



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF PHYSICAL THERAPY
APRIL 9, 2019 MEETING**

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Physical Therapy met on April 9, 2019, at 611 West Ottawa Street, Upper Level Conference Room 4, Lansing, Michigan 48933.

CALL TO ORDER

Brian Gilbert, PT, Chairperson, called the meeting to order at 1:31 p.m.

ROLL CALL

Members Present: Brian Gilbert, PT, Chairperson
Sarah McAllister, PT, Vice Chairperson
Allison Ives, Public Member
Morgan Kennedy, PTA
Matthew McFadden, PT, MSPT, OMPT
Ajay Middha, PT, DPT
Craig T. Miller, PT
Syed Rob, Public Member
Whitney Schafer, Public Member
Adam Swain, PT, AT
Michael Winkler, Public Member

Members Absent: None

Staff Present: Timothy Erickson, Assistant Attorney General
Rick Roselle, Analyst, Board and Committees Section
Stephanie Wysack, Board Support, Board and Committees Section

APPROVAL OF AGENDA

MOTION by McAllister, seconded by McFadden, to approve the agenda as presented.

A voice vote followed.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Middha, seconded by McAllister, to approve the January 8, 2019 meeting minutes as written.

A voice vote followed.

MOTION PREVAILED

INFORMATION REGARDING EGRESS PORTAL

Kerry Przybylo introduced herself to the Board. Przybylo informed the Board of the new portal that the Department will be using to securely deliver meeting materials to the Board members. She provided a demonstration of how to access and use the portal.

REGULATORY CONSIDERATIONS

None

OLD BUSINESS

None

NEW BUSINESS

Committee Reports

Allegations Committee

Roselle announced that the Department will now be referring to the Allegations Committee as the Board Review Panel.

Gilbert reported that there were only a few reviews completed since the last meeting.

Rules Committee

See Rules Discussion.

Disciplinary Subcommittee Master Resolution Discussion

Roselle gave an overview of an updated Disciplinary Subcommittee Master Resolution that he will ask the Disciplinary Subcommittee to consider adopting.

Roselle explained that Department leadership has mandated that all rules committee meetings will be open to the public in order to receive public input on the rules draft earlier in the rulemaking process. Roselle stated that the rules committee will make the final recommendation on the rules to the Board.

Roselle stated that the Bureau held the New Board Member Training in March that was well received by those who attended. This training was very detailed and included information on the Inspections & Investigations and Enforcement sections of the Bureau. Roselle announced that another training will be held in July, and all Board members are welcome to attend.

PUBLIC COMMENT

Jake Jakubiak Kovacek with the Michigan Physical Therapy Association (MPTA) had a successful Legislative and Advocacy Day on April 9, 2019, with over 100 participants. They focused on Senate Bill 22 Physical Therapy Licensure Compact and House Bill 4108 requiring mandatory reporting of suspected child abuse and neglect.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held July 9, 2019 at 1:30 p.m. at 611 West Ottawa Street, Upper Level Conference Center Room 4, Lansing, Michigan 48933.

ADJOURNMENT

MOTION by Miller, seconded by McFadden, to adjourn the meeting at 3:01p.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on: July 9, 2019.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

April 11, 2019

PHYSICAL THERAPY – GENERAL RULES – 2018 – 023 LR
Public Comment Summary
Board’s responses to February 19, 2019 Public Comment

Testimony/Comments Received:

1. Michael J. Shoemaker, PT, DPT, PhD, President of Michigan Physical Therapy Association
2. Selena Horner, PT

April 9, 2019

Rule 338.7136 Licensure by endorsement of physical therapists; requirements.

Rule Numbers	Commenter	Comment
R 338.7136(2)	Shoemaker	The rule should require all applicants for a physical therapy license by endorsement who graduated from a nonaccredited education program to demonstrate a working knowledge of the English language by satisfying R 338.7135(b). An applicant who graduated from a nonaccredited education program should not be exempt from satisfying R 338.7135(b) if he or she was first licensed in another jurisdiction recognized by FSBPT and engaged in the practice of physical therapy for 5 years or more.
Rules Committee Response	The Rules Committee disagreed with Shoemaker’s comment. The proposed rule does not change the current practice of exempting an applicant from R 338.7135(b) if the applicant was first licensed in another jurisdiction recognized by FSBPT and engaged in the practice of physical therapy for 5 years or more. FSBPT member states only include states and territories of the United States. The Rules Committee finds that 5 years of authorized practice in another state is adequate demonstration of having a working knowledge of the English language.	
Board Response	The Board agrees with the Rules Committee’s recommendation.	

Rule 338.7148 Licensure by endorsement of physical therapists assistant; requirements.

