

Statutes and Regulations
**Physical Therapy and
Occupational Therapy**

August 2011

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 84.
PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS.**

Article

- 1. State Physical Therapy and Occupational Therapy Board (§§ 08.84.010—08.84.020)**
- 2. Licensing (§§ 08.84.030—08.84.120)**
- 3. Unlawful Acts (§§ 08.84.130—08.84.180)**
- 4. General Provisions (§§ 08.84.190—08.84.200)**

**ARTICLE 1.
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD.**

Section

- 10. Creation and membership of board**
- 20. Applicability of Administrative Procedure Act**

Sec. 08.84.010. Creation and membership of board. (a) There is created the State Physical Therapy and Occupational Therapy Board, which consists of seven members. The membership consists of one physician licensed to practice medicine in the state, three physical therapists licensed in the state or two physical therapists and a physical therapy assistant licensed in the state, two occupational therapists licensed in the state or an occupational therapist and occupational therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be United States citizens domiciled in the state.

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue temporary permits and licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) keep a record and minutes of its meetings, proceedings, and hearings and submit an annual report of its activities to the governor and other interested parties;
- (7) adopt regulations under AS 44.62 necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure under this chapter.

Sec. 08.84.020. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62).

**ARTICLE 2.
LICENSING.**

Section

- 30. Qualifications for licensing**
- 32. Foreign-trained applicants**
- 40. Application for license**
- 50. Fees**
- 60. Licensure by acceptance of credentials**
- 65. Temporary permit**
- 75. Limited permit**
- 80. Examinations**
- 90. Licensure**
- 100. Renewal of license**
- 120. Refusal, revocation, and suspension of license**

Sec. 08.84.030. Qualifications for licensing. (a) To be eligible for licensure by the board as a physical therapist or physical therapy assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

- (1) have graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association;

(2) pass to the satisfaction of the board an examination prepared by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapy assistant, or be entitled to licensure without examination as provided in AS 08.84.060;

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant, unless a graduate of a foreign school of occupational therapy located outside the United States, shall

(1) have successfully completed a curriculum of occupational therapy approved by the Committee of Allied Health Education and Accreditation of the American Medical Association or the American Occupational Therapy Association;

(2) submit proof of successful completion and supervised field work approved by the board

(A) for an occupational therapist, a minimum of six months of supervised field work;

(B) for an occupational therapy assistant, a minimum of two months of supervised field work;

(3) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board or an examination recognized by the American Occupational Therapy Association to determine the applicant's fitness for practice as an occupational therapist or an occupational therapy assistant, or be entitled to licensure without examination under AS 08.84.060; and

(4) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

Sec. 08.84.032. Foreign-trained applicants. (a) To be eligible for licensure by the board as a physical therapist or physical therapy assistant, an applicant who is a graduate of a school of physical therapy that is located outside of the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a school approved by the Council on Medical Education and Hospitals of the American Medical Association or the American Physical Therapy Association, and furnish documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;

(2) have completed, to the satisfaction of the board, an internship under the continuous direction and immediate supervision of a physical therapist in an institution that ordinarily provides physical therapy and is approved by the board, for that period of time specified by the board, and furnish documentary evidence of compliance with this paragraph;

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language;

(4) have met applicable requirements under the federal Immigration and Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;

(5) pass the examination administered by the board under AS 08.84.030(a)(2); and

(6) pay the fee required under AS 08.84.050.

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant who is a graduate of a school of occupational therapy that is located outside of the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a curriculum approved by the Committee of Allied Health Education and Accreditation of the American Medical Association or the American Occupational Therapy Association, and have furnished documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;

(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language;

(4) have met applicable requirements under 8 U.S.C. 1101-1503 (Immigration and Nationality Act) unless a United States citizen;

(5) pass an examination administered or approved by the board under AS 08.84.030; and

(6) pay the fee required under AS 08.84.050.

Sec. 08.84.040. Application for license. To be licensed under this chapter to practice physical therapy or occupational therapy, an applicant shall apply to the board on a form prescribed by the board. An applicant shall include in the application evidence under oath that the applicant possesses the qualifications required by AS 08.84.030 or 08.84.032.

Sec. 08.84.050. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

(1) application;

(2) license by examination;

(3) license by acceptance of credentials;

(4) renewal;

(5) temporary permit;

- (6) limited permit.

Sec. 08.84.060. Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist, physical therapy assistant, occupational therapist, or occupational therapy assistant licensed under the laws of another state, if the requirements for licensure in that state were, at the date of the applicant's licensure, substantially equal to the requirements in this state.

Sec. 08.84.065. Temporary permit. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who

- (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4); and
- (2) pays the required fee.

(b) A temporary permit issued to an applicant for licensure by acceptance of credentials is valid for eight months or until the board considers the applicant's application for acceptance of credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure as a physical therapist or physical therapy assistant by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which the applicant is scheduled the applicant's temporary permit lapses on the day of the examination.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy or occupational therapy located outside the United States is valid until the results of the first examination for which the applicant is scheduled are published following completion of the internship required under AS 08.84.032.

(e) A temporary permit issued to an applicant for licensure as an occupational therapist or occupational therapy assistant by examination is valid for eight months or until the results of the examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an examination for which the applicant is scheduled the applicant's temporary permit lapses on the day of the examination.

Sec. 08.84.075. Limited permit. (a) The board may issue a limited permit to a person to practice occupational therapy in the state as a visiting, nonresident occupational therapist or occupational therapy assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied occupational therapy licensure in the state;
- (3) is licensed to practice occupational therapy in another state or satisfies the requirements for certification by the American Occupational Therapy Association;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical therapy assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied physical therapy licensure in the state;
- (3) is licensed to practice physical therapy in another state;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(c) A limited permit is valid for a period not exceeding 120 days in a calendar year.

(d) A person may not receive more than three limited permits to practice occupational therapy or physical therapy during the person's lifetime.

Sec. 08.84.080. Examinations. The board shall examine applicants for licensure under this chapter at the times and places it determines.

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter. It shall issue a license certificate to each person licensed. A license certificate is prima facie evidence of the right of the person to hold out as a licensed physical therapist, licensed physical therapy assistant, licensed occupational therapist, or licensed occupational therapy assistant.

Sec. 08.84.100. Renewal of license. (a) *[Repealed, § 49 ch 94 SLA 1987.]*

(b) If the license remains lapsed for more than three years, the board may require the applicant to submit proof, satisfactory to the board, of continued competency.

(c) A license may not be renewed unless the applicant submits proof of continued competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b).

Sec. 08.84.120. Refusal, revocation, and suspension of license. (a) The board may refuse to license an applicant, may refuse to renew the license of a person, and may suspend or revoke the license of a person who

- (1) has obtained or attempted to obtain a license by fraud or material misrepresentation;
 - (2) uses drugs or alcohol in any manner that affects the person's ability to practice physical therapy or occupational therapy competently and safely;
 - (3) has been convicted of a state or federal felony or other crime that effects the person's ability to practice competently and safely;
 - (4) is guilty, in the judgement of the board, of gross negligence or malpractice or has engaged in conduct contrary to the recognized standards of ethics of the physical therapy profession or the occupational therapy profession;
 - (5) has continued to practice physical therapy or occupational therapy after becoming unfit due to physical or mental disability;
 - (6) has failed to refer a patient to another qualified professional when the patient's condition is beyond the training or ability of the person;
 - (7) as a physical therapy assistant, has attempted to practice physical therapy that has not been initiated, supervised, and terminated by a licensed physical therapist; or
 - (8) as an occupational therapy assistant, has attempted to practice occupational therapy that has not been supervised by a licensed occupational therapist.
- (b) The refusal or suspension of a license may be modified or rescinded if the person has been rehabilitated to the satisfaction of the board.

ARTICLE 3. UNLAWFUL ACTS.

Section

- 130. False claim of license prohibited**
- 140. Penalty for fraud in obtaining license**
- 150. Exceptions to license requirements**
- 160. Scope of authorized practice**
- 180. Investigation**

Sec. 08.84.130. False claim of license prohibited. (a) A person not licensed as a physical therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words or letters "L.P.T.," "Licensed Physical Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed physical therapist, or who in any way, orally, or in writing, directly or by implication, holds out as a licensed physical therapist is guilty of a class B misdemeanor.

(b) A person not licensed as a physical therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who in any way, orally, or in writing, directly or by implication, holds out as a licensed physical therapy assistant is guilty of a class B misdemeanor.

(c) A person not licensed as an occupational therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words "Licensed Occupational Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed occupational therapist, or who orally or in writing, directly or by implication, holds out as a licensed occupational therapist is guilty of a class B misdemeanor.

(d) A person not licensed as an occupational therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who orally or in writing, directly or by implication, holds out as a licensed occupational therapy assistant is guilty of a class B misdemeanor.

Sec. 08.84.140. Penalty for fraud in obtaining license. A person who willfully makes a false oath or affirmation or who obtains or attempts to obtain a license by a fraudulent representation is guilty of a class B misdemeanor.

Sec. 08.84.150. Exceptions to license requirements. (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited physical therapy program;
- (2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or
- (3) issued a limited permit under AS 08.84.075.

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited occupational therapy program or in a supervised field work program;
- (2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;

- (3) an occupational therapist or occupational therapy assistant employed by the United States Government while in the discharge of official duties;
- (4) granted a limited permit under AS 08.84.075;
- (5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or
- (6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if
 - (A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;
 - (B) the employer maintains direct supervision of the person's use of occupational therapy skills; and
 - (C) the person does not represent to
 - (i) be an occupational therapist or occupational therapy assistant; and
 - (ii) practice occupational therapy.

Sec. 08.84.160. Scope of authorized practice. This chapter does not authorize a person to practice medicine, osteopathy, chiropractic, or other method of healing, but only to practice physical therapy or occupational therapy.

Sec. 08.84.180. Investigation. The board shall request appropriate authorities to conduct investigations of every supposed violation of this chapter coming to its notice and shall report all cases that in the judgment of the board warrant prosecution to the proper law enforcement officials.

ARTICLE 4. GENERAL PROVISIONS.

Section

190. Definitions

200. Short title

Sec. 08.84.190. Definitions. In this chapter, unless the context otherwise requires,

- (1) "board" means the State Physical Therapy and Occupational Therapy Board;
- (2) "occupational therapist" means a person who practices occupational therapy;
- (3) "occupational therapy" means, for compensation, the use of purposeful activity, evaluation, treatment, and consultation with human beings whose ability to cope with the tasks of daily living are threatened with, or impaired by developmental deficits, learning disabilities, aging, poverty, cultural differences, physical injury or illness, or psychological and social disabilities to maximize independence, prevent disability, and maintain health; "occupational therapy" includes
 - (A) developing daily living, play, leisure, social, and developmental skills;
 - (B) facilitating perceptual-motor and sensory integrative functioning;
 - (C) enhancing functional performance, prevocational skills, and work capabilities using specifically designed exercises, therapeutic activities and measure, manual intervention, and appliances;
 - (D) design, fabrication, and application of splints or selective adaptive equipment;
 - (E) administering and interpreting standardized and nonstandardized assessments, including sensory, manual muscle, and range of motion assessments, necessary for planning effective treatment; and
 - (F) adapting environments for the disabled;
- (4) "occupational therapy assistant" means a person who assists in the practice of occupational therapy under the supervision of an occupational therapist;
- (5) "physical therapist" means a person who practices physical therapy;
- (6) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.
- (7) "physical therapy assistant" means a person who assists in the practice of physical therapy or portions of it as initiated, supervised, and terminated by a licensed physical therapist; a physical therapy assistant's responsibilities do not include testing or evaluation.

