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Tennessee Physical Therapy

Ethics & Jurisprudence

Recorded Video Home Study Course
 Presented by
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Course Overview

▶ "Tennessee Physical Therapy - Ethics and Jurisprudence" is a recorded video home study continuing education program for TN licensed physical therapists and physical therapist assistants. The course focuses on defining moral, ethical, and legal behavior of physical therapy professionals. The information presented includes the Tennessee Physical Therapy Practice Act (TN Code, Title 63, Chapter 13, Parts 1 & 3), the TN Rules Governing the Practice of Physical Therapy (Chapter 1150-1), TN Board of Physical Therapy Policy Statements, licensure process, scope of practice, licensure renewal, disclosures to patients, offenses that may lead to disciplinary actions, supervision requirements, the APTA Code of Ethics, APTA Standards for Professional Conduct for Physical Therapist Assistants, APTA Guide for Professional Conduct, APTA Guide for the Conduct of a PTA, model for ethical decision making, and hypothetical case analysis.

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Course Rationale

▶ This course is designed to educate, promote and facilitate ethical and legal behavior by Tennessee licensed physical therapist and physical therapist assistants. It is intended to fulfill the requirements of Chapter 1150-1-.12(4) of the Tennessee Rules Governing the Practice of Physical Therapy.

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Goals and Objectives

1. Define the meaning of Ethics and explain the various theories that promote ethical behavior.
2. Define and apply the APTA's standards of professional ethical conduct.
3. Apply the ethical decision making model to clinical situations to determine appropriate professional behavior.
4. Recognize all of the rights and responsibilities of physical therapy licensure as defined by the Tennessee Physical Therapy Practice Act and the Tennessee Rules Governing the Practice of Physical Therapy
5. Identify and apply pertinent TN laws and rules relating to licensure process
6. Identify and apply pertinent TN laws and rules relating to scope of practice
7. Identify and apply pertinent TN laws and rules relating to patient disclosure
8. Identify and apply pertinent TN laws and rules relating to disciplinary action
9. Identify and apply pertinent TN laws and rules relating to supervision requirements.

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Disclaimer

▶ Application of concepts presented in this webinar is at the discretion of the individual participant in accordance with federal, state, and professional regulations.

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Course Outline and Schedule

4 hour Recorded Video Home Study Course

Consider This

Topic	Time
Ethics Theories	0:00-0:20
Model for Ethical Decision Making	0:21-0:31
APTA Ethics Documents	0:31-1:25
Code of Ethics	
Guide for Professional Conduct	
Standards of Ethical Conduct of PTA	
Guide for Conduct of PTA	
Ethical Case Study Analysis	
Medical Necessity	
Qualifications to Practice	
Informed Consent	1:26-1:45
Ethical Case Study Analysis - Informed Consent	1:46-2:00
Relationships and Gifts	
Ethical Case Study Analysis	
Conflicts of Interest	
Relationships with Referral Sources	2:01-2:15
TN Jurisprudence Documents	
TN PT Practice Act Title 63, Chapter 13, Parts 1 & 3 (Scope of Practice, Referrals, and Exceptions to Referral Requirements)	
General Rules of PT Practice Chapter 1150-1	
Board of PT Policy Statements	
Licensure Process	2:16-2:30
Licensure Renewal	2:31-3:00
Scope of Practice, Referrals, and Exceptions to Referral Requirements	3:01-3:25
Disclosures to Patients	3:26-3:30
Supervision of PTAs, Assistive Personnel, Students & Volunteers	3:31-3:50
Disciplinary Action	3:51-4:00

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How to Obtain CEUs for this Course

▶ After viewing the course video return to www.cheapceus.com

▶ Complete the post test with a score of at least 80%

- ▶ May be retaken multiple times

▶ Submit online payment for course

▶ Print certificate

▶ Post test questions are reviewed throughout the presentation.

Consider This

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“
Ethics is knowing the difference between what you have the right to do and what is right to do.
 ”

~POTTER STEWART
 Chief Justice of the U.S. Supreme Court

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Ethics Overview

▶ The word "ethics" is derived from the Greek word *ethos* (character).

Philosophy

- What is good for the individual and society.

Science

- Basis of human goals and foundation of right and wrong actions.

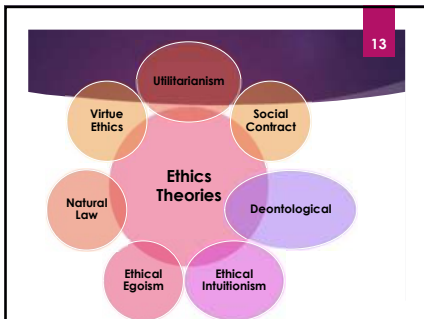


Ethics vs. Morals

<p>Morals</p> <ul style="list-style-type: none"> ▶ Practices and Actions ▶ May or may not be ethically analyzed practices. ▶ Publicly agreed-upon set of rules to modify and regulate behavior. 	<p>Ethics</p> <ul style="list-style-type: none"> ▶ Rationale and Reasoning ▶ Carefully considered structure that includes both practice and theory. ▶ Higher intellectual level and more dispassionate than morals.
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Ethical Questions

- ▶ Responsibilities to the welfare of others or to the human community.
- ▶ Conflicts among loyalties to different persons or groups, among responsibilities associated with one's role or among principles.
- ▶ Include (or imply) the words "ought" or "should".



Utilitarianism

- ▶ Develops from the work of Jeremy Bentham and John Stewart Mill.
- ▶ Right and wrong are determined by the consequences.
- ▶ A morally correct rule is the one that provides the greatest good to the greatest number of people.

Consider This

Deontological or Duty Theory

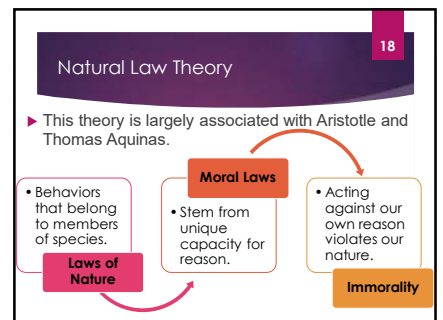
- ▶ One famous philosopher who developed such a theory was Immanuel Kant.
- ▶ The individual determines if an act or rule is morally right or wrong if it meets a moral standard.
- ▶ The morally important thing is not consequences, but the way choosers think while they make choices.

Social Contract Theory

- ▶ Attributed to Thomas Hobbes, John Locke, and John Rawls.
- ▶ The moral code is created by the people who form societies.
- ▶ People agree to regulate and restrict their conduct to achieve protection and other benefits of social cooperation.

Ethical Intuitionism and Ethical Egoism

<p>Ethical Intuition</p> <ul style="list-style-type: none"> ▶ An act or rule is determined to be right or wrong by appeal to the common intuition of a person. 	<p>Ethical Egoism</p> <ul style="list-style-type: none"> ▶ Each person should do whatever promotes their own best interests.
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Virtue Ethics 19

- ▶ Aristotle was a famous exponent of this view.
- ▶ Ethical behavior is a result of developed or inherent character traits or virtues.

Autonomy	right to make own decisions.	
Beneficence	do good	
Confidentiality	respect privacy of information	
Finality	action may override law, religion, customs.	
Justice	treat all fairly	
Nonmaleficence	cause no harm	
Tolerance	accept other viewpoints	
Respect	honor others, their rights, responsibilities.	
Universality	actions that hold for everyone	Consider This
Veracity	tell the truth	

Concept Application 20

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1. Which ethics theory proposes that right and wrong are determined by the consequences?

- A. Utilitarianism
- B. Social Contract Theory
- C. Ethical Egoism
- D. Natural Law Theory

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2. _____ is the duty to tell the truth; _____ is the duty to cause no harm.

- A. Finality; Universality
- B. Universality; Veracity
- C. Beneficence; Autonomy
- D. Veracity; Nonmaleficence

Model for Ethical Decision Making 23

- ▶ The foundation for making proper ethical decisions is rooted in an individual's ability to answer several fundamental questions concerning their actions.

Are My Actions Legal? 24

- ▶ Weighing the legality of one's actions is a prudent way to begin the decision-making process.
- ▶ Laws clearly define which actions are considered acceptable and which actions are unacceptable.
- ▶ A legitimate argument can be made that sometimes what is legal is not always moral, and that sometimes what is moral is not always legal.

