

Michigan Office of Administrative Hearings and Rules
 611 West Ottawa Street; 2nd Floor, Ottawa Building
 Lansing, MI 48933
 Phone: (517) 335-8658 FAX: (517) 335-9512

**AGENCY REPORT TO THE
 JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at o'berryd@michigan.gov.

1. Agency Information:

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Rick Roselle, Senior Policy Analyst, 517-335-1769, roseller1@michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim		

2. Rule Set Information:

MOAHR assigned rule set number:	2018-023 LR
Title of proposed rule set:	Physical Therapy – General Rules

3. Purpose for the proposed rules and background:

The general purpose of the proposed rule set is to update requirements pertaining to licensure, license renewal, and relicensure and to update the requirements that must be met by a physical therapist who delegates the performance of acts, tasks, and functions.

4. Summary of proposed rules:

R 338.7121: This rule pertains to definitions used in the rule set. The rule will be amended to remove the definition of “intervention” because it creates a lack of clarity as it pertains to the requirements that must be met by a physical therapist who delegates the performance of selected acts, tasks, or functions.

R 338.7122: This rule pertains to prescriptions. The rule will be amended to provide typographical changes for the rule.

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. The rule will be amended to provide notice to applicants for initial licensure and license renewal of the timelines for obtaining the required training.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The rule will be amended to provide updated accreditation standards for physical therapist educational programs, which are adopted by reference.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The rule will be amended to identify the examination on state laws and rules as the Michigan Physical Therapist Jurisprudence Exam (MPTJE) and include the minimum score required to achieve a passing score on the MPTJE.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The rule will be amended to include the title of the MPTJE that is used elsewhere in the rules and clarify that the MPTJE is administered by a third party approved by the department.

R 338.7134: This rule pertains to eligibility to take the National Physical Therapy Examination (NPTE) for physical therapists. The rule will be amended to remove language that directs an applicant to apply to the department to sit for the NPTE because the Federation of State Boards of Physical Therapy (FSBPT) processes applications to sit for the examination based on the eligibility requirements under the rule.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The rule will be amended to remove language that directs an applicant to apply to the department to sit for the NPTE because FSBPT processes applications to sit for the examination based on the eligibility requirements under the rule. The amendments to the rule also clarify the evaluation tool that is used under the rule by identifying it as the Coursework Tool for Foreign Educated Physical Therapists. In addition, the rule will be amended to require an applicant to demonstrate a working knowledge of the English language by either obtaining a score of not less than 89 on the Test of English as a Foreign Language Internet-based Test (TOEFL-IBT) or by having graduated from an educational program located in one of the following English-speaking countries: Australia, provinces of Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States. The individual section scores in reading, listening, speaking, and writing will also be updated to reflect standards that FSBPT will begin requiring for the NPTE for physical therapists beginning in 2020.

R 338.7136: This rule pertains to requirements for licensure by endorsement for physical therapists. The rule will be amended to clarify that an applicant for licensure by endorsement does not need to retake the NPTE if the applicant previously passed the exam and adds a new requirement for an applicant to pass the MPTJE. The rule will also be updated to account for changes proposed under R 338.7135 by incorporating the requirements that apply to an applicant with nonaccredited education, which requires meeting the evaluation and the English language requirements under R 338.7135.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The rule will be amended to require an applicant whose license has lapsed for less than 3 years to establish good moral character and exempt an applicant from having to complete PDR credits if the applicant can demonstrate employment as a physical therapist for a minimum of 500 hours during the 2-year period immediately preceding the application. The proposed rule will also add requirements for an applicant whose license has lapsed for 3 years or more to establish good moral character and submit fingerprints.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The rule will be amended to remove the language under current subrule (2) because the definition of general supervision within the subrule is duplicative of the definition of supervision under statute and removes subrule (3)(c) because it unnecessarily repeats the supervision requirement under the rule. The proposed rule will also eliminate references to intervention because the term is being removed from the definitions of the rule set.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The rule will be amended to clarify that the direct supervision requirements under the rule apply to acts, tasks, or functions that are delegated by the physical therapist to another licensee under the public health code who is not a physical therapist assistant. In addition, the proposed rule will