Sec. 08.84.200. Short Title. This chapter may be cited as the Physical Therapists and Occupational Therapists Practice Act.

**CHAPTER 54.
STATE PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY BOARD.**

Article

- 1. Physical Therapy Licensure by Examination
(12 AAC 54.010 - 12 AAC 54.080)**
- 2. Physical Therapy Licensure by Credentials
(12 AAC 54.100 - 12 AAC 54.120)**
- 3. Physical Therapy License Renewal and Continuing Competency Requirements
(12 AAC 54.200 - 12 AAC 54.440)**
- 4. Physical Therapy Standards of Practice
(12 AAC 54.500 - 12 AAC 54.590)**
- 5. Occupational Therapy Licensure
(12 AAC 54.600 - 12 AAC 54.650)**
- 6. Occupational Therapy License Renewal and Continuing Competency Requirements
(12 AAC 54.700 - 12 AAC 54.720)**
- 7. Occupational Therapy Standards of Practice
(12 AAC 54.800 - 12 AAC 54.820)**
- 8. General Provisions
(12 AAC 54.900 - 12 AAC 54.990)**

**ARTICLE 1.
PHYSICAL THERAPY LICENSURE BY EXAMINATION.**

Section

- 10. (Repealed)**
- 20. (Renumbered)**
- 30. Requirements for physical therapy license by examination**
- 40. Foreign-trained physical therapy applicants**
- 50. Physical therapist temporary permits and scope of practice under those permits**
- 55. (Repealed)**
- 60. (Repealed)**
- 80. Passing scores**

12 AAC 54.010. OFFICERS OF THE BOARD. *Repealed 9/26/91.*

12 AAC 54.020. BOARD MEETINGS. *Renumbered as 12 AAC 54.960, 9/26/91.*

12 AAC 54.030. REQUIREMENTS FOR PHYSICAL THERAPY LICENSE BY EXAMINATION. (a) An applicant for a physical therapist or a physical therapy assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, shall submit a completed application on a form prescribed by the board with

- (1) payment of the fees established in 12 AAC 02.320;
- (2) the applicant's certified transcript from a physical therapy school meeting the requirements of AS 08.84.030(a)(1); and
- (3) a letter of professional reference from
 - (A) the head of the physical therapy school; or
 - (B) an instructor, physician, supervising physical therapist, or supervisor; and
- (4) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

(b) An application must be reviewed and approved by a majority of the board members before an applicant may take the examination. The board will not review an application until all documents required under (a) of this section have been received by the department.

(c) An applicant who has applied for, but not yet received, licensure in another state and who has passed the national physical therapy examination in that state may have the examination scores transferred to the board and may apply for licensure by examination under (a) of this section.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.040

12 AAC 54.040. FOREIGN-TRAINED PHYSICAL THERAPY APPLICANTS. (a) An applicant for a physical therapist or physical therapy assistant license by examination who received an education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1) and (3), 12 AAC 54.030(b), and this section.

(b) A foreign-trained physical therapist or physical therapy assistant applicant who has graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association, shall submit the applicant's certified transcript from that school. A foreign-trained physical therapist or physical therapy assistant applicant who has not graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association, shall have the applicant's course of study and professional instruction evaluated by a credentials evaluation service approved by the board. If an applicant cannot submit a transcript for evaluation as required by this subsection, the board will accept as evidence of education verification, to the board's satisfaction, from

- (1) the licensing authority in another state that has evaluated the applicant's education; or
- (2) a United States educational institution or professional association that
 - (A) previously required documentary evidence of the applicant's education; or
 - (B) directly verified the applicant's education that has been evaluated.

(c) A foreign-trained physical therapist or physical therapy assistant applicant shall serve an internship under the on-site supervision of a currently licensed physical therapist in an institution meeting the requirements of (d) of this section and AS 08.84.032(a)(2). The board will not consider internship hours claimed before the date that the internship was pre-approved by the board. A foreign-trained physical therapist or physical therapy assistant applicant shall serve an internship based on

- (1) a minimum of six months' full-time work, averaging not less than 35 hours per week; or
- (2) part-time work averaging less than 35 hours per week, but equivalent to the total minimum number of hours required under (1) of this subsection.

(d) To be approved by the board, an institution used for internship must have at least two full-time physical therapists on the staff licensed under this chapter and be in a clinic setting providing a varied case load. Government service hospitals can be used if they meet the requirements of this subsection.

(e) A licensed physical therapist serving as a preceptor to a foreign-trained intern applicant shall assume responsibility for the intern's experience and the safety and welfare of the patient.

(f) Upon completion of the internship, the preceptor shall submit a letter to the board attesting to the applicant's

- (1) satisfactory or unsatisfactory completion of the internship;
- (2) proficiency in English, if English is the applicant's second language; and
- (3) level of skill in completion of evaluation, program planning, therapeutic practice, potential ability to practice safely while unsupervised with sound professional judgment, and ethics related to the practice of physical therapy.

(g) If at the end of an internship under (c) of this section, the preceptor will not recommend to the board that the applicant is qualified to work unsupervised, the board will, in its discretion, require the applicant to arrange for another internship equivalent to six months or less. Any change in a preceptor must be approved by the board before the change. If at the end of a second internship the applicant is not recommended by a preceptor as qualified to work independently, the board will, in its discretion, deny licensure.

(h) Nothing in this section obligates a preceptor, or a preceptor's facility, to complete a six-month internship, or provide a second internship, for an applicant who is considered unqualified by the preceptor to continue the internship. A preceptor terminating the internship of an applicant, before the scheduled completion date, must notify the board in writing, stating the reasons for the termination. Either an intern or a preceptor may request an advisory review of the internship by the board.

(i) After an intern has satisfactorily completed an internship and has been scheduled for the national physical therapy examination, the applicant may apply for a temporary permit under AS 08.84.065 and 12 AAC 54.050.

(j) To meet the requirements of AS 08.84.032(a)(3), a foreign-trained physical therapist or physical therapy assistant applicant must pass the examinations listed in this subsection. An applicant must obtain at least the following minimum scores:

- (1) Test of English as a Foreign Language (TOEFL) – 560 points written examination or 220 point computerized examination;
- (2) Test of Written English (TWE) – 4.50 points;
- (3) Test of Spoken English (TSE) – 50 points;
- (4) if the applicant has taken the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT), the applicant must obtain at least the following minimum scores:

- (A) writing – 24 points;
- (B) speaking – 26 points;
- (C) reading comprehension – 21 points;
- (D) listening comprehension – 18 points.

(k) In this section, "preceptor" means a currently licensed physical therapist under this chapter who provides on-site supervision for an individual who is serving an internship under this section.

(l) If an applicant has not taken and passed the national physical therapy examination before the completion of the internship, the applicant must take and pass the national physical therapy examination within one year after completion of the internship to receive credit for the internship.

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.065

Editor's Note: *The Test of English as a Foreign Language (TOEFL), Test of Written English (TWE), Test of Spoken English (TSE), and the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT), examinations described in 12 AAC 54.040(j) are administered by the Educational Testing Services, P.O. Box 6151, Princeton, New Jersey 08541; Telephone: (609) 921-9000, website at www.ets.org.*

12 AAC 54.050. PHYSICAL THERAPIST TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.030(a);
- (4) a signed and notarized statement of responsibility from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant.

(b) The board or department will issue a temporary permit to an applicant applying for a physical therapist or physical therapy assistant license by credentials, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.100.

(c) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by examination who is a graduate of a school of physical therapy that is located outside the United States and demonstrates to the satisfaction of the board compliance with AS 08.84.032(a)(1) and AS 08.84.065(a). A temporary permit issued under this subsection expires on the date the scores are posted to the board. The following items documenting compliance with 12 AAC 54.040 must be on file with the department before the temporary permit is issued:

- (1) a complete application on a form provided by the department;
- (2) an official copy of a
 - (A) credentials evaluation from an agency approved by the board; or
 - (B) transcript indicating compliance with AS 08.84.032(a)(1) if the degree was obtained from a foreign program accredited by a board-approved accrediting agency;
- (3) a signed and notarized letter of professional reference on a form provided by the department from
 - (A) the head of a physical therapy school; or
 - (B) an instructor, physician, supervising physical therapist, or supervisor;
- (4) a signed and notarized statement of responsibility from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant;
- (5) a copy of the confirmation from the testing center indicating the date that the applicant is scheduled to take the national physical therapy examination;
- (6) verification from the preceptor attesting to the applicant's satisfactory completion of the internship;
- (7) the application, license, and temporary permit fees established in 12 AAC 02.320;
- (8) verification that the applicant has passed the English language proficiency examination approved by the board.

(d) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by credentials who is a graduate of a school of physical therapy that is located outside the United States if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.110.

(e) An applicant applying for a physical therapist or physical therapy assistant temporary permit will be reviewed in accordance with 12 AAC 54.915.

(f) An applicant applying for a physical therapist or physical therapy assistant license who is waiting to take the next scheduled examination and who has been issued a temporary permit under AS 08.84.065 may practice only under the supervision of a licensed physical therapist and may not act as a supervisor until a permanent license is issued.

(g) The holder of a temporary permit as a physical therapist, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, may practice without supervision.

(h) The holder of a temporary permit as a physical therapy assistant, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.510.

Authority: AS 08.84.010 AS 08.84.065

12 AAC 54.055. LICENSURE OF APPLICANTS. *Repealed 9/26/91.*

12 AAC 54.060. ADMINISTRATION OF EXAMINATION. *Repealed 10/20/99.*

12 AAC 54.080. PASSING SCORES. (a) To pass the national examination an applicant must achieve at least the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy for that examination. The passing score will equal a scaled score of 600 based on a scale ranging from 200 to 800.

(b) *Repealed 10/20/99.*

(c) An applicant for licensure who does not pass the examination on the first attempt may retake the examination two additional times without reapplication for licensure within 12 months of the first failure. Before the board may approve an application for subsequent testing beyond three attempts, an applicant shall reapply for licensure under 12 AAC 54.030 and shall submit evidence satisfactory to the board of having successfully completed additional course work offered by the approved examination body specified in (a) of this section.

Authority: AS 08.84.010 AS 08.84.080

ARTICLE 2. PHYSICAL THERAPY LICENSURE BY CREDENTIALS.

