

218 FINAL REGULATIONS

Document No. 5235
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF PHYSICAL THERAPY EXAMINERS
CHAPTER 101
Statutory Authority: 1976 Code Section 40-45-60

101-01. Definitions.
101-07. Continuing Education and Competency.
101-08. Fees.
101-09. Supervision Guidelines.
101-11. Referral.
101-15. Sexual Misconduct.

Synopsis:

The South Carolina Board of Physical Therapy Examiners proposes to amend Chapter 101 of the Code of Regulations, including but not limited to sections R.101-07 regarding continuing education and R.101-11 regarding referral. Scrivener's errors and other matters will be corrected following the Board's review of its regulations, pursuant to S.C. Code Section 1-23-120.

The Notice of Drafting was published in the *State Register* on April 28, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 1 DEFINITIONS

101-01. Definitions.

Definitions found in Section 40-45-20 apply to this chapter.

(1) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements for physical therapists and physical therapist assistants. Course content must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, or management.

(2) "CEU" or "continuing education unit" means ten (10) contact hours of participation in Certified Activities and/or participation in Approved Activities as set forth herein.

(3) "Contact hour" means a minimum of fifty (50) minutes of instruction or participation in Certified Activities or Approved Activities.

(4) "Continuing competency" is the ongoing ability of a PT or PTA to learn, integrate, and apply the knowledge, skill and judgment to practice as a PT and/or PTA according to generally accepted standards and professional ethical standards as defined by the Board.

(5) "Certified Activities" are Board-approved activities for which a licensee may receive CEU credit. Certified Activities are measured in contact hours, with one (1) contact hour equaling one-tenth (.1) of an hour of CEU credit. A certified activity must be subject to an evaluative process to determine if the activity meets a minimal threshold of required criteria and how well that activity meets that criteria.

(6) "Approved Activities" are Board-approved activities for which a licensee may receive CEU credit, but which are not subject to a formal evaluative process. Approved Activities are assigned a set CEU value measured in contact hours based on the criteria established herein, with one (1) contact hour equaling one-tenth (.1) of an hour of CEU credit.

101-07. Continuing Education and Competency.

An individual licensed as a PT or PTA is responsible for optimum service to the public and is accountable for maintaining evidence of high levels of skill and knowledge. Evaluation and assessment of current competence is critical for PTs and PTAs. The results of an evaluation or assessment should be used by the licensee to then select appropriate developmental activities.

(1) A licensed PT or PTA shall earn three (3.0) CEUs per biennium period (30 hours) and at least fifteen (15) contact hours of the thirty hours must be obtained through the completion of Certified Activities. PTs and PTAs licensed in South Carolina are not subject to this requirement for the first biennium renewal period in which they are initially licensed.

(2) A PT or PTA must complete three (3) contact hours of study in ethics, professionalism, and/or South Carolina jurisprudence per biennium as part of his/her CEU requirements. This requirement shall be obtained by participation in a Certified Activity and will count towards the licensee's required Certified Activity hours.

(3) At least fifteen (15) of the required thirty (30) contact hours shall be from Certified Activities. Certified Activities include:

(a) attendance at conferences and completion of continuing competency activities that meet the Standards of Continuing Competence (SCC) as set forth by the FSBPT. Credit for this item is applied as awarded by the provider, and a certificate of completion is required as evidence of compliance.

(b) attendance at conferences and completion of continuing competency activities provided by the American Physical Therapy Association (APTA), South Carolina Chapter of the American Physical Therapy Association (APTA-SC), other chapters and sections of the APTA, as well as other state boards of physical therapy. Credit for this item is applied as awarded by the provider, and a certificate of completion is required as evidence of compliance.

(c) completion of educational programs where CE credit is given and approved by accredited universities. Credit for this item is applied as awarded by the provider, and a certificate of completion is required as evidence of compliance.

(d) attendance at educational programs where CE credit is given and approved by APTA-SC. Credit for this item is applied as awarded by the provider, and a certificate of completion is required as evidence of compliance.

(e) completion of an APTA credentialed fellowship or residency. Licensees who are enrolled in a fellowship or residency will be considered as meeting the educational and competency requirements for the entire licensure biennium in which the certification or renewal is received. A letter from the director of the residency or fellowship program is required as evidence of compliance.

(f) certification or recertification of clinical specialization by the American Board of Physical Therapy Specialties (ABPTS) or PTA advanced proficiency certification. A licensee who completes this certification or recertification will be considered as having met the CEU requirement for the entire licensure biennium in which the certification or recertification is awarded.

(g) completion of academic course work germane to the practice of physical therapy and conducted or sponsored by accredited institutions of higher education. Courses must be on the graduate level for PTs. Undergraduate courses are acceptable for PTAs. Ten (10) contact hours may be awarded for each credit hour awarded by the accredited institution of higher education. A transcript from the institution which indicates a passing grade in the course is required as evidence of compliance.