Rule Numbers	Commenter	Comment
R 338.7148(2)	Shoemaker	The rule should require all applicants for a physical therapist assistant license by endorsement who graduated from a nonaccredited education program to demonstrate a working knowledge of the English language by satisfying R 338.7135(b). An applicant who graduated from a nonaccredited education program should not be exempted from satisfying R 338.7135(b) if he or she was first licensed in another jurisdiction recognized by FSBPT and engaged in the practice of physical therapy for 5 years or more.
Rules Committee Response	The Rules Committee disagreed with Shoemaker’s comment. The proposed rule does not change the current practice of exempting an applicant from R 338.7135(b) if the applicant was first licensed in another jurisdiction recognized by FSBPT and engaged in the practice of physical therapy for 5 years or more. FSBPT member states only include states and territories of the United States. The Rules Committee finds that 5 years of authorized practice in another state is adequate demonstration of having a working knowledge of the English language.	
Board Response	The Board agrees with the Rules Committee’s recommendation.	

Rule 338.7121 Definitions

Rule Numbers	Commenter	Comment
R 338.7121(d)	Shoemaker	Add a new subrule to R 339.7138, subrule (4), to define interventions consistent with Part 178 of the act such that the difference between “acts, tasks, and functions” and “interventions” is clear. New subrule (4) should state: “Intervention” means physical measures, therapeutic exercise, and rehabilitative procedures as used in MCL 333.17801(d).
Rules Committee Response	The Rules Committee disagrees with adding the suggested definition of “intervention” under the rule. The difference between “acts, tasks, and functions” is made clear by the definition of “Intervention” under R 338.7121(d).	
Board Response	The Board disagrees with the Rules Committee’s recommendation. The Board agrees with Shoemaker’s comment that the difference between “intervention” and “acts, tasks, and functions” results in a lack of clarity. The Board notes that Shoemaker’s comment directly pertains to the definition of “intervention” under R 338.7121, not R 338.7121(d), and that any changes to the definition must be made under R 338.7121(d). Based on Shoemaker’s comment, the Board voted to remove the definition of “intervention” under R 338.7121(d) and subsequent uses of the term from the rules.	

The Board voted to approve the following changes of the proposed rule presented at the hearing:

R 338.7121 Definitions.

Rule 21. As used in these rules:

- (a) “Board” means the Michigan board of physical therapy created under section 17821 of the code, MCL 333.17821.
- (b) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) “Department” means the Michigan department of licensing and regulatory affairs.
- ~~(d) “Intervention” means the purposeful and skillful interaction of the physical therapist or physical therapist assistant with the patient or client.~~
- ~~(e)~~**(d)** “Patient or client of record” means a patient or client who is receiving physical therapy services from a licensed physical therapist or from a licensed physical therapist assistant under the direction and supervision of a physical therapist.

Rule 339.7138 Delegation of acts, tasks, or functions to a physical therapist assistant; supervision of physical therapist assistant; requirements.

Rule Numbers	Commenter	Comment
R 338.7138	Shoemaker	Do not strike current subrule (2) from R 338.7138. The rule should continue to require a physical therapist to provide general supervision of a physical therapist assistant and provide a definition for general supervision. Although current subrule (2) presents some redundancy,

		many licensees are not familiar with the Michigan Compiled Law citations and would benefit by having the content of the of the law included in the rule in plain language.
R 338.7138(2)(a)	Shoemaker	Remove the requirement under proposed rule R 338.7138(2)(a) to verify a physical therapist assistant’s training and education but require verification of a valid physical therapist assistant license. A valid license ensures a physical therapist has proper training and education.
R 338.7138(2)(c)	Shoemaker	Remove the following language under proposed rule R 338.7138(2)(c) because it is redundant: “Be continuously available by radio, telephone, or telecommunication at the time the act, task, function, or intervention is carried out.” Do not strike the following language from the proposed rule: “Provide supervision of a physical therapist assistant to whom acts, tasks, functions, or interventions have been delegated.”
Rules Committee Response		<p>R 338.7138: The Rules Committee disagrees with Shoemaker’s comment. Subrule (1) of the rule requires the physical therapist to supervise the physical therapist assistant consistent with the definition of supervision under MCL 333.16109(2). The definition of general supervision in subrule (2) duplicates some, but not all, of the language under MCL 333.16109(2). Maintaining subrule (2) creates conflicting requirements since MCL 333.16109(2) has additional requirements for supervision that are not contained in subrule (2). Licensees should not rely on the rules as the only source for determining requirements because there are many requirements under the code that are not duplicated in the rules. In addition, the proposed rule maintains a citation to MCL 333.16109(2), thereby giving licensees adequate guidance to the relevant statutory reference. Therefore, the Rules Committee recommends maintaining the rescission of current subrule (2) as shown in the draft rules presented at the hearing.</p> <p>R 338.7138(2)(a): The Rules Committee disagrees with Shoemaker’s comment. Verifying the training and education of the delegatee is necessary to ensure that the delegatee is adequately qualified to perform the selected act, task, or function and promotes safe and competent practice. Therefore, the Rules Committee recommends maintaining proposed subrule (2)(a) as shown in the draft rules presented at the hearing.</p> <p>R 338.7138(2)(c): The Rules Committee agrees with Shoemaker’s comment for removing the requirement for the physical therapist to be continuously available by radio, telephone, or telecommunication at the time the act, task, function, or intervention is carried out because that requirement is under MCL 333.16109(2). However, the Rules Committee disagrees with Shoemaker’s comment for maintaining the requirement for the physical therapist to supervise the physical therapist assistant because the requirement is already under subrule (1) of the rule. Therefore, the Rules Committee recommends maintaining the rescission under proposed subrule (2)(c) as</p>