Consider This

Are My Actions Ethical? 25

- ▶ Ethics in this context relates to actions that are consistent with the normative standards established or practiced by others in the same profession.
- ▶ The APTA Code of Ethics and Standards of Ethical Conduct are the accepted and de facto standard of practice throughout the profession.

Are My Actions Fair? 26

- ▶ Fairness though often considered subjective, in this context it means deserved, equitable and unbiased.
- ▶ The goal of every decision should be an outcome of relative equity that reflects insightful thought and soundness of intent.

Would My Actions Be the Same If They Were Transparent to Others? 27

- ▶ How would your decisions change, if prior to taking any actions, you assumed "other people will definitely know what I have done".
- ▶ One sure sign of a poor decision is debating the possible exposure of an action instead of examining the appropriateness of it.

Integrity in Practice 28

▶ The American Physical Therapy Association provides several documents to establish ethical behavior and professionalism for PTs and PTAs including those who are not members of the APTA.

PT Code of Ethics + PT Standards of Ethical Conduct = PT Guide for Professional Conduct + PTA Guide for Conduct = Integrity in Practice

Consider This

APTA Code of Ethics for the Physical Therapist 29

▶ The purposes of this Code of Ethics are to:

1. Define the ethical principles that form the foundation of physical therapist practice in patient/client management, consultation, education, research, and administration.
2. Provide standards of behavior and performance that form the basis of professional accountability to the public.
3. Provide guidance for physical therapists facing ethical challenges, regardless of their professional roles and responsibilities.
4. Educate physical therapists, students, other health care professionals, regulators, and the public regarding the core values, ethical principles, and standards that guide the professional conduct of the physical therapist.
5. Establish the standards by which the American Physical Therapy Association can determine if a physical therapist has engaged in unethical conduct.

Consider This

APTA Standards of Ethical Conduct for the Physical Therapist Assistant 30

▶ Delineates the ethical obligations of all physical therapist assistants as determined by the House of Delegates of the American Physical Therapy Association (APTA).

▶ They provide a foundation for conduct to which all physical therapist assistants shall adhere.

APTA PT Guide for Professional Conduct PTA Guide for Conduct 31

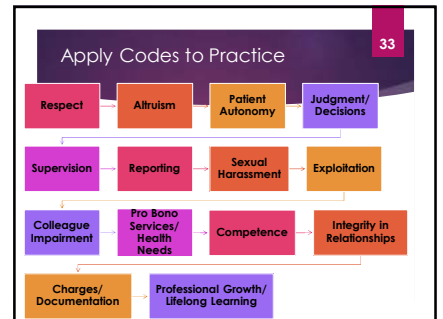
▶ Produced to assist physical therapists in interpreting the Code of Ethics in matters of professional conduct. The interpretations reflect the opinions, decisions, and advice of the APTA's Ethics and Judicial Committee (EJC).

▶ Intended to serve physical therapist assistants in interpreting the Standards of Ethical Conduct.

Seeking Advice and Consultation 32

▶ PT: No code of ethics is exhaustive, nor can it address every situation. Physical therapists are encouraged to seek additional advice or consultation in instances where the guidance of the Code of Ethics may not be definitive.

▶ PTA: No document that delineates ethical standards can address every situation. Physical therapist assistants are encouraged to seek additional advice or consultation in instances where the guidance of the Standards of Ethical Conduct may not be definitive.



PT Considerations 34

▶ Physical therapist practice is guided by a set of nine core values: accountability, altruism, collaboration, compassion/caring, duty, excellence, inclusion, integrity, and social responsibility.

▶ Unless a specific role is indicated in the principle, the duties and obligations being delineated pertain to the five roles of the physical therapist. Fundamental to the Code of Ethics is the special obligation of physical therapists to empower, educate, and enable those with impairments, activity limitations, participation restrictions, and disabilities to facilitate greater independence, health, wellness, and enhanced quality of life.

PTA Considerations 35

▶ Fundamental to the Standards of Ethical Conduct is the special obligation of physical therapist assistants to enable patients/clients to achieve greater independence, health and wellness, and enhanced quality of life.

Concept Application 36

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3. Which of the following statements is TRUE?

- A. All actions that are legal are also morally right.
- B. All actions that are morally right are also legal.
- C. Physical therapy ethics vary state by state.
- D. The APTA Code of Ethics/Standards of Ethical Conduct establish ethical behavior for all PTs & PTAs including those who are not members of the APTA.

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4. Which of the following is NOT one of the stated purposes of the APTA's Code of Ethics?

- A. Provide standards of behavior and performance that form the basis of professional accountability to the public.
- B. Establish rules that define lawful physical therapy practice.
- C. Provide guidance for physical therapists facing ethical challenges.
- D. Establish standards by which the APTA can determine if a physical therapist has engaged in unethical conduct.

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"Shall"

- ▶ All the lettered principles in the Code of Ethics (PT) and Standards of Ethical Conduct (PTA) contain the word "shall" and are mandatory ethical obligations.



http://www.apta.org/uploads/Files/APTAorg/Practice_and_Patient_Care/Ethics/GuideforProfessionalConduct.pdf
http://www.apta.org/uploads/Files/APTAorg/Practice_and_Patient_Care/Ethics/GuideforProfessionalConduct/PTA.pdf

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PT Principle #1

- ▶ *Physical therapists shall respect the inherent dignity and rights of all individuals.*
- 1A. Physical therapists shall act in a respectful manner toward each person regardless of age, gender, race, nationality, religion, ethnicity, social or economic status, sexual orientation, health condition, or disability.
- 1B. Physical therapists shall recognize their personal biases and shall not discriminate against others in physical therapist practice, consultation, education, research, and administration.

http://www.apta.org/uploads/Files/APTAorg/About_Us/Policies/Ethics/CodeofEthics.pdf

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PTA Standard #1

- ▶ *Physical therapist assistants shall respect the inherent dignity, and rights, of all individuals.*
- 1A. Physical therapist assistants shall act in a respectful manner toward each person regardless of age, gender, race, nationality, religion, ethnicity, social or economic status, sexual orientation, health condition, or disability.
- 1B. Physical therapist assistants shall recognize their personal biases and shall not discriminate against others in the provision of physical therapy services.

http://www.apta.org/uploads/Files/APTAorg/About_Us/Policies/Ethics/Standards/EthicalConductPTA.pdf

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PT and PTA Respect

- ▶ Principle 1A addresses the display of respect toward others.
- ▶ Unfortunately, there is no universal consensus about what respect looks like in every situation.

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PT Principle #2

- ▶ *Physical therapists shall be trustworthy and compassionate in addressing the rights and needs of patients/clients.*
- 2A. Physical therapists shall adhere to the core values of the profession and shall act in the best interests of patients/clients over the interests of the physical therapist.
- 2B. Physical therapists shall provide physical therapy services with compassionate and caring behaviors that incorporate the individual and cultural differences of patients/clients.
- 2C. Physical therapists shall provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care or participation in clinical research.
- 2D. Physical therapists shall collaborate with patients/clients to empower them in decisions about their health care.
- 2E. Physical therapists shall protect confidential patient/ client information and may disclose confidential information to appropriate authorities only when allowed or as required by law.

http://www.apta.org/uploads/Files/APTAorg/About_Us/Policies/Ethics/CodeofEthics.pdf

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PTA Standard #2

- ▶ *Physical therapist assistants shall be trustworthy and compassionate in addressing the rights and needs of patients/clients.*
- 2A. Physical therapist assistants shall act in the best interests of patients/clients over the interests of the physical therapist assistant.
- 2B. Physical therapist assistants shall provide physical therapy interventions with compassionate and caring behaviors that incorporate the individual and cultural differences of patients/ clients.
- 2C. Physical therapist assistants shall provide patients/clients with information regarding the interventions they provide.
- 2D. Physical therapist assistants shall protect confidential patient/ client information and, in collaboration with the physical therapist, may disclose confidential information to appropriate authorities only when allowed or as required by law.

http://www.apta.org/uploads/Files/APTAorg/About_Us/Policies/Ethics/Standards/EthicalConductPTA.pdf

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PT and PTA Altruism

- ▶ Principle 2A reminds physical therapists and assistants to adhere to the profession's core values and act in the best interest of patients/clients over the interests of the physical therapist.
- ▶ Often this is done without thought, but sometimes, especially at the end of the day when the physical therapist is fatigued and ready to go home, it is a conscious decision.

