

MISSISSIPPI STATE BOARD OF PHYSICAL THERAPY



Newsletter

Issue 3

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A Word from the Board Administrator

Physical Therapy Technicians

We have been receiving a number of questions about the use of physical therapy technicians or “techs.” We addressed this issue in the Spring 2007 newsletter, but we will happily summarize the subject again.

Physical therapy techs, physical therapy aides or physical therapy assistants are not mentioned or recognized in the physical therapy practice law or in the regulations. They are not licensed, nor are they regulated except by a statute which states in Section 73-23-35 of the Mississippi Code that **no one may practice physical therapy without a license. Therefore, it is illegal for physical therapy “techs”, “aides” or “assistants” to perform any tasks which are considered the practice of physical therapy. Only physical therapists and physical therapist assistants are permitted to practice physical therapy.**

Some people ask for examples as to how they may utilize the services of physical therapy “techs, aides or assistants.” Examples may be: showing patients to treatment rooms, assisting patients with removal of clothing if necessary, changing coverings on treatment tables, helping people in wheel chairs into the treatment facility or from room to room, cleaning equipment, receptionist duties, etc. These examples are not all inclusive, but should give some ideas. **NOTE: These suggestions are not a formal declaration by the Mississippi State Board of Physical Therapy nor should they be considered formal guidelines.**

Physical therapists and employers should be careful about the use of “physical therapy techs, aides and assistants.” Physical therapists and physical therapist assistants who assign “physical therapy

techs, aides or assistants” tasks or activities that are considered part of the practice of physical therapy are in violation of the physical therapy practice act and regulations and may be subsequently disciplined by the Mississippi State Board of Physical Therapy. Physical therapists are responsible for the practice of all personnel under their supervision; therefore, they should instruct all whom they supervise in the use of “physical therapy techs, aides or assistants.” Additionally, the statute states that it is illegal to employ unlicensed personnel to practice physical therapy. Employers may be dealt with through criminal prosecution or civil injunction for not following the law.

Stephanie J. Boyette

A Word from the Licensing Investigator

Federal Prosecution

Recently the Board has been involved in assisting the Office of the Inspector General of the Department of Health and Human Services in the prosecution of several individuals who had been fraudulently billing Medicare for physical therapy services. In one instance, a physician opened a free-standing therapy clinic to provide physical therapy services to the public and would send patients from the physician’s practice to the clinic for therapy. The “therapists” hired were not formally trained or licensed physical therapists or physical therapist assistants. Rather they were called “techs” and were given a few days training by a chiropractor and were told they were physical therapist assistants. As the Medicare division began discovering that the practitioners were not licensed and trained, a huge investigation ensued. The results were federal prosecution of the physician for Medicare fraud and with subsequent charges filed against the individ-

continued on page5

Important Reminders

Effective July 2008, all licensees must take two-hours of board-approved programs in ethics/professional responsibility as part of their total CE requirements.

Address changes must be submitted on the change of address form located on the Board's website no later than thirty (30) days after such change is effective.

You should always verify that a course is approved if you plan to submit it for continuing education credit.

New Licensees

The Board is pleased to welcome 117 new licensees to the physical therapy community in Mississippi. These licensees are either new graduates who have passed the NPTE and received their permanent licenses, or practitioners who were previously licensed in other states and have either moved to Mississippi or who live in other states but are practicing in Mississippi. To the new graduates, we offer our congratulations on both graduation and on passing the NPTE. This is a noteworthy accomplishment. To the physical therapy practitioners who were licensed in other states, welcome to Mississippi.

