department, verified by oath, that the applicant meets the following requirements:

- a) is at least eighteen (18) years of age;
- b) is of good moral character;
- c) has graduated from an educational program in physical therapy accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the Department in consultation with the Board, in the year of said applicant's graduation; leading to professional qualification as a physical therapist assistant and approved by the Board; and
- d) has passed the National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification examination as approved by the Department in consultation with the Board to determine the applicant's fitness to engage in the practice of physical therapy. The Board will adopt the criterion-referenced passing point recommended by the FSBPT.

Section 11.0 ***Application For Licensure***

11.1 Application for licensure to practice as a physical therapist assistant in this state, shall be made on forms provided by the Department, which shall be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of examination. Such application shall be accompanied by the following documents:

- a) *For U.S. Citizens:* a certified copy of birth certificate or naturalization papers;
For Non-U.S. Citizens: documented evidence of lawful entry into the country.

- b) supporting official transcripts of educational credentials as set forth in section 10.0 herein;
- c) a statement from the Board of Physical Therapy in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state; and
- d) the scores of the examination submitted to the Board as follows:
 - i. The Board will adopt the criterion-referenced passing point recommended by the Federation (FSBPT). This passing point will be set equal to a scaled score of 600 based on a scale ranging from 200-800.
 - ii. The examination scores of the national examination approved by the Federation of State Boards of Physical Therapy submitted directly to the Board.
- e) the non-refundable application fee of ninety-three dollars and seventy-five cents (\$93.75), made payable by check or money order to the General Treasurer, State of Rhode Island.

Section 12.0 *Examinations For Licensure of Physical Therapist Assistants*

12.1 *By Examination*

Applicants, except those exempt pursuant to section 12.2 herein, shall be required to pass a national examination for physical therapist assistants approved by the Federation of State Boards of Physical Therapy (FSBPT), or such other examination as may be determined by the Department, in consultation with the Board to test the applicant's fitness to engage in the practice of physical therapist assistant.

- 12.1.1 The Board will adopt the criterion-referenced passing point recommended by the Federation.

Without Examination by Endorsement

- 12.2 A license may be issued without examination to an applicant who has been duly licensed by examination as a physical therapist assistant under the laws of another state or territory or District of Columbia, if, in the opinion of the Board, the applicant meets the qualifications required of physical therapist assistants in this state. Said applicant must submit thirty (30) days prior to the scheduled meeting of the Board, completed licensure application forms and fee in accordance with section 11.0 herein, including additional supporting documentation as may be required.

- 12.2.1 Until such time as a license has been issued, the candidate for licensure by endorsement may not practice as a physical therapist assistant in Rhode Island.

Re-Examination

12.3 In case of failure of any applicant to satisfactorily pass an examination such applicant shall be entitled to a re-examination upon submission of an application and fee.

12.3.1 In order to qualify for re-examination after three (3) failures, the applicant must request a formal meeting with the Board, at which time requirements (consisting of additional coursework and/or training) for re-examination will be determined and must be fulfilled prior to admittance to a future examination.

Foreign-Trained Applicants

12.4 Applicants from foreign physical therapist assistant schools must present evidence that their educational credentials have been evaluated by and determined to be the equivalent of those requirements set forth in section 10.1(c) herein by an agency approved by the Board. Furthermore, foreign-trained applicants must meet all of the appropriate requirements for licensure to the satisfaction of the Board, as listed below, and in accordance with the statutory and regulatory provisions herein:

- a) be of good moral character;
- b) have completed the application process;
- c) provide written proof of authorization to practice as a physical therapist assistant without limitation(s) in the country(ies) where the professional education occurred and/or in country(ies) where the applicant practiced as a physical therapist assistant;
- d) provide proof of legal authorization to reside and seek employment in the United States or its territories;
- e) have successfully passed the national examination as described in section 12.0 herein.

12.4.1 Any applicant for licensure as a physical therapist assistant who has received his or her physical therapist assistant training in a country other than the United States of America, the United Kingdom, the Republic of Ireland, Canada except Quebec Province, Australia or New Zealand, shall submit to the Board evidence of attainment of a passing score, as determined by the Board, on the Test of English as a Foreign Language (TOEFL) examination, which test shall have been taken within the two (2) years immediately preceding the filing of the application for licensure. Such evidence must be submitted with the application for licensure.

Graduate Practice

12.5 Every student upon graduating from a physical therapist assistant educational program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) who has filed a physical therapist assistant application for licensure may, upon receiving a permit from the Department, perform as a physical therapist assistant, under the supervision of a physical therapist licensed in this state.

12.5.1 During this interim period, the applicant shall identify himself or herself only as a "graduate physical therapist assistant" or use the abbreviation "GPTA."

12.5.2 If such an applicant fails to take the examination within ninety (90) days from the effective date of graduate status, without due cause or fails to pass the examination and receive a license, all the aforementioned privileges (see sections 12.5 and 12.5.1 above) shall automatically cease.

(The provisions of 12.5 shall apply only to students upon graduating from a physical therapist assistant educational program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and shall not apply to any physical therapist assistant previously licensed under any licensure jurisdiction).