	shown in the draft rules presented at the hearing and recommends rescinding the additional language under proposed subrule (2)(c) as shown in the draft rules presented at the hearing.
Board Response	The Board agrees with the Rules Committee’s recommendations for R 338.7138, R 338.7124(2)(a), and R 338.7138(2)(c). The Board notes that the changes the Board voted to approved under R 338.7121(d) based on Shoemaker’s comments pertaining to R 338.7121(d) require removing the use of the term “intervention” under this rule.

The Board voted to approve the following changes of the proposed rule presented at the hearing:

R 338.7138 Delegation of acts, tasks, **or** functions, ~~or interventions~~ to a physical therapist assistant; supervision of physical therapist assistant; requirements.

Rule 38. (1) A physical therapist who delegates the performance of selected acts, tasks, **or** functions, ~~or interventions~~ to a physical therapist assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the physical therapist assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule.

(2) A physical therapist who delegates acts, tasks, **or** functions, ~~or interventions~~ under this rule shall also comply with all of the following:

(a) Ensure the qualifications of the physical therapist assistant under the physical therapist's supervision, including verification of the physical therapist assistant's training, education, and licensure.

(b) Examine and evaluate the patient or client before delegating **acts, tasks, or functions** ~~interventions~~ to be performed by a physical therapist assistant.

~~(c) Be continuously available by radio, telephone, or telecommunication at the time the act, task, function, or intervention is carried out.~~

~~(d) (c) Provide predetermined procedures and protocols for acts, tasks, **or** functions, ~~or interventions~~ that have been delegated.~~

~~(e) (d) Maintain a record of the names of the physical therapist assistants to whom acts, tasks, **or** functions, ~~or interventions~~ have been delegated.~~

~~(f) (e) Monitor a physical therapist assistant's practice and provision of assigned physical therapy acts, tasks, **or** functions, ~~or interventions~~.~~

~~(g) (f) Meet regularly and in person with the physical therapist assistant to whom acts, tasks, **or** functions, ~~or interventions~~ have been delegated to evaluate the assistant's performance, review records, and educate the physical therapist assistant on the acts, tasks, **or** functions, ~~or interventions~~ that have been delegated.~~

(3) A physical therapist shall not supervise more than 4 physical therapist assistants at the same time.

Rule 339.7139 Delegation of acts, tasks, or functions to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule Numbers	Commenter	Comment
R 338.7139	Shoemaker	Add language to clarify that direct supervision is needed when a physical therapist delegates acts, tasks, or functions to a licensed health professional who is not a licensed physical therapist assistant. Clarification is needed to avoid confusion for those licensed physical therapists who delegate to personnel who hold licenses in other professions.
Rules Committee Response	The Rules Committee with Shoemaker’s comment for amending the rule to clarify that the rule applies when a physical therapist delegates to a licensed health professional who is not a licensed physical therapist assistant and to clarify when direct supervision is required. Therefore, the Rules Committee recommends amending the proposed rule to remove the definition of “unlicensed individual,” add language that requires a physical therapist who delegates to a physical therapist assistant to satisfy the requirements under R 338.7138, and include a citation to the definition of delegation under MCL 333.16104(2) to clarify that delegation cannot occur when the act, task, or function falls within the scope of practice of the licensee who is being asked to perform the act, task, or function.	
Board Response	The Board agrees that the rule should be amended to remove the definition of “unlicensed individual” under the rule, clarify that the rule applies when a physical therapist delegates to another licensed health professional who is not a licensed physical therapist assistant, and clarify when direct supervision is required. The Board disagrees with the Rules Committee’s recommendation to include the statutory citation to MCL 333.16104(2) because doing so will create more confusion instead of providing more clarity.	

The Board voted to approve the following changes of the proposed rule presented at the hearing:

R 338.7139 Delegation of acts, tasks, or functions to ~~an~~ **a licensed or** unlicensed individual; direct supervision of ~~an~~ **a licensed or** unlicensed individual; requirements.