eliminate the prohibition against delegating the performance of physical therapy interventions because the term is being removed from the definitions of the rule set.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The rule will be amended to update the accreditation standards for physical therapist assistant educational programs, which are adopted by reference.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The rule will be amended to identify the examination on state laws and rules as the MPTJE and includes the minimum score required to achieve a passing score on the MPTJE.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The rule will be amended to include the title of the MPTJE that is used elsewhere in the rules and clarifies that the MPTJE is administered by a third party approved by the department.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The rule will be amended to remove language that directs an applicant to apply to the department to sit for the NPTE because the FSBPT processes applications to sit for the examination based on the eligibility requirements under the rule.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants who graduated from a U.S. military or a nonaccredited physical therapist assistant educational program. The rule will be amended to remove language that directs an applicant to apply to the department to sit for the NPTE because FSBPT processes applications to sit for the examination based on the eligibility requirements under the rule. The amendments to the rule will also clarify the evaluation tool that is used under the rule by identifying it as the Coursework Tool for Foreign Educated Physical Therapists. In addition, the rule will be amended to require an applicant to demonstrate a working knowledge of the English language by either obtaining a score of not less than 89 on the Test of English as a Foreign Language Internet-based Test (TOEFL-IBT) or by having graduated from an educational program located in one of the following English-speaking countries: Australia, provinces of Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States. The individual section scores in reading, listening, speaking, and writing will also be updated to reflect standards that FSBPT will begin requiring for the NPTE for physical therapists beginning in 2020.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. The rule will be amended to clarify that an applicant for licensure by endorsement does not need to retake the NPTE if the applicant previously passed the exam and adds a new requirement for the applicant to pass the MPTJE. The rule will also be updated to account for changes proposed under R 338.7135 by incorporating the requirements that apply to an applicant with nonaccredited education, which requires meeting the evaluation and the English language requirements under R 338.7135.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The rule will be amended to require an applicant whose license has lapsed for less than 3 years to establish good moral character and exempt an applicant from having to complete PDR credits if the applicant can demonstrate employment as a physical therapist assistant for a minimum of 500 hours during the 2-year period immediately preceding the application. The proposed rule will also add requirements for an applicant whose license has lapsed for 3 years or more to establish good moral character and submit fingerprints.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist

assistant license. The rule will be amended to require an applicant for license renewal to complete the PDR credits before the license expires to prevent the practice of completing the PDR credits outside of the license term. In addition, the rule will be amended to require applicants to maintain documentation of the completed PDR credits for 4 years after a renewal application.

R 338.7163: This rule pertains to acceptable professional development requirement (PDR) activities. The rule will be amended to define “continuous instruction” to clarify the use of the term within the table under the rule, update the activities and amount of credit granted for each activity provided in the table under the rule, and clarify that a request for a waiver of the PDR requirements must be received by the department prior to the expiration date of the license.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

The Grand Rapids Press, January 20, 2019
The Mining Journal, January 10, 2019
The Flint Journal, January 20, 2019

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

Issue No. 1 – 2019 (Published February 1, 2019)

7. Time, date, location, and duration of public hearing:

9:00 a.m., February 19, 2019, G. Mennen Williams Building Auditorium, 525 W. Ottawa Street, Lansing, Michigan. The hearing lasted for 15 minutes.

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

http://dmbinternet.state.mi.us/DMB/ORRDocs/RIS/1804_2018-023LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Weston MacIntosh, Dena Marks, and Rick Roselle, Department Analysts for the Bureau of Professional Licensing

10. Persons submitting comments of support:

There were no comments received in support of this rule set.

11. Persons submitting comments of opposition:

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

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

Phone: (517) 335-8658 FAX: (517) 335-9512

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	Michael J. Shoemaker, PT, DPT, PhD, President of Michigan Physical Therapy Association	No comment was made at the public hearing.	Attached letter from Shoemaker dated February 19, 2019: Page 2, comment " <u>2b.</u> "	The Rules Committee disagrees with adding the suggested definition of "intervention" under the rule. The difference between "acts, tasks, and functions" is made clear by the definition of "Intervention" under R 338.7121(d). The Board disagrees with the Rules Committee's recommendation. The Board agrees with Shoemaker's comment that the difference between "intervention" and "acts, tasks, and functions" results in a lack of clarity. The Board notes that	R 338.7121(d)

				Shoemaker’s comment directly pertains to the definition of “intervention” under R 338.7121, not R 338.7121(d), and that any changes to the definition must be made under R 338.7121(d). Based on Shoemaker’s comment, the Board voted to remove the definition of “intervention” under R 338.7121(d) and subsequent uses of the term from the rules.	
2.	Michael J. Shoemaker, PT, DPT, PhD, President of Michigan Physical Therapy Association	No comment was made at the public hearing.	Attached letter from Shoemaker dated February 19, 2019: <ul style="list-style-type: none"> • Page 5, comment “<u>7c.</u>” • Page 2, comment “<u>2b.</u>” 	R 338.7138: The Rules Committee disagrees with Shoemaker’s comment. Subrule (1) of the rule requires the physical therapist to supervise the physical therapist assistant consistent with the definition of supervision under MCL 333.16109(2). The definition of general supervision in subrule (2) duplicates some, but not all, of the language under	R 338.7138

