

BILL NO. 30-0102

Thirtieth Legislature of the Virgin Islands

May 15, 2013

An Act to revise Title 27 Virgin Islands Code, chapter 1, subchapter VIII governing Physical Therapy, to protect public health, safety and welfare of the people of the Virgin Islands, and provide for territorial administrative control, supervision, licensure and regulation of the practice of physical therapy in the Virgin Islands

PROPOSED BY: Senator Clifford Graham

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3 Virgin Islands Code, section 415(b)(6) is amended by
3 deleting all of the language and inserting the following in lieu thereof:

4 “The Board of Physical Therapy shall consist of five members, all of whom must
5 reside in the Virgin Islands and have been practicing in the Virgin Islands for no less than
6 three years prior to their appointments. At least one member must reside on St. Croix, at
7 least one member must reside on St. Thomas and at least one member must represent the
8 Island of St. John. Two members shall be elected by a majority vote of all licensed and
9 practicing physical therapists and physical therapist assistants residing in the Territory

1 and three members shall be nominated as provided herein. Of the five members, one
2 member may be a Physical Therapist Assistant. The members shall be nominated in the
3 following manner:

- 4 1. One shall be nominated by the Governor of the Virgin Islands;
- 5 2. One shall be nominated by the President of the Legislature;
- 6 3. One shall be nominated by the Commissioner of the Department of
7 Health;

8 All nominees shall be appointed only with the advice and consent of the
9 Legislature.”

10 **SECTION 2.** Title 27 Virgin Islands Code, chapter 1, subchapter VIII is
11 amended as follows:

12 1. In Section 165 in the following instances:

13 (A) By striking the existing language in subsection (b) and inserting a
14 new subsection (b) to read as follows:

15 “(b) ‘Physical therapist’ means a person who is licensed pursuant to this
16 subchapter to practice physical therapy.

17 (B) By adding new subsections (d) through (l) to read as follows:

18 “(d) ‘Practice of physical therapy’ means:

19 (1) Examining, evaluating and testing individuals with
20 mechanical, physiological and developmental impairments, functional
21 limitations, and disabilities or other health and movement-related
22 conditions in order to determine a physical therapy evaluation and plan of
23 treatment intervention, and to assess the ongoing effects of intervention.

24 (2) Alleviating impairments, functional limitations and

1 disabilities by designing, implementing and modifying treatment
2 interventions that may include, but are not limited to, therapeutic exercise,
3 functional training in self-care and in home, community or work
4 integration or reintegration, manual therapy including soft tissue and the
5 first four stages of joint mobilization only, therapeutic massage,
6 prescription, application and, as appropriate, fabrication of assistive,
7 adaptive, orthotic, prosthetic, protective and supportive devices and
8 equipment, airway clearance techniques, integumentary protection and
9 repair techniques, debridement and wound care, physical agents or
10 modalities, mechanical and electrotherapeutic modalities, and patient-
11 related instruction.

12 (3) Reducing the risk of injury, impairment, functional
13 limitation and disability, including the promotion and maintenance of
14 fitness, health and wellness in populations of all ages.

15 (4) Engaging in administration, consultation, education and
16 research.

17 (5) The term ‘practice of physical therapy’ as defined above
18 does not preclude other health care providers providing service similar to
19 that which is defined for persons licensed pursuant to this subchapter from
20 performing various forms of modalities allowed in their specific practice
21 act or board rules and regulations.

22 (e) ‘Physical therapist assistant’ means a person who is licensed
23 pursuant to this subchapter and who assists the physical therapist in selected
24 components of the physical therapy treatment intervention.

1 (f) ‘Physical therapy aide’ means a person trained under the direction
2 of a physical therapist who performs designated and supervised routine tasks
3 related to physical therapy services.