Rule 39. (1) ~~A physical therapist who delegates the performance of selected acts, tasks, or functions to an unlicensed individual as permitted under section 16215 of the code, MCL 333.16215, shall supervise the unlicensed individual consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule “unlicensed individual” means an individual who does not hold a physical therapist license or a physical therapist assistant license that is issued by this state. Pursuant to section 16215(6) of the code, MCL 333.16215, the requirements of this rule do not apply to a physical therapist who delegates to a physical therapist assistant if the physical therapist satisfies the requirements for delegation to a physical therapist assistant under R 338.7138.~~

(2) **Except as provided under subrule (1) of this rule, A** physical therapist who delegates **the performance of selected** acts, tasks, or functions to ~~an~~ **a licensed or** unlicensed individual **under section 16215 of the code, MCL 333.16215, shall supervise the**

individual pursuant to section 16109(2) of the code, MCL 333.16109, in addition to providing ~~provide~~ direct supervision of the ~~unlicensed~~ individual. As used in this ~~subrule~~ **rule**, "direct supervision" means that the physical therapist is physically present and immediately available for direction and supervision when patients or clients are present at the time the act, task, or function is performed, and that the physical therapist has direct contact with the patient or client during each visit.

(3) A physical therapist who delegates acts, tasks, or functions under subrule (2) of this rule shall also comply with all of the following:

(a) Ensure the qualifications of the ~~unlicensed~~ individual under the physical therapist's direct supervision, including verification of the ~~unlicensed~~ individual's training and education.

(b) Examine and evaluate the patient or client before delegating acts, tasks, or functions to be performed by ~~an unlicensed~~ **the** individual.

(c) ~~Supervise an unlicensed~~ **Directly supervise the** individual to whom acts, tasks, or functions have been delegated.

(d) Provide predetermined procedures and protocols for acts, tasks, or functions that have been delegated.

(e) Maintain a record of the names of the ~~unlicensed~~ individuals to whom acts, tasks, or functions have been delegated.

(f) Monitor ~~an unlicensed~~ **the** individual's practice and provision of assigned acts, tasks, or functions.

(g) Meet regularly and in person with the ~~unlicensed~~ individual to whom acts, tasks, or functions have been delegated to evaluate the individual's performance, review records, and educate the ~~unlicensed~~ individual on the acts, tasks, or functions that have been delegated.

(4) A physical therapist shall not supervise more than 3 ~~unlicensed~~ individuals **under this rule** at the same time.

~~(5) A physical therapist shall not delegate the performance of a physical therapy intervention to an unlicensed individual.~~

~~(6)~~ **(5)** Under section 16171 of the code, MCL 333.16171, the requirements of ~~subrules~~ **subrule (3)(b) and (5)** of this rule do not apply to a student enrolled in an accredited physical therapist or physical therapist assistant educational program approved by the board.

Rule 338.7163 Acceptable professional development requirement activities; requirements; limitations.

Rule Numbers	Commenter	Comment
R 338.7163(2)	Shoemaker	Do not strike the current citation to the Code of Federal Regulations, Title 34, Part 602 of the Code of Federal Regulations.
R 338.7163(4)	Shoemaker	Activity Code 1: Allow continuing education that relates to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy that is approved by any Michigan boards for health professionals and eliminate reference to only the Michigan Board of Medicine and Board of Osteopathic Medicine and Surgery; require eligible credit to directly pertain to physical therapy practice; and, amend the 5 th bullet point to include the following: APTA Components include the Michigan Physical Therapy Association and other APTA Chapters, APTA

		<p>Sections and APTA Academies. Under the header titled, “Number of PDR credits earned for activity” amend the rule as follows: One PDR credit shall be granted for every 50 to 60 minutes of continuous instruction. When the continuing education provider uses the 0.1 CEU model, that means 0.1 CEU is granted for every 50 to 60 minutes of continuous instruction.</p> <p>Activity Code 9: Under the header titled “Activity,” add the following bullet: The APTA’s PTA Advanced Proficiency Pathways (APP) Program.</p> <p>Activity Code 11: Under the header titled “Activity,” amend the rule to allow participation in a physical therapist or physical therapist assistant education program that may include physical therapy education, research, or practice. Upon audit, the activity should require the licensee to submit a letter from an appropriate official verifying that the committee or task force dealt with patient care related issues, which may include the quality of patient care, utilization review, physical therapy education, research or practice that includes the dates and amount of time the licensee participated on each date.</p>
R 338.7163(4)	Horner	<p>Activity Code 1: PDR is not clearly defined. Some organizations define .1 PDR credit as equal to 1 hour. The rule should define 1 PDR as equal to 1 hour of continuing education.</p> <p>Activity Code 4: Credit should be granted based on 1 PDR credit equal to 1 hour of continuous viewing or listening to media. Partial credit should be granted based on actual time viewing or listening to media. For example, 30 minutes should equal .5 PDR credit. The activity should require a licensee to provide documentation verifying the proof of the length of time of the activity.</p> <p>Activity Code 5: Credit should be granted based on 2 PDR credits equal to 1 hour of continuous instruction. Partial credit should be granted based on continuous instruction. For example, 50 minutes should equal 1.8 PDR credit. The activity should require a licensee to provide documentation verifying the proof of the length of time of the activity.</p> <p>Activity Code 6: Two credits should be granted for all activities under the activity regardless of the length of continuous instruction. The time spent presenting the activity isn’t the critical factor but instead the critical factor is the time preparing for the activity itself.</p>