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PT Patient Autonomy

- ▶ The underlying purpose of Principle 2C is to require a physical therapist to respect patient autonomy.
- ▶ In order to do so, a physical therapist shall communicate to the patient/client the findings of his/her examination, evaluation, diagnosis, and prognosis.
- ▶ A physical therapist shall use sound professional judgment in informing the patient/client of any substantial risks of the recommended examination and intervention and shall collaborate with the patient/client to establish the goals of treatment and the plan of care.

http://www.apta.org/uploadedfiles/APTAorg/Practice_and_Patient_Care/Ethics/GuideforConductofthePTA.pdf

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PT Principle #3

- ▶ Physical therapists shall be accountable for making sound professional judgments.
- 3A. Physical therapists shall demonstrate independent and objective professional judgment in the patient's/client's best interest in all practice settings.
- 3B. Physical therapists shall demonstrate professional judgment informed by professional standards, evidence (including current literature and established best practice), practitioner experience, and patient/client values.
- 3C. Physical therapists shall make judgments within their scope of practice and level of expertise and shall communicate with, collaborate with, or refer to peers or other health care professionals when necessary.
- 3D. Physical therapists shall not engage in conflicts of interest that interfere with professional judgment.
- 3E. Physical therapists shall provide appropriate direction of and communication with physical therapist assistants and support personnel.

http://www.apta.org/uploadedfiles/APTAorg/About_Us/Policy/Ethics/CodeofEthics.pdf

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PTA Standard #3

- ▶ Physical therapist assistants shall make sound decisions in collaboration with the physical therapist and within the boundaries established by laws and regulations.
- 3A. Physical therapist assistants shall make objective decisions in the patient's/client's best interest in all practice settings.
- 3B. Physical therapist assistants shall be guided by information about best practice regarding physical therapy interventions.
- 3C. Physical therapist assistants shall make decisions based upon their level of competence and consistent with patient/client values.
- 3D. Physical therapist assistants shall not engage in conflicts of interest that interfere with making sound decisions.
- 3E. Physical therapist assistants shall provide physical therapy services under the direction and supervision of a physical therapist and shall communicate with the physical therapist when patient/client status requires modifications to the established plan of care.

Consider this

http://www.apta.org/uploadedfiles/APTAorg/About_Us/Policy/Ethics/Standards/EthicsCodeofPTA.pdf

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PT Professional Judgment

- ▶ Principles 3, 3A, and 3B state that it is the physical therapist's obligation to exercise sound professional judgment, based upon his/her knowledge, skill, training, and experience.
- ▶ Regardless of practice setting, a physical therapist has primary responsibility for the physical therapy care of a patient and shall make independent judgments regarding that care consistent with accepted professional standards.

http://www.apta.org/uploadedfiles/APTAorg/Practice_and_Patient_Care/Ethics/GuideforConductofthePTA.pdf

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PTA Sound Decisions

- ▶ To fulfill 3C, the physical therapist assistant must be knowledgeable about his or her legal scope of work as well as level of competence.
- ▶ To make sound decisions, the physical therapist assistant must be able to self-reflect on his or her current level of competence.

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PT Supervision

- ▶ Principle 3E describes an additional circumstance in which sound professional judgment is required; namely, through the appropriate direction of and communication with physical therapist assistants and support personnel.

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PTA Supervision

- ▶ Standard 3E goes beyond simply stating that the physical therapist assistant operates under the supervision of the physical therapist.
- ▶ Although a physical therapist retains responsibility for the patient/client throughout the episode of care, this standard requires the physical therapist assistant to take action by communicating with the supervising physical therapist when changes in the patient/client status indicate that modifications to the plan of care may be needed.

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Case Study – Medical Necessity

- ▶ Steve is a physical therapist and owns his own therapy clinic. He recently signed a contract with an HMO to provide physical therapy services. The contract stipulates that Steve will be compensated on a case rate basis. (A fixed amount of money per patient, based on diagnosis). Steve has performed a thorough cost analysis on this contract and has determined that the financial "breakeven" point (revenue equals expenses) on each of these patients is 5 visits. He informs his staff that all patients covered by this insurance must be discharged by their fourth visit.
- ▶ **Is limiting care in this manner ethical?**

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Case Study – Medical Necessity Debriefing

- ▶ Therapists are obligated to propose and provide care that is based on sound medical rationale, patient medical necessity, and treatment efficacy and efficiency.
- ▶ Clinicians are expected to use sound judgment based on what is best for the patient when determining their plan of care.
- ▶ **Does this represent a conflict of interest?**

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Case Study – Qualifications of Practice

- ▶ You work in very busy outpatient rehab clinic. One of your coworkers is a physical therapy aide who has worked in rehabilitation for more than 20 years. Frequently, she is called upon to perform treatments that should be done by a PT or PTA. The patients always give her compliments, and frequently request her to treat them. She demonstrates exceptional skills and achieves outstanding outcomes.
- ▶ **Is the clinic providing ethical care to its patients?**

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Case Study – Qualifications of Practice Debriefing

- ▶ It is each PT and PTA's responsibility to adhere to the standards of care and licensure requirements specific to the state in which they practice.
- ▶ The clinician must also ensure that all care provided not directly by them, but under their supervision, also meets these standards.
- ▶ **Is the clinic providing ethical care to its patients?**

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PT Principle #4

- ▶ Physical therapists shall demonstrate integrity in their relationships with patients/clients, families, colleagues, students, research participants, other health care providers, employers, payers, and the public.
- 4A. Physical therapists shall provide truthful, accurate, and relevant information and shall not make misleading representations.
- 4B. Physical therapists shall not exploit persons over whom they have supervisory, evaluative or other authority (e.g., patients/clients, students, supervisees, research participants, or employees).
- 4C. Physical therapists shall discourage misconduct by health care professionals and report illegal or unethical acts to the relevant authority, when appropriate.
- 4D. Physical therapists shall report suspected cases of abuse involving children or vulnerable adults to the appropriate authority, subject to law.
- 4E. Physical therapists shall not engage in any sexual relationship with any of their patients/clients, supervisees, or students.
- 4F. Physical therapists shall not harass anyone verbally, physically, emotionally, or sexually.

http://www.aota.org/uploadedfiles/APTAorg/About_Us/ethics/ethics10codeofethics.pdf

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PTA Standard #4

- ▶ Physical therapist assistants shall demonstrate integrity in their relationships with patients/ clients, families, colleagues, students, other health care providers, employers, payers, and the public.
- 4A. Physical therapist assistants shall provide truthful, accurate, and relevant information and shall not make misleading representations.
- 4B. Physical therapist assistants shall not exploit persons over whom they have supervisory, evaluative or other authority (e.g., patients/clients, students, supervisees, research participants, or employees).
- 4C. Physical therapist assistants shall discourage misconduct by health care professionals and report illegal or unethical acts to the relevant authority, when appropriate.
- 4D. Physical therapist assistants shall report suspected cases of abuse involving children or vulnerable adults to the supervising physical therapist and the appropriate authority, subject to law.
- 4E. Physical therapist assistants shall not engage in any sexual relationship with any of their patients/clients, supervisees, or students.
- 4F. Physical therapist assistants shall not harass anyone verbally, physically, emotionally, or sexually.

http://www.aota.org/uploadedfiles/APTAorg/Practice_and_Patient_Care/Ethics/GuideforProfessionalConduct.pdf

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PT and PTA Integrity in Relationships

- ▶ Principle 4 addresses the need for integrity in relationships.
- ▶ This is not limited to relationships with patients/clients but includes everyone the clinician comes into contact with professionally.

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PT and PTA Reporting

- ▶ Under Principle 4C, Physical therapists and assistants shall seek to discourage misconduct by health care professionals.
- ▶ Do not engage in misconduct
- ▶ Encourage or recommend law and non-law based training
- ▶ Assist in creating a positive and civil culture.
- ▶ Access professional association resources on best practices.
- ▶ Revisit policies and procedures annually.

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PT and PTA Reporting Continued

- ▶ If misconduct has not been prevented, then reporting issues shall be considered.

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PT and PTA Exploitation

- ▶ Principle 4E is clear – sexual relationships with patients/clients, supervisees or students are prohibited.

Consider This

http://www.aota.org/uploadedfiles/APTAorg/Practice_and_Patient_Care/Ethics/GuideforProfessionalConduct.pdf

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PT and PTA Sexual Harassment

- ▶ As noted in the House of Delegates policy titled Sexual Harassment, “[m]embers of the association have an obligation to comply with applicable legal prohibitions against sexual harassment...”
- ▶ This statement is in line with Principle 4F that prohibits physical therapists from harassing anyone verbally, physically, emotionally, or sexually.