4 (g) ‘Restricted license’ for a physical therapist means a license on
5 which the Board places restrictions and/or conditions as to scope of practice,
6 place of practice, supervision of practice, duration of licensed status, or type or
7 condition of patient or client to whom the licensee may provide services.
8 ‘Restricted license’ for a physical therapist assistant means a license on which the
9 Board has placed any restrictions.

10 (h) ‘Supervision’ means the supervising physical therapist needs to be
11 available at all times to the physical therapy assistant.

12 (i) ‘Testing’ means standard methods and techniques used to gather
13 data about the patient.

14 (j) ‘Consultation by means of telecommunication’ means that a
15 physical therapist renders professional or expert opinion or advice to another
16 physical therapist or health care provider via telecommunications or computer
17 technology from a distant location. It includes the review or transfer of patient
18 records or related information by means of audio, video or data communications.

19 (k) ‘Jurisdiction of the United States’ means any state, the District of
20 Columbia, or any American territory.

21 (l) ‘Examination’ means the national examination developed and
22 administered by the Federation State Board of Physical Therapy and approved for
23 the licensure of a physical therapist or the licensure of a physical therapist
24 assistant.”

1 2. In section 165a by deleting the existing language and inserting the
2 following in its place:

3 “All Physical Therapists and Physical Therapist Assistants who practice
4 physical therapy in the Virgin Islands shall be required to have a license in
5 compliance with the terms of this subchapter.”

6 3. In section 165b by deleting the existing language and inserting the
7 following in its place:

8 “The Board shall:

9 (1) Evaluate the qualifications of physical therapist and physical
10 therapist assistant applicants for licensure;

11 (2) Provide for the examination of physical therapists and physical
12 therapist assistants;

13 (3) Issue licenses to persons who meet the qualifications of this
14 subchapter;

15 (4) Regulate the practice of physical therapy by interpreting and
16 enforcing this subchapter;

17 (5) Issue advisory opinions upon request regarding this
18 subchapter;

19 (6) Adopt and revise rules consistent with this subchapter. Such rules,
20 when lawfully adopted, shall have the effect of law;

21 (7) Establish mechanisms for assessing the continuing professional
22 competence of physical therapists to practice physical therapy;

23 (8) Establish mechanisms for assessing the continuing professional

1 competence of physical therapist assistants to practice physical therapy;

2 (9) Establish and collect fees for sustaining the necessary operation
3 and expenses of the board;

4 (10) Maintain a current list of all persons regulated under this
5 subchapter. This information includes the person's name, current business and
6 residential address, email address, telephone numbers, and license number;

7 (11) Provide information to the public regarding the complaint process;

8 (12) Report final disciplinary action taken against a licensee to a
9 national disciplinary database recognized by the Board or as required by law;

10 (13) Report information of alleged unlawful conduct by licensees,
11 unlicensed individuals, other health care providers and entities to the appropriate
12 county, state or federal authority;

13 (14) Publish, at least annually, final disciplinary action taken against a
14 licensee in a newspaper of general circulation once a week for four consecutive
15 weeks in both the St. Thomas/St. John District and the St. Croix District; and

16 (15) Publish, at least annually, Board rulings, opinions, and
17 interpretations of statutes or rules in order to guide persons regulated pursuant to
18 this subchapter. ”

19 4. In section 165c by deleting the existing language and inserting the
20 following in its place:

21 “(a) An applicant for a license as a physical therapist shall:

22 (1) Complete the application process including payment of a fee set by
23 the Board;

1 (2) Submit proof of graduation from a professional physical therapy
2 education program accredited by a national accreditation agency approved by the
3 Board;

4 (3) Pass the national examination;

5 (4) Present evidence satisfactory to the Board that he or she is of good
6 moral character; and

7 (5) Meet the requirements established by Board rule, if applicable.

8 (b) An applicant who has been educated outside of the United States and
9 seeks a license as a physical therapist shall:

10 (1) Complete the application process including payment of a fee set by
11 the Board;

12 (2) Provide satisfactory evidence to the Board that the applicant's
13 education is substantially equivalent to the education of physical therapists
14 educated in an accredited entry-level program in the United States.