				<p>MCL 333.16109(2). Maintaining subrule (2) creates conflicting requirements since MCL 333.16109(2) has additional requirements for supervision that are not contained in subrule (2). Licensees should not rely on the rules as the only source for determining requirements because there are many requirements under the code that are not duplicated in the rules. In addition, the proposed rule maintains a citation to MCL 333.16109(2), thereby giving licensees adequate guidance to the relevant statutory reference. Therefore, the Rules Committee recommends maintaining the rescission of current subrule (2) as shown in the draft rules presented at the hearing.</p>	
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				<p>R 338.7138(2)(a): The Rules Committee disagrees with Shoemaker’s comment. Verifying the training and education of the delegatee is necessary to ensure that the delegatee is adequately qualified to perform the selected act, task, or function and promotes safe and competent practice. Therefore, the Rules Committee recommends maintaining proposed subrule (2)(a) as shown in the draft rules presented at the hearing.</p> <p>R 338.7138(2)(c): The Rules Committee agrees with Shoemaker’s comment for removing the requirement for the physical therapist to be continuously available by radio, telephone, or telecommunication at the time the act, task,</p>	
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				<p>function, or intervention is carried out because that requirement is under MCL 333.16109(2). However, the Rules Committee disagrees with Shoemaker’s comment for maintaining the requirement for the physical therapist to supervise the physical therapist assistant because the requirement is already under subrule (1) of the rule. Therefore, the Rules Committee recommends maintaining the rescission under proposed subrule (2)(c) as shown in the draft rules presented at the hearing and recommends rescinding the additional language under proposed subrule (2)(c) as shown in the draft rules presented at the hearing.</p> <p>The Board agrees with</p>	
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				the Rules Committee’s recommendations for R 338.7138, R 338.7124(2)(a), and R 338.7138(2)(c). The Board notes that the changes the Board voted to approved under R 338.7121(d) based on Shoemaker’s comments pertaining to R 338.7121(d) require removing the use of the term “intervention” under this rule.	
3.	Michael J. Shoemaker, PT, DPT, PhD, President of Michigan Physical Therapy Association	No comment was made at the public hearing.	Attached letter from Shoemaker dated February 19, 2019: • Page 1 and 2, comment “ <u>2a.</u> ”	The Rules Committee agrees with Shoemaker’s comment for amending the rule to clarify that the rule applies when a physical therapist delegates to a licensed health professional who is not a licensed physical therapist assistant and to clarify when direct supervision is required. Therefore, the Rules Committee recommends amending the proposed rule to remove the definition	R 338.7139

				<p>of “unlicensed individual,” add language that requires a physical therapist who delegates to a physical therapist assistant to satisfy the requirements under R 338.7138, and include a citation to the definition of delegation under MCL 333.16104(2) to clarify that delegation cannot occur when the act, task, or function falls within the scope of practice of the licensee who is being asked to perform the act, task, or function.</p> <p>The Board agrees that the rule should be amended to remove the definition of “unlicensed individual” under the rule, clarify that the rule applies when a physical therapist delegates to another licensed health professional who is not a licensed physical therapist assistant, and</p>	
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				clarify when direct supervision is required. The Board disagrees with the Rules Committee’s recommendation to include the statutory citation to MCL 333.16104(2) because doing so will create more confusion instead of providing more clarity.	
4.	<p>Michael J. Shoemaker, PT, DPT, PhD, President of Michigan Physical Therapy Association</p> <p>Selena Horner, PT</p>	No comment was made at the public hearing.	<p>Attached letter from Shoemaker dated February 19, 2019:</p> <ul style="list-style-type: none"> • Page 2, comment “<u>4.</u>” • Page 2 and 3, comment “<u>5a.</u>” • Page 3, comment “<u>5b.</u>” • Page 3, comment “<u>5c.</u>” • Page 4, comment “<u>6.</u>” • Page 5, comment “<u>8.</u>” • Page 5, comment “<u>9.</u>” <p>Attached email from Horner dated February 18, 2019:</p> <p>Pages 1 and 2.</p>	<p>R 338.7163(2): The Rules Committee agrees with Shoemaker’s comment that the reader may benefit from clarification to the citation to the Code of Federal Regulations but disagrees with keeping the format of the citation in the current rule. In keeping with the February 21, 2019 ORR Manual of Style, the citation will be changed to “The Secretary’s Recognition of Accrediting Agencies, 34 CFR 602.1 to 34 CFR 602.50 (2018).”</p>	R 338.7163

				<p>Activity Code 1: The Rules Committee disagrees with Shoemaker’s comment for adding a bullet stating, “Eligible PDR credits for continuing education courses must directly pertain to physical therapy practice.” The activity already requires the activity to pertain to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy. The Rules Committee agrees with Shoemaker’s comment for replacing the Michigan Board of Medicine and Board of Osteopathic Medicine and Surgery with any Michigan health board or task force under the Public Health Code. The Rules Committee agrees with Shoemaker’s comment for amending the 5th bullet pertaining to the</p>	
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				<p>American Physical Therapy Association as recommended by the commenter because it will provide greater clarity. Finally, the Rules Committee agrees with Shoemaker’s and Horner’s comment for granting PDR credit when credit is granted by an organization in increments of .1 credit for every 50 to 60 minutes of continuous instruction.</p> <p>Activity Code 4: The Rules Committee agrees with Horner’s comment. Credit should be granted beginning with .5 credit for every 30 minutes of viewing or listening to media. A licensee who is audited should identify the title of the media, the name of the publisher of the media, the date the media was published or copyrighted, and the length of the media</p>	
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				<p>that the license viewed or heard.</p> <p>Activity Code 5: The Rules Committee disagrees with Horner’s comment. It is appropriate to require a minimum of 50 minutes of continuous instruction before receiving credit. Further, the activity currently requires adequate proof of the time of the presentation for purposes of demonstrating the length of the activity.</p> <p>Activity Code 6: The Rules Committee disagrees with Horner’s comment that 2 PDR credits should be granted for all activities regardless of the time spent presenting. Credit should be based on the time presenting the scientific exhibit or scientific paper.</p> <p>Activity Code 9: The</p>	
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				<p>Rules Committee agrees with Shoemaker’s comment for adding the APTA’s PTA Advanced Proficiency Pathways (APP) Program as acceptable under the activity. The Rules Committee agrees with Horner’s comment to remove the portfolio option because the pathway for an ABPTS professional development portfolio recertification process takes place over several years and is no longer adequate for use as an acceptable activity.</p> <p>Activity Code 11, 12, 16, and 17: The Rules Committee disagrees with Horner’s comment. Fifty minutes of continuous instruction is used to account for the fact that many activities are scheduled for a period of 60 minutes but may involve a</p>	
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				<p>break in the activity that results in the licensee receiving only 50 minutes of continuous instruction.</p> <p>Activity Code 11: The Rules Committee agrees with Shoemaker’s comment. The activity should be amended to add a physical therapist or physical therapist assistant educational program committee or task force and expand the list of included issues to include physical therapy education, research, or education. Upon audit, the activity should require the licensee to submit a letter from an appropriate official verifying that the committee or task force dealt with patient care related issues, which may include the quality of patient care, utilization review, physical therapy education,</p>	
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				<p>research or practice that includes the dates and amount of time the licensee participated on each date.</p> <p>Activity Code 13: The Rules Committee notes that Horner’s comment states activity code 14 but her comment refers to the content under activity code 13. The Rules Committee agrees that 1 PDR credit should be granted for each event or issue because the time spent on the activity is not the key factor in determining the amount of learning gained from the event or issue. The Rules Committee disagrees that a licensee should be required to provide a signature from the organization involved with the event or issue because the experiential activity from provided by the department is adequate</p>	
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				<p>for verifying completion of the activity.</p> <p>R 338.7163: The Rules Committee disagrees with Shoemaker’s comment. MCL 333.16205(1) allows the Board to waive the requirement to attend educational programs as a condition to license renewal if, upon written application, the Board finds the failure of the licensee to attend was due to the licensee’s disability, military service, absence from the continental United States, or a circumstance beyond the control of the licensee that the Board considers good and sufficient. The rule proposed by the commenter would be duplicative of statute. However, the Rules Committee agrees that a rule should be added to clarify that a request</p>	
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				<p>for a waiver under MCL 333.16205(1) should be received by the department prior to the expiration date of the license for the request to be considered by the Board.</p> <p>The Board agrees with all of the Rules Committee’s recommendations but notes that Shoemaker’s comment for activity code 1 regarding the changes to the entities offering continuing education programs directly affects the entities under activity code 5. To prevent inconsistency within the table, the Board voted to amend activity code 5 to include the same entities that will be added under activity code 1 in addition to accepting the other changes recommended by the Rules Committee.</p>	
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13. Date report completed:

May 9, 2019

STATE OF MICHIGAN)
County of Genesee

ss JM Conwell

Being duly sworn deposes and say he/she is Principal Clerk of



THE FLINT JOURNAL
DAILY EDITION

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a newspaper published and circulated in the County of Genesee and otherwise qualified according to the
Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the
following day(days) _____

JAN 21 2019 A.D. 20 19

Sworn to and subscribed before me this 21ST day of JANUARY 2019

Jessie M. DeHug
JANICE M. DEGRAFF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING

February 19, 2019
9:00 a.m.

Location: C. Mennen Williams Building Auditorium
325 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Physical Therapy – General Rules (ORR 2018-023 LR)

Authority: MCL 333.1614; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16206; MCL 333.16215; MCL 333.16287; MCL 333.17823; MCL 338.3501; MCL 445.2001; MCL 445.2011; and MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference under the rules, rescind rules that are duplicative of statute, and update requirements pertaining to initial licensure, licensure by endorsement, license renewal, and relicensure.

Task Force on Physicians Assistants – General Rules (ORR 2018-050 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.17060; MCL 333.17066; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, provide updated accreditation standards for physician's assistant educational programs, and require applicants for relicensure to provide fingerprints and establish good moral character.

Respiratory Care – General Rules (ORR 2018-041 LR)

Authority: MCL 333.16148; MCL 333.16174; MCL 333.18709; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will clarify definitions, provide the dates by which a licensee or applicant must have completed training for identifying victims of human trafficking, amend and update licensure requirements, and update relicensure requirements. The proposed revisions will also rescind the rules pertaining to temporary respiratory therapist licensure and credentialled respiratory therapy licensure because an applicant must have applied for these licenses by no later than December 1, 2006. Lastly, the proposed revisions will require a foreign-trained applicant to have his or her credentials evaluated by the National Association of Credential Evaluation Services and demonstrate a working knowledge of the English language.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until **5:00 p.m. on February 19, 2019**, or the following address or email address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing—Boards and Committees Section
P.O. Box 30070
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BP-BoardsSupport@michigan.gov

STATE OF MICHIGAN)
County of Kent
and County of Ottawa

ss *Debra Sutton*

JAN 24 2019

RECEIVED

Being duly sworn deposes and say he/she is Principal Clerk of

LARA



THE GRAND RAPIDS PRESS
DAILY EDITION

a newspaper published and circulated in the County of Kent and the County of Ottawa and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s))

January 20 AD. 20 *19*

Sworn to and subscribed before me this *21* day of *January* 2019

Janice M. DeGraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
MY COMMISSION EXPIRES ON 3, 2020
ACTING IN COUNTY OF *Kent*

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING

February 19, 2019
9:00 a.m.

Location: G. Meinen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

This hearing is held to receive public comments on the following administrative rules:

Physical Therapy - General Rules (CR 2018-023 LR)

Authority: MCL 333.1614; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16206; MCL 333.16215; MCL 333.16287; MCL 333.17823; MCL 338.3501; MCL 445.2001; MCL 445.2011; and MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference under the rules, rescind rules that are duplicative of statute, and update requirements pertaining to initial licensure, licensure by endorsement, license renewal, and relicensure.

Talk Force on Physician's Assistants - General Rules (CR 2018-050 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.17060; MCL 333.17066; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, provide updated accreditation standards for physician's assistant educational programs, and require applicants for relicensure to provide fingerprints and establish good moral character.

Respiratory Care - General Rules (CR 2018-041 LR)

Authority: MCL 333.16148; MCL 333.16174; MCL 333.18709; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will clarify definitions, provide the dates by which a licensee or applicant must have completed training for identifying victims of human trafficking, amend and update licensure requirements, and update relicensure requirements. The proposed revisions will also rescind the rules pertaining to temporary respiratory therapist licensure and credentialled respiratory therapy licensure because an applicant must have applied for these licenses by no later than December 1, 2005. Lastly, the proposed revisions will require a foreign-trained applicant to have his or her credentials evaluated by the National Association of Credential Evaluation Services and demonstrate a working knowledge of the English language.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on February 19, 2019, at the following address or email address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing- Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BP-BoardsSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

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JAN 24 2019
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
LANSING, MICHIGAN

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Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing
February 19, 2019
Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Physical Therapy – General Rules
Task Force on Physician's Assistants – General Rules
Respiratory Care – General Rules

Size: 2 x 9

State of **MICHIGAN**, County of Marquette ss.

JAMES A. REEVS

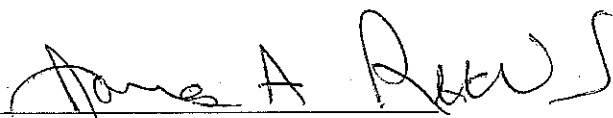
being duly sworn, says that he is

PUBLISHER

of **THE MINING JOURNAL**


a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

January 10, 2019



JAMES A. REEVS

Subscribed and sworn to before me this 11th day of January 2019.



HOLLY GASMAN
Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

Trump's focus now is squarely on his conservative base and its support for the wall that came to symbolize Trump's promise for a hard-line, unrelenting approach to immigration.

"He got elected because of that wall," said Trump confidant Jerry Falwell Jr., president of the evangelical Liberty University. Falwell said he has told Trump he's doing the right thing. "I don't think it'll help him at all if he backs down."

er department, though such

For more information contact
 Bureau of State and Authority Finance
 Michigan Department of Treasury
 430 W. Allegan
 Lansing, MI 48922
 Treas_BondFinance@michigan.gov
 (517) 335-0994

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
February 19, 2019
9:00 a.m.

Location: G. Mennen Williams Building Auditorium
 525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Physical Therapy – General Rules (ORR 2018-023 LR)

Authority: MCL 333.16141; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16206; MCL 333.16215; MCL 333.16287; MCL 333.17823; MCL 338.3501; MCL 445.2001; MCL 445.2011; and MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference under the rules, rescind rules that are duplicative of statute, and update requirements pertaining to initial licensure, licensure by endorsement, license renewal, and relicensure.

Task Force on Physician's Assistants – General Rules (ORR 2018-050 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.17060; MCL 333.17068; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, provide updated accreditation standards for physician's assistant educational programs, and require applicants for relicensure to provide fingerprints and establish good moral character.

Respiratory Care – General Rules (ORR 2018-041 LR)

Authority: MCL 333.16148; MCL 333.16174; MCL 333.18709; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will clarify definitions, provide the dates by which a licensee or applicant must have completed training for identifying victims of human trafficking, amend and update licensure requirements, and update relicensure requirements. The proposed revisions will also rescind the rules pertaining to temporary respiratory therapist licensure and credentialed respiratory therapy licensure because an applicant must have applied for these licenses by no later than December 1, 2006. Lastly, the proposed revisions will require a foreign-trained applicant to have his or her credentials evaluated by the National Association of Credential Evaluation Services and demonstrate a working knowledge of the English language.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until **5:00 p.m. on February 19, 2019**, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
 Bureau of Professional Licensing – Boards and Committees Section
 P.O. Box 30670
 Lansing, MI 48909-8170
 Attention: Policy Analyst. Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:


http://dmbinternet.state.mi.us/DMB/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

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WHAT'S UP DOCK?

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enjoy this popular walking tour in the warm comfort of Kaufman
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 The show will feature a history of the docks, schooners and freighters,
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 rths from the Superior View and Longyear Library collections. Watch
 vintage movie footage of the ore docks and harbor, too.

is a fundraiser for the Marquette Regional History Center.

floor seating/\$20 balcony seating in advance;
 t floor seating/\$25 balcony seating at the door.
tickets online at marquettehistory.org or at the
nter, 145 W. Spring Street, downtown Marquette.