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Concept Application

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5. It is unethical for a physical therapist to engage in a sexual relationship with their _____.

A. Patients
 B. Supervisees
 C. Students
 D. All of the above

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6. Physical therapist assistants shall provide physical therapy services under the direction and supervision of a _____.

A. physical therapist
 B. physical therapist or physician
 C. physical therapist, physician, or other qualified health professional
 D. None of the above

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PT Principle #5

Physical therapists shall fulfill their legal and professional obligations.

5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.
 5B. Physical therapists shall have primary responsibility for supervision of physical therapist assistants and support personnel.
 5C. Physical therapists involved in research shall abide by accepted standards governing protection of research participants.
 5D. Physical therapists shall encourage colleagues with physical, psychological, or substance-related impairments that may adversely impact their professional responsibilities to seek assistance or counsel.
 5E. Physical therapists who have knowledge that a colleague is unable to perform their professional responsibilities with reasonable skill and safety shall report this information to the appropriate authority.
 5F. Physical therapists shall provide notice and information about alternatives for obtaining care in the event the physical therapist terminates the provider relationship while the patient/client continues to need physical therapy services.

http://www.apta.org/uploads/files/APTAorg/About_Us/Polices/Ethics/CodeofEthics.pdf

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PTA Standard #5

Physical therapist assistants shall fulfill their legal and ethical obligations.

5A. Physical therapist assistants shall comply with applicable local, state, and federal laws and regulations.
 5B. Physical therapist assistants shall support the supervisory role of the physical therapist to ensure quality care and promote patient/client safety.
 5C. Physical therapist assistants involved in research shall abide by accepted standards governing protection of research participants.
 5D. Physical therapist assistants shall encourage colleagues with physical, psychological, or substance-related impairments that may adversely impact their professional responsibilities to seek assistance or counsel.
 5E. Physical therapist assistants who have knowledge that a colleague is unable to perform their professional responsibilities with reasonable skill and safety shall report this information to the appropriate authority.

http://www.apta.org/uploads/files/APTAorg/About_Us/Polices/Ethics/StandardsEthicsConductPTA.pdf

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PT and PTA Colleague Impairment

The central tenet of Principles 5D and 5E is that inaction is not an option.
 Both require a factual determination.

5D Encourage assistance
 Something MAY be affecting performance

5E Report Clearly UNABLE to perform

http://www.apta.org/uploads/files/APTAorg/Practice_and_Patient_Care/Ethics/GuidetoProfessionalConductofPhysicalTherapists.pdf
http://www.apta.org/uploads/files/APTAorg/Practice_and_Patient_Care/Ethics/GuidetoConductofPTA.pdf

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PT Principle #6

Physical therapists shall enhance their expertise through the lifelong acquisition and refinement of knowledge, skills, abilities, and professional behaviors.

6A. Physical therapists shall achieve and maintain professional competence.
 6B. Physical therapists shall take responsibility for their professional development based on critical self-assessment and reflection on changes in physical therapist practice, education, health care delivery, and technology.
 6C. Physical therapists shall evaluate the strength of evidence and applicability of content presented during professional development activities before integrating the content or techniques into practice.
 6D. Physical therapists shall cultivate practice environments that support professional development, lifelong learning, and excellence.

http://www.apta.org/uploads/files/APTAorg/About_Us/Polices/Ethics/CodeofEthics.pdf

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PTA Standard #6

Physical therapist assistants shall enhance their competence through the lifelong acquisition and refinement of knowledge, skills, and abilities.

6A. Physical therapist assistants shall achieve and maintain clinical competence.
 6B. Physical therapist assistants shall engage in lifelong learning consistent with changes in their roles and responsibilities and advances in the practice of physical therapy.
 6C. Physical therapist assistants shall support practice environments that support career development and lifelong learning.

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PT Professional Competence

6A requires a physical therapist to maintain professional competence within one's scope of practice throughout one's career.

Identify Strengths & Weaknesses
 Reassess
 Acquire Knowledge & Skills
 Reflect

http://www.apta.org/uploads/files/APTAorg/Practice_and_Patient_Care/Ethics/GuidetoProfessionalConductofPhysicalTherapists.pdf
http://www.apta.org/uploads/files/APTAorg/Practice_and_Patient_Care/Ethics/GuidetoConductofPTA.pdf

PTA Clinical Competence 73

- Referencing 6A, the supervising physical therapist can be a valuable partner in identifying areas of knowledge and skill that the physical therapist assistant needs for clinical competence

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf

**PT Professional Growth
PTA Lifelong Learning** 74

- 6D (PT) and 6C (PTA) elaborates on the clinician's obligations to foster an environment conducive to professional growth.
- The essential idea is that this is the clinician's responsibility, whether or not the employer provides support.

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf

PT Principle #7 75

- Physical therapists shall promote organizational behaviors and business practices that benefit patients/clients and society.
- 7A. Physical therapists shall promote practice environments that support autonomous and accountable professional judgments.
- 7B. Physical therapists shall seek remuneration as is deserved and reasonable for physical therapist services.
- 7C. Physical therapists shall not accept gifts or other considerations that influence or give an appearance of influencing their professional judgment.
- 7D. Physical therapists shall fully disclose any financial interest they have in products or services that they recommend to patients/clients.
- 7E. Physical therapists shall be aware of charges and shall ensure that documentation and coding for physical therapy services accurately reflect the nature and extent of the services provided.
- 7F. Physical therapists shall refrain from employment arrangements, or other arrangements, that prevent physical therapists from fulfilling professional obligations to patients/ clients.

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf

PTA Standard #7 76

- Physical therapist assistants shall support organizational behaviors and business practices that benefit patients/clients and society.
- 7A. Physical therapist assistants shall promote work environments that support ethical and accountable decision-making.
- 7B. Physical therapist assistants shall not accept gifts or other considerations that influence or give an appearance of influencing their decisions.
- 7C. Physical therapist assistants shall fully disclose any financial interest they have in products or services that they recommend to patients/clients.
- 7D. Physical therapist assistants shall ensure that documentation for their interventions accurately reflects the nature and extent of the services provided.
- 7E. Physical therapist assistants shall refrain from employment arrangements, or other arrangements, that prevent physical therapist assistants from fulfilling ethical obligations to patients/clients.

http://www.apta.org/uploads/files/APTAorgAbout_Us/Policies/Ethics/Standards/EthicalConductforPTA.pdf

PT Charges and Coding 77

- Principle 7E provides that the physical therapist shall make sure that the process of documentation and coding accurately captures the charges for services performed.

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf

PT and PTA Documenting Interventions 78

- 7E (PT) and 7D (PTA) addresses the need for physical therapists and assistants to make sure that they thoroughly and accurately document the interventions they provide to patients/client.

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf

PT Principle #8 79

- Physical therapists shall participate in efforts to meet the health needs of people locally, nationally, or globally.
- 8A. Physical therapists shall provide pro bono physical therapy services or support organizations that meet the health needs of people who are economically disadvantaged, uninsured, and underinsured.
- 8B. Physical therapists shall advocate to reduce health disparities and health care inequities, improve access to health care services, and address the health, wellness, and preventive health care needs of people.
- 8C. Physical therapists shall be responsible stewards of health care resources and shall avoid overutilization or underutilization of physical therapy services.
- 8D. Physical therapists shall educate members of the public about the benefits of physical therapy and the unique role of the physical therapist.

http://www.apta.org/uploads/files/APTAorgAbout_Us/Policies/Ethics/CodeofEthics.pdf

PTA Standard #8 80

- Physical therapist assistants shall participate in efforts to meet the health needs of people locally, nationally, or globally.
- 8A. Physical therapist assistants shall support organizations that meet the health needs of people who are economically disadvantaged, uninsured, and underinsured.
- 8B. Physical therapist assistants shall advocate for people with impairments, activity limitations, participation restrictions, and disabilities in order to promote their participation in community and society.
- 8C. Physical therapist assistants shall be responsible stewards of health care resources by collaborating with physical therapists in order to avoid overutilization or underutilization of physical therapy services.
- 8D. Physical therapist assistants shall educate members of the public about the benefits of physical therapy.