15 (3) Graduation from a professional education program outside the
16 United States that was accredited by the same accrediting agency that the Board
17 approves for programs within the United States constitutes evidence of substantial
18 equivalency. In all other instances, 'substantially equivalent' means that an
19 applicant for licensure who was educated outside of the United States shall have:

20 (A) Graduated from a physical therapist education program that
21 prepared the applicant to engage, without restriction, in the practice of
22 physical therapy;

23 (B) Provided written proof that the applicant's school of
24 physical therapy is recognized by its own ministry of education;

1 (C) Undergone a credentials evaluation as directed by the
2 Board, utilizing the appropriate Coursework Tool based on the year of
3 graduation, developed by the Federation of State Boards of Physical
4 Therapy, that determines that the candidate has met uniform criteria for
5 educational requirements as further established by rule; and

6 (D) Completed any additional education as required by the
7 Board.

8 (4) Pass the Board-approved English proficiency examination if the
9 applicant's native language is not English;

10 (5) Pass the examination approved by the Board;

11 (6) Present evidence satisfactory to the Board that he or she is of good
12 moral character;

13 (7) Meet the requirements established by Board rule if applicable; and

14 (8) Complete supervised clinical practice as defined by rules with a
15 restricted license.

16 (c) An applicant for licensure as a physical therapist assistant shall:

17 (1) Complete the application process including payment of a fee set by
18 the Board;

19 (2) Submit proof of graduation from a physical therapist assistant
20 education program accredited by a national accreditation agency approved by the
21 Board;

22 (3) Pass the examination approved by the Board;

23 (4) Present evidence satisfactory to the Board that he or she is of good
24 moral character; and

1 (5) Meet the requirements established by Board rule if applicable.

2 (d) An applicant for a certification/licensure as a physical therapist assistant
3 who has been educated outside of the United States shall:

4 (1) Complete the application process, including payment of fees;

5 (2) Provide satisfactory evidence that the applicant's education is
6 substantially equivalent to the physical therapist assistants educated in an
7 accredited entry-level program as determined by the Board;

8 (3) Graduation outside of the United States from an education program
9 accredited by the same accrediting agency that the Board approves for programs
10 within the United States constitutes evidence of substantial equivalency. In all
11 other instances, 'substantially equivalent' means that an applicant for licensure
12 educated outside of the United States shall have:

13 (a) Graduated from a physical therapist assistant education
14 program that prepares the applicant to work as a Physical Therapist
15 Assistant;

16 (b) Provided written proof that the applicant's physical
17 therapist assistant school is recognized by its own ministry of education;

18 (c) Undergone credentials evaluation as directed by the Board,
19 utilizing the appropriate PTA Tool based on year of graduation, developed
20 by the Federation of State Boards of Physical Therapy, that determines
21 that the candidate has met uniform criteria for education requirements as
22 further established by rule; and

23 (d) Completed any additional education as required by the
24 Board.

1 (4) Pass the Board-approved English proficiency examinations if the
2 applicant’s native language is not English;

3 (5) Pass the examination approved by the Board;

4 (6) Complete supervised clinical practice as defined by rules with a
5 restricted license;

6 (7) Meet the requirements established by Board rule if applicable.”

7 5. In Section 165d by deleting the existing language in its entirety and
8 inserting the following in its place:

9 “(a) The Board shall provide for examinations to applicants who
10 comply with section 165c of this subchapter.

11 (b) The physical therapist examination shall be a national examination
12 that tests entry-level competence related to physical therapy theory, examination
13 and evaluation, diagnosis, prognosis, treatment intervention, prevention and
14 consultation.

15 (c) The physical therapist assistant examination shall test for requisite
16 knowledge and skills in the technical application of physical therapy services.