(h) completion of any appropriate physical therapy continued competency tools, including examinations and/or self-assessments, developed by the FSBPT and/or APTA. Credit for CEUs is applied as awarded. If no contact hours are awarded, a licensee may receive five (5) contact hours. A certification of completion is required as evidence of compliance.

(i) completion of courses relating to physical therapy approved by the American Medical Association (AMA). A certification of completion is required as evidence of compliance.

(4) A licensee may obtain up to fifteen (15) hours of CEU credit through Approved Activities per biennium. Approved Activities include:

(a) completion of continuing education courses and attendance at conferences that do not meet the requirements for Certified Activities. A licensee who completes such a course or attends such a conference will receive credit for: ten (10) contact hours for each course/conference that totals thirty-two (32) hours or longer; five (5) contact hours for each course/conference that totals a minimum of eight (8) but fewer than thirty-two

220 FINAL REGULATIONS

(32) hours; and two (2) contact hours for each course/conference that totals fewer than eight (8) hours. A certification of completion is required as evidence of compliance.

(b) clinical instruction. Clinical instructors shall receive one (1) contact hour for every one hundred and sixty (160) hours of clinical internship, limited to a maximum of six (6) contact hours per instructor per biennium. Students must be enrolled in CAPTE accredited or eligible DPT or PTA programs. Clinical instructors must be credentialed by APTA to receive clinical continuing education credits. Verification of the clinical supervision agreement with the student's educational program and a log reporting supervision hours is required as evidence of compliance. A certificate of completion from the educational program may also be used as evidence of compliance.

(c) attendance at in-service education programs pertaining to safety, governmental regulation, clinical concepts, or CPR. One (1) contact hour per in-service program may be awarded for a maximum of three (3) contact hours per biennium. Learning objectives, program schedule, and verification of attendance from an employer are required as evidence of compliance.

(d) teaching a course on a subject germane to the practice of physical therapy at an accredited institution of higher education when that teaching is an adjunct responsibility and not the license's primary employment. CEU credit is based on didactic classroom/lab teaching time and may not exceed ten (10) contact hours per biennium. A letter from the institution documenting the licensee's completion of this activity is required as evidence of compliance.

(e) performing volunteer work. A licensee who renders physical therapy services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources may receive one (1) contact hour of continuing education for each hour of volunteer medical services rendered, up to a maximum of seven and one-half (7.5) contact hours per biennium. A letter from the organization/individual for whom the licensee is providing volunteer services documenting the licensee's completion of this activity is required as evidence of compliance.

(f) presentations made before physical therapists or other health care professionals and directly related to the profession of physical therapy. Three (3) contact hours per presentation/topic may be awarded. Documentation of the learning objectives presented and a presentation brochure or flyer are required as evidence of compliance. A licensee may obtain no more than six (6) hours of credit for this activity per biennium.

(g) self-study germane to the practice of physical therapy, which may be directed by a correspondence course, video, internet or satellite program by a provider not outlined in the Certified Activities listed above. One (1) contact hour per study topic may be awarded. Documentation of the study objectives, activities, and time spent to meet objectives, as well as reflection on learning achieved, is required as evidence of compliance. A licensee may obtain no more than two (2) hours of credit for this activity per biennium.

(h) conducting peer-reviewed research germane to the practice of physical therapy performed by the licensee. Credit for ten (10) contact hours may be awarded for principal and co-principal investigators in research projects. The title of the research project and copy of the abstract, as well as the funding agency and grant period, if applicable, are required as evidence of compliance.

(i) writing a professional publication. Credit for eight (8) contact hours may be awarded for each peer-reviewed publication written by a licensee. Credit for four (4) contact hours may be awarded for each non-peer-reviewed publication. A copy of the article, book chapter, or other work product is required as evidence of compliance. A licensee may obtain no more than eight (8) hours of credit for this activity per biennium.

(j) participation in a formal mentorship (as mentor or protégé). Credit for five (5) contact hours may be awarded per biennium for a licensee's participation in a formal mentorship program. Documentation of the objectives and action plans, as well as documentation of the activities completed are required as evidence of compliance.

(5) Notwithstanding any provision in this Chapter to the contrary, no contact hours or CEUs may be awarded for a licensee's:

- (a) attendance at staff meetings, or involvement in presentations or publications directed at lay groups;
- (b) participation in non-educational entertainment or recreational meetings or activities;
- (c) participation or attendance at case conferences, grand rounds, informal presentations, etc.;
- (d) participation in self-directed studies other than those specifically allowed for herein;
- (e) routine teaching, research, or orientation duties as part of a job requirement;
- (f) CEUs or contact hours carried over from one licensure period to another; or

- (g) attendance at exhibits or poster presentations.
- (6) Reporting Requirements:
 - (a) reports shall be submitted in a manner prescribed by the Board. By signing the biennial report of continuing education, the licensee signifies that the report is true and accurate.
 - (b) Licensees shall retain original documentation of all Certified Activities and Approved Activities completed as required herein for no less than three (3) years from the beginning date of the licensure period.
- (7) Audit of continuing competency:
 - (a) each licensee shall be responsible for maintaining sufficient records in a format determined by the Board; and
 - (b) these records shall be subject to a random audit by the Board to assure compliance with this section; and
 - (c) the Board may audit a percentage of the continuing education reports.
- (8) In the event of denial, in whole or part, of credit for purposes of meeting the requirements of this Section, the licensee shall have the right to request a hearing in accordance with the Administrative Procedures Act.