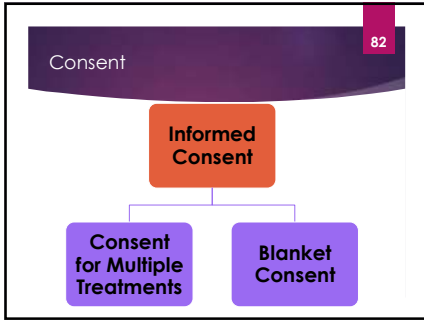
http://www.apta.org/uploads/files/APTAorgAbout_Us/Policies/Ethics/Standards/EthicalConductforPTA.pdf

PT and PTA Pro Bono Services and Health Needs 81

- The key word in Principle 8A is "or". It does not specify the type of support.
- When providing pro bono services, physical therapist assistants must comply with applicable laws, and as such work under the direction and supervision of a physical therapist.

Consider This

http://www.apta.org/uploads/files/APTAorgPractice_and_Patient_Care/Ethics/GuideforProfessionalConductforPTA.pdf



Informed Consent

- ▶ Must be specific to the patient, clinical situation, and recommended plan of care.
- ▶ Goal is to ensure that patients have an opportunity to be informed participants in decisions about their health care.

Practitioner Provided Information for Informed Consent

- ▶ The nature of the decision/procedure
- ▶ Reasonable alternatives to the proposed intervention
- ▶ The relevant risks, benefits, and uncertainties related to each alternative
- ▶ The consequences on non-treatment
- ▶ The goals of treatment
- ▶ The prognosis for achieving the goals
- ▶ Assessment of patient understanding
- ▶ The acceptance or non-acceptance of the intervention by the patient

Consider This

Consent for Multiple Treatments

- ▶ When the plan of care for a given diagnosis involves repeated treatments or procedures, practitioners do not need to obtain consent for each individual episode.

Blanket Consent

- ▶ Asking a patient to agree at the outset of care to "any treatment your doctors think is necessary," or "routine procedures as needed," is ethically problematic.

Notification vs. Consent

- ▶ Notification informs patients not only about their rights, but also about organizational activities and processes that shape how care is delivered.

Refusing Treatment

- ▶ Don't assume that a patient who refuses recommended treatment lacks decision-making capacity.
- ▶ If the patient is not impaired, the clinician must respect the patient's decision to decline but can try to persuade the patient to accept treatment.

Shared Decision Making

- Clarify understanding
- Elicit expectations
- Clarify and prioritize goals
- Explore reasons for refusal
- Negotiate plan of care that facilitates participation

Resisting Treatment

- ▶ When a patient lacks decision-making capacity, consent to treatment may be authorized by a surrogate.
- ▶ The interventions may be carried out even if the patient actively resists; however clinicians must be sensitive to these patients.
- ▶ The root cause of the resistance should be explored, as well as other clinically acceptable alternatives to the proposed treatment.

91

Case Study – Informed Consent

- ▶ Sam is a PT who has just received orders to begin ambulation with a 75-year-old woman who is s/p right hip ORIF. He goes to her hospital room to evaluate her and begin ambulation. She says she does not want therapy today because she is in too much pain. Sam explains to her that the doctor has left orders for her to begin walking. The patient refuses. Sam leaves and returns the next day to try again. Again, she declines treatment and he leaves.
- ▶ Under the guidelines of informed consent, were the therapist's actions adequate?

92

Case Study – Informed Consent Debriefing

- ▶ In order for the patient's consent to be valid, they must be considered competent to make the decision at hand and their consent must be voluntary.
- ▶ The therapist is obligated to provide a recommendation for care, share their reasoning process, and alternative options with the patient.
- ▶ Under the guidelines of informed consent, were the therapist's actions adequate?

93

Relationships

- ▶ Professionals are expected to make a fiduciary commitment to place their clients' interests ahead of their own.
- ▶ By establishing boundaries, a health care professional creates a safe space for the therapeutic relationship to occur.

94

Patient Expectations

- ▶ Trust that their interests and welfare will be placed above those of the health care professional.
- ▶ Confident they will be treated with respect, and be informed so that they can make their own health care decisions
- ▶ Expect higher morality and a greater commitment to the good of others than in most other human activities.

95

Boundaries

- ▶ Boundary violations occur when a personal interest displaces the professional's primary commitment to the patient's welfare in ways that harm—or appear to harm—the patient or the patient-clinician relationship, or might reasonably be expected to do so.

96

Legal Aspects of Relationships

- ▶ Most state professional licensing boards have addressed specific boundary issues. For example, "engaging in any conduct with a patient that is sexual or may be reasonably interpreted as sexual ... [or] behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient."
- ▶ Inappropriate sexual or physical contact can result in patients suing clinicians for battery and malpractice, and in several states sexual exploitation of a patient is considered a felony.

97

Problematic Relationships

- ▶ Some activities or relationships are ethically problematic when they can reasonably be expected to affect the care received by the individual or by other patients or the practitioner's relationships with his or her colleagues, or when they give the appearance of doing so.
 - ▶ Business relationships
 - ▶ Accepting and giving gifts
 - ▶ Favoritism

98

Conflicts of Interest

- ▶ Accepting gifts from commercial vendors can undermine patient trust as the practitioners' judgment may be altered without their knowledge or contrary to their intent.

Apparent	Potential
Reasonable person would think professional's judgment is likely compromised.	Situation may develop into an actual conflict of interest.

Consider This

99

Why Are Gifts Accepted?

- ▶ Accepting a gift is a natural and socially expected.
- ▶ "Culture of entitlement"
- ▶ Serve as inducements for educational participation
- ▶ Boost employee morale
- ▶ Economic savings to institution
- ▶ Professional bodies allow continuation of "tradition"

100

Ethical Guidelines for Accepting Gifts

- ▶ Individual gifts, hospitality, trips, services, and subsidies of all types from industry by an individual is strongly discouraged.
- ▶ Acceptance might diminish, or appear to others to diminish, the objectivity of professional judgment.

Consider This

101

Ethical Guidelines for Accepting Gifts

- ▶ Gifts from companies to health care professionals are acceptable only when the primary purpose is the enhancement of patient care and medical knowledge.

Consider This

102

Ethical Guidelines for Giving Gifts

- ▶ Inexpensive gifts to needy patients may be acceptable if
 - ▶ They are not cash or cash equivalents and have a retail value of no more than \$15 individually and \$75 in the annual aggregate per patient.
 - ▶ The practitioner can prove that the gift is not offered as advertisement, solicitation, or to induce referrals.

Consider This

<https://www.cms.gov/files/document/medicare-communications-and-marketing-guidelines-3-16-2022.pdf>

103

Waiver of Coinsurance or Copayment for Medicare or Medicaid Beneficiaries

- ▶ According to Office of Inspector General for the Department of Health and Human Services (OIG) 1994 Special Fraud Alert:
 - ▶ "[w]hen providers...forgive financial obligations for reasons other than genuine financial hardship of the particular patient, they may be unlawfully inducing that patient to purchase items or services from them."

<https://www.irs.gov/irb/2004-12/irb2004-12-1994.html>
<https://www.oig.hhs.gov/oea/whistleblower/1994-001>
<https://www.irs.gov/irb/2004-12/irb2004-12-1994.html>

104

Financial Relationships Between Healthcare Providers

- ▶ Office space rental should be fair market value and not based on volume or value of referrals from involved parties.
- ▶ PT's may hire physicians as Medical Directors at fair market value and be actively involved in clinical care.
- ▶ Any remuneration without education intent to induce referrals for services is prohibited.

Consider This

<https://www.irs.gov/irb/2004-12/irb2004-12-1994.html>
<https://www.irs.gov/irb/2004-12/irb2004-12-1994.html>

105

Confidentiality

- ▶ Respect patient's informational privacy by limiting access to patient information to those authorized health care providers who need it to perform their duties.
- ▶ Confidentiality is mandated by HIPAA laws, specifically the Privacy Rule protecting individually identifiable health information.

Consider This

106

Case Study – Conflict of Interest

- ▶ Debi Jones PT works in an acute care hospital. She is meeting with a vendor whose company is introducing a new brace onto the market. He offers her 3 free braces to "try out" on patients. The vendor states that if Debi continues to order more braces, she will qualify to receive compensation from his company by automatically becoming a member of its National Clinical Assessment Panel.
- ▶ Does this represent a conflict of interest?

107

Case Study – Conflict of Interest

Debriefing

- ▶ It is the clinician's professional duty to recommend equipment and interventions, in their judgment, that will benefit the patient the most.
- ▶ As an employee, it is the clinician's responsibility to manage expenses by thoroughly and objectively seeking effective products that also demonstrate economic efficiency.
- ▶ Therapists must also avoid any apparent or potential conflicts as well.
- ▶ Does this represent a conflict of interest?