Marquette Regional History Center
 www.marquettehistory.org

From: [BPL-BoardSupport](#)
To: [Roselle, Richard \(LARA\)](#)
Subject: FW: Michigan Register: Physical Therapy
Date: Tuesday, February 19, 2019 9:06:17 AM
Attachments: [MR1_020119_644814_7.pdf](#)

From: Selena Horner <selenahorner@gmail.com>
Sent: Monday, February 18, 2019 3:42 PM
To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>
Subject: Michigan Register: Physical Therapy

Dear Policy Analyst,

I am a physical therapist who practices in Michigan. I am submitting my comments for review.

Part 5: Professional Development Requirements (PDF page 320).

On PDF page 322, Activity Code 1: Professional Development Requirement is not clearly defined. The language used in this section defers the acquired PDR credits based on what the organization approves. Some organizations define 1 PDR credit = 1 hour. Some organizations define .1 PDR credit = 1 hour. Allowing an organization to define the PDR is not something that I view as being acceptable. What is acceptable is for the definition of 1 PDR credit for Activity Code 1 to be defined by the State of Michigan. The licensee should submit the number of hours spent completing each Activity Code 1 activity. To improve clarity, for continuing education that fits Activity Code 1, I would suggest that 1 PDR credit = 1 hour of continuing education.

For Activity Code 4: I would suggest that 1 PDR credit = 1 hour of continuous viewing or listening to media. (My rationale... the systems that capture PDR, can easily do the math and know that 30 minutes = .5 PDR and 50 minutes = .80 PDR.) The physical therapist would need to submit proof of the length of time of the media along with the other stated components within the activity description. Right now, the language does not include anything to support the length of time viewing or listening to media.

For Activity Code 5: I would suggest 2 PDR credits = 1 hour of continuous instruction. (Again, my rationale... the systems that capture PDR credits, can easily do the math and know that 50 minutes = 1.80 PDR credits). This section is also missing submitting information to support the length of time spent performing continuous instruction. This aspect needs to be added to provide proof of time.

For Activity Code 6: I would suggest 2 PDR credits for all activities within Activity Code 6. Often times when presenting research, it isn't the time spent presenting that is key. More often than not, when presenting a paper or research, the presenter is only allowed 8-20 minutes for platforms or required to stand by a poster during a poster presentation for 45-60 minutes (with or without anyone interested in the poster). The time is actually spent on the research and creating the presentation. So, to simplify this, I'd keep 2 PDR credits for each scientific exhibit, poster presentation, platform presentation. There isn't a logical reason to actually substantially change the requirements within this activity.

For Activity Code 9: I suggest looking into this a bit deeper for the ABPTS recertification process. Recertification is no longer completed in a single step when choosing to provide a professional development portfolio. Recertification now happens in stages. I'm not sure

how to help define the number of credits to meet ABPTS recertification via a professional development portfolio.

For Activity Code 11: I would suggest 1 PDR credit = 60 minutes.

For Activity Code 12: I would suggest 2 PDR credits = 60 minutes.

For Activity Code 13: I would suggest 1 PDR credit for each event/issue. Time is not necessarily the key. Maybe to help meet the requirements, the organization would need to provide a signature that the event/issue was adequately researched.

For Activity Code 16: I would suggest 1 PDR credit = 60 minutes.

For Activity Code 17: I would suggest 1 PDR credit = 60 minutes.

I honestly am not sure why there was a change in the number of minutes. As a physical therapist who practices in Michigan, I believe reducing the time reduces the amount of professional development and increases confusion. Patients are relying on me and my colleagues to provide the best care possible. Reducing the time requirements actually reduces the time spent learning.

Thank you for asking for feedback!

Selena Horner, PT



To: Department of Licensing and Regulatory Affairs
From: Michigan Physical Therapy Association
Date: Submitted for February 19, 2019
Re: MPTA recommendations for proposed PT Rules

The MPTA appreciates the opportunity to offer suggestions during the rules revision process. The following suggestions seek to provide greater clarity on important topics for which the MPTA frequently receives questions and/or has observed substantial confusion. Please see **yellow-highlighted, bolded** language.

►1. The Michigan Physical Therapy Association (MPTA) recommends that the requirements for physical therapist (PT) endorsement and physical therapist assistant (PTA) endorsement be revised in the same manner into a single set of criteria for the PT and a single set for the PTA.

The current proposed PT Rules differentiate between having more/less than 5 years of experience.

The difference in criteria is that those with less than 5 years of experience need to satisfy the English language requirement in R 338.7135(b), which must be met regardless of experience.

See Page 6 – R338.7136 Licensure by endorsement of physical therapist; requirements and
Page 11 – R 338.7136 Licensure by endorsement of physical therapist assistant; requirements.

The MPTA suggested language for both physical therapist licensure by endorsement and physical therapist assistant licensure by endorsement follows below. Note: The suggested language is for the physical therapist section, as similar language with appropriate grammatical changes could also be inserted into the physical therapist assistant section.

Rule 36. (1) An applicant for a physical therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department and satisfy the requirements of the code and this rule.

(2) An applicant who was first licensed in another jurisdiction recognized by the FSBPT **shall satisfy the following requirements:**

(a) Pass the National Physical Therapist Examination required under R 338.7133(1).

(b) Pass the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).

