

MINNESOTA RULES 2011

1015

CHAPTER 5601 BOARD OF PHYSICAL THERAPY PHYSICAL THERAPY

5601.0100	DEFINITIONS.	5601.2300	CATEGORIES OF CREDITED ACTIVITIES.
5601.0900	ADDRESS.	5601.2400	CATEGORY 1 CREDIT.
5601.1300	RETENTION OF PATIENT RECORDS.	5601.2500	CREDIT STANDARDS.
5601.1700	RENEWAL OF LICENSURE.	5601.2600	VERIFICATION OF COMPLIANCE.
5601.2000	LIMITATIONS ON PRACTICE.	5601.2700	PENALTIES FOR NONCOMPLIANCE.
5601.2100	CONTINUING EDUCATION REQUIREMENT.	5601.3200	CODE OF ETHICAL PRACTICE.
5601.2200	TWO-YEAR CONTINUING EDUCATION CYCLE.		

5601.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Board.** "Board" means the Board of Physical Therapy.

Subp. 3. [Repealed, L 2005 c 147 art 2 s 13]

Subp. 4. [Repealed, L 2005 c 147 art 2 s 13]

Subp. 5. [Repealed, L 2008 c 199 s 5]

Subp. 6. [Repealed, L 2008 c 199 s 5]

Subp. 7. [Repealed, L 2008 c 199 s 5]

Subp. 8. [Repealed, L 2008 c 199 s 5]

Subp. 9. **Contact hour.** "Contact hour" means an instructional session of 60 minutes, excluding coffee breaks, registration, meals with a speaker or without a speaker, and other social activities.

Statutory Authority: *MS s 148.70; 148.74*

History: *8 SR 2573; 15 SR 1055; L 1991 c 107 s 6; 25 SR 1725; L 2005 c 147 art 2 s 13; L 2008 c 199 s 5*

5601.0200 [Repealed, L 2007 c 123 s 137]

5601.0300 [Repealed, L 2007 c 123 s 137]

5601.0400 [Repealed, L 2007 c 123 s 137]

5601.0500 [Repealed, L 2007 c 123 s 137]

5601.0600 [Repealed, L 2007 c 123 s 137]

5601.0700 [Repealed, L 2007 c 123 s 137]

5601.0800 [Repealed, L 2007 c 123 s 137]

5601.0900 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 license shall notify the board of the change within 30 days.

Statutory Authority: *MS s 148.70*

History: *8 SR 2573; 25 SR 1725*

5601.1000 [Repealed, 15 SR 1055]

5601.1100 [Repealed, 15 SR 1055]

5601.1200 [Repealed, L 2008 c 199 s 5]

5601.1300 PHYSICAL THERAPY

1016

5601.1300 RETENTION OF PATIENT RECORDS.

All patient records including directions and orders within the control 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.

Statutory Authority: *MS s 148.70*

History: *8 SR 2573*

5601.1400 [Repealed, L 2007 c 123 s 137]

5601.1500 [Repealed, L 2007 c 123 s 137]

5601.1600 [Repealed, L 2007 c 123 s 137]

5601.1700 RENEWAL OF LICENSURE.

When they renew their licenses 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 licensure 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 licensure examination or complete no less than eight weeks of board-approved clinical experience with a broad base of treatment modalities and patient diagnoses. In addition, every two years, the applicant must submit verification of compliance with the continuing education requirements of parts 5601.2100 to 5601.2500. An application submitted after the deadline date must be accompanied by the late fee described in part 5601.3000.

Statutory Authority: *MS s 148.70; 148.74*

History: *8 SR 2573; 15 SR 1055; 25 SR 1721; 25 SR 1725*

5601.1800 [Repealed, L 2008 c 199 s 5]

5601.1900 [Repealed, L 2008 c 199 s 5]

5601.2000 LIMITATIONS ON PRACTICE.

If a patient's medical condition is determined by the physical therapist to be beyond the scope of practice of that physical therapist, the physical therapist must refer the patient to a licensed health care professional. A physical therapist shall modify or terminate treatment of a patient that is not beneficial to the patient or that is not tolerated by the patient and shall notify the patient's health care provider of the modification or termination of treatment.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055*

5601.2100 CONTINUING EDUCATION REQUIREMENT.

Every two years, each physical therapist licensed by the board shall obtain 20 contact hours of continuing education credit as required by parts 5601.2200 to 5601.2600.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055; 25 SR 1725*

5601.2200 TWO-YEAR CONTINUING EDUCATION CYCLE.

Subpart 1. **Initial registration or licensure on or after January 1, 1991.** For physical therapists initially registered or licensed on or after January 1, 1991, the first two-year continuing education cycle begins on the January 1 following the date of initial registration or licensure. Future cycles will run consecutively from that point. Continuing education courses taken between the date of initial registration or licensure and January 1 of the following year may be credited toward the first cycle.

Subp. 2. **Initial registration before January 1, 1991.** For physical therapists renewing their registrations or licenses on or after January 1, 1991, but who were initially registered before that date, the first two-year continuing education cycle begins as described in item A or B and runs consecutively from that date.

A. If the physical therapist's month of birth occurs in the months of January to June, the cycle begins on January 1, 1992.

B. If the physical therapist's month of birth occurs in the months of July to December, the cycle begins on January 1, 1993. In the first cycle, ending December 31, 1994, a physical therapist in this group shall submit 30 hours of credit.

For purposes of this subpart, continuing education courses taken between January 1, 1991, and January 1 of the physical therapist's first two-year continuing education cycle may be credited toward the first cycle.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055; 25 SR 1725*

5601.2300 CATEGORIES OF CREDITED ACTIVITIES.

Continuing education credit may be obtained from the following activities:

A. Category 1: No less than ten hours of credit must be obtained in a cycle by attendance at educational activities recognized by the board under part 5601.2400. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no less than 15 hours of credit under this item.

B. Category 2: No more than ten hours of credit may be obtained in a cycle through in-service educational activities sponsored by organizations or individuals not designated in Category 1. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than 15 hours of credit under this item.

C. Category 3: No more than four hours of credit may be obtained in a cycle through teaching, lecturing, or similar presentation programs. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than six hours of credit under this item.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055*

5601.2400 CATEGORY 1 CREDIT.

Subpart 1. **Courses.** The board shall grant Category 1 continuing education credit meeting the standards of part 5601.2500 for educational activities in items A to C:

A. any course planned, sponsored, or cosponsored by an accredited university or college, medical school, state or national medical or osteopathic association, or a national medical specialty society;

B. any course planned, sponsored, or cosponsored by the American Physical Therapy Association or other national or state physical therapy association; and

C. any course planned, sponsored, or cosponsored by the Arthritis Foundation, American Heart Association, or other national or state health organization.

Subp. 2. **Other educational activity.** Any educational activity not included under subpart 1 that meets the standards of part 5601.2500 shall be approved for Category 1 continuing education credit by the board.

An individual or organization seeking board approval of an educational activity for Category 1 continuing education credit as provided under this subpart shall provide to the board documents describing the name and address of the organization sponsoring the activity, the name and address of the facility at which the activity will be presented, the name

5601.2400 PHYSICAL THERAPY

1018

and credentials of each instructor or person making a presentation, and the course content in detail, including a time schedule for the activity.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055*

5601.2500 CREDIT STANDARDS.

The board shall grant continuing education credit for any educational activity that meets the standards in items A to E.

A. The educational activities must have significant intellectual or practical content dealing primarily with matters directly related to the practice of physical therapy or to the professional responsibility or ethical obligations of the participants.

B. Each person making a presentation shall be qualified by practical or academic experience to teach the subject the person covers.

C. Participants shall attend educational activities in a classroom or other setting suitable for the activity. Video, motion picture, or sound presentations may be used.

D. One hour of credit shall be given for each 60 minutes actually spent on educational activities.

E. Credit shall not be given for entertainment or recreational activities or programs, employment orientation sessions, holding an office or serving as an organizational delegate, individual self-directed study programs, management seminars not directly concerning physical therapy operations, meetings for the purpose of making policy, or noneducational association meetings.

Any course planned, sponsored, or cosponsored as provided under part 5601.2400, subpart 1, shall be presumed to meet the standards in items A to E. This presumption may be withdrawn by the board if it determines that a college, university, association, or specialty has sought credit for a course not meeting these standards.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055*

5601.2600 VERIFICATION OF COMPLIANCE.

At the January license renewal immediately following their two-year continuing education cycle, licensees shall provide a signed statement to the board on a form provided by the board indicating compliance with parts 5601.2100 to 5601.2500. The board shall also accept certification of other state regulatory agencies whose continuing education requirements are equal to or greater than those in parts 5601.2100 to 5601.2500.

Periodically, the board shall select a sample of the licensed physical therapists and request evidence of the continuing education to which they attested. Documentation may come directly from the licensee or from state or national organizations that maintain those types of records.

A licensee failing to submit a statement or who submits a statement that, on its face, indicates noncompliance with parts 5601.2100 to 5601.2500 may be subject to the disciplinary provisions in part 5601.2700.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055; 25 SR 1725*

5601.2700 PENALTIES FOR NONCOMPLIANCE.

The board shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the licensure of any person who the board determines has failed to comply with parts 5601.2100 to 5601.2600.

Statutory Authority: *MS s 148.74*

History: *15 SR 1055; 25 SR 1725*

5601.2800 [Repealed, L 2007 c 123 s 137]

5601.2900 [Repealed, L 2007 c 123 s 137]

5601.3000 [Repealed, L 2007 c 123 s 137]

5601.3105 [Repealed, L 2007 c 123 s 137]

5601.3110 [Repealed, L 2007 c 123 s 137]

5601.3115 [Repealed, L 2007 c 123 s 137]

5601.3120 [Repealed, L 2007 c 123 s 137]

5601.3125 [Repealed, L 2007 c 123 s 137]

5601.3130 [Repealed, L 2007 c 123 s 137]

5601.3135 [Repealed, L 2007 c 123 s 137]

5601.3140 [Repealed, L 2007 c 123 s 137]

5601.3145 [Repealed, L 2007 c 123 s 137]

5601.3150 [Repealed, L 2007 c 123 s 137]

5601.3155 [Repealed, L 2007 c 123 s 137]

5601.3160 [Repealed, L 2007 c 123 s 137]

5601.3165 [Repealed, L 2007 c 123 s 137]

5601.3200 CODE OF ETHICAL PRACTICE.

Subpart 1. **Scope.** The code of ethical practice for licensees and applicants constitutes the code of ethics required by Minnesota Statutes, section 148.66, clause (7).

Subp. 2. **Prohibited activities.** Violation of the conduct rules in items A to E is prohibited and is grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5).

A. Physical therapists shall not engage in conduct that constitutes harassment or abuse of, or unlawful discrimination against, patients.

B. Information relating to the physical therapist-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.

C. Physical therapists shall not engage in any sexual relationship or activity with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a physical therapist-patient relationship exists. A physical therapist shall not exploit the physical therapist-patient relationship for sexual purposes, and termination of the physical therapist-patient relationship is not a defense to exploitation involving sexual misconduct.

D. A physical therapist, unless otherwise allowed by law, shall not provide patient care without disclosing benefits and substantial risks, if any, of the recommended examination, intervention, and the alternatives to the patient or patient's legal representative.

E. A physical therapist shall not provide care to patients when impaired by illness, chemical use, or chemical dependency that affects the physical therapist's ability to practice with reasonable skill and safety.

5601.3200 PHYSICAL THERAPY

1020

Subp. 3. **Reporting requirements.** A physical therapist shall self report to the board within 30 days:

A. any personal actions which may be grounds for disciplinary actions in Minnesota Statutes, sections 148.75 and 148.76;

B. impairment by illness, chemical use, or chemical dependency that affects the practitioner's ability to practice with reasonable skill and safety; a report of the impairment to the health professional services program satisfies this reporting obligation;

C. conviction of a misdemeanor, gross misdemeanor, or felony relating to patient care; and

D. the termination, revocation, or suspension of membership by a state or national physical therapy professional association.

Failure to comply with items A to D is considered conduct detrimental to the best interests of the public and grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5).

Subp. 4. **Cooperation.** A physical therapist shall cooperate with an investigation of the board. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5). Cooperation includes responding fully and promptly to any question raised by the board and providing copies of the medical records and other documents requested by the board.

Subp. 5. **Ethical integrity.** Licensees and applicants shall use the principles in items A to H as nonbinding guidelines for promoting ethical integrity and professionalism.

A. A physical therapist shall respect the rights and dignity of all patients and provide compassionate care as described in subitems (1) and (2).

(1) A physical therapist shall recognize individual differences with patients and shall respect and be responsive to those differences.

(2) A physical therapist shall be guided by concern for the physical, psychological, and socioeconomic welfare of patients.

B. A physical therapist shall exercise sound judgment and act in a trustworthy manner toward patients and in all other aspects of physical therapy practice. Regardless of practice setting, physical therapists shall maintain the ability to make independent judgments. A physical therapist shall strive to effect changes that benefit patients.

C. A physical therapist shall maintain professional competence and promote high standards for physical therapy practice, education, and research. Physical therapists shall participate in educational activities that enhance their basic knowledge and provide new knowledge.

D. A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services performed and shall never place the therapist's own financial interest above the welfare of patients under the therapist's care.

E. A physical therapist shall endeavor to address the health needs of society.

F. A physical therapist shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

G. A physical therapist shall safeguard the public from underutilization or overutilization of physical therapy services.

H. A physical therapist shall provide and make available accurate and relevant information to patients about their care and to the public about physical therapy services.

Subp. 6. **Aid to interpretation.** The American Physical Therapy Association (APTA) Code of Ethics and APTA Guide for Professional Conduct shall be used as aids in resolving any ambiguity that may arise in the interpretation of this part. However, in a conflict between this part and the APTA Code of Ethics and Guide for Professional Conduct, this part

MINNESOTA RULES 2011

1021

PHYSICAL THERAPY 5601.3200

shall prevail. The Code of Ethics published by the American Physical Therapy Association in July 2000, and Guide for Professional Conduct published by the American Physical Therapy Association in January 2001, are incorporated by reference, are available at the State Law Library, and are not subject to frequent change.

Subp. 7. **Interpretation.** The conduct rules found under subparts 2, items A to D; 3; and 4, do not represent the exclusive grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5), and must not be construed as limiting the grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5), for conduct not listed in this part. Violation of the guidelines in subpart 5 is not grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (5).

Statutory Authority: *MS s 148.66; 148.67; L 2002 c 219 s 1*

History: *27 SR 1663*