		<p>Activity Code 9: Reevaluate allowing the ABPTS recertification process as an acceptable activity. Recertification is no longer completed in a single step when choosing to provide a professional development portfolio. Recertification happens in stages.</p> <p>Activity Code 11, 12, 16, and 17: Credit should be granted in increments of 60 minutes instead of 50 minutes.</p> <p>Activity Code 13: Each event or issue should equal 1 PDR credit. Time is not necessarily the key. A signature from the organization should be required to verify that the event or issue was adequately researched.</p>
R 338.7163	Shoemaker	Add a rule to allow the Board to show discretion if a licensee has not been able to complete the PDR credits required for renewal due to service in the United States military, prolonged illness or disability, or other extreme hardship.
Rules Committee Response		<p>R 338.7163(2): The Rules Committee agrees with Shoemaker’s comment that the reader may benefit from clarification to the citation to the Code of Federal Regulations but disagrees with keeping the format of the citation in the current rule. In keeping with the February 21, 2019 ORR Manual of Style, the citation will be changed to “The Secretary’s Recognition of Accrediting Agencies, 34 CFR 602.1 to 34 CFR 602.50 (2018).”</p> <p>Activity Code 1: The Rules Committee disagrees with Shoemaker’s comment for adding a bullet stating, “Eligible PDR credits for continuing education courses must directly pertain to physical therapy practice.” The activity already requires the activity to pertain to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy. The Rules Committee agrees with Shoemaker’s comment for replacing the Michigan Board of Medicine and Board of Osteopathic Medicine and Surgery with any Michigan health board or task force under the Public Health Code. The Rules Committee agrees with Shoemaker’s comment for amending the 5th bullet pertaining to the American Physical Therapy Association as recommended by the commenter because it will provide greater clarity. Finally, the Rules Committee agrees with Shoemaker’s and Horner’s comment for granting PDR credit when credit is granted by an organization in increments of .1 credit for every 50 to 60 minutes of continuous instruction.</p> <p>Activity Code 4: The Rules Committee agrees with Horner’s comment. Credit should be granted beginning with .5 credit for every 30 minutes of viewing or listening to media. A licensee who is audited should identify the title of the media, the name of the publisher of the media, the date the media was published or copyrighted, and the length of the media that the licensee viewed or heard.</p>

Activity Code 5: The Rules Committee disagrees with Horner’s comment. It is appropriate to require a minimum of 50 minutes of continuous instruction before receiving credit. Further, the activity currently requires adequate proof of the time of the presentation for purposes of demonstrating the length of the activity.

Activity Code 6: The Rules Committee disagrees with Horner’s comment that 2 PDR credits should be granted for all activities regardless of the time spent presenting. Credit should be based on the time presenting the scientific exhibit or scientific paper.

Activity Code 9: The Rules Committee agrees with Shoemaker’s comment for adding the APTA’s PTA Advanced Proficiency Pathways (APP) Program as acceptable under the activity. The Rules Committee agrees with Horner’s comment to remove the portfolio option because the pathway for an ABPTS professional development portfolio recertification process takes place over several years and is no longer adequate for use as an acceptable activity.

Activity Code 11, 12, 16, and 17: The Rules Committee disagrees with Horner’s comment. Fifty minutes of continuous instruction is used to account for the fact that many activities are scheduled for a period of 60 minutes but may involve a break in the activity that results in the licensee receiving only 50 minutes of continuous instruction.

Activity Code 11: The Rules Committee agrees with Shoemaker’s comment. The activity should be amended to add a physical therapist or physical therapist assistant educational program committee or task force and expand the list of included issues to include physical therapy education, research, or education. Upon audit, the activity should require the licensee to submit a letter from an appropriate official verifying that the committee or task force dealt with patient care related issues, which may include the quality of patient care, utilization review, physical therapy education, research or practice that includes the dates and amount of time the licensee participated on each date.

Activity Code 13: The Rules Committee notes that Horner’s comment states activity code 14 but her comment refers to the content under activity code 13. The Rules Committee agrees that 1 PDR credit should be granted for each event or issue because the time spent on the activity is not the key factor in determining the amount of learning gained from the event or issue. The Rules Committee disagrees that a licensee should be required to provide a signature from the organization involved with the event or issue because the experiential activity from provided by the department is adequate for verifying completion of the activity.

	<p>R 338.7163: The Rules Committee disagrees with Shoemaker’s comment. MCL 333.16205(1) allows the Board to waive the requirement to attend educational programs as a condition to license renewal if, upon written application, the Board finds the failure of the licensee to attend was due to the licensee’s disability, military service, absence from the continental United States, or a circumstance beyond the control of the licensee that the Board considers good and sufficient. The rule proposed by the commenter would be duplicative of statute. However, the Rules Committee agrees that a rule should be added to clarify that a request for a waiver under MCL 333.16205(1) should be received by the department prior to the expiration date of the license for the request to be considered by the Board.</p>
<p>Board Response</p>	<p>The Board agrees with all of the Rules Committee’s recommendations but notes that Shoemaker’s comment for activity code 1 regarding the changes to the entities offering continuing education programs directly affects the entities under activity code 5. To prevent inconsistency within the table, the Board voted to amend activity code 5 to include the same entities that will be added under activity code 1 in addition to accepting the other changes recommended by the Rules Committee.</p>

The Board voted to approve the following changes of the proposed rule presented at the hearing:

R 338.7163 Acceptable professional development requirement activities; requirements; limitations.

Rule 63. (1) The 24 PDR credits required under R 338.7161(2) for the renewal of a license shall meet the following requirements, as applicable:

(a) No more than 12 PDR credits shall be earned for approved online continuing education programs or activities during one 24-hour period.

(b) A licensee shall not earn PDR credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit for during that renewal period.

(c) Pursuant to section 16204(2) of the code, MCL 333.16204, a licensee shall earn at least 1 PDR credit in the area of pain and symptom management by completing a continuing education program or activity. Credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of physical therapy.

(2) The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council for Higher Education Accreditation (CHEA), effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in ~~34 CFR part 602~~ **The Secretary’s Recognition of Accrediting Agencies, 34 CFR 602.1 to 34 CFR 602.50 (2018)**. Copies of the procedures and criteria of CHEA and the United States Department of Education are available for inspection and distribution at cost from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

CHEA’s procedures and criteria also may be obtained, from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110 and at no cost from CHEA’s website at <http://www.chea.org>. The federal recognition criteria may be obtained at no cost from the United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at www.ed.gov.

(3) As used in this rule, “continuous instruction” means education or presentation time that does not include breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the activity or program.

(4) Credit may be earned for any of the following activities:

ACCEPTABLE PDR ACTIVITIES

Activity Code	Activity	Number of PDR credits earned for activity
1	<p>Completing an approved continuing education program or activity related to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy. A continuing education program or activity is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state board of physical therapy. • The Michigan board of medicine. Another board or task force regulated under Article 15 of the Code. • The Michigan board of osteopathic medicine and surgery. • FSBPT. • The American Physical Therapy Association (APTA) or its components. APTA components include the Michigan Physical Therapy Association and other APTA Chapters, APTA Sections, and APTA Academies. • An accredited physical therapist educational program that meets the standards under R 338.7131. • An accredited physical therapist assistant educational program that meets the standards under R 338.7141. 	<p>The number of credits approved by the sponsor or the approving organization shall be granted.</p> <p>When the sponsor or approving organization calculates credit at a rate of 0.1 credit for every 50 to 60 minutes of continuous instruction then 0.1 credit shall equal 1 PDR credit.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>

	<p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	
2	<p>Passing a postgraduate academic course related to the practice of physical therapy offered by either of the following:</p> <ul style="list-style-type: none"> • An accredited physical therapist educational program that meets the standards under R 338.7131. • A nationally accredited university or college that meets the standards in subsection (2) of this rule. <p>If audited, a licensee shall submit a copy of the transcript showing credit hours of the academic courses related to physical therapy.</p>	<p>Fifteen PDR credits shall be granted for each semester credit earned and 10 PDR credits shall be granted for each quarter or term credit earned.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>
3	<p>Reading an article related to the practice of physical therapy in a professional or scientific journal.</p> <p>This activity does not include articles that are approved for PDR credit under activity code 1.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the article or the general response form provided by the department as an evaluative component for this activity.</p> <p>If audited, a licensee shall submit documentation from the professional or scientific journal or a copy of the completed general response form to verify that he or she completed an evaluation.</p>	<p>One PDR credit shall be granted for each article.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>