17 (d) If the Board determines that an applicant has engaged, or has
18 attempted to engage, in conduct that subverts or undermines the integrity of the
19 examination process, the Board may disqualify the applicant from taking or
20 retaking the examination for a specified period of time.”

21 6. In Section 165h in the following instances:

22 (A) In the subtitle after the word “Renewal” by inserting the words “or
23 Reinstatement”;

24 (B) In subsection (a) by striking “\$80.00” where it appears the first

1 time and inserting “\$500.00” and by striking “\$80.00” where it appears the
2 second time and inserting “\$250.00, in addition to the annual license fee,”.

3 (C) In subsection (b) by deleting the existing language in its entirety
4 and inserting the following in its place:

5 “(b) The Board may reinstate a lapsed license upon completion of a
6 reinstatement application including payment of a fee set by the Board.” and by
7 inserting a new subsection (c) and subsection (d) to read:

8 “(c) If a physical therapist’s license or a physical therapy assistant’s
9 license has lapsed for two or more renewal periods, that person shall demonstrate,
10 to the Board’s satisfaction, competence to practice physical therapy by one or
11 more of the following as determined by the Board:

- 12 (1) Practice for a specified time under a restricted license;
- 13 (2) Complete prescribed remedial courses;
- 14 (3) Pass all examinations approved by the Board; and
- 15 (4) Provide proof of licensed practice in another jurisdiction.

16 (d) The Board may reinstate a revoked license evidence of satisfactory
17 completion of all requirements for reinstatement that were stipulated in a consent
18 order at the time of revocation. The Board may further require evidence of a
19 physical therapist’s competence to practice physical therapy through one or more
20 of the activities specified in section 165h(c) of this subchapter.”

21 7. In Section 165i by deleting the existing language in its entirety and
22 inserting the following in its place:

23 **“§165i. Regulation of Physical Therapy Ethical Practice**

24 (a) A physical therapist shall adhere to the recognized standards of ethics of

1 the physical therapy profession as established by the Physical Therapist Code of Ethic;

2 (b) Use of Titles and Terms; Restrictions; Classification of Violation

3 (1) A physical therapist shall use the letters 'PT' immediately
4 following his or her name to designate licensure under this subchapter.

5 (2) A person or business entity, its employees, agents or
6 representatives shall not use in connection with that person's name or the name or
7 activity of the business, the words 'physical therapy', 'physical therapist',
8 'physiotherapist', 'registered physical therapist', 'doctor of physical therapy', the
9 letters 'PT', 'DPT', 'LPT', 'RPT', or any other words, abbreviations or insignia
10 indicating or implying directly or indirectly that physical therapy is provided or
11 supplied, unless such services are provided by or under the direction of a physical
12 therapist licensed pursuant to this subchapter. A person or business entity shall
13 not advertise or otherwise promote another person as being a 'physical therapist'
14 or 'physiotherapist' unless the individual so advertised or promoted is licensed as
15 a physical therapist under this subchapter. A person or business entity that offers,
16 provides, or bills any other person for services shall not characterize those
17 services as 'physical therapy' or 'physiotherapy' unless the individual performing
18 those services is a person licensed as a physical therapist under this subchapter.

19 (3) A physical therapist assistant shall use the letters 'PTA'
20 immediately following his or her name to designate licensure under this
21 subchapter.

22 (4) A person shall not use the title 'physical therapist assistant', the
23 letters 'PTA', or any other words, abbreviations or insignia in connection with
24 that person's name to indicate or imply, directly or indirectly, that the person is a

1 physical therapist assistant unless that person is licensed as a physical therapist
2 assistant pursuant to this subchapter.