Section

100. Application for licensure by credentials

110. Foreign-trained applicants

120. Military-trained therapy assistant

12 AAC 54.100. APPLICATION FOR LICENSURE BY CREDENTIALS. An application for licensure by credentials as a physical therapist or a physical therapy assistant must be submitted to the department on a form prescribed by the board with

- (1) all items required under 12 AAC 54.030(a);
- (2) a report of the applicant's national physical therapy examination scores;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing;
- (4) other evidence considered necessary by the board to determine if the requirements of the other jurisdiction were, at the date of issuance, substantially equal to the requirements of this state;
- (5) verification of having
 - (A) been employed in physical therapy at least 60 hours within the 24 months immediately preceding the date the application is received;
 - (B) passed the national physical therapy examination within the 24-month period immediately preceding the date the application is received; or
 - (C) satisfactorily completed an internship of 150 hours approved by the board.

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.060
AS 08.84.030

12 AAC 54.110. FOREIGN-TRAINED APPLICANTS. A foreign-trained physical therapist or physical therapy assistant may apply for licensure by credentials by filing with the board

- (1) evaluated transcripts in accordance with 12 AAC 54.040(b);
- (2) a report of the applicant's national physical therapy examination scores;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing;
- (4) satisfactory evidence of a minimum six months' supervised work experience while licensed as a physical therapist or physical therapy assistant in another state, territory or the District of Columbia, or satisfactory completion of an internship meeting the requirements of 12 AAC 54.040(c), (e), and (f);
- (5) other evidence determined necessary by the board to determine if the applicant's out-of-state license is substantially equal to the license requirements of this state;

- (6) verification that the applicant has passed the English language proficiency examinations under 12 AAC 54.040(j); and
- (7) a letter of professional reference from
 - (A) the head of the physical therapy school from which the applicant graduated; or
 - (B) an instructor, physician, or physical therapist other than the physical therapist preceptor described in 12 AAC 54.040(e)-(f).

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.060

12 AAC 54.120. MILITARY-TRAINED THERAPY ASSISTANT. A military-trained physical therapy assistant may apply to the board for license by credentials only and must submit verification of a current and valid certificate, license or other evidence of qualification issued under the laws of another state.

Authority: AS 08.84.010(b) AS 08.84.060

ARTICLE 3. PHYSICAL THERAPY LICENSE RENEWAL AND CONTINUING COMPETENCY REQUIREMENTS.

Section

- 200. (Repealed)**
- 210. (Repealed)**
- 220. (Repealed)**
- 230. (Repealed)**
- 400. Physical therapy license renewal requirements**
- 405. Physical therapy continuing professional practice requirements and alternatives to those requirements**
- 410. Physical therapy continuing education requirements**
- 420. Approved physical therapy courses and activities**
- 430. Audit of physical therapy continuing competency requirements**
- 435. Exemption from continuing education requirements for active duty military service**
- 440. (Repealed)**

12 AAC 54.200. APPLICATION FOR LICENSURE BY CREDENTIALS. *Repealed 10/1/88.*

12 AAC 54.210. APPLICATION FOR LICENSE RENEWAL. *Repealed 6/3/89.*

12 AAC 54.220. INACTIVE STATUS. *Repealed 6/3/89.*

12 AAC 54.230. INTERNSHIP. *Repealed 6/3/89.*

12 AAC 54.400. PHYSICAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of a physical therapist or physical therapy assistant license shall

- (1) complete the renewal application on a form prescribed by the board;
- (2) pay the license renewal fee established in 12 AAC 02.320; and
- (3) document continuing competency by submitting proof of having completed
 - (A) the continuing professional practice requirements or an alternative under 12 AAC 54.405; and
 - (B) the continuing education contact hours required under 12 AAC 54.410.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.405. PHYSICAL THERAPY CONTINUING PROFESSIONAL PRACTICE REQUIREMENTS AND ALTERNATIVES TO THOSE REQUIREMENTS. (a) An applicant for renewal of a physical therapist or physical therapy assistant license shall document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.84 and this chapter, and shall also document

- (1) having provided physical therapy services for at least 60 hours during the concluding licensing period; or
- (2) successful completion during the concluding licensing period of at least one of the following:
 - (A) the national physical therapy examination sponsored by the Federation of State Boards of Physical Therapy;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.410 and 12 AAC 54.420, 40 contact hours of continuing education consistent with the requirements of 12 AAC 54.410 and 12 AAC 54.420;
 - (C) a review course sponsored by a school of physical therapy approved by the American Physical

Therapy Association;

(D) a physical therapy internship of 150 hours approved by the board.

(b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute physical therapy services under this section, the applicant may request board approval before submitting the application for license renewal.

(c) In this section, "physical therapy services" includes work and volunteer service under a position title other than physical therapist or physical therapy assistant if the applicant documents that the position required the use of physical therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

***Editor's note:** A list of schools of physical therapy approved by the American Physical Therapy Association may be obtained from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314. Information on the national physical therapy examination may be obtained from the Federation of State Boards of Physical Therapy, 124 West Street South, Alexandria, VA 22314.*

12 AAC 54.410. PHYSICAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.435, an applicant for renewal of a physical therapist or physical therapy assistant license who has been licensed for 12 months or more of the concluding licensing period shall have completed during that period 24 contact hours of continuing education directly related to patient care. An applicant for renewal of a physical therapist or physical therapy assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

(1) completed during that period 12 contact hours of continuing education directly related to patient care; or

(2) passed the national physical therapy examination within 12 months immediately before the date that the applicant's license is due to lapse.

(b) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.420(a).

(c) For the purposes of this section,

(1) one "contact hour" equals a minimum of 50 minutes of instruction;

(2) one continuing education unit awarded by a professional health care association equals 10 contact hours;

(3) one academic semester credit hour equals 15 contact hours; and

(4) one academic quarter credit hour equals 10 contact hours.

(d) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.430. Records must be retained for three years from the date the contact hours were obtained.

(e) The following activities will not be accepted for continuing education contact hours under this section:

(1) routine staff meetings attended by the applicant;

(2) rounds conducted by the applicant;

(3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.420. APPROVED PHYSICAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

(1) courses recognized by

(A) the Alaska Physical Therapy Association;

(B) the American Physical Therapy Association (APTA);

(C) the Federation of State Boards of Physical Therapy (FSBPT);

(D) other state physical therapy associations; or

(E) other state physical therapy licensing boards;

(2) American Medical Association category one and two continuing education courses that involve physical therapy;

(3) continuing education activities sponsored by a professional organization or university approved by the Alaska Physical Therapy Association or the American Physical Therapy Association.

(b) If an applicant for renewal is uncertain whether a particular continuing education opportunity will meet the standards of this section, the applicant may request board approval before claiming those contact hours.

(c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of a physical therapist or physical therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of physical therapy, as that term is defined in AS 08.84.190.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.430. AUDIT OF PHYSICAL THERAPY CONTINUING COMPETENCY REQUIREMENTS.

(a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.400 - 12 AAC 54.430.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation of completion of contact hours required by 12 AAC 54.410 and physical therapy service hours or an alternative required by 12 AAC 54.405.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.435. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) A physical therapist or physical therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.400 – 12 AAC 54.430 as specified in this section for renewal of the physical therapist or physical therapy assistant license for the biennial licensing period immediately following a period of service by the physical therapist or physical therapy assistant during which the physical therapist or physical therapy assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, the physical therapist or physical therapy assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

(1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and

(2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

12 AAC 54.440. ALTERNATIVE TO PHYSICAL THERAPY SERVICE. *Repealed 5/21/97.*

**ARTICLE 4.
PHYSICAL THERAPY STANDARDS OF PRACTICE.**

Section

500. Physical therapy standards

510. Supervision of physical therapy assistants

520. Supervision of non-licensed personnel

530. Standards for practice of telerehabilitation by physical therapist

535. Physical therapy internship standards

590. Definitions related to physical therapy

12 AAC 54.500. PHYSICAL THERAPY STANDARDS. (a) Services may not be stated or implied as being physical therapy unless performed by a licensed physical therapist or under the supervision of a licensed physical therapist.

(b) A license or permit issued by the board, or a copy of the license or permit, must be posted in a conspicuous location in the licensee's place of business, for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

(c) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapists shall adhere to the ethical standards set out in the *Code of Ethics*, as amended as of June 2000, American Physical Therapy Association, and the *Guide for Professional Conduct*, as amended as of January 2004, American Physical Therapy Association. The *Code of Ethics* and the *Guide for Professional Conduct* are adopted by reference.

(d) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapy assistants shall adhere to the ethical standards set out in the *Standards of Ethical Conduct for the Physical Therapist Assistant*, as amended as of June 2000, American Physical Therapy Association, and the *Guide for Conduct of the Affiliate Member*, as amended February 2004, American Physical Therapy Association.

The *Standards of Ethical Conduct for the Physical Therapist Assistant* and the *Guide for Conduct of the Affiliate Member* are adopted by reference.

(e) A physical therapist may not supervise, in any combination, more than three aides, assistants, students, foreign-trained candidates, or permittees at the same time.

Authority: AS 08.84.010 AS 08.84.150

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm. A copy of the Code of Ethics, Guide for Professional Conduct, Standards of Ethical Conduct for the Physical Therapist Assistant, and the Guide for Conduct of the Affiliate Member described in 12 AAC 54.500 are available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314-1488.

12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS. (a) A physical therapy assistant shall work under the supervision of a licensed physical therapist.

(b) A licensed physical therapist is responsible for and shall participate in the patient's care.

(c) Except as specified in 12 AAC 54.500(e), a physical therapist may supervise a maximum of three physical therapy assistants.

(d) A licensed physical therapy assistant shall have in possession written treatment plans formulated by the licensed physical therapist for each patient under the care of the physical therapy assistant. Treatment plans must be revised following periodic evaluations by the licensed physical therapist.

(e) The supervising physical therapist shall give the physical therapy assistant periodic supervision on site at least once every month. The physical therapist shall be available for consultation with the physical therapy assistant that may be provided by telephone, verbally, or in writing.

(f) Nothing in this chapter restricts public health service or military personnel engaged in the practice of physical therapy in programs administered by federal agencies.

(g) If the licensed physical therapist agrees to supervise a physical therapy assistant, the supervising physical therapist shall

(1) determine the frequency and manner of consultations with the physical therapy assistant, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the physical therapy assistant;

(2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the physical therapy assistant's place of employment; and

(3) countersign the patient treatment record each time the supervising physical therapist is physically present and directly supervises the treatment of a patient by the physical therapy assistant being supervised.

Authority: AS 08.84.010

12 AAC 54.520. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed physical therapist is solely responsible for the treatment and management of all aspects of physical therapy care of the patient.

(b) A licensed physical therapist or physical therapy assistant may use non-licensed personnel in the delivery of patient-related duties and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of physical therapy.

(c) A licensed physical therapist shall assure the training of non-licensed personnel under the supervision of the physical therapist or physical therapy assistant, and shall document that training.

(d) The supervising physical therapist or physical therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

Authority: AS 08.84.010

12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter in order to provide physical therapy to patients who are located at distant sites in the state which are not in close proximity of a physical therapist.