108

Case Study – Relationships with Referral Sources

- ▶ Larry Jones PT owns a private practice. Business has been poor. He decides to sublease half of his space to an orthopedic surgeon. Larry's current lease is at \$20/sq ft. The doctor wants to pay \$15/sq ft. They come to a compromise of \$17/sq ft. Larry also agrees that if the doctor is his top referral source after 3 months, he'll make him the Medical Director of the facility and pay him a salary of \$500/month.
- ▶ Is this an ethical arrangement?

Case Study – Relationships with Referral Sources Debriefing 109

- ▶ A physician can serve as the Medical Director of rehabilitation facilities when compensated at fair market value.
- ▶ It is unethical for a clinician to offer anything of value to physicians, patients, or any other referral source in direct response or as incentive for the referral of patients or services.
- ▶ Goodwill gifts of nominal value are acceptable provided that no correlation can be made between the magnitude or frequency of the gift giving and referral patterns.
- ▶ Is this an ethical arrangement?

Concept Application 110

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

111

7. Which of the following is NOT a requirement of informed consent?

- A. Disclosure of alternatives to the proposed care.
- B. Disclosure of consequences of non-treatment.
- C. Patient acceptance of the clinician recommended treatment.
- D. Determination of decision maker competence.

112

8. Which type of conflict of interest is considered unethical and should be avoided?

- A. Apparent
- B. Potential
- C. Both A & B
- D. Neither A nor B

113

9. Which of the following actions by a physical therapist is unethical?

- A. Providing pro bono services to uninsured patients.
- B. Reading through their patient's entire chart and discovering test results that confirm that the patient is positive for Hepatitis B.
- C. Receiving a consultation fee from a vendor each time they recommend and demonstrate a particular product to a patient.
- D. All of the above are unethical

114

10. Which of the following scenarios is unethical?

- A. Having a physician serve as your facility's Medical Director.
- B. Meeting with a case manager during lunch to inform her about the new therapy services you have available.
- C. Waiving the insurance co-payment for the spouse of your top referring physician.
- D. Subleasing office space to a potential referral source.

115

“The first step in the evolution of ethics is a sense of solidarity with other human beings.”

~ALBERT SCHWITZKE

Jurisprudence 114

It's the law.

TN Jurisprudence Documents 115

▶ Physical therapists and assistants practicing in Tennessee must abide by the state's statutes and rules.

Practice Act - TCA Title 63, Chapter 13, Parts 1 & 3

Rules - Chapter 1150-1

Policy Statements

Lawful Practice

Consider This

https://www.tn.gov/health/health_programs/areas/health_professional_boards/33-board/33-board/33-board/statutes-and-rules.html

Statutes and Rules 116

Practice Act

- ▶ Developed into law by TN Legislature.
- ▶ Statutes are part of the Tennessee Code Annotated **T. C. A. Title 63, Chapter 13.**

Rules of Practice

- ▶ Created and adopted by the TN Board of Physical Therapy.
- ▶ Found in Rules Governing the Practice of Physical Therapy **Chapter 1150-1.**

▶ Both have the force of law and are used in the regulation of the profession.

Consider This

Statutes 117

Legal Document TN Annotated Code Title 63, Chapter 13 PT Practice Act

Section of Document Part 1 Part 3

Focus of Laws

- Legislative Intent
- Definitions
- Unauthorized Practice
- License Requirements
- PT Board
- Titles
- Supervision
- Disciplinary Actions
- Penalties
- Disclosures

Navigating the Statutes 118

Title. Chapter. PartSection. Outline Level
Example: 63.13.101.#xyz

Title 63 Professions Of The Healing Arts

- Chapter 11 Psychologists
- Chapter 12 Tennessee Veterinary Practice Act
- Chapter 13 Occupational and Physical Therapy Practice Act
 - Part 1 General Provisions
 - 63-13-101. Short title.
 - 63-13-102. Legislative intent.
 - 63-13-103. Chapter definitions.

Navigating the Statutes continued 119

▶ The code is formatted using traditional outline format. **Example: 63.13.103 (16)(A)**
Title. Chapter. PartSection (Subparagraph)

As used in this chapter, unless the context otherwise requires:

(1) "ACOTE" means the Accreditation Council for Occupational Therapists' professional programs in the field of occupational therapy;

(16) "Practitioner of physical therapy" means:

(A) Examining, evaluating and testing individuals with mechanical, physical and disability or other health and movement-related conditions in order to a plan of therapeutic interventions and to assess the ongoing effect of care;

(B) Allocating, prescribing and functional limitations by designing, high-tech orthotics, prosthetics, protective and supportive equipment, sensory classroom or installation, dry needling, mechanical and electrotherapeutic modalities;

Statutes Part 1 –Definitions 120

- 63.13.103.11 • On-site supervision
- 63.13.103.12 and 13 • PT and PTA
- 63.13.103.15 • Physical therapy assistive personnel
- 63.13.103.16 • Practice of physical therapy
- 63.13.103.19 • Supervision
- 63.13.104 • Scope of practice

Statutes Part 3 – PT and PTA Licensure 121

- 63.13.302 • Referrals and ethics
- 63.13.303 • Exception to referral requirement
- 63.13.310 • Titles
- 63.13.311 • Supervision of PTA, aide, students
- 63-13-312 • License denial, suspension, revocation
- 63-13-317 • Disclosures, confidentiality, complaints

Rules 122

Legal Document TN General Rules PT Chapter 1150-1 PT Rules of Practice

Section of Document 1150-1-.01 through .22

Focus of Rules

- Definitions
- Scope of Practice
- Supervision
- Licensure Process/Fees
- Continuing Competence
- Ethics
- Disciplinary Actions
- Consumer Rights
- Records
- Dry Needling

Navigating the Rules of Practice 123

▶ The rules are formatted in the chapter using traditional outline format.
Example: 1150-01-.02(1)(a)
Board OT/PT- PT Practice Act-Section(Subparagraph)

1150-01-.02 SCOPE OF PRACTICE AND SUPERVISION.

(1) Scope of Practice:

(a) The scope of practice of physical therapy shall be licensed doctor of medicine, chiropractic, dent following exceptions, as provided in T.C.A. § 63-

1. The initial evaluation which may be conducted
2. A licensed physical therapist may treat a was the subject of a prior referral if all of it

(b) The physical therapist, within four (4

TN Board of Physical Therapy 126
124

- ▶ 5 members who are residents of TN are appointed by the governor for terms of 3 years.
- ▶ 3 PTs and 1 PTA with at least 5 years experience
- ▶ 1 Community member

Policy Statements 125

▶ Adopted by the Board to further clarify the rules.
Board of Physical Therapy

Policies

- Policy for Assessment and Professional Development (see Board)
- Clinical Competency
- Continuing Competence
- Policy Statement on Transition of Licensure/Concurrence to 2018 at
- NEW ORLEANS US ONLINE COURSES UNDER DEVELOPMENT
- Educational Pathways
- 2016 Physical Therapy Clinical Practice Performance Guidelines

63.13.307
63.13.305
1150-01-.04(1)



Qualifications for Licensure 127

Eligible

- ▶ At least 18 years old
- ▶ Good moral character
- ▶ Graduate of CAPTE accredited program
- ▶ Pass board approved licensure examination

Exempt

- ▶ Supervised students
- ▶ US Armed Services, public health service or VA
- ▶ Licensed in US or foreign country participating in educational seminar
- ▶ Licensed in US providing services to athletic or performing arts participants competing in TN

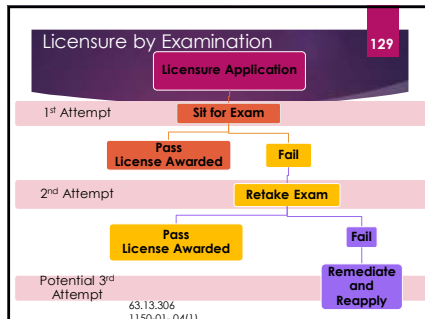
63.13.307
63.13.305
1150-01-.04(1)

Physical Therapy Licensure Process 128

▶ Avenues to physical therapist and physical therapist assistant licensure include:

- ▶ Examination
- ▶ Reciprocity
- ▶ Internationally Educated
- ▶ Physical Therapy Compact

63.13.307
63.13.305
1150-01-.04(1)



Criminal Convictions – Applications for Licensure Policy Statement 130

▶ PT or PTA applicant with one or more criminal convictions may be required to appear before the Board.