(c) Have graduated from either a physical therapist educational program that meets the standards in under R 338.7131 or graduate from a physical therapist educational program determined to be substantially equivalent to an educational program that meets the standards in R 338.7131 by satisfying the verification process under R 338.7135(a).

(d) Demonstrate a working knowledge of the English language by satisfying the requirements under R 338.7135(b) if the applicant graduated from a nonaccredited physical therapist educational program.

(3) An applicant's license must be verified, on a form provided by the department, by the licensing agency of any jurisdiction recognized by the FSBPT in which the applicant holds a current license or registration or ever held a license or registration as a physical therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

►2a. The MPTA recommends that language be added to clarify that direct supervision is needed when a physical therapist delegates acts, tasks, or functions to a licensed health professional who is not a licensed physical therapist assistant. Although this addition may be redundant with the proposed change to R 338.7139 that clarifies that “unlicensed” means an individual without a PT or PTA license and therefore requires direct supervision, the MPTA believes this additional clarification is needed to avoid



confusion for those PT licensees who delegate to personnel who hold licenses in other professions.

See Page 8 - R 338.7139 Delegation of acts, tasks, or functions to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

The MPTA suggested language:

R338.7139(2): A physical therapist who delegates acts, tasks, or functions to an unlicensed individual **or a licensed health professional who is not a licensed physical therapist assistant** shall provide direct supervision of the licensed health professional and comply with all other criteria as stated in R 338.7139.

► **2b.** The MPTA recommends defining “interventions” consistent with Part 178 such that the difference between “acts, tasks, and functions” and “interventions” is clear.

The MPTA suggested language:

R 338.7138 (4) “Intervention” means physical measures, therapeutic exercise, and rehabilitative procedures as used in MCL 333.17801(d).

► **3.** The MPTA recommends that new language be added that specifically states that the physical therapist assistant may only be supervised by the physical therapist to protect the public from entities who misrepresent that they are providing physical therapy. No other licensed health professional may supervise the physical therapist assistant. Although this may be redundant with statute that restricts the use of title/terms related to physical therapy to those licensed under Part 178 and with the definition of the PTA who is only defined as being under the delegation and supervision of the physical therapist, the MPTA is concerned about other professionals (MD, DO, DC, DPM) utilizing graduates of PTA educational programs (with or without a PTA license in Michigan) and representing the service as “physical therapy”.

The MPTA suggested language includes creating a new PT Rule and placing it at the beginning of the Physical Therapist Assistant section:

See page 9

R 338.7140 Supervision of the physical therapist assistant

The physical therapist assistant is a subfield license of the licensed physical therapist under section 17801(b) of the code, MCL 333.17801. Practice as a physical therapist assistant may only occur under the general supervision of the physical therapist; section 17801(c) of the code, MCL 333.17801. No other licensed health professional may supervise the physical therapist assistant.

► **4.** The MPTA recommends keeping the definition of CFR in the PT Rules for clarity.

See page 14, R 338.7163 Acceptable professional development requirement activities; requirements; limitations. Rule 63 under (2) line 6.

MPTA suggested language:

..... as contained in Title 34, Part 602 of the Code of Federal Regulations.

► **5a.** The MPTA is aware that multiple health professions provide approved continued education that apply to physical therapy practice. It is the responsibility of the PT and PTA to explain how their selection of PDRs applies to physical therapy practice. Examples of other health professionals that offer approved continuing education courses related to physical therapy practice include, but are not limited to, medical physicians, osteopathic physicians, nursing, pharmacy, athletic training, social work, etc.



Rather than create a laundry list in the PT Rules, MPTA recommends that ALL Michigan Boards for health professionals be the new language and specifically state that continuing education must pertain to physical therapy practice.

See page 15 - ACCEPTABLE PDR ACTIVITIES

Activity 1

MPTA suggested language:

Under header with the title: Activity

Strike out:

- The Michigan board of medicine.
- The Michigan board of osteopathic medicine and surgery.

Replace with:

- **All Michigan Boards for health professionals.**
- **Eligible PDR credits for continuing education courses must directly pertain to physical therapy practice.**

► **5b.** The MPTA receives multiple queries from member and non-member licensees who do not understand the current language in the PT Rules that refers to the components of the American Physical Therapy Association. The MPTA recommends that “components” be clarified in the PT Rules.

See page 15 - Activity 1, bullet item 5.

MPTA suggested language:

- The American Physical Therapy Association (APTA) or its components.
 - **APTA components include the Michigan Physical Therapy Association and other APTA Chapters, APTA Sections and APTA Academies.**

► **5c.** The MPTA receives multiple queries from member and non-member licensees seeking clarification on defining one Professional Development Requirement (PDR).

The APTA is only one of approved providers of continuing education courses that uses this metric: One CEU equals **ten contact hours** of participation in organized continuing education classes and/or training conducted by a qualified instructor. A contact hour is equivalent to one 60-minute interaction between an instructor and the participant. Thus 0.1 CEU is 1 hour of learning.

The MPTA uses this metric: One PDR is equal to 50 – 60 minutes of continuous learning.

Other metrics may be utilized by additional entities that may earn the Board of Physical Therapy’s approval as a provider of PDRs. To ensure clarity for licensees, MPTA has 2 recommendations as noted below.