4	<p>Viewing or listening to media devoted to professional education related to the practice of physical therapy, other than on-line programs, that was not approved or offered for continuing education credit.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the educational media or the general response form provided by the department as an evaluative component for this activity.</p> <p>If audited, a licensee shall submit a copy of the completed evaluation or completed general response form to verify that he or she completed an evaluation, and identify the title of the media, the name of the publisher of the media, the date the media was published or copyrighted, and the length of the media.</p>	<p>One PDR credit shall be granted for every 50 minutes of continuous instruction. One-half of 1 PDR credit shall be granted for every 30 minutes of continuous instruction.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
5	<p>Presenting a continuing education program related to the practice of physical therapy.</p> <p>To receive credit, the presentation shall be approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state board of physical therapy. • The Michigan board of medicine. Another board or task force regulated under Article 15 of the code. • The Michigan board of osteopathic medicine and surgery. • FSBPT. • APTA or its components. APTA components include the Michigan Physical Therapy Association and other APTA Chapters, APTA Sections and APTA Academies. • An accredited physical therapist educational program that meets the standards under R 338.7131. • An accredited physical therapist assistant educational program that meets the standards under R 338.7141. 	<p>Two PDR credits shall be granted for every 50 minutes of continuous instruction. A presentation shall not be less than 50 minutes in length.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

	<p>If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	
6	<p>Presenting a scientific exhibit or scientific paper accepted for presentation through a peer review process at a state, regional, national, or international physical therapy conference, or its components, or a related professional organization.</p> <p>If audited, a licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the exhibit or paper was accepted for presentation through a peer review process and the date of the presentation.</p>	<p>Two PDR credits shall be granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
7	<p>Writing an article related to the practice, education, or research of physical therapy that is published in any of the following:</p> <ul style="list-style-type: none"> • The journal of a national physical therapy association or its components. • A peer-reviewed journal. • A health care journal. • A professional or scientific journal. <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the article or a publication acceptance letter.</p>	<p>Six PDR credits shall be granted for each article.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

8	<p>Writing a chapter related to the practice, education, or research of physical therapy that is published in a book.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.</p>	<p>Six PDR credits shall be granted for each chapter.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
9	<p>Successfully completing 1 of the following:</p> <ul style="list-style-type: none"> • An American Board of Physical Therapy Specialties (ABPTS) certification examination. • An ABPTS recertification examination. • An ABPTS professional development portfolio for recertification. • The APTA’s PTA Advanced Proficiency Pathways program. <p>If audited, a licensee shall submit proof of certification or recertification.</p>	<p>Twenty-three PDR credits shall be granted for each successful completion.</p> <p>A maximum of 23 PDR credits may be earned for this activity in each renewal period.</p>
10	<p>Participating as a student for a minimum of 1,000 hours in any of the following:</p> <ul style="list-style-type: none"> • A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist educational program that meets the standards under R 338.7131. • A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist assistant educational program that meets the standards under R 338.7141. • A postgraduate clinical training program related to the practice of physical therapy offered through a health care organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services. 	<p>Twelve PDR credits shall be granted for 1,000 hours of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

	<ul style="list-style-type: none"> • A postgraduate clinical training program related to the practice of physical therapy that is accredited or credentialed by the APTA or an organization approved by the board. <p>If audited, a licensee shall submit a letter from the program director verifying the number of hours the licensee participated in the clinical training program and that the program was provided, offered, or accredited by an educational program or organization that meets the requirements of this rule.</p>	
11	<p>Participation in a health care organization committee, physical therapy or physical therapy assistant educational program, or task force dealing with patient care related issues, which may include physical therapy education, research, or practice or quality of patient care and utilization review.</p> <p>If audited, a licensee shall submit a letter from an organization appropriate official representing the committee, educational program, or task force verifying that the committee, educational program, or task force of organization dealt with patient care related issues, and the licensee's participation, including the dates and the amount of time the licensee participated on each date. which may include physical therapy education, research, or practice or quality of patient care and utilization review. The letter must also include the dates and the amount of time the licensee participated on each date.</p>	<p>One PDR credit shall be granted for every 50 minutes of participation.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
12	<p>Serving as a guest instructor of students, staff, or other licensees at any of the following:</p> <ul style="list-style-type: none"> • A clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist educational program that meets the standards under R 338.7131. • A clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist 	<p>Two PDR credits shall be granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