Required Appearance	Appearance NOT Required
<ul style="list-style-type: none"> • Felony • Multiple misdemeanors • Class A or B misdemeanor within 5 years 	<ul style="list-style-type: none"> • Only 1 Serious Class C misdemeanor or equivalent • Only 1 misdemeanor more than 5 years ago

63.13.307
63.13.305
1150-01-.04(1)

Licensure by Reciprocity 131

▶ PTs and PTAs possessing a current unrestricted license from another US jurisdiction.

63.13.307
1150-01-.04(2)

Physical Therapy Compact 134

- ▶ The PT Compact is an alternative to the standard licensing process to obtain the privilege to practice in a remote state. However, not all PTs and PTAs may be eligible to participate.
- ▶ Once applicable state jurisprudence requirements are met, the process to verify eligibility and purchase compact privileges will take only minutes; reducing time, cost, and paperwork associated with the current remote state licensing process.

63.13.308(b)
63.13.402 Section 1

PT Compact Continued 135

- ▶ To obtain compact privileges, you must meet eligibility criteria:
 - ▶ Current license in home state – primary state of residence. Flexibility granted to active duty military and their spouses.
 - ▶ No encumbrance on any state license.
 - ▶ No adverse action against any license or compact privilege within the previous 2 years.
 - ▶ State where licensee is seeking compact privilege must be a member and actively issuing compact privileges.
 - ▶ Meet jurisprudence requirements for the remote state(s) in which compact privilege is sought.
 - ▶ Pay applicable fees for compact privilege.
- ▶ The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. Therefore, PTs and PTAs must abide by that jurisdiction's laws and rules.

63.13.402 Sections 4, 5, and 6

Licensure Renewal 136

Change of Licensure Status 137

- ▶ Clinicians who do not intend to practice can apply to convert and active license to an inactive (retired) status.
- ▶ Reactivation of a license requires written request, fees, and satisfaction of continuing competence requirements.

1150-01-.11

Lapsed License Policy Statement 138

Truth in Advertising Policy Statement 139

- ▶ Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, Internet, or television broadcasting or any other means designed to secure public attention.

1150-01-.01(2)
1150-01-.13

Consider This

Authorized Titles to Denote Licensure 140

- ▶ Use of title is to hold oneself out to the public as having a particular status in advertising or any means of professional identification.
- ▶ Failure to do so appropriately will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action.

63.13.310
1150-01-.01(34)
1150-01-.03(5)

Concept Application 141

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

142

11. Which of the following is NOT a law or rule that regulates the practice of physical therapy in Tennessee?

- Tennessee Physical Therapy Association – Tennessee Chapter Rules of Practice
- Tennessee Code Annotated, Title 63, Chapter 13, Part 1
- Tennessee Code Annotated, Title 63, Chapter 13, Part 3
- The General Rules Governing the Practice of Physical Therapy Chapter 1150-1

143

12. Which of the following is TRUE regarding authorized use of titles to denote physical therapy licensure in Tennessee?

- A. Physical therapists may use PT, DPT or MS PT following their name.
- B. Failure to utilize the approved acronym may subject the licensee to disciplinary action.
- C. Physical therapist assistants are not obligated to use specific credentials.
- D. Laws and rules regarding title use only apply to printed advertising materials.

144

Continuing Competence

- ▶ The ongoing application of professional knowledge, skills and abilities which relate to occupational performance objectives in the range of possible encounters that is defined by that individual's scope of practice and practice setting.

www.tn.gov/health/profession/physical-therapist-boards/physical-therapist-boards.html

145

Continuing Competence

- ▶ Planned learning experiences which occur **beyond the entry level** educational requirements for physical therapists and physical therapist assistants.



146

Continuing Competence Requirements

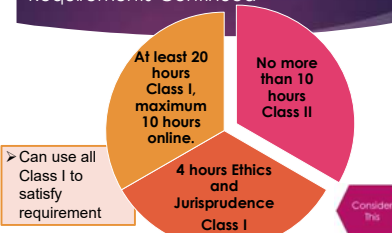
- ▶ Twenty-four (24) Month Requirement – Continuing competence credit is awarded for the clock hours spent in an activity as provided in paragraphs (5) and (6). Except as provided in paragraph (4), all required hours may be met through Class I activities. PTs and PTAs must complete thirty (30) hours of continuing education.

1150-01-.12(3)

Consider This

147

Continuing Competence Requirements Continued



- ▶ Can use all Class I to satisfy requirement

1150-01-.12

Consider This

148

Continuing Competence Initial Licensure

- ▶ For applicants approved for initial licensure by examination, successfully completing the requirements of Rules 1150-01-.04, .05, and .08, as applicable, shall be considered proof of sufficient competence to constitute compliance with this rule for the initial period of licensure except for the ethics and jurisprudence education requirements of paragraph (4). Applicants approved for initial licensure by examination must successfully complete four (4) hours of ethics and jurisprudence education during their initial period of licensure.

1150-01-.12(2)

149

"Online" Delivery Policy Statement

- ▶ As it is used in Rule 1150-01-.12(3)(a)(1) and 1150-01-.12(3)(b)(1), the word "online" generally refers to those courses or activities that can be accessed by means of using a computer, including the use of a smart phone, tablet, or other device capable of accessing the internet. However, "online" does not include those courses or activities that are taken in a live, real-time only format. The Board reserves the right to request proof of the interactive element of any continuing competence course submitted.

TN Board of PT Amended Policy Statement – Definition of "Online" Courses Under Continuing Competence Rule February 9, 2018

150

"Online" Delivery Policy Statement Continued

- ▶ DOES NOT include courses delivered through technology that are real time with opportunity for interaction
- ▶ Courses delivered over the internet that are "live" do not count toward the 10 hour online restriction.

1150-01-.12(3)(a)(1)
1150-01-.12(3)(b)(1)

Consider This

151

Ethics and Jurisprudence Requirement

- ▶ Four (4) of the hours required in parts (3) (a) 1. and (3) (b) 1. must consist of ethics and jurisprudence education courses. These four (4) hours are required every renewal cycle.
- ▶ The Tennessee Physical Therapy Association (TPTA) is the sole approval entity for ethics and jurisprudence courses. All ethics and jurisprudence courses approved by the TPTA shall be deemed approved by the Board.
- ▶ Must be Class I

1150-01-.12(4)(a)

Continuing Competence Class I 152

- ▶ Courses, seminars, workshops, and symposia attended by the licensee which have been pre-approved for continuing education units by appropriate CEU granting agencies.
- ▶ University credit courses
- ▶ Advanced university degree

1150.01-.12(5)

Course Approval 153

- ▶ For purposes of Class I and Class II activities, the American Physical Therapy Association or its sections, the Tennessee Physical Therapy Association, and accredited Tennessee schools of physical therapy and Tennessee physical therapy assistant schools are deemed to be appropriate continuing education unit (CEU) granting agencies and courses offered by these entities are deemed to be pre-approved.

1150.01-.12(3)

Course Approval Continued 154

- ▶ Aside from ethics and jurisprudence courses approved under subparagraph (a) above, and those pre-approved courses offered pursuant to paragraph (3) of this rule, the Board does not pre-approve Class I and Class II continuing competence courses, programs, and activities required by paragraphs (3), (5) and (6) of this rule. It is the licensee's responsibility, using his/her professional judgment, to determine if the courses offered by other entities are applicable, appropriate, and meet the requirements of this rule.