New Graduates as of May, 2008

Physical Therapists

Richard Beckham, PT	Lindsay Duffie, PT	LaTonya Mister, PT	Carmela Shorts, PT
Robin Bonds, PT	Joshua Farley, PT	Julie Moffett, PT	Jackie L. Smith, PT
Jason Brady, PT	Ashley Hightower, PT	Amy Murphy, PT	Jennifer Spann, PT
Cathy Cooper, PT	Lee Ann Holt, PT	Kayla Murphy, PT	Harold Thompson, III, PT
Jessica Crouch, PT	Lisa Hundley, PT	Lori Null, PT	Bert Watkins, PT
David Current, PT	Paul Kosko, PT	Dale Pillow, PT	Katherine West, PT
Sarah Daniels, PT	Lauren Lafferty, PT	Krista Robinson, PT	Carter White, PT
Mary L. Davis, PT	Brooke Lenderman-McCafferty, PT	Dustin Roussel, PT	Casey White, PT
Renee Davis, PT	Rachel Liddell, PT	Grace Santos, PT	Victoria Williams, PT
Jesse Dorroh, PT	Sarah McCord, PT	Christopher Ryan Satcher, PT	Jason Yarber, PT
Misti Dossett, PT	Samuel McDuffie, PT	Kristin Selman, PT	

Physical Therapist Assistants

Kelsey Ables, PTA	Kimberly Foster, PTA	Malinda Lee, PTA	Dianna Segars, PTA
Charles Ballard, PTA	Christy Gahagan, PTA	Shundra Lewis, PTA	Michael Shinn, PTA
Rabecca Barnard, PTA	Yolanda Grady, PTA	Jill Mitchell, PTA	Karen Skou, PTA
Christopher Barrett, PTA	Heather Graham, PTA	Hiram Moore, PTA	Lauren Stringer, PTA
Emily Brunet, PTA	Mark Grogan, PTA	Abby Morgan, PTA	Amanda Taylor, PTA
Connie Bull, PTA	Brett Harper, PTA	Jenna Morgan, PTA	LaTasha Thompson, PTA
Jason Carter, PTA	Susan Hoskins, PTA	Jennifer Murphy, PTA	Jessica Tigner, PTA
Brittany Chapman, PTA	Sarah Huerkamp, PTA	John C. Nelson, PTA	Christopher Weaver, PTA
Morgan Craven, PTA	Calvin Hughes, Jr., PTA	Jaimie Penton, PTA	Emily Wilkerson, PTA
Alana Davis, PTA	Anna Claire Jefcoat, PTA	Charles Remus, PTA	Saranya Williams, PTA
Nancy Davis, PTA	Jennifer M. Jones, PTA	Tarah Rose, PTA	Brian Woodard, PTA
Jason Downard, PTA	Katrina Jones, PTA	Jennifer Rushing, PTA	Sierra Woolery, PTA
Leila Fortenberry, PTA	Margaret A. King, PTA	Jennifer L. Russell, PTA	

Physical Therapy Practitioners from other States, as of May, 2008

Physical Therapists

Tracey Ann Anderson, PT	Michelle James, PT
Sharon Arnold, PT	Stacy Pritchard, PT
Timothy Byrd, PT	Sue Raley, PT
Kristin Chappell, PT	Inna Swann, PT
Daniel Cokash, PT	Lauren Thurman, PT
Lisa Collier, PT	Tara Wright, PT
Elizabeth Hall, PT	

Physical Therapist Assistants

Erik Anderson, PTA	Emily Hudson, PTA
Marriott Brown, PTA	Ihar Klepcha, PTA
Linda Dobbins, PTA	Jason Lansdale, PTA
Leah Gamble, PTA	Sandra Manns, PTA
Susan Harrell, PTA	Cristina Pahlevan, PTA

Did you know?

- ◆ There are 1432 physical therapists and 710 physical therapist assistants with active Mississippi licenses.
- ◆ If you are disciplined by the Board, it must be reported to a national disciplinary database or other state or federal regulatory agencies.
- ◆ The Board is authorized to suspend the license of any licensee who is out of compliance with an order of child support.
- ◆ The next scheduled Board meeting is December 5, 2008.
- ◆ Failing to truthfully answer all sections of the initial application or renewal application could result in disciplinary action.
- ◆ An applicant who has taken the exam more than five times in any jurisdiction without passing the NPTE, is not eligible to sit for the exam in Mississippi.
- ◆ EMGs may be performed by a licensed PT who is ABPTS certified.