	<p>assistant educational program that meets the standards under R 338.7141.</p> <ul style="list-style-type: none"> • A clinical training program related to the practice of physical therapy offered through a health care organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services. • A clinical training program related to the practice of physical therapy that is accredited or credentialed by APTA or an organization approved by the board. <p>If audited, a licensee shall submit a letter from the program director verifying the licensee’s role, the number of instructional sessions on specific subjects provided by the licensee, and the length of the instructional sessions. Also, the letter shall verify that the clinical training program was provided, offered, or accredited by an educational program or organization that meets the requirements of this rule.</p>	
13	<p>Serving as a clinical instructor or clinical supervisor for students completing an internship, residency, or fellowship program that is recognized or approved by any of the following:</p> <ul style="list-style-type: none"> • An accredited educational program for physical therapists that meets the standards under R 338.7131. • An accredited educational program for physical therapist assistants that meets the standards under R 338.7141. • APTA or an organization approved by the board. <p>If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee’s role, the number of hours of instruction or supervision provided by the licensee, and that the internship, residency, or fellowship program is recognized or approved by an educational program or organization that meets the requirements of this rule.</p>	<p>Three PDR credits shall be granted for 40 hours of clinical instruction or supervision.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

14	<p>Identifying, researching, and addressing an event or issue related to professional practice.</p> <p>If audited, a licensee shall submit a completed experiential activity form provided by the department for each issue or event.</p>	<p>One PDR credit shall be granted for each separate every 50 minutes of identifying, researching, or addressing an event or issue.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
15	<p>Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of physical therapy that is considered acceptable by the board. A task force, committee, board, council, or association is considered acceptable if it enhances the participant's knowledge and understanding of the field of physical therapy.</p> <p>If audited, a licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the task force, committee, board, council, or association.</p>	<p>Four PDR credits shall be granted for participation on each task force, committee, board, council, or association.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
16	<p>Participating as a surveyor for an external agency in a program involving the accreditation, certification, or inspection of an educational program for physical therapists or physical therapist assistants or a certification process for a clinical agency.</p> <p>If audited, a licensee shall submit a letter from the accreditation, certification, or inspection program verifying the licensee's participation, the location of the inspections, and the number of hours the licensee spent participating as a surveyor.</p>	<p>One PDR credit shall be granted for every 50 minutes of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
17	<p>Performing volunteer work related to the field of physical therapy without reimbursement in a public or nonprofit entity.</p>	<p>One PDR credit shall be granted for every 50 minutes of volunteer work performed.</p>

	If audited, a licensee shall submit a letter from an official at the public or nonprofit entity verifying the number of hours and the type of volunteer work performed by the licensee.	A maximum of 6 PDR credits may be earned for this activity in each renewal period.
18	<p>Serving as a center or site coordinator of clinical education at an agency that provides clinical internships for students enrolled in programs that are recognized or approved by either of the following:</p> <ul style="list-style-type: none"> • An accredited educational program for physical therapists that meets the standards under R 338.7131. • An accredited educational program for physical therapist assistants that meets the standards under R 338.7141. <p>If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee’s role and that students were placed and participated in the internship program during the time for which the licensee is claiming PDR credit.</p>	<p>Two PDR credits shall be granted per year of serving as the coordinator.</p> <p>A maximum of 4 PDR credits may be earned for this activity in each renewal period.</p>
19	<p>Completing a self-review tool that is developed by FSBPT.</p> <p>To receive credit, a licensee shall submit documentation from FSBPT verifying completion of the self-review tool.</p>	<p>Three PDR credits shall be granted for each completion.</p> <p>A maximum of 3 PDR credits may be earned for this activity in each renewal period.</p>

(5) A request for a continuing education waiver pursuant to section 16205 (1) of the Code, MCL 333.16205(1), must be received by the department before the expiration date of the license.

New Rule Pertaining to supervision of the physical therapist assistant.

Rule Numbers	Commenter	Comment
New Rule R 338.7140	Shoemaker	Add the following new rule: R 338.7140 Supervision of the physical therapist assistant.

		The physical therapist assistant is a subfield license of the licensed physical therapist under section 17801(b) of the code, MCL 333.17801. Practice as a physical therapist assistant may only occur under the general supervision of the physical therapist; section 17801(c) of the code, MCL 333.17801. No other licensed health professional may supervise the physical therapist assistant.
Rules Committee Response		The Rules Committee disagrees with adding a rule to prohibit other licensed health professionals who are not licensed as a physical therapist from supervising a licensed physical therapist assistant. MCL 333.17819 provides that Part 178, MCL 333.17801 to 333.17827, pertaining to physical therapy, does not prohibit an individual licensed, registered, or otherwise authorized to engage in a health profession under any other part or any other act from performing activities that are considered the practice of physical therapy or the practice as a physical therapist assistant so long as those activities are within the individual's scope of practice. Further, pursuant to MCL 333.16215, health professionals may delegate to other individuals certain acts, tasks, or functions that fall within the scope of practice of the licensee that will be performed under the licensee's supervision. Shoemaker's recommendations would conflict with MCL 333.17819 and MCL 333.16215.
Board Response		The Board agrees with the Rules Committee's recommendation.