1150.01-.12(4)(b)

Continuing Competence Class I Continued 155

- ▶ Continuing education presenter
- ▶ Author of peer reviewed research
- ▶ Adjunct teaching in PT or PTA Program

1150.01-.12(5)

Continuing Competence Class I Continued 156

- ▶ External and internal peer review
- ▶ Clinical specialist certifications
- ▶ Clinical residency program

1150.01-.12(5)

Continuing Competence Class II 157

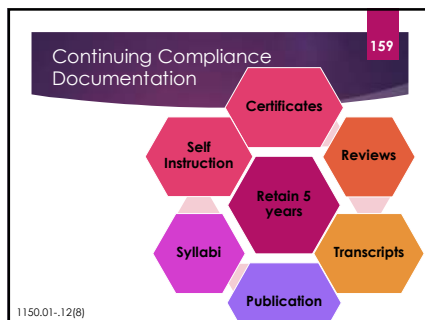
- ▶ Self instruction from reading professional literature
- ▶ Study group participation
- ▶ Attending scientific poster session, lecture, panel or symposium that does not meet Class I criteria.
- ▶ Attending or presenting in-services
- ▶ Serving as clinical instructor
- ▶ APTA service

1150.01-.12(6)

Continuing Competence Unacceptable Activities 158

- ▶ OSHA, TOSHA, CPR, and safety courses
- ▶ Non-educational professional meetings
- ▶ Policy decision meetings
- ▶ Visiting exhibits

1150.01-.12(7)



Non-Compliance with Continuing Education Policy Statement 160

CEUs incomplete	≥ 8 CEUs completed	< 8 CEUs completed
90 day grace period	Within 30 days:	Within 30 days:
No disciplinary action	Civil penalty \$100 per CEU lacking	Civil penalty \$100 per CEU lacking
	Make up missing hours	Make up missing hours
		License suspension at least 45 days

TN Board of PT Policy Statement – Non-Compliance with Continuing Competence February 9, 2017

161

Renewal for Licenses Called to Active Military Duty Policy Statement

- ▶ No late penalties or fees charged.
- ▶ Expired < 1 year, continuing education not required for renewal.
- ▶ Expired > 1 year, on-half the required continuing education needed for renewal.

162

Concept Application

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

163

13. Physical therapists and physical therapist assistants must complete _____ hours of continuing education during the _____ months preceding their renewal month.

A. 10, 12
 B. 20, 24
 C. 15, 12
 D. 30, 24

164

14. Which of the following is TRUE regarding Tennessee physical therapy continuing competence?

A. Licensees shall complete 4 hours of Ethics and Jurisprudence education courses every renewal cycle.
 B. Licensees shall complete a Class I OSHA Bloodborne Pathogens course each licensure period.
 C. "Online" is defined as any instruction occurring over the internet or through technology.
 D. Licensees may take all of their continuing education through Class II activities

165

Scope of Practice

63.13.103(1)(4)
 1150-01-.02(2)(b)

166

Thrust Movements

- ▶ The scope of practice of physical therapy shall not include the performance of treatment where the physical therapist or physical therapist assistant uses direct thrust to move a joint of the patient's spine beyond its normal range of motion without exceeding the limits of anatomical integrity.

63.13.104(b)(2)

167

Multidisciplinary Health Screenings Policy Statement

- ▶ Health screenings in disciplines other than in one's scope of practice are unsafe to the public and may subject the licensee to disciplinary action by this board or possible malpractice litigation.

Consider This

168

Dry Needling

- ▶ In person instruction, 50 hours typically covered in PT school and 24 hours dry needling specific training.
- ▶ Can only be performed by PT with pre-licensure education or 1 year clinical practice and additional education.
- ▶ PT students with specified training and direct on-site supervision of PT who meets educational requirements and has practiced for 1 year.
- ▶ Ensure specific patient informed consent on dry needling.

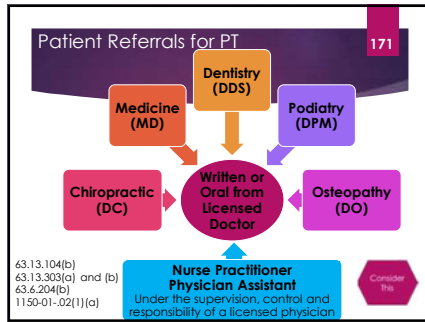
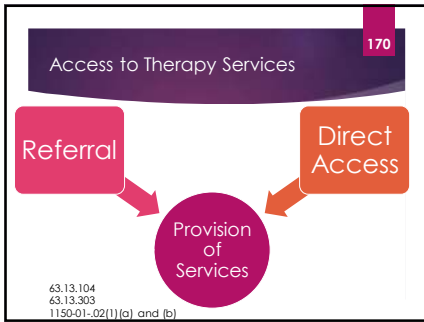
1150-01-.22

169

Fingerstick Techniques Policy Statement

- ▶ Performance is within scope of practice of PT and PTA so long as such activities are performed and called for during the course of the practice of physical therapy as provided under Tennessee Code Annotated § 63-13-301 et seq.

Consider This



176 Direct Access Referral Exemptions

- ▶ Several situations exempt physical therapists from the need for a referral.
 - ▶ Initial patient visit
 - ▶ Physical assessment or instruction to asymptomatic person

63.13.303 (a)(1)(A) and (B)
1150-01-.02(1)(a)(1) and (4)

Consider This

177 Direct Access Referral Exemptions Continued

- ▶ Emergency circumstances after the sudden onset of acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably result in:
 - ▶ Placing the patient's health in serious jeopardy
 - ▶ Serious impairment to bodily functions
 - ▶ Serious dysfunction of any bodily organ or part
- ▶ Immediately after providing emergency assistance, the PT must refer the person to the appropriate healthcare practitioner.

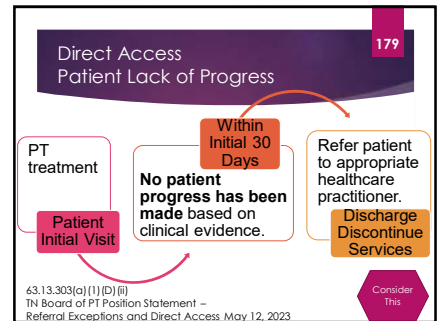
63.13.303(a)(1)(C)
63.13.303(a)(2)(A) and (B)
1150-01-.02(1)(a)(5)

Consider This

178 Direct Access Additional Requirements

- ▶ Treatment without a referral must be within the scope of practice of physical therapy.
- ▶ The patient's physician must be notified that the patient has been treated.

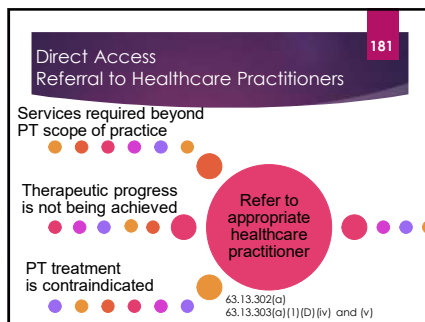
63.13.303(a)(1)(D)(i)
63.13.303(a)(2)(C)



180 Direct Access Patient Progressing

- ▶ Physical therapy services must not continue beyond ninety (90) days without consulting with the patient's appropriate healthcare practitioner.
- ▶ If the patient was previously diagnosed by licensed physician with chronic, neuromuscular, or developmental conditions, and the evaluation, treatment, or services are for problems or symptoms associated with one or more of those previously diagnosed conditions, then the thirty (30) and ninety (90) day time windows do not apply.
 - ▶ AND referral criteria on the next slide apply

63.13.303(a)(1)(D)(iii)
63.13.303(a)(1)(D)(iv) and (v)



182 Disclosures to Patients

- ▶ Financial arrangements connected to the referral process
- ▶ Financial interest in products they recommend
- ▶ Knowledge of freedom of choice
- ▶ Confidentiality with third parties
- ▶ Display a copy of the licensee's license

63.13.317

Jurisprudence Case Study – Confidentiality 183

▶ John Jones PT, Sue Brown (therapy receptionist), and Mary Smith (Director of Managed Care Contracting), are in a private PT office discussing the fact that they are treating Biff Simpson, a star NFL quarterback. John says, "I can't believe that I'm actually treating Biff Simpson." Mary asks, "How bad do you think his injury is?" John replies, "I saw his MRI report, it looks like he is going to need surgery."
 ▶ **Is this a breach in confidentiality?**

Jurisprudence Case Study – Confidentiality Debriefing 184

▶ Patient information must be safeguarded against disclosure or exposure to nonproprietary individuals.
 ▶ Right to know is predicated on sound demonstration of need.
 ▶ The type of information accessed is limited to only that information which is deemed necessary for them to perform their job in a safe, effective, and responsible manner.
 ▶ **Is this a breach in confidentiality?**

Concept Application 185

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

186

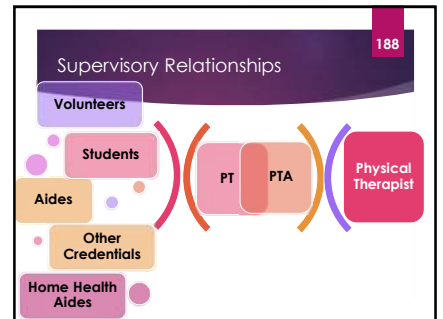
15. TN licensed PTs may treat patients under the referral of which healthcare professional?

A. