

5601.3200 CODE OF ETHICAL PRACTICE; PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

Subpart 1. **Scope.** Unless otherwise specified, 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 (6).

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

B. Information relating to the physical therapist-patient and physical therapist assistant-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 and physical therapist assistants 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 or physical therapist assistant-patient relationship exists. A physical therapist or physical therapist assistant shall not exploit the therapist-patient relationship for sexual purposes, and termination of the 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 or physical therapist assistant shall not provide care to patients when impaired by illness, chemical use, or chemical dependency that affects the licensee's ability to practice with reasonable skill and safety.

Subp. 3. **Reporting requirements.** A physical therapist or physical therapist assistant 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 constitutes failure to conform to minimum standards of acceptable and prevailing practice and grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (6).

Subp. 4. **Cooperation.** A physical therapist or physical therapist assistant 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 (6). 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.** Physical therapist and physical therapist assistant licensees and applicants shall use the principles in items A to H as guidelines for promoting ethical integrity and professionalism.

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

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

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

B. A physical therapist or physical therapist assistant 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 and physical therapist assistants shall maintain the ability to make independent judgments. A physical therapist or physical therapist assistant shall strive to effect changes that benefit patients.

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

D. A physical therapist or physical therapist assistant 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 or physical therapist assistant shall endeavor to address the health needs of society.

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

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

H. A physical therapist or physical therapist assistant 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 for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant and APTA Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant 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 for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant, and Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant, this part shall prevail.

Subp. 6a. **Incorporations by reference.** The Code of Ethics for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant published by the American Physical Therapy Association in June 2010, and Guide for Professional Conduct and Guide for Conduct of the Physical Therapist Assistant published by the American Physical Therapy Association in November 2010, 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 (6), and must not be construed as limiting the grounds for disciplinary action under Minnesota Statutes, section 148.75, paragraph (a), clause (6), 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 (6).

Statutory Authority: *MS s 148.66; 148.67; 148.74; L 2002 c 219 s 1*

History: *27 SR 1663; 42 SR 1183*

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