(b) A physical therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) must be physically present in the state while performing telerehabilitation under this section;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.500(c) and (d);

- (3) must comply with the requirements of 12 AAC 54.510 for any licensed physical therapist assistant providing services under this section;
- (4) may conduct one-on-one consultations, including initial evaluation, under this section; and
- (5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010

12 AAC 54.535. PHYSICAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for a physical therapy internship required under 12 AAC 54.100(5)(C), 12 AAC 54.405(a)(2)(D), or 12 AAC 54.950(e).

- (b) An internship must be served
 - (1) under the continual on-site supervision of a physical therapist licensed under this chapter; and
 - (2) in an institution that ordinarily provides physical therapy, has a varied caseload, and has on staff at least one physical therapist licensed under this chapter.
- (c) A licensed physical therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.
- (d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's
 - (1) satisfactory or unsatisfactory completion of the internship; and
 - (2) level of skill in
 - (A) completion of evaluation;
 - (B) program planning;
 - (C) therapeutic practice;
 - (D) potential ability to practice safely while unsupervised with sound professional judgment; and
 - (E) ethics related to the practice of physical therapy.
- (e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.
- (f) In this section, "preceptor" means a physical therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.590. DEFINITIONS RELATED TO PHYSICAL THERAPY. (a) In 12 AAC 54.030 – 12 AAC 54.590,

- (1) "continual on-site supervision" means the supervising physical therapist or physical therapy assistant
 - (A) is present in the department or facility where services are being provided;
 - (B) is immediately available to the non-licensed personnel being supervised; and
 - (C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;
- (2) "internship" means postgraduate on-the-job training of physical therapists or physical therapy assistants, approved by the board;
- (3) "non-licensed personnel"
 - (A) means personnel who are
 - (i) used by a licensed physical therapist or physical therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of physical therapy; and
 - (ii) trained under the direction of a licensed physical therapist or physical therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of physical therapy;
 - (B) includes personnel who are referred to as "aides", "technicians", or "techs";
- (4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;
- (5) "patient-related duties" means routine tasks that do not require the education, skill, and training of a physical therapist or physical therapy assistant, and for which the
 - (A) outcome anticipated for the task is predictable;
 - (B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and
 - (C) task routine and process have been clearly established;
- (6) "supervision" means
 - (A) the licensed physical therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and
 - (B) the licensed physical therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.

(b) In AS 08.84.190, "physical therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

**ARTICLE 5.
OCCUPATIONAL THERAPY LICENSURE.**

Section

- 600. Occupational therapy license requirements**
- 610. Foreign-trained occupational therapy applicants**
- 620. Supervised field work**
- 630. (Repealed)**
- 640. Occupational therapy temporary permits and scope of practice under those permits**
- 650. (Repealed)**

12 AAC 54.600. OCCUPATIONAL THERAPY LICENSE REQUIREMENTS. An applicant for an occupational therapist license or occupational therapy assistant license, other than an applicant who is a graduate of a school of occupational therapy that is located outside the United States, shall submit

- (1) a completed application on the form prescribed by the board;
- (2) the fees established in 12 AAC 02.320;
- (3) verification of licensure, including an explanation of any disciplinary actions taken against the licensee, from all licensing jurisdictions in which the applicant has held a license;
- (4) a letter of professional reference from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (5) proof of initial certification by the National Board for Certification in Occupational Therapy (NBCOT) as evidence of having met the requirements of AS 08.84.030(b);
- (6) evidence that, within the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service and completed at least 24 contact hours of occupational therapy related course work;
 - (B) passed the NBCOT examination; or
 - (C) satisfactorily completed an internship of 150 hours approved by the board; and
- (7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010 AS 08.84.060 AS 08.84.120
AS 08.84.030

12 AAC 54.610. FOREIGN-TRAINED OCCUPATIONAL THERAPY APPLICANTS. (a) An applicant for an occupational therapist license or occupational therapy assistant license who graduated from a school of occupational therapy outside of the United States shall submit

- (1) a completed application on the form prescribed by the board;
 - (2) the fees established in 12 AAC 02.320;
 - (3) verification of licensure, including an explanation of any disciplinary actions taken against the licensee, from all licensing jurisdictions in which the applicant holds or has ever held a license;
 - (4) a letter of professional reference from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
 - (5) evidence of meeting each of the requirements of AS 08.84.032(b); and
 - (6) evidence that, within the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service and completed at least 24 contact hours of occupational therapy related course work; or
 - (B) passed the NBCOT examination.
- (b) An applicant who has been certified by the National Board for Certification in Occupational Therapy (NBCOT) meets the requirements of AS 08.84.032(b)(1) – (b)(5).
- (c) An applicant who has passed the NBCOT examination meets the requirements of AS 08.84.032(b)(3) and (b)(5).

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.120
AS 08.84.030

12 AAC 54.620. SUPERVISED FIELD WORK. As used in AS 08.84.030(b)(2), “supervised field work” means experience that is part of the educational program completed by the applicant under the supervision of a licensed occupational therapist. If the training occurred in a state that does not require licensure, the supervising occupational therapist must be certified by the National Board for Certification in Occupational Therapy (NBCOT). Supervised field work must include,

- (1) for occupational therapists, at least two three-month internships and shall provide for the development of skills in data collection, treatment planning, and treatment implementation; and
- (2) for occupational therapy assistants, at least one two-month internship.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.630. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. *Repealed 5/21/97.*

12 AAC 54.640. OCCUPATIONAL THERAPY TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) An applicant for an occupational therapist or occupational therapy assistant license by examination who is scheduled for the next NBCOT examination or who has taken the NBCOT examination and is waiting for the results of the examination may apply for a temporary permit. A temporary permit will be issued if the following are on file:

- (1) a complete application on a form provided by the department;
- (2) a signed and notarized professional reference letter from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (3) a signed and notarized statement of responsibility from the supervising occupational therapist; the statement must indicate that the supervising occupational therapist will assume the full responsibility for supervising the applicant;
- (4) a letter verifying

(A) the applicant's scheduled examination date sent directly to the board from NBCOT or the Professional Examination Service; or

(B) that the applicant has taken the examination and is waiting for the results to be sent directly from NBCOT or the Professional Examination Service to the board;

- (5) the application fee established in 12 AAC 02.320;
- (6) the license fee established in 12 AAC 02.320;
- (7) the temporary permit fee established in 12 AAC 02.320.

(b) An applicant for an occupational therapist or occupational therapy assistant license who is or was initially certified with the NBCOT may qualify for a temporary permit by

- (1) meeting the requirements of (a)(1), (2), (5), (6), and (7) of this section;
- (2) submitting verification that the applicant is certified or was initially certified with the NBCOT;
- (3) providing verifications of licensure from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy; at least one verification must be of a current license in good standing in another state; and

(4) providing evidence that, within the 24 months immediately before the date the application is received by the department, the applicant

(A) performed at least 60 hours of occupational therapy service and completed at least 24 contact hours of occupational therapy related course work; or

(B) passed the NBCOT examination.

(c) The verifications required in (b)(2) and (3) of this section must be sent directly to the board from NBCOT or the licensing agency for the other jurisdiction.

(d) An applicant for an occupational therapist or occupational therapy assistant license, who is waiting to take an examination or for the results of the examination, and who has been issued a temporary permit under AS 08.84.065 shall work under the supervision of a licensed occupational therapist and may not act as a supervisor until a permanent license is issued.

(e) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapist, who is waiting for licensure by acceptance of credentials, may practice without supervision.

(f) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapy assistant, who is waiting for licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.810.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

12 AAC 54.650. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE. *Repealed 5/21/97.*

ARTICLE 6.
OCCUPATIONAL THERAPY LICENSE RENEWAL
AND CONTINUING COMPETENCY REQUIREMENTS.

Section

- 700. Occupational therapy license renewal requirements**
- 705. Required continuing occupational therapy professional practice and alternatives**
- 710. Occupational therapy continuing education requirements**
- 715. Approved occupational therapy courses and activities**
- 720. Audit of occupational therapy continuing competency requirements**
- 725. Exemption from continuing education requirements for active duty military service**

12 AAC 54.700. OCCUPATIONAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of an occupational therapist license or an occupational therapy assistant license shall submit

- (1) a complete renewal application on a form prescribed by the board;
- (2) the license renewal fee established in 12 AAC 02.320;
- (3) proof of continuing competency by submitting documentation verifying that the applicant has completed
 - (A) the continuing occupational therapy professional practice requirements or an alternative under 12 AAC 54.705; and
 - (B) the continuing education contact hours required under 12 AAC 54.710; and
- (4) a completed jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.705. REQUIRED CONTINUING OCCUPATIONAL THERAPY PROFESSIONAL PRACTICE AND ALTERNATIVES. (a) An applicant for renewal of an occupational therapist or occupational therapy assistant license shall document

- (1) having provided occupational therapy services for at least 60 hours during the concluding licensing period; or
 - (2) successful completion during the concluding licensing period of one of the following:
 - (A) the applicable of the following certification examinations sponsored by the National Board for Certification in Occupational Therapy:
 - (i) for an occupational therapist, the Certification Examination for Occupational Therapist, Registered; or
 - (ii) for an occupational therapy assistant, the Certification Examination for Certified Occupational Therapy Assistant;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.710, 40 contact hours of continuing education that is consistent with the requirements of 12 AAC 54.710 - 12 AAC 54.720;
 - (C) a review course sponsored by a school of occupational therapy approved by the American Occupational Therapy Association; or
 - (D) an occupational therapy internship of 150 hours approved by the board.
- (b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute occupational therapy services under this section, the applicant may request board approval before submitting the application for license renewal.
- (c) In this section, "occupational therapy services" includes work and volunteer service under a position title other than occupational therapist or occupational therapy assistant if the applicant documents that the position required the use of occupational therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

Editor's note: Information on certification examinations in occupational therapy may be obtained from the National Board for Certification in Occupational Therapy, 12 South Summit Avenue, Suite 100, Gaithersburg, MD 20877-4150. Information on approved schools of occupational therapy may be obtained from the American Occupational Therapy Association, P. O. Box 31220, Bethesda, MD 20824.