3 (c) Patient Care Management

4 (1) A physical therapist is responsible for managing all aspects of the
5 physical therapy care of each patient. A physical therapist shall provide:

6 (A) The initial evaluation and documentation of each patient;

7 (B) Reevaluation of those patients seen by a physical therapist
8 assistant every 10 visits or 30 days, whichever comes first. For those
9 patients seen through the Departments of Education or Health on a weekly
10 or monthly basis by a physical therapist assistant, reevaluation by a
11 physical therapist is to be completed every three months; and

12 (C) The documented discharge of the patient, including the
13 patient's response to treatment intervention at the time of discharge.

14 (2) A physical therapist shall assure the qualifications of all physical
15 therapist assistants and physical therapy aides under his or her direction and
16 supervision.

17 (3) For each patient on each date of service, a physical therapist shall
18 provide all of the treatment intervention that requires the expertise of a physical
19 therapist and shall determine the use of physical therapist assistants or physical
20 therapy aides that provide for the delivery of care that is safe, effective and
21 efficient.

22 (4) A physical therapist assistant shall work under a physical
23 therapist's supervision. A physical therapist assistant shall document the care
24 he/she provides.

1 (5) A physical therapist or physical therapist assistant may use
2 unlicensed persons for designated routine tasks.

3 (6) A physical therapist’s responsibility for patient care management
4 shall include accurate documentation and billing of the services provided.”

5 8. In Section 165k by striking all of the language and inserting the following
6 in lieu thereof;

7 **“§165k. Discipline and Enforcement**

8 (a) Grounds for Denial and Revocation of a License. The following are
9 grounds for denial of a license or disciplinary action:

10 (1) Violating any provision of this subchapter, Board rules or a written
11 order of the Board;

12 (2) Obtaining or attempting to obtain a license by fraud or
13 misrepresentation;

14 (3) Attempting to engage in conduct that subverts or undermines the
15 integrity of the examination or the examination process including, but not limited
16 to, utilizing in any manner recalled or memorized examination questions from or
17 with any person or entity, failing to comply with all test center security
18 procedures, communicating or attempting to communicate with other examinees
19 during the test, or copying or sharing examination questions or portions of
20 questions;

21 (4) Practicing or offering to practice beyond the scope of the practice
22 of physical therapy and practicing physical therapy other than under the
23 prescription of a physician licensed to practice medicine, surgery, osteopathy,
24 chiropractic or naturopathic medicine in the Virgin Islands.

1 (5) Acting in a manner inconsistent with generally accepted standards
2 of physical therapy practice, regardless of whether actual injury to the patient is
3 established;

4 (6) Failing to adhere to the recognized standards of ethics of the
5 physical therapy profession as established by rule;

6 (7) Failing to complete continuing competence requirements as
7 established by rule;

8 (8) Failing to maintain adequate patient records. For the purposes of
9 this paragraph, ‘adequate patient records’ means legible records that contain at
10 minimum sufficient information to identify the patient, an evaluation of objective
11 findings, a diagnosis, a plan of care, a treatment record and a discharge plan;

12 (9) Failing to supervise physical therapist assistants or physical
13 therapy aides in accordance with this subchapter and Board rules;

14 (10) Failing to report to the Board, where there is direct knowledge, any
15 unprofessional, incompetent or illegal acts that appear to be in violation of this
16 subchapter or any rules established by the Board;

17 (11) Engaging in sexual misconduct. For the purpose of this paragraph
18 ‘sexual misconduct’ includes:

19 (A) Engaging in or soliciting sexual relationships, whether
20 consensual or non-consensual, while a physical therapist or physical
21 therapist assistant patient relationship exists;

22 (B) Making sexual advances, requesting sexual favors or
23 engaging in other verbal conduct or physical contact of a sexual nature
24 with patients or clients; and

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

4 (12) Having had a license revoked or suspended, other disciplinary
5 action taken, or an application for licensure refused, revoked or suspended by the
6 proper authorities of another state, territory or country;

7 (13) Having been convicted of or pled guilty to a felony in the courts of
8 this Territory or any other state, territory or country. Conviction, as used in this
9 paragraph, shall include a deferred conviction, deferred prosecution, deferred
10 sentence, finding or verdict of guilt, an admission of guilt, an Alford plea, or a
11 plea of nolo contendere;

12 (14) Aiding and abetting the unlicensed practice of physical therapy;

13 (15) Directly or indirectly requesting, receiving or participating in the
14 dividing, transferring, assigning, rebating or refunding of an unearned fee, or
15 profiting by means of a credit or other valuable consideration such as an unearned
16 commission, discount or gratuity in connection with the furnishing of physical
17 therapy services. This does not prohibit the members of any regularly and
18 properly organized business entity recognized by law comprising physical
19 therapists from dividing fees received for professional services among themselves
20 as they determine necessary;

21 (16) Promoting any unnecessary device, treatment intervention or
22 service resulting in the financial gain of the practitioner or of a third party;

23 (17) Providing treatment intervention unwarranted by the condition of
24 the patient or continuing treatment beyond the point of reasonable benefit;

1 (18) Participating in under-utilization or over-utilization of physical
2 therapy services for personal or institutional financial gain;

3 (19) Charging fraudulent fees for services performed or not performed.

4 (20) Making misleading, deceptive, untrue or fraudulent representations
5 in violation of this subchapter or in the practice of the profession;

6 (21) Practicing as a physical therapist or working as a physical therapist
7 assistant when physical or mental abilities are impaired by the use of controlled
8 substances or other habit-forming drugs, chemicals or alcohol, or by other causes;

9 (22) Practicing physical therapy with a mental or physical condition
10 that impairs the ability of the licensee to practice with skill and safety;

11 (23) Practicing after having been adjudged mentally incompetent by a
12 court of competent jurisdiction;

13 (24) Interfering with an investigation or disciplinary proceeding by
14 failure to cooperate, by willful misrepresentation of facts, or by the use of threats
15 or harassment against any patient or witness to prevent that patient or witness
16 from providing evidence in a disciplinary proceeding or any legal action; and

17 (25) Failing to maintain patient confidentiality without documented
18 authorization of the patient or unless otherwise required by law. All records used
19 or resulting from a consultation by means of telecommunications, as defined in
20 section 165 of this subchapter, are part of a patient's records and are subject to
21 applicable confidentiality requirements.

22 (b) Investigative Powers; Emergency Action; Hearing Officers

23 (1) The Board shall have the power to:

24 (A) Receive complaints filed against licensees; and

1 (B) Conduct an investigation at any time and on its own
2 initiative without receipt of a written complaint if the Board has reason to
3 believe that there may be a violation of this subchapter.

4 (2) The Board shall establish rules and regulations pertaining to
5 hearings, investigations, disciplinary under this subchapter.

6 (3) The Board shall conduct its proceedings in accordance with the
7 provisions of this subchapter. Any person may represent themselves before the
8 Board or be represented by an attorney. Every vote and official act of the Board
9 shall be entered into the official record.

10 (4) The Board shall have the power to administer oaths, hear
11 testimony and receive evidence of matters within its jurisdiction, and require by
12 subpoena the attendance and testimony of witnesses, and the production of all
13 books, papers, and documents relating to any matter under investigation. A
14 subpoena shall be issued by the Board upon application by any party to a
15 proceeding before the Board and a showing of general relevance and reasonable
16 scope. When a subpoenaed witness fails to appear, the Board may apply to the
17 Superior Court for an order requiring the person subpoenaed to appear before the
18 Board to testify and produce books, papers, or documents.

19 (5) A majority of the Board members or certified mediator and no less
20 than two board members, with one from each district shall preside at the hearings.

21 (6) The Board may take emergency action ordering the summary
22 suspension of a license or the restriction of a physical therapist's practice or a
23 physical therapist assistant's employment pending proceedings by the Board.