See page 15 – Activity 1

MPTA suggested language:

Under header called: Number of PDR credits earned for activity

One PDR credit shall be granted for every 50 to 60 minutes of continuous instruction.

When the continuing education provider uses the 0.1 CEU model, that means 0.1 CEU is granted for every 50 to 60 minutes of continuous instruction.



► **6.** The MPTA recommends that completing the APTA's PTA Advanced Proficiency Pathways (APP) Program be included in PDRs for PTA licensees.

The APP is a clearly defined post-graduation educational curriculum that leads to advanced proficiency in selected areas of physical therapy practice. It was designed by APTA clinical experts to promote PTA career development with a self-initiated curriculum completion process and encourages life-long learning.

The PTA must complete prerequisite course work and submit letters of reference from the supervising physical therapist and clinic mentor. Once accepted into the program, the PTA candidate has up to 5 years to complete and submit the program portfolio requirements.

Requirements include:

- Completion of 60 contact hours of selected continuing education coursework that meet the defined guidelines and content of APP, including APTA "core" course and selected content courses or equivalent APTA approved courses.
- Mentored clinical experiences with knowledge / skills assessments, conducted with a self-selected clinical mentor who meets mentor requirements.
- 2,000 clinical hours of work experience in selected content area.
- Final portfolio review.

Once achieved, the Advanced Proficiency Pathway program recognition is good for a 10-year period.

See page 19 – Activity 9

MPTA suggested language: Add a final bullet point under Activity. Note: MPTA recommends that achieving the PTA Advanced Proficiency Pathway would also grant the licensee 23 PDRs, which is already stated.

Successfully completing 1 of the following:

- **The APTA's PTA Advanced Proficiency Pathways (APP) Program.**

► **7a.** The MPTA recommends that the following language describing the content of the Public Health Code remain included in the PT Rules for clarity. Although this presents some redundancy, many licensees are not familiar with Michigan Compiled Law citations and would benefit by having the intent of the law or rule remain included in plain language in the PT Rules.

See page 8 - R 338.7138 Delegation of acts, tasks, functions, or interventions to a physical therapist assistant; supervision of physical therapist assistant; requirements.

MPTA recommends this language remain in the PT Rules:

(2) A physical therapist who delegates acts, tasks, functions, or interventions to a physical therapist assistant shall provide general supervision of the physical therapist assistant. As used in this subrule, "general supervision" means that the physical therapist is not required to be physically present on site, but must be continuously available at the time the procedure is performed. Continuously available includes availability by telecommunication or other electronic device.



► **7b.** The MPTA recommends that the following language be modified as noted below since a PTA with a valid license ensures proper training and education.

See page 8 - R 338.7138 Rule 38 (2) (a)

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

► **7c.** The MPTA recommends that the following language from R 338.7138 (2) (c) be removed as redundant, assuming the more complete language in R 338.7138 (2) describing delegation of the PTA remains in the PT Rules.

See page 8 - R 338.7138 (2) (c)

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

► **8.** MPTA recommends that Activity 11 be expanded to include opportunities for licensees employed as faculty members in PT and PTA educational institutions to also earn PDRs when they serve on appropriate committees and task forces that impact physical therapy education, research or practice.

See page 20 – Activity 11

Participation in a health care organization **or a PT or PTA educational program** committee or task force dealing with patient care related issues, **which may include** quality of patient care, **and** utilization review, **physical therapy education, research or practice.**

If audited, a licensee shall submit a letter from an **organization appropriate** official verifying **that** the committee or **task force organization** dealt with patient care issues **which may include quality of patient care, utilization review, physical therapy education, research or practice. The letter shall also include and the licensee's participation, including** the dates and the amount of time the licensee participated on each date.

One PDR credit shall be granted for each every 50 to 60 minutes of participation. A maximum of 6 PDR credits may be earned for this activity in each renewal period.

► **9.** MPTA recommends that new language be adopted into the PT Rules that allows the Board to show discretion if a licensee has not been able to complete their PDRs for license renewal in a timely manner due to service in the United States military, prolonged illness or disability or other extreme hardship.

- Boards of Physical Therapy in Wisconsin and Illinois already have discretion to postpone or waive PDRs for licensees seeking renewal of their licenses. There are likely other states that also allow this discretion.

Authority for such discretion can be found in the Michigan Public Health Code – See page 331:

333.16145 Board or task force; official seal; rules. Sec. 16145.

(3) Only a board or task force shall promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.



MPTA suggested language:

A licensee may apply to the board for a postponement or waiver of the requirements of this section due to service in the US military, on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

MPTA appreciates the opportunity to make recommendations to perfect the PT Rules during the public comment period. Please contact the MPTA if we may offer further assistance. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Michael Shoemaker'. The signature is written in a cursive, flowing style.

Michael J. Shoemaker, PT, DPT, PhD
President
Michigan Physical Therapy Association

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

Testimony/Comments Received:

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

April 9, 2019

Rule 338.7136 Licensure by endorsement of physical therapists; requirements.

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

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

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

Rule 338.7121 Definitions

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

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

R 338.7121 Definitions.

Rule 21. As used in these rules:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACCEPTABLE PDR ACTIVITIES

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

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

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

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

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

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

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

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

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

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

New Rule Pertaining to supervision of the physical therapist assistant.

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

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