12 AAC 54.710. OCCUPATIONAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.725, an applicant for renewal of an occupational therapist license who has been licensed for

- (1) 12 months or more of the concluding licensing period must have completed 24 contact hours of continuing education during that licensing period;
 - (2) less than 12 months of the concluding licensing period must have completed 12 contact hours of continuing education during that licensing period.
- (b) An applicant for renewal of an occupational therapy assistant license who has been licensed for

- (1) 12 months or more of the concluding licensing period must have completed 12 contact hours of continuing education during that licensing period;
- (2) less than 12 months of the concluding licensing period must have completed six contact hours of continuing education during that licensing period.
- (c) For the purposes of this section,
 - (1) one "contact hour" equals a minimum of 50 minutes of instruction;
 - (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
 - (3) one academic semester credit hour equals 15 contact hours; and
 - (4) one academic quarter credit hour equals 10 contact hours.
- (d) *Repealed 5/21/97.*
- (e) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.720. Records must be retained for three years from the date the contact hours were obtained.
- (f) The following activities will not be accepted for continuing education contact hours under this section:
 - (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.715. APPROVED OCCUPATIONAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Occupational Therapy Association;
 - (B) the American Occupational Therapy Association;
 - (C) the World Federation of Occupational Therapy;
 - (D) the National Board for Certification in Occupational Therapy (NBCOT);
 - (E) other state occupational therapy associations; or
 - (F) other state occupational therapy licensing boards;
 - (2) continuing education activities sponsored by a professional organization or university approved by the Alaska Occupational Therapy Association or the American Occupational Therapy Association.
- (b) If an applicant for renewal is uncertain whether a particular continuing education opportunity will meet the standards of this section, the applicant may request board approval before claiming those contact hours.
- (c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of an occupational therapist or occupational therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of occupational therapy.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.720. AUDIT OF OCCUPATIONAL THERAPY CONTINUING COMPETENCY REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.700 - 12 AAC 54.720.

- (b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation that verifies completion of the contact hours claimed under 12 AAC 54.710 and occupational therapy service hours or an alternative required under 12 AAC 54.705.
- (c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.725. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) An occupational therapist or occupational therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.700 - 12 AAC 54.720 as specified in this section for renewal of an occupational therapist or occupational therapy assistant license for the biennial licensing period immediately following a period of service by an occupational therapist or occupational therapy assistant during which an occupational therapist or occupational therapy assistant was engaged in active duty military service in the armed forces of the United States.

- (b) To obtain an exemption under this section, an occupational therapist or occupational therapy assistant must submit official documentation satisfactory to the board of active duty military service.
- (c) The board will waive half of the continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

ARTICLE 7. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE.

Section

- 800. Occupational therapy standards**
- 805. Posting of license or permit**
- 810. Supervision of occupational therapy assistants**
- 815. Supervision of non-licensed personnel**
- 820. (Repealed)**
- 825. Standards for practice of telerehabilitation by occupational therapist**
- 830. Occupational therapy internship standards**
- 890. Definitions related to occupational therapy**

12 AAC 54.800. OCCUPATIONAL THERAPY STANDARDS. (a) In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, occupational therapists and occupational therapy assistants shall adhere to the *Occupational Therapy Code of Ethics*, as revised as of May 2005, American Occupational Therapy Association. The *Occupational Therapy Code of Ethics* is adopted by reference.

(b) An occupational therapist may not supervise, in any combination, more than three aides, assistants, students, foreign-trained candidates, or permittees at the same time.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.150
AS 08.84.030

Editor's note: A copy of the *Occupational Therapy Code of Ethics*, adopted by reference in 12 AAC 54.800, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, 333 Willoughby Avenue, Juneau, Alaska or may be obtained from the American Occupational Therapy Association, P.O. Box 31220, Bethesda, MD 20824-1220; website at www.aota.org/general/docs/ethicscode05.pdf.

12 AAC 54.805. POSTING OF LICENSE OR PERMIT. A license or permit issued under this chapter, or a copy of a license or permit, must be posted in a conspicuous location in the licensee's primary place of business for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm.

12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. (a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. To meet this supervision requirement,

(1) at least once per month the occupational therapist supervising the licensed occupational therapy assistant shall be physically present while the occupational therapy assistant being supervised implements a treatment plan with a patient; and

(2) the occupational therapist supervising the occupational therapy assistant shall be available for consultation with the occupational therapy assistant being supervised, through telephone consultations, written reports, or in-person conferences.

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

- (1) determine the frequency and manner of consultations, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the occupational therapy assistant being supervised;
- (2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the occupational therapy assistant's place of employment; and
- (3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises the treatment of a patient by the occupational therapy assistant being supervised.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.190

12 AAC 54.815. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed occupational therapist is solely responsible for the treatment and management of all aspects of occupational therapy care of the patient.

(b) A licensed occupational therapist or occupational therapy assistant may use non-licensed personnel in the delivery of patient-related and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of occupational therapy.

(c) A licensed occupational therapist shall assure the training of non-licensed personnel under the supervision of the occupational therapist or occupational therapy assistant, and shall document that training.

(d) The supervising occupational therapist or occupational therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

(e) Nothing in this section restricts the implementation by a teacher or teacher's aide of a program that meets the requirements of AS 08.84.150(b)(6).

Authority: AS 08.84.010

12 AAC 54.820. STANDARDS FOR SUPERVISION. *Repealed 6/10/2010.*

12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located at distant sites in the state which are not in close proximity of an occupational therapist.

(b) An occupational therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

- (1) must be physically present in the state while performing telerehabilitation under this section;
- (2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.800;
- (3) must comply with the requirements of 12 AAC 54.810 for any licensed occupational therapist assistant providing services under this section;
- (4) may conduct one-on-one consultations, including initial evaluation, under this section; and
- (5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010

12 AAC 54.830. OCCUPATIONAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for an occupational therapy internship required under 12 AAC 54.705(a)(2)(D) or 12 AAC 54.950(e).

- (b) An internship must be served
 - (1) under the continual on-site supervision of an occupational therapist licensed under this chapter; and
 - (2) in an institution that ordinarily provides occupational therapy, has a varied caseload, and has on staff at least one occupational therapist licensed under this chapter.
- (c) A licensed occupational therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.
- (d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's
 - (1) satisfactory or unsatisfactory completion of the internship; and
 - (2) level of skill in
 - (A) completion of evaluation;
 - (B) program planning;
 - (C) therapeutic practice;
 - (D) potential ability to practice safely while unsupervised with sound professional judgment; and
 - (E) ethics related to the practice of occupational therapy.

(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.

(f) In this section, "preceptor" means an occupational therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.890. DEFINITIONS RELATED TO OCCUPATIONAL THERAPY. (a) In 12 AAC 54.600 – 12 AAC 54.890,

(1) "continual on-site supervision" means the supervising occupational therapist or occupational therapy assistant

(A) is present in the department or facility where services are being provided;

(B) is immediately available to the non-licensed personnel being supervised; and

(C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;

(2) "internship" means postgraduate on-the-job training of occupational therapists or occupational therapy assistants, approved by the board;

(3) "non-licensed personnel"

(A) means personnel who are

(i) used by a licensed occupational therapist or occupational therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of occupational therapy; and

(ii) trained under the direction of a licensed occupational therapist or occupational therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of occupational therapy;

(B) includes personnel who are referred to as "aides", "technicians", or "techs";

(4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;

(5) "patient-related duties" means routine tasks that do not require the education, skill, and training of an occupational therapist or occupational therapy assistant, and for which the

(A) outcome anticipated for the task is predictable;

(B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and

(C) task routine and process have been clearly established;

(6) "supervision" means

(A) the licensed occupational therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and

(B) the licensed occupational therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.

(b) In AS 08.84.190, "occupational therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 8. GENERAL PROVISIONS.

Section

900. Refund of fees and renewals

910. (Renumbered)

915. Review of applications for temporary permit or limited permit

920. Change of name or address

930. (Renumbered)

950. Reinstatement of a lapsed license

960. Board meetings

990. Definitions

12 AAC 54.900. REFUND OF FEES AND RENEWALS. (a) Unless an application is considered abandoned under 12 AAC 02.910, an applicant for licensure who requests withdrawal of an application before taking an examination and before action has been taken by the board is entitled to a refund of all fees except the application fee.

(b) Renewal notices will be sent by the department to all current licensees at least 30 days before the end of the current licensing period. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

Authority: AS 08.84.010(b) AS 08.84.100

12 AAC 54.910. STANDARDS. *Renumbered as 12 AAC 54.500, 9/26/91.*

12 AAC 54.915. REVIEW OF APPLICATIONS FOR TEMPORARY PERMIT OR LIMITED PERMIT.

(a) An applicant that meets the requirements listed on the appropriate form established in this section has demonstrated the necessary qualifications for the applicable permit. An applicant that does not meet the requirements listed on the appropriate form in this section will not be issued the applicable permit unless the board reviews the application and determines that the applicant meets the qualifications of AS 08.84 and this chapter for the applicable permit.

(b) The form titled "Application Checklist for Temporary Permit," dated April 2005, is adopted by reference. This form is established by the board for review by staff of an application for a temporary permit to practice as an occupational therapist, occupational therapy assistant, physical therapist, or physical therapy assistant.

(c) The form titled "Application Checklist for Limited Permit," dated April 2005, is adopted by reference. This form is established by the board for review by staff of an application for a limited permit to practice as an occupational therapist, occupational therapy assistant, physical therapist, or physical therapy assistant.

(d) The form titled "Application Checklist for Temporary Permit for Foreign-Trained PT or PTA" dated April 2005, is adopted by reference. This form is established by the board for review by staff of an application for a temporary permit to practice as a physical therapist or physical therapy assistant if the applicant is a graduate of a foreign school of physical therapy located outside the United States.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.075
AS 08.84.030

Editor's note: The application checklist forms adopted by reference in 12 AAC 54.915 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 54.920. CHANGE OF NAME OR ADDRESS. (a) It is the responsibility of a licensee to notify the department of a change in the licensee's name or mailing address.

(b) A licensee shall notify the department when the licensee's name has changed by submitting a notarized copy of a legal document verifying the change of name.

(c) A licensee shall notify the department when the licensee's mailing address has changed in accordance with 12 AAC 02.900.

(d) Upon written request and payment of the fees established in 12 AAC 02.105, a new license or certificate will be printed showing the licensee's new name or address.

Authority: AS 08.84.010(b) AS 08.84.090

12 AAC 54.930. STANDARDS OF PRACTICE OF PHYSICAL THERAPY ASSISTANTS. *Renumbered as 12 AAC 54.510, 9/26/91.*

12 AAC 54.950. REINSTATEMENT OF A LAPSED LICENSE. (a) A licensee whose license is lapsed for any reason is prohibited from practicing physical therapy or occupational therapy until the license is reinstated by the board.

(b) A license which has been lapsed for less than two years will be reinstated by the board upon submission of

(1) the fees required by 12 AAC 02.105 and 12 AAC 02.320; and

(2) documentation that all continuing competency and continuing education requirements of 12 AAC 54 have been met.

(c) A license that has been lapsed for two but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) an application for reinstatement on a form provided by the department;

(2) the fees required by 12 AAC 02.105 and 12 AAC 02.320 for the entire period the license has been lapsed;

(3) evidence of completion of all continuing competency and continuing education requirements in 12 AAC 54 that would have been required to maintain a current license for the entire period the license has been lapsed;

(4) verification of all physical therapy and occupational therapy licenses held in other jurisdictions for the entire period the Alaska license has been lapsed and a signed statement from a licensing official in each of those jurisdictions verifying that no restrictions have been placed on the license or disciplinary sanctions have been taken against the licensee.

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed and the former licensee will be required to apply for a new license under AS 08.84.030 or 08.84.060 and regulations adopted under them.

(e) An applicant for a new license whose original license in this state was lapsed for five years or more and who has not been actively practicing in another state during that time shall satisfactorily complete an internship approved by the board consisting of 150 hours of training.