Changes to Practice Act and Regulations

YOUR COPY OF THE REGULATIONS MAY BE OUTDATED! Effective July 1, 2008 several changes/additions were made to the practice act and regulations. **It is the Board's suggestion that you go to the Board's website (www.msbtpt.state.ms.us) and print a copy of the regulations and keep them in a convenient place for easy referral. Every licensee should have a copy of the regulations handy.** A summary of those changes and the sections of the regulations that were affected are included:

1. Physician assistants included as a referral source. 1-3(9)
2. Exceptions to licensure requirements: PTs and PTAs who are providing physical therapy services to visiting established athletic organizations, performing arts companies or volunteering services to competitors in events such as the Olympics or dance competitions. 9-1
3. The provision that the consumer at large Board member cannot be associated with or have any financial interest in any health care profession. 2-1
4. The provision that any Board member who is initially appointed to fill a less than four year term, is eligible to serve for two (2) additional consecutive four year terms. 2-1
5. The Board to establish mechanisms for assessing continuing competence. 2-3
6. A list of final disciplinary actions to be published at least annually. 2-3
7. To enter and make inspections of any place where physical therapy is practiced and/or copy any record pertaining to clients or the practice of physical therapy. 2-3
8. The Board authorized to conduct criminal history record checks and obtain finger prints. 2-3
9. Good moral character added to licensure requirements. 3-1
10. Registration fees, examination fees, inactive license fees, restricted license fees were added to the list of fees. 12-2
11. During a lawfully declared local, state or national disaster or emergency, the Board may issue a temporary license to any qualified PT or PTA who is licensed in good standing in another state of the US and who meets other Board requirements. 9-1
12. The meaning of guilty of a felony as a reason for refusing licensure and for disciplinary actions was expanded. 8-1
13. Several changes to standards of conduct and the Board's rights to discipline for the violations were enacted. Some of the changes include sexual misconduct, failing to maintain adequate patient records, and failing to report any known violations of the practice act or regulations. See Section 8-1 for full list of violations.
14. New monetary penalty levels for sanctions were added. A fine not to exceed \$500.00 for the first violation, \$1,000.00 for the second violation, and \$5,000.00 for the third and each subsequent violation passed. 8-6
15. The Board has the authority to accept a voluntary surrendering of a license based on an order of consent. 8-6
16. Authority to issue an advisory letter was added. 8-6
17. The Board has the authority to assess and levy upon any licensee the costs incurred by investigation and prosecution of any disciplinary action, including cost of process service, court reports, expert witnesses, investigators and attorney fees. 8-6

USE THE BOARD'S WEBSITE!!!

The Board's website address is www.msbpt.state.ms.us. It was implemented as a convenient and cost-efficient way for the Board to communicate with its licensees. Much information can be gleaned from using it. The most important of the website is the Regulations Section. The Regulations are presented in their entirety. Print a copy to keep in a convenient place.

The website regularly advises licensees about any changes in the regulations or the practice act. Frequent viewing will keep you informed about anything that could affect your practice. It could also keep you from making violations of the law by informing you of anything about which you may not be aware. In addition, there are forms that can be printed and used for various Board requirements, notices of board meetings and hearings, declaratory opinions, verification of licensure and other information, including helpful links to other sites.

Non-Renewed Licenses for Persons whose surnames begin with M – Z or Whose License expires in even-numbered years (2008).

The following licensees did not renew their licenses and cannot practice physical therapy in the State of Mississippi as of July 1, 2008. Some licenses may have been reinstated since this newsletter went to press. Check the license verification at www.msbpt.state.ms.us for any updates.