24 (7) If the Board finds that the information received in a complaint or

1 an investigation does not merit disciplinary action against a licensee it may take
2 the following actions:

3 (A) Dismiss the complaint; and

4 (B) Issue an advisory letter to the licensee. An advisory letter is
5 non-disciplinary and notifies a licensee that, while there is not evidence to
6 merit disciplinary action, the Board believes that the licensee should
7 become educated about the requirements of this subchapter and Board
8 rules.

9 (8) If the Board finds that the information received in a complaint or
10 an investigation merits disciplinary action against a licensee it may take the
11 following actions or combination thereof:

12 (a) Issue a censure;

13 (b) Restrict a license. The Board may require a licensee to
14 report regularly to the Board on matters related to the grounds for the
15 restricted license.

16 (c) Suspend a license for a period prescribed by the Board.

17 (d) Suspend or restrict a license while the licensee seeks
18 treatment for impairment.

19 (e) Revoke a license;

20 (f) Refuse to issue or renew a license;

21 (g) Accept a voluntary surrendering of a license based on an
22 order of consent from the Board; or

23 (h) Apply to any court of competent jurisdiction for an order
24 enjoining any person or business entity from committing any violation of

1 this subchapter. Injunction proceedings under this paragraph shall be in
2 addition to, and not in lieu of, all penalties and other remedies prescribed
3 in this subchapter.

4 (9) The Board shall have the power to require restitution when
5 necessary.

6 (10) The Board shall have the power to assess the costs of the
7 disciplinary proceedings against the Physical Therapist or Physical Therapy
8 Assistant. Costs may be assessed against a complainant, if the Board finds that
9 the complaint is frivolous as defined by Title 5, section 541, subsection (c), Virgin
10 Islands Code.

11 (11) Any physical therapist or physical therapy assistant or applicant for
12 licensure under this subchapter whose license to practice is denied, revoked,
13 suspended or otherwise limited pursuant to this section or this subchapter, shall
14 have the right to appeal the action of the Board within thirty (30) days of the
15 written decision to the Superior Court and the notice of appeal shall be
16 simultaneously filed with the Board.”

17 9. By adding a new section 165l to read as follows:

18 “**§165l. Exemptions from Licensure**

19 (a) This subchapter does not restrict a person licensed under any other law of
20 this Territory from engaging in the profession or practice for which that person is
21 licensed if that person does not represent, imply or claim that he/she is a Physical
22 Therapist, Physical Therapy Assistant.

23 (b) The following persons are exempt from the licensure requirements of this
24 subchapter when engaged in the following activities:

1 (1) A person in an entry-level professional education program
2 approved by the Board who is satisfying supervised clinical education
3 requirements related to the person's physical therapist education while under on-
4 site supervision of a physical therapist;

5 (2) A Physical Therapist who is practicing in the United States Armed
6 Services, United States Public Health Service or Veterans Administration
7 pursuant to federal regulations for licensure of health care providers;

8 (3) A Physical Therapist who is licensed in another jurisdiction of the
9 United States or credentialed to practice physical therapy in another country if
10 that person is teaching, demonstrating or providing physical therapy services in
11 connection with teaching or participating in an educational seminar of no more
12 than 60 days in a calendar year;

13 (4) A Physical Therapist who is licensed in another jurisdiction of the
14 United States if that person is providing consultation by means of
15 telecommunication, as defined in §165a(k) of this subchapter, to a physical
16 therapist licensed under this subchapter;

17 (5) A Physical Therapist who is licensed in a jurisdiction of the United
18 States or credentialed in another country, if that person by contract or
19 employment is providing physical therapy to individuals affiliated with or
20 employed by established athletic teams, athletic organizations or performing arts
21 companies temporarily practicing, competing or performing in the territory for no
22 more than 60 days in a calendar year; and

23 (6) A Physical Therapist who is licensed in a jurisdiction of the United
24 States and who enters the Territory to provide physical therapy during a declared

1 local or national disaster or emergency. This exemption applies for no longer than
2 60 days following the declaration of the emergency. In order to be eligible for this
3 exemption the physical therapist shall notify the Board of their intent to practice.