Authority: AS 08.01.100 AS 08.84.030 AS 08.84.040
AS 08.84.010

12 AAC 54.960. BOARD MEETINGS. The board will hold at least two meetings a year at times and places designated by the chairman or by majority of the board.

Authority: AS 08.84.010(b)

12 AAC 54.990. DEFINITIONS. In this chapter and in AS 08.84

- (1) "board" means the State Physical Therapy and Occupational Therapy Board;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "licensed" has the same meaning as registered, certified, or a similar term used by another licensing jurisdiction.
- (4) "NBCOT" means the National Board for Certification in Occupational Therapy.
- (5) "HIPAA compliance" means compliance with 42 U.S.C. 300gg (Health Insurance Portability and Accountability Act of 1996);
- (6) "interactive telecommunication system"
 - (A) means audio and video equipment that permits a two-way, real time communication between a therapist licensed under AS 08.84 and this chapter and a patient who is located at a distant site in the state which is not in close proximity of the therapist;
 - (B) does not include
 - (i) electronic mail;
 - (ii) facsimile machine; or
 - (iii) telephone;
- (7) "telerehabilitation" means the practice of therapy by a person licensed as a therapist under AS 08.84 and this chapter using an interactive telecommunication system.

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.160
AS 08.84.030 AS 08.84.060 AS 08.84.190
AS 08.84.032

APTA Code of Ethics

PREAMBLE

This Code of Ethics of the American Physical Therapy Association sets forth principles for the ethical practice of physical therapy. All physical therapists are responsible for maintaining and promoting ethical practice. To this end, the physical therapist shall act in the best interest of the patient/client. This Code of Ethics shall be binding on all physical therapists.

PRINCIPLE 1

A physical therapist shall respect the rights and dignity of all individuals and shall provide compassionate care.

PRINCIPLE 2

A physical therapist shall act in a trustworthy manner towards patients/clients, and in all other aspects of physical therapy practice.

PRINCIPLE 3

A physical therapist shall comply with laws and regulations governing physical therapy and shall strive to effect changes that benefit patients/clients.

PRINCIPLE 4

A physical therapist shall exercise sound professional judgment.

PRINCIPLE 5

A physical therapist shall achieve and maintain professional competence.

PRINCIPLE 6

A physical therapist shall maintain and promote high standards for physical therapy practice, education and research.

PRINCIPLE 7

A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services.

PRINCIPLE 8

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

PRINCIPLE 9

A physical therapist shall protect the public and the profession from unethical, incompetent, and illegal acts.

PRINCIPLE 10

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

PRINCIPLE 11

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

APTA Guide for Professional Conduct

Purpose

This Guide for Professional Conduct (Guide) is intended to serve physical therapists in interpreting the Code of Ethics (Code) of the American Physical Therapy Association (Association), in matters of professional conduct. The Guide provides guidelines by which physical therapists may determine the propriety of their conduct. It is also intended to guide the professional development of physical therapist students. The Code and the Guide apply to all physical therapists. These guidelines are subject to changes as the dynamics of the profession change and as new patterns of health care delivery are developed and accepted by the professional community and the public.

This Guide is subject to monitoring and timely revision by the Ethics and Judicial Committee of the Association.

Interpreting Ethical Principles

The interpretations expressed in this Guide reflect the opinions, decisions, and advice of the Ethics and Judicial Committee. These interpretations are intended to assist a physical therapist in applying general ethical principles to specific situations. They should not be considered inclusive of all situations that could evolve.

PRINCIPLE 1

A physical therapist shall respect the rights and dignity of all individuals and shall provide compassionate care.

1.1 Attitudes of a Physical Therapist

A. A physical therapist shall recognize individual differences and shall respect and be responsive to those differences.

B. A physical therapist shall be guided by concern for the physical, psychological, and socioeconomic welfare of patients/clients.

C. A physical therapist shall not harass, abuse, or discriminate against others.

D. A physical therapist shall be aware of the patient's health-related needs and act in a manner that facilitates meeting those needs.

PRINCIPLE 2

A physical therapist shall act in a trustworthy manner towards patients/clients, and in all other aspects of physical therapy practice.

2.1 Patient/Physical Therapist Relationship

A. To act in a trustworthy manner the physical therapist shall act in the patient/client's best interest. Working in the patient/client's best interest requires knowledge of the patient/client's needs from the patient/client's perspective. Patients/clients often come to the physical therapist in a vulnerable state and normally will rely on the physical therapist's advice, which they perceive to be based on superior knowledge, skill, and experience. The trustworthy physical therapist acts to ameliorate the patient's/client's vulnerability, not to exploit it.

B. A physical therapist shall not exploit any aspect of the physical therapist/patient relationship.

C. A physical therapist shall not engage in any sexual relationship or activity, whether consensual or nonconsensual, with any patient while a physical therapist/patient relationship exists.

D. The physical therapist shall create an environment that encourages an open dialogue with the patient/client.

E. In the event the physical therapist or patient terminates the physical therapist/patient relationship while the patient continues to need physical therapy services, the physical therapist should take steps to transfer the care of the patient to another provider.

2.2 Truthfulness

A physical therapist shall not make statements that he/she knows or should know are false, deceptive, fraudulent, or unfair. See Section 8.2.D.

2.3 Confidential Information

A. Information relating to the physical therapist/patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior consent of the patient, subject to applicable law.

B. Information derived from peer review shall be held confidential by the reviewer unless the physical therapist who was reviewed consents to the release of the information.

C. A physical therapist may disclose information to appropriate authorities when it is necessary to protect the welfare of an individual or the community or when required by law. Such disclosure shall be in accordance with applicable law.

2.4 Patient Autonomy and Consent

A. A physical therapist shall not restrict patients' freedom to select their provider of physical therapy.

B. A physical therapist shall communicate to the patient/client the findings of his/her examination, evaluation, diagnosis, and prognosis.

C. A physical therapist shall collaborate with the patient/client to establish the goals of treatment and the plan of care.

D. A physical therapist shall inform the patient/client of the benefits, costs, and substantial risks (if any) of the recommended intervention and treatment alternatives.

E. A physical therapist shall respect the patient's/client's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal.

PRINCIPLE 3

A physical therapist shall comply with laws and regulations governing physical therapy and shall strive to effect changes that benefit patients/clients.

3.1 Professional Practice

A physical therapist shall provide examination, evaluation, diagnosis, prognosis, and intervention. A physical therapist shall not engage in any unlawful activity that substantially relates to the qualifications, functions, or duties of a physical therapist.

3.2 Just Laws and Regulations

A physical therapist shall advocate the adoption of laws, regulations, and policies by providers, employers, third party payers, legislatures, and regulatory agencies to provide and improve access to necessary health care services for all individuals.

3.3 Unjust Laws and Regulations

A physical therapist shall endeavor to change unjust laws, regulations, and policies that govern the practice of physical therapy. See Section 10.2.

PRINCIPLE 4

A physical therapist shall exercise sound professional judgment.

4.1 Professional Responsibility

A. A physical therapist shall make professional judgments that are in the patient/client's best interests.

B. Regardless of practice setting, a physical therapist has primary responsibility for the physical therapy care of a patient and shall make independent judgments regarding that care consistent with accepted professional standards. See Section 2.4.

C. A physical therapist shall not provide physical therapy services to a patient/client while his/her ability to do so safely is impaired.

D. A physical therapist shall exercise sound professional judgment based upon his/her knowledge, skill, education, training, and experience.

E. Upon accepting a patient/client for physical therapy services, a physical therapist shall be responsible for: the examination, evaluation, and diagnosis of that individual; the prognosis and intervention; re-examination and modification of the plan of care; and the maintenance of adequate records, including progress reports. A physical therapist shall establish the plan of care and shall provide and/or supervise and direct the appropriate interventions. See Section 2.4.

F. If the diagnostic process reveals findings that are outside the scope of the physical therapist's knowledge, experience, or expertise, the physical therapist shall so inform the patient/client and refer to an appropriate practitioner.

G. When the patient has been referred from another practitioner, the physical therapist shall communicate the findings of the examination and evaluation, the diagnosis, the proposed intervention, and re-examination findings (as indicated) to the referring practitioner.

H. A physical therapist shall determine when a patient/client will no longer benefit from physical therapy services.

4.2 Direction and Supervision

A. The supervising physical therapist has primary responsibility for the physical therapy care rendered to a patient/client.

B. A physical therapist shall not delegate to a less qualified person any activity that requires the unique skill, knowledge, and judgment of the physical therapist.

4.3 Practice Arrangements

A. Participation in a business, partnership, corporation, or other entity does not exempt physical therapists, whether employers, partners, or stockholders, either individually or collectively, from the obligation to promote, maintain and comply with the ethical principles of the Association.

B. A physical therapist shall advise his/her employer(s) of any employer practice that causes a physical therapist to be in conflict with the ethical principles of the Association. A physical therapist shall seek to eliminate aspects of his/her employment that are in conflict with the ethical principles of the Association.

4.4 Gifts and Other Consideration

A physical therapist shall not accept or offer gifts or other considerations that affect or give an appearance of affecting his/her professional judgment.

PRINCIPLE 5

A physical therapist shall achieve and maintain professional competence.

5.1 Scope of Competence

A physical therapist shall practice within the scope of his/her competence and commensurate with his/her level of education, training and experience.

5.2 Self-assessment

A physical therapist shall engage in self-assessment, which is a lifelong professional responsibility for maintaining competence.

5.3 Professional Development

A physical therapist shall participate in educational activities that enhance his/her basic knowledge and skills.

PRINCIPLE 6

A physical therapist shall maintain and promote high standards for physical therapy practice, education and research.

6.1 Professional Standards

A physical therapist shall know the accepted professional standards when engaging in physical therapy practice, education and/or research. A physical therapist shall continuously engage in assessment activities to determine compliance with these standards. If a physical therapist is not in compliance with these standards, he/she shall engage in activities designed to reach compliance with the standards. When a physical therapist is in compliance with these standards, he/she shall engage in activities designed to maintain such compliance.

6.2 Practice

- A. A physical therapist shall achieve and maintain professional competence. See Section 5.
- B. A physical therapist shall demonstrate his/her commitment to quality improvement by engaging in peer and utilization review and other self-assessment activities.

6.3 Professional Education

- A. A physical therapist shall support high-quality education in academic and clinical settings.
- B. A physical therapist participating in the educational process is responsible to the students, the academic institutions, and the clinical settings for promoting ethical conduct. A physical therapist shall model ethical behavior and provide the student with information about the Code of Ethics, opportunities to discuss ethical conflicts, and procedures for reporting unresolved ethical conflicts. See Section 9.

6.4 Continuing Education

- A. A physical therapist providing continuing education must be competent in the content area.
- B. When a physical therapist provides continuing education, he/she shall ensure that course content, objectives, faculty credentials, and responsibilities of the instructional staff are accurately stated in the promotional and instructional course materials.
- C. A physical therapist shall evaluate the efficacy and effectiveness of information and techniques presented in continuing education programs before integrating them into his or her practice.

6.5 Research

- A. A physical therapist shall support research activities that contribute knowledge for improved patient care.
- B. A physical therapist shall report to appropriate authorities any acts in the conduct or presentation of research that appear unethical or illegal. See Section 9.

PRINCIPLE 7

A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services.

7.1 Business and Employment Practices

A. A physical therapist's business/employment practices shall be consistent with the ethical principles of the Association.

B. A physical therapist shall never place her/his own financial interest above the welfare of individuals under his/her care.

C. A physical therapist shall recognize that third-party payer contracts may limit, in one form or another, the provision of physical therapy services. Third-party limitations do not absolve the physical therapist from making sound professional judgments that are in the patient's best interest. A physical therapist shall avoid underutilization of physical therapy services.

D. When a physical therapist's judgment is that a patient will receive negligible benefit from physical therapy services, the physical therapist shall not provide or continue to provide such services if the primary reason for doing so is to further the financial self-interest of the physical therapist or his/her employer. A physical therapist shall avoid overutilization of physical therapy services.

E. Fees for physical therapy services should be reasonable for the service performed, considering the setting in which it is provided, practice costs in the geographic area, judgment of other organizations, and other relevant factors.

F. A physical therapist shall not directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee.

G. A physical therapist shall not profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, in connection with the furnishing of physical therapy services.

H. Unless laws impose restrictions to the contrary, physical therapists who provide physical therapy services within a business entity may pool fees and monies received. Physical therapists may divide or apportion these fees and monies in

I. A physical therapist may enter into agreements with organizations to provide physical therapy services if such agreements do not violate the ethical principles of the Association or applicable laws.

7.2 Endorsement of Products or Services

A. A physical therapist shall not exert influence on individuals under his/her care or their families to use products or services based on the direct or indirect financial interest of the physical therapist in such products or services. Realizing that these individuals will normally rely on the physical therapist's advice, their best interest must always be maintained, as must their right of free choice relating to the use of any product or service. Although it cannot be considered unethical for physical therapists to own or have a financial interest in the production, sale, or distribution of products/services, they must act in accordance with law and make full disclosure of their interest whenever individuals under their care use such products/services.

B. A physical therapist may receive remuneration for endorsement or advertisement of products or services to the public, physical therapists, or other health professionals provided he/she discloses any financial interest in the production, sale, or distribution of said products or services.

C. When endorsing or advertising products or services, a physical therapist shall use sound professional judgment and shall not give the appearance of Association endorsement unless the Association has formally endorsed the products or services.

7.3 Disclosure

A physical therapist shall disclose to the patient if the referring practitioner derives compensation from the provision of physical therapy.

PRINCIPLE 8

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

8.1 Accurate and Relevant Information to the Patient

A. A physical therapist shall provide the patient/client information about his/her condition and plan of care. See Section 2.4.

B. Upon the request of the patient, the physical therapist shall provide, or make available, the medical record to the patient or a patient-designated third party.

C. A physical therapist shall inform patients of any known financial limitations that may affect their care.

D. A physical therapist shall inform the patient when, in his/her judgment, the patient will receive negligible benefit from further care. See Section 7.1.C.

8.2 Accurate and Relevant Information to the Public

A. A physical therapist shall inform the public about the societal benefits of the profession and who is qualified to provide physical therapy services.

B. Information given to the public shall emphasize that individual problems cannot be treated without individualized examination and plans/programs of care.

C. A physical therapist may advertise his/her services to the public.

D. A physical therapist shall not use, or participate in the use of, any form of communication containing a false, plagiarized, fraudulent, deceptive, unfair, or sensational statement or claim.

E. A physical therapist who places a paid advertisement shall identify it as such unless it is apparent from the context that it is a paid advertisement.

PRINCIPLE 9

A physical therapist shall protect the public and the profession from unethical, incompetent, and illegal acts.

9.1 Consumer Protection

A. A physical therapist shall provide care that is within the scope of practice as defined by the state practice act.

B. A physical therapist shall not engage in any conduct that is unethical, incompetent or illegal.

C. A physical therapist shall report any conduct that appears to be unethical, incompetent, or illegal.

D. A physical therapist may not participate in any arrangements in which patients are exploited due to the referring sources' enhancing their personal incomes as a result of referring for, prescribing, or recommending physical therapy. See Section 5.

PRINCIPLE 10

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

10.1 Pro Bono Service

A physical therapist shall render pro bono publico (reduced or no fee) services to patients lacking the ability to pay for services, as each physical therapist's practice permits.

10.2 Community Health

A physical therapist shall endeavor to support activities that benefit the health status of the community. See Section 3.

PRINCIPLE 11

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

11.1 Consultation

A physical therapist shall seek consultation whenever the welfare of the patient will be safeguarded or advanced by consulting those who have special skills, knowledge, and experience.

11.2 Patient/Provider Relationships

A physical therapist shall not undermine the relationship(s) between his/her patient and other healthcare professionals.

11.3 Disparagement

Physical therapists shall not disparage colleagues and other health care professionals. See Section 9 and Section 2.4.A.

APTA Standards of Ethical Conduct for the Physical Therapist Assistant

PREAMBLE

This document of the American Physical Therapy Association sets forth standards for the ethical conduct of the physical therapist assistant. All physical therapist assistants are responsible for maintaining high standards of conduct while assisting physical therapists. The physical therapist assistant shall act in the best interest of the patient/client. These standards of conduct shall be binding on all physical therapist assistants.

STANDARD 1

A physical therapist assistant shall respect the rights and dignity of all individuals and shall provide compassionate care.

STANDARD 2

A physical therapist assistant shall act in a trustworthy manner towards patients/clients.

STANDARD 3

A physical therapist assistant shall provide selected physical therapy interventions only under the supervision and direction of a physical therapist.

STANDARD 4

A physical therapist assistant shall comply with laws and regulations governing physical therapy.

STANDARD 5

A physical therapist assistant shall achieve and maintain competence in the provision of selected physical therapy interventions.

STANDARD 6

A physical therapist assistant shall make judgments that are commensurate with their educational and legal qualifications as a physical therapist assistant.

STANDARD 7

A physical therapist assistant shall protect the public and the profession from unethical, incompetent, and illegal acts.

Guide for Conduct of the Physical Therapist Assistant

This Guide for Conduct of the Physical Therapist Assistant (Guide) is intended to serve physical therapist assistants in interpreting the Standards of Ethical Conduct for the Physical Therapist Assistant (Standards) of the American Physical Therapy Association (APTA). The Guide provides guidelines by which physical therapist assistants may determine the propriety of their conduct. It is also intended to guide the development of physical therapist assistant students. The Standards and Guide apply to all physical therapist assistants. These guidelines are subject to change as the dynamics of the profession change and as new patterns of health care delivery are developed and accepted by the professional community and the public. This Guide is subject to monitoring and timely revision by the

Ethics and Judicial Committee of the Association.

Interpreting Standards

The interpretations expressed in this Guide reflect the opinions, decisions, and advice of the Ethics and Judicial Committee. These interpretations are intended to guide a physical therapist assistant in applying general ethical principles to specific situations. They should not be considered inclusive of all situations that could evolve.

STANDARD 1

A physical therapist assistant shall respect the rights and dignity of all individuals and shall provide compassionate care.

1.1 attitude of a physical therapist assistant

- A. physical therapist assistant shall demonstrate sensitivity to individual and cultural differences.
- B. physical therapist assistant shall be guided at all times by concern for the physical and psychological welfare of patients/clients.
- C. A physical therapist assistant shall not harass, abuse, or discriminate against others.

STANDARD 2

A physical therapist assistant shall act in a trustworthy manner towards patients/clients.

2.1 Trustworthiness

- A. To act in a trustworthy manner a physical therapist assistant shall act in the patient's/client's best interest. Working in the patient's/client's best interest requires sensitivity to the patient's/client's vulnerability and an effective working relationship between the physical therapist and the physical therapist assistant.
- B. A physical therapist assistant shall act to ameliorate the patient's/client's vulnerability, not to exploit it.
- C. A physical therapist assistant shall clearly identify him/herself as a physical therapist assistant to patients/clients.
- D. A physical therapist assistant shall conduct him/herself in a manner that supports the physical therapist/patient relationship.
- E. A physical therapist assistant shall not engage in any sexual relationship or activity, whether consensual or nonconsensual, with any patient entrusted to his/her care.
- F. A physical therapist assistant shall not invite, accept, or offer gifts or other considerations that affect or give an appearance of affecting his/her provision of physical therapy interventions.

2.2 Exploitation of Patients

A physical therapist assistant shall not participate in any arrangements in which patients/clients are exploited. Such arrangements include situations where referring sources enhance their personal incomes as a result of referring for, delegating, prescribing, or recommending physical therapy services.

2.3 Truthfulness

A. A physical therapist assistant shall not make statements that he/she knows or should know are false, deceptive, fraudulent, or unfair.

B. Although it cannot be considered unethical for a physical therapist assistant to own or have a financial interest in the production, sale, or distribution of products/services, he/she must act in accordance with law and make full disclosure of his/her interest to patients/clients.

2.4 Confidential Information

A. Information relating to the patient/client is confidential and may not be communicated to a third party not involved in that patient's care without the prior consent of the patient, subject to applicable law.

B. A physical therapist assistant shall refer all requests for release of confidential information to the supervising physical therapist.

STANDARD 3

A physical therapist assistant shall provide selected physical therapy interventions only under the supervision and direction of a physical therapist.

3.1 Supervisory Relationship

A. A physical therapist assistant shall provide services only under the supervision and direction of a physical therapist.

B. A physical therapist assistant shall provide only those physical therapy interventions that have been selected by the physical therapist.

C. A physical therapist assistant shall not carry out any selected physical therapy interventions that are outside his/her education, training, experience, or skill and shall notify the physical therapist.

D. A physical therapist assistant may adjust specific interventions within the plan of care established by the physical therapist in response to changes in the patient's/client's status.

E. A physical therapist assistant shall not perform examinations or evaluations, interpret data, determine diagnosis or prognosis, or establish or alter a plan of care.

F. Consistent with the physical therapist assistant's education, training, knowledge, and experience, he/she may respond to the patient's/client's inquiries regarding interventions that are within the established plan of care.

G. A physical therapist assistant shall have regular and ongoing communication with the physical therapist regarding the patient's/client's status.

STANDARD 4

A physical therapist assistant shall comply with laws and regulations governing physical therapy.

4.1 Supervision

A physical therapist assistant shall know and comply with applicable law. Regardless of the content of any law, a physical therapist assistant shall provide services only under the supervision and direction of a physical therapist.

4.2 Representation

A. physical therapist assistant shall not hold him/herself out as a physical therapist.

STANDARD 5

A physical therapist assistant shall achieve and maintain competence in the provision of selected physical therapy interventions.

5.1 Competence

A physical therapist assistant shall provide interventions consistent with his/her level of education, training, experience, and skill.

5.2 Self-assessment

A physical therapist assistant shall engage in self-assessment in order to maintain competence.