• Physical Therapists:

Bethany M. Engl	Thomas L. Pumphrey	GINNA C. SIMPSON	Joseph B. Tidwell
Audra T. Henegan	Mariefyl M. Raymundo	KISCHA Y. SMITH	Maria C. Vandenabeele
Julie M. McGuire	Ryan T. Regalado	EDWARD A. SNAPP	Jason M. Vega
Carlyn I. McKinney	Julie P. Riley	STEPHEN P. MCKINNEY	Louie Watkins, III
Rebecca A. Massire	Pamela J. Rimes	JENNIFER E. SORRELL	Leslie A. Watson
Richard L. Miller	Lara L. Romer	CYNTHIA J. STEELE	Jameka L. Williams
Shannon J. Myers	Shelly A. Rorie	MARK R. STENLUND	Jennifer M. Williams
Tara K. O'Kelly	Dana N. Rosser	KERI W. SUNVOLD	Barbara E. Wilson
Ami P. Patel	Austin D. Rynne	BRENDA D. TAYLOR	Michael R. Wimberly
Edwin J. Porche	Peter E. Schott	DONNA F. TERRY	Brian A. Woods
Barbara R. Proffer	Brett A. Siebenkittel	DARTEL D. TREADWELL	Virginia P. Zanella

• Physical Therapists: Assistants:

Geneva S. McCulloch	Norman J. Rudolph, Jr.	Kerensa A. Thomas
Ashley N. McWhirter	Christine M. Sims	Patricia P. Thompson
Angele A. Marrero	John Henry Sims	Elizabeth C. Vail
Johnathan J. Oggs	Heather L. Stemaly	Amanda C. Wilbanks
Cynthia D. Palmer	Christopher B. Stewart	Quentella L. Williams
Channon L. Pruitt	Nikki J. Stone	Suzanne D. Wofford
Jason D. Reeves	Tamekia L. Sutton	Kristin A. Wyrwa
Teejay Riley	Stephanie L. Taylor	Natalie M. Young

Attention!

Look what's available on our website at www.msbpt.state.ms.us.

Please visit the website frequently for updated information.

You can find:

- Verification of License – check to see if someone is licensed
- Practice Act and Rules and Regulations
- Continuing Education – approved courses are available for review
- Current Board members
- Links to APTA, MPTA, FSBPT and more
- How to file a complaint
- Scheduled Board meetings
- List of current disciplinary actions
- Information on how to get a course approved
- Application packet
- Licensure renewal information
- Name/Address change forms and many more

Change of Home Address, Worksite or Name

It is the responsibility of licensees to provide the Board with written notification of address changes (home or work) no later than 30 days after such change is effective according to Section 3-8. For a name change, a notarized copy of the legal document must accompany the request. Failure to keep your address or name change current will result in a \$25.00 fee for the cost of resending any correspondence or materials.

NAME	LICENSE #

OLD NAME	

OLD ADDRESS (City, State, Zip)	COUNTY

NEW ADDRESS (City, State, Zip)	COUNTY

PHONE NUMBER	EMAIL ADDRESS

PRIMARY EMPLOYER	

ADDRESS (City, State, Zip)	

PHONE NUMBER	

Mail this form to the Mississippi Board of Physical Therapy
P.O. Box 55707, Jackson, MS 39296-5707 or fax to (601) 939-5246.

Physical Therapist Assistant Supervision

The most frequently asked question that the Board receives is about supervision of physical therapist assistants. The Regulations Governing Licensure of Physical Therapists and Physical Therapist Assistants states clearly in Section 10-2 that the supervising physical therapist and the physical therapist assistant must make a joint visit on the first treatment day to implement the treatment plan for the patient. Subsequently, the physical therapist must visit and personally render treatment on the sixth treatment day or fourteenth calendar day, whichever comes first in order to re-assess the patient. All of this is explained in the regulations which can be viewed and copied from the Board's website (www.msbtpt.state.ms.us).

The initial visit for evaluation of the patient and establishment of a plan of care

must be made by the physical therapist. A joint visit by the physical therapist and the physical therapist assistant must be made prior to the physical therapist assistant initiating treatment based on the plan of care. The joint visit may be performed at the initial visit when the physical therapist does the evaluation and plan of care.

The supervisory visit and any formal communications between the PT and PTA regarding treatment should be documented in the treatment record. When the PT is not physically on site at all times, he/she must be immediately available via telecommunications. On the sixth treatment day or fourteenth calendar day, the supervisory visit, the PTA does not have to be present; however, he/she may be present if the PT wishes. (SEE DECLARATORY STATEMENT FOLLOWING). The supervision require-

ments stated in the regulations are minimal. It is the professional responsibility of the PT to provide the PTA with more supervision if deemed necessary in the PT's professional judgment.

DECLARATORY STATEMENT: By the Mississippi State Board of Physical Therapy

August 12, 2003:

Physical Therapist Assistant Supervision (Reference Section 10-2 of the regulations)

"The purpose of this declaratory statement is to clarify that the first supervisory treatment day begins when the Physical Therapist (PT) and the Physical Therapist Assistant (PTA) make their joint visit and treatment of the patient. Furthermore, if the PT personally renders treatment without the PTA participating in the treatment regime, the counting of the visits begins again when the PTA begins rendering treatment to the patient. In addition, on the sixth treatment day or fourteenth calendar day, whichever comes first, the supervising physical therapist must personally render treatment and reassess the patient. It is not a requirement for the PTA to be present at this visit; however, it does not preclude the PTA from being present."

Questions about Practice Settings

Frequently, people call and ask if a certain procedure or regulation is permitted or restricted in the home health setting or in other settings. The practice act and regulations apply to all practitioners regardless of the setting in which practice occurs. There is not a different set of regulations for physical therapists who practice in the home health setting or ones who practice in the hospital setting or outpatient setting, etc. The same rules apply to all.

The differences are probably misinterpreted because of the requirements made by Medicare/Medicaid. While a practitioner must follow Medicare guidelines in

order to insure reimbursement, that guideline may not be the same as in the state's physical therapy practice act and regulations. For example, Medicare has more restrictions on which tasks a PTA can perform than do the regulations. But just because Medicare restricts a particular practice, it may not be restricted by the physical therapy regulations.

You must be familiar with and follow Medicare regulations for reimbursement purposes, but you must also make sure that you are not violating the state practice act or regulations.

Federal Prosecution

continued from page 1

ual practitioners for practicing without a license. The physician's spouse subsequently pled guilty to similar charges. Other unrelated cases followed ranging from the Delta to the Gulf Coast, all of which resulted in guilty pleas.

Federal prosecution is also a distinct possibility for even licensed physical therapists and physical therapist assistants if Medicare/Medicaid billing is involved. Fraudulent billing of Medicare/Medicaid must be reported by the Board to Federal authorities if discovered during the course of a Board investigation of a licensed physical therapy practitioner. The Board's sanctions may affect a license, but Federal prosecution could mean a prison sentence and a felony criminal record. Licensed physical therapy practitioners are cautioned to be meticulous with treatment of any covered Medicare/Medicaid patients. Any irregularities in charting and billing could have disastrous results.

Shirley Givens

Reporting Violations

The 2008 Legislature passed several new provisions to the Mississippi Physical Therapy Practice Act Statute. Now in the practice act is the provision, that ***"failing to report to the Board any unprofessional, incompetent or illegal acts that appear to be in violation of this law or any rules established by the Board"*** is a violation for which a licensed physical therapist or physical therapist assistant may be disciplined. This is included in Section 8-1 of the Board Regulations.

If you have personal knowledge that any violation of the practice act or regulations is being committed, it is not just your ethical duty to report it. It is now law. You

could be disciplined for failure to report if the Board discovers that you had prior knowledge of a violation.

Many people do not want to be involved in an investigation for several reasons: the fear of retribution, the fear of loss of employment, and/or the fear of antagonizing friends. If you cannot make the decision to report because it is an ethical issue, make the decision to avoid sanctions against your own license.

The Board is committed to facilitating healthcare by competent practitioners for the citizens of Mississippi, and to helping to assure that the practice of physical therapy is held in highest regard by the public.

Disciplinary Actions 2007

Properly submitted complaints received:

PTs = 4
PTAs = 2

Disposition of complaints:

1 consent order
3 closed insufficient information– no action
1 referred to another agency
1 still under consideration

Disciplinary action taken:

1 PTA disciplined

Current website disciplinary listings:

PT = 3
PTA = 2

HAPPY
Holidays

**Mississippi State Board
of Physical Therapy
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Jackson, MS 39296-5707**