ARTICLE 4
FEES

101-08. Fees.

- (A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-30 and on the South Carolina Board of Physical Therapy Examiners website at <http://llr.sc.gov/POL/PhysicalTherapy/>.
- (B) A check which is presented to the Board as payment for a fee which the Board is permitted to charge under this chapter and which is returned unpaid may be cause for denial of a license or for imposing a sanction authorized under this chapter or Section 40-1-50(G).
- (C) The Board may direct applicants to pay an examination fee directly to a third party who has contracted to administer the examination.
- (D) Fees are nonrefundable and may be prorated in order to comply with a biennial schedule.

ARTICLE 5
SUPERVISION GUIDELINES

101-09. Supervision Guidelines.

It is recommended that a physical therapist should not concurrently supervise more than three (3) full-time equivalent physical therapist assistant positions. The Board, in its discretion, may permit supervision of more than three (3) full-time equivalent physical therapist assistant positions, for a short, defined period of time, if a situation arises in a physical therapy treatment setting that makes compliance impossible. Relief from this supervision ratio is allowable if there is no immediate risk to public health or safety as determined by the Board.

ARTICLE 6
STANDARDS OF PRACTICE

101-10. Use of Aides in the Practice of Physical Therapy.

Aides are non-licensed personnel who assist the physical therapist or physical therapist assistant but whose duties do not require an understanding of physical therapy or formal training in anatomical, biological, or physical sciences. Education or training of the physical therapy aide shall not exceed the scope of activities described in Section 40-45-290. Aides are not to be assigned duties that may be performed only by a licensed physical therapist or licensed physical therapist assistant. When aides are utilized in the treatment of patients, the following guidelines shall apply:

- (1) when applying hydrotherapy, heat or cold treatments, a physical therapist or physical therapist assistant may allow an aide to assist patients in dressing and undressing, drape and position the patient in preparation for treatment, clean and fill the whirlpool, attend the patient during treatment, wrap the patient's extremities after a paraffin bath, and place the hot packs on the patient; and

222 FINAL REGULATIONS

(2) when applying electrotherapy, a physical therapist or physical therapist assistant may allow an aide to prepare the area to be treated and to prepare equipment and apply electrodes as specified by the physical therapist and physical therapist assistant; and

(3) when applying traction, a physical therapist or physical therapist assistant may allow an aide to prepare the patient for treatment, position the patient, and apply the cervical or pelvic harness; and

(4) when applying therapeutic exercise, a physical therapist or physical therapist assistant may allow an aide to set up the patient's exercise equipment, prepare the equipment, and give the patient established amount of weights for resistive exercise; and

(5) when applying gait training, a physical therapist or physical therapist assistant may allow an aide to prepare equipment such as crutches, walkers, parallel bars, and braces and to assist the physical therapist or physical therapist assistant in gait training of the patient.

101-11. Referral. For purposes of S.C. Code Section 40-45-110(4), "referral" is defined as a writing communicating to the patient the importance of seeing the licensed medical doctor or dentist, a copy of which is placed in the patient's treatment records.

ARTICLE 7 CODE OF ETHICS

101-13. Code of Ethics for Physical Therapists.

Principle 1: Physical Therapists respect the rights and dignity of all individuals.

Principle 2: Physical Therapists comply with the laws and regulations governing the practice of physical therapy.

Principle 3: Physical Therapists accept responsibility for the exercise of sound judgment.

Principle 4: Physical Therapists maintain and promote high standards for physical therapy practice, education, and research.

Principle 5: Physical Therapists seek remuneration for their services that is deserved and responsible.

Principle 6: Physical Therapists provide accurate information to the consumer about the profession and about those services they provide.

Principle 7: Physical Therapists accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

Principle 8: Physical Therapists participate in efforts to address the health needs of the public.

101-14. Code of Ethics for Physical Therapist Assistants.

Standard 1: Physical Therapist Assistants provide services under the supervision of a physical therapist.

Standard 2: Physical Therapist Assistants respect the rights and dignity of all individuals.

Standard 3: Physical Therapist Assistants maintain and promote high standards in the provision of services, giving the welfare of patients their highest regard.

Standard 4: Physical Therapist Assistants provide services within the limits of the law.

Standard 5: Physical Therapist Assistants make those judgments that are commensurate with their qualifications as physical therapist assistants.

Standard 6: Physical Therapist Assistants accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

101-15. Sexual Misconduct.

Engaging in sexual misconduct constitutes grounds for disciplinary action. Sexual misconduct for the purposes of this section includes, but is not limited to, the following:

(1) Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient relationship exists.

(2) Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients.

(3) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient evaluation or treatment under current practice standards.