Section 13.0 *Issuance and Renewal of License*

13.1 Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements herein, a license to practice as a physical therapist assistant in this state. Said license, unless sooner suspended or revoked, shall expire on the first (1st) day of May of the next even year following the date of issuance of the original license.

13.2 On or before the first (1st) day of March of each even year, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Department such renewal application duly executed together with a renewal fee of fifty dollars (\$50.00) payable by check or money order to the General Treasurer, state of Rhode Island on or before the thirty-first (31st) day of March of each even year.

13.3 Upon receipt of such renewal application and payment of said fee, the accuracy of the application shall be verified, and the Department shall grant a renewal license effective the second (2nd) day of May, and expiring on the first (1st) day of May of the next even year.

13.4 Any person who allows his or her license to lapse by failing to renew it on or before the thirty first (31st) day of March of the next even year, as provided above, may be reinstated by the Department on payment of the current renewal fee plus an additional fee of twenty-five dollars (\$25.00).

13.4.1 Any person using the title "physical therapist assistant" during the time that his or her license has lapsed shall be subject to the penalties provided for violations of these regulations and the Act.

Section 14.0 *Supervision*

14.1 Pursuant to section 5-40-1 (h) of the Act, a licensed physical therapist shall be responsible for the supervision, at all times, of the performance of patient care services and treatments provided by physical therapist assistants, supportive personnel and students, consistent with the provisions of section 8.0 herein.

- 14.2 The physical therapist assistant may be the supervisor for physical therapist assistant students, but must be on the premises and immediately available.
- 14.3 The physical therapist assistant may be the supervisor for supportive personnel, but must be on the premises, in line-of-sight, and immediately available.

**PART IV *GROUND'S FOR DENIAL, SUSPENSION OR REVOCATION, VIOLATIONS,
PROCEDURE FOR DISCIPLINE, SEVERABILITY***

Section 15.0 *Grounds for Denial, Suspension or Revocation of License/Violations*

15.1 The Board shall have power to deny, revoke or suspend any license issued by the Department or applied for in accordance with the provisions of the Act or otherwise to discipline a person licensed under the provisions of the Act and the rules and regulations herein, upon proof that said person has engaged in unprofessional conduct including, but not limited to:

- (1) fraud or deceit in procuring or attempting to procure a license or in the practice of physical therapy;
- (2) is habitually intemperate or is addicted to the use of habit-forming drugs;
- (3) is mentally and/or professionally incompetent;
- (4) has repeatedly violated any of the provisions of the Act or the regulations herein;
- (5) Providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the physical therapist by the insurer as a condition of providing or continuing to provide services or treatment;
- (6) Conviction, including, a plea of nolo contendere, of one (1) or more of the offenses listed in section 23-17-37 of the Rhode Island General Laws, as amended;
- (7) Abandonment of a patient;
- (8) Promotion by a physical therapist or physical therapist assistant of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the physical therapist or physical therapist assistant;
- (9) Making or filing false reports or records in the practice of physical therapy;
- (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or inducing another person to fail to file or record physical therapy reports;
- (11) Failure to furnish patient records upon proper request;
- (12) Practice as a physical therapist assistant without supervision by a physical therapist licensed in the state of Rhode Island;
- (13) Incompetent or negligent misconduct in the practice of physical therapy;
- (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or disciplinary action against a license to practice as a physical therapist or physical therapist assistant in another state, jurisdiction, or country;

- (15) Failure to furnish the Board, administrator, investigator, or representatives information legally requested by the Board;
 - (16) Violation of the Act or any of the rules and regulations or departure from or failure to conform to the current standards of acceptable and prevailing practice and code of ethics of physical therapy.
- 15.2 Any violation pursuant to the provisions of sections 5-40-13 and 5-40-17 of the Act and the rules and regulations herein may be cause for denial, revocation, or suspension of license or for imposing such other penalties in accordance with the provisions of the Act.

Section 16.0 ***Procedure for Discipline***

When a written allegation is filed with the Board charging a person with having been guilty of any of the actions specified in the Act and in these regulations, the Department shall immediately investigate such charges or, the Board after investigation, may institute charges in accordance with the provisions of section 5-40-14 of the Act.

Section 17.0 ***Penalties for Violations***

- 17.1 It shall be a misdemeanor for any person, firm, corporation, or association to:
- a) use in connection with his or her name any designation tending to imply that he or she is a physical therapist or physical therapist assistant unless duly licensed under the provisions of the Act and the regulations herein;
 - b) use in connection with his or her name any designation tending to imply that he or she is a physical therapist or physical therapist assistant during the time his or her license issued under the provision so the Act and the regulations herein shall be suspended or revoked;
 - c) otherwise violate any of the provisions of the Act.
- 17.2 All misdemeanors shall be punishable by a fine as set forth in section 5-40-17 of the Act.

Section 18.0 ***Rules Governing Practices and Procedures***

- 18.1 All hearings and reviews required under the provisions of Chapter 5-44 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the Act and of the rules and regulations promulgated by the Rhode Island Department of Health, entitled, *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 19.0 ***Severability***

- 19.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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Tuesday, January 20, 2004

REFERENCES

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