5.3 Development

A physical therapist assistant shall participate in educational activities that enhance his/her basic knowledge and skills.

STANDARD 6

A physical therapist assistant shall make judgments that are commensurate with their educational and legal qualifications as a physical therapist assistant.

6.1 Patient Safety

A. A physical therapist assistant shall discontinue immediately any components of interventions that, in his/her judgment, appear to be harmful to the patient and shall discuss his/her concerns with the physical therapist.

B. A physical therapist assistant shall not carry out any selected physical therapy interventions that are outside his/her education, training, experience, or skill and shall notify the physical therapist.

C. A physical therapist assistant shall not perform interventions while his/her ability to do so safely is impaired.

6.2 Patient Status Judgments

A physical therapist assistant participates in patient status judgments by reporting changes to the physical therapist and requesting patient re-examination or revision of the plan of care. See Section 3.1.

6.3 Gifts and Other Considerations

A physical therapist assistant shall not invite, accept, or offer gifts or other considerations that affect or give the appearance of affecting his/her provision of physical therapy interventions or that exploit the patient in any way. See Section 2.1(B).

STANDARD 7

A physical therapist assistant shall protect the public and the profession from unethical, incompetent, and illegal acts.

7.1 Consumer Protection

A physical therapist assistant shall report any conduct that appears to be unethical or illegal.

7.2 Organizational Employment

A. A physical therapist assistant shall inform his/her employer(s) and/or appropriate physical therapist of any employer practice that causes him or her to be in conflict with the Standards of Ethical Conduct for the Physical Therapist Assistant.

B. A physical therapist assistant shall not engage in any activity that puts him or her in conflict with the Standards of Ethical Conduct for the Physical Therapist Assistant, regardless of directives from a physical therapist or employer.

OCCUPATIONAL THERAPY CODE OF ETHICS – 2005

PREAMBLE

The AOTA *Occupational Therapy Code of Ethics* (2005) is a public statement of principles used to promote and maintain high standards of conduct within the profession and is supported by the *Core Values and Attitudes of Occupational Therapy Practice* (AOTA, 1993). Members of the American Occupational Therapy Association (AOTA) are committed to promoting inclusion, diversity, independence, and safety for all recipients in various stages of life, health, and illness and to empower all beneficiaries of occupational therapy. This commitment extends beyond service recipients to include professional colleagues, students, educators, businesses, and the community.

Fundamental to the mission of the occupational therapy profession is the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community and other settings. “Occupational therapy addresses the physical, cognitive, psychosocial, sensory and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well being and quality of life.” (Definition of Occupational Therapy Practice for the AOTA Model Practice Act, 2004). Occupational therapy personnel, have an ethical responsibility first and foremost to recipients of service as well as to society.

The historical foundation of this *Code* is based on ethical reasoning surrounding practice and professional issues, as well as empathic reflection regarding these interactions with others. This reflection resulted in the establishment of principles that guide ethical action. Ethical action goes beyond rote following of rules or application of principles; rather it is a manifestation of moral character and mindful reflection. It is a commitment to beneficence for the sake of others, to virtuous practice of artistry and science, to genuinely good behaviors, and to noble acts of courage. It is an empathic way of being among others, which is made every day by all occupational therapy personnel.

The AOTA *Occupational Therapy Code of Ethics* (2005) is an aspirational guide to professional conduct when ethical issues surface. Ethical decision-making is a process which includes awareness regarding how the outcome will impact occupational therapy clients in all spheres. Applications of *Code* principles are considered situation-specific and where a conflict exists, occupational therapy personnel will pursue responsible efforts for resolution.

The specific purpose of the AOTA *Occupational Therapy Code of Ethics* (2005) is to:

1. Identify and describe the principles supported by the occupational therapy profession
2. Educate the general public and members regarding established principles to which occupational therapy personnel are accountable
3. Socialize occupational therapy personnel new to the practice to expected standards of conduct.
4. Assist occupational therapy personnel in recognition and resolution of ethical dilemmas

The AOTA *Occupational Therapy Code of Ethics* (2005) defines the set principles that apply to occupational therapy personnel at all levels:

Principle 1. Occupational therapy personnel shall demonstrate a concern for the safety and well-being of the recipients of their services. (BENEFICENCE) Occupational therapy personnel shall:

- A. Provide services in a fair and equitable manner. They shall recognize and appreciate the cultural components of economics, geography, race, ethnicity, religious and political factors, marital status, age, sexual orientation, gender identity, and disability of all recipients of their services.
- B. Strive to ensure that fees are fair and reasonable and commensurate with services performed. When occupational therapy practitioners set fees, they shall set fees considering institutional, local, state, and federal requirements, and with due regard for the service recipient’s ability to pay.
- C. Make every effort to advocate for recipients to obtain needed services through available means.
- D. Recognize the responsibility to promote public health and the safety and well-being of individuals, groups, and/or communities.

Principle 2. Occupational therapy personnel shall take measures to ensure a recipient's safety and avoid imposing or inflicting harm. (NONMALEFICENCE) Occupational therapy personnel shall:

- A. Maintain therapeutic relationships that shall not exploit the recipient of services sexually, physically, emotionally, psychologically, financially, socially, or in any other manner.
- B. Avoid relationships or activities that conflict or interfere with therapeutic professional judgment and objectivity.
- C. Refrain from any undue influences that may compromise provision of service.
- D. Exercise professional judgment and critically analyze directives that could result in potential harm before implementation.
- E. Identify and address personal problems that may adversely impact professional judgment and duties.
- F. Bring concerns regarding impairment of professional skills of a colleague to the attention of the appropriate authority when/if attempts to address concerns are unsuccessful.

Principle 3. Occupational therapy personnel shall respect recipients to assure their rights. (AUTONOMY, CONFIDENTIALITY) Occupational therapy personnel shall:

- A. Collaborate with recipients, and if they desire, families, significant others, and/or caregivers in setting goals and priorities throughout the intervention process, including full disclosure of the nature, risk, and potential outcomes of any interventions.
- B. Obtain informed consent from participants involved in research activities and ensure that they understand potential risks and outcomes.
- C. Respect the individual's right to refuse professional services or involvement in research or educational activities.
- D. Protect all privileged confidential forms of written, verbal, and electronic communication gained from educational, practice, research, and investigational activities unless otherwise mandated by local, state, or federal regulations.

Principle 4. Occupational therapy personnel shall achieve and continually maintain high standards of competence. (DUTY). Occupational therapy personnel shall:

- A. Hold the appropriate national, state, or any other requisite credentials for the services they provide.
- B. Conform to AOTA standards of practice, and official documents.
- C. Take responsibility for maintaining and documenting competence in practice, education, and research by participating in professional development and educational activities.
- D. Be competent in all topic areas in which they provide instruction to consumers, peers, and/or students.
- E. Critically examine available evidence so they may perform their duties on the basis of current information.
- F. Protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel match credentials, qualifications, experience, and scope of practice.
- G. Provide appropriate supervision to individuals for whom they have supervisory responsibility in accordance with Association official documents, local, state and federal/national laws and regulations, and institutional policies and procedures.
- H. Refer to or consult with other service providers whenever such a referral or consultation would be helpful to the care of the recipient of service. The referral or consultation process shall be done in collaboration with the recipient of service.

Principle 5. Occupational therapy personnel shall comply with laws and Association policies guiding the profession of occupational therapy (PROCEDURAL JUSTICE). Occupational therapy personnel shall:

- A. Familiarize themselves with and seek to understand and abide by institutional rules, applicable Association policies; local, state, and federal/national/international laws.
- B. Be familiar with revisions in those laws and Association policies that apply to the profession of occupational therapy and shall inform employers, employees, and colleagues of those changes.
- C. Encourage those they supervise in occupational therapy-related activities to adhere to the *Code of Ethics*.
- D. Take reasonable steps to ensure employers are aware of occupational therapy's ethical obligations, as set forth in this *Code*, and of the implications of those obligations for occupational therapy practice, education, and research.
- E. Record and report in an accurate and timely manner all information related to professional activities.

Principle 6. Occupational therapy personnel shall provide accurate information when representing the profession (VERACITY). Occupational therapy personnel shall:

- A. Represent their credentials, qualifications, education, experience, training, and competence accurately. This is of particular importance for those to whom occupational therapy personnel provide their services or with whom occupational therapy personnel have a professional relationship.
- B. Disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.
- C. Refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.
- D. Identify and fully disclose to all appropriate persons errors that compromise recipients' safety.
- E. Accept responsibility for their professional actions that reduce the public's trust in occupational therapy services and those that perform those services.

Principle 7. Occupational therapy personnel shall treat colleagues and other professionals with respect, fairness, discretion, and integrity (FIDELITY). Occupational therapy personnel shall:

- A. Preserve, respect, and safeguard confidential information about colleagues and staff, unless otherwise mandated by national, state, or local laws.
- B. Accurately represent the qualifications, views, contributions, and findings of colleagues.
- C. Take adequate measures to discourage, prevent, expose, and correct any breaches of the *Code* and report any breaches of the *Code* to the appropriate authority.
- D. Avoid conflicts of interest and conflicts of commitment in employment and volunteer roles.
- E. Use conflict resolution and/or alternative dispute resolution resources to resolve organizational and interpersonal conflicts.
- F. Familiarize themselves with established policies and procedures for handling concerns about this *Code*, including familiarity with national, state, local, district, and territorial procedures for handling ethics complaints. These include policies and procedures created by the AOTA, licensing and regulatory bodies, employers, agencies, certification boards, and other organizations having jurisdiction over occupational therapy practice.

Note: This *AOTA Occupational Therapy Code of Ethics* is one of three documents that constitute the *Ethics Standards*. The other two are the *Core Values and Attitudes of Occupational Therapy Practice* (1993) and the *Guidelines to the Occupational Therapy Code of Ethics*.

Glossary

Autonomy – The right of an individual to self-determination. The ability to independently act on one's decisions for their own well-being (Beauchamp & Childress)

Beneficence – Doing good for others or bringing about good for them. The duty to confer benefits to others.

Confidentiality – not disclosing data or information that should be kept private to prevent harm and to abide by policies, regulations, and laws

Dilemma – A situation in which one moral conviction or right action conflicts with another. It exists because there is no one, clear-cut, right answer.

Duty – Actions required of professionals by society or actions that are self-imposed

Ethics – A systematic study of morality (i.e., rules of conduct that are grounded in philosophical principles and theory).

Fidelity – faithfully fulfilling vows and promises, agreements, and discharging fiduciary responsibilities (Beauchamp & Childress, 2001)

Justice – Three types of justice are

Compensatory – Making reparation for wrongs that have been done

Distributive justice – The act of distributing goods and burdens among members of society.

Procedural justice – Assuring that processes are organized in a fair manner and policies/laws are followed.

Morality – Personal beliefs regarding values, rules, and principles of what is right or wrong. Morality may be culture based or culture driven.

Nonmaleficence – Not harming or causing harm to be done to oneself or others the duty to ensure that no harm is done.

Veracity – A duty to tell the truth; avoid deception.

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