4 (c) A Physical Therapist Assistant who is certified or licensed in a jurisdiction
5 of the United States and is assisting a physical therapist engaged specifically in activities
6 related to subparagraphs (b) (2), (3), (5) and (6) of this section is exempt from the
7 requirement of licensure under this subchapter.”

8 10. By inserting a new section 165m to read as follows:

9 **“§165m. Change of Name, Address or Telephone number**

10 Each licensee is responsible for reporting a name change and changes in business
11 and home address, email address and telephone numbers to the Board within 30 days of
12 the change.”

13 11. By inserting a new section 165n to read as follows:

14 **“§165n. Reporting Violations; Immunity**

15 (a) A person, including, but not limited to, a licensee, corporation, insurance
16 company, health care organization or health care facility and Territorial governmental
17 agencies, shall report to the Board any conviction or determination by an agency or court
18 that a licensee has committed an act that constitutes a violation of section 165k(c) of this
19 subchapter.

20 (b) The Board shall not disclose the identity of a person who provides
21 information unless such information is essential to proceedings conducted pursuant to
22 section 165k(d) of this subchapter, or unless required by a court of law.”

23 12. By inserting a new section 165o to read as follows:

24 **“§165o. Rights of Consumers**

1 (a) The public shall have access to the following information:

2 (1) A list of licensees that includes place of employment, business and
3 personal address and telephone number of record, license number, date of license
4 expiration and status of license;

5 (2) A list of final disciplinary actions taken by the Board; and

6 (3) The address, website, email and phone number of the Board.

7 (b) Each licensee shall display a copy of his or her license in a location
8 accessible to public view and produce a copy immediately upon request.

9 (c) Each licensee shall provide the public with information on how to file a
10 complaint with the Board against a licensee by placing signs in the lobby, in waiting
11 rooms and in the reception area of all offices and shall produce a copy immediately upon
12 request.

13 (d) Any person may submit a complaint regarding any licensee, or any other
14 person potentially in violation of this subchapter. Confidentiality shall be maintained
15 subject to law.

16 (e) The home address, email address and home telephone numbers of physical
17 therapists and physical therapist assistants are not public records and shall be kept
18 confidential by the Board unless they are the only addresses and telephone numbers of
19 record.

20 (f) A patient has freedom of choice in selection of services and products.

21 (g) Information relating to the physical therapist-patient relationship is
22 confidential and shall not be communicated to a third party who is not involved in that
23 patient's care without the written authorization of the patient, or patients parent or
24 guardian if the patient is a minor, or patients legal guardian if the patient is adjudicated

1 incompetent. The physical therapist-patient privilege does not extend to cases in which
2 the physical therapist has a duty to report information as required by law.

3 (h) The Board shall keep all information relating to the receipt and
4 investigation of complaints filed against licensees confidential until the information is
5 disclosed in the course of the investigation or any subsequent proceeding or until
6 disclosure is required by law. Patient records, including clinical records, files, any other
7 report or oral statement relating to diagnostic findings or treatment of patients, any
8 information from which a patient or his family might be identified, or information
9 received and records or reports kept by the Board as a result of an investigation made
10 pursuant to this subchapter shall not be available to the public and shall be kept
11 confidential by the Board.”

12 **BILL SUMMARY**

13 This legislation is appropriate to enhance the protection for the Virgin Islands
14 public, as to governance of Physical Therapist and Physical Therapy Assistants. The
15 present statutory scheme, originally adopted in 1969, has not kept pace with the needs of
16 the public for protection, both as to the quality of service they need and deserve and the
17 regulation of practitioners. This bill updates the code and provides the Board of Physical
18 Therapy with greater oversight and enforcement. The originally adopted code does not
19 regulate Physical Therapy Assistants.

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22 **BR13-0467/April 30, 2013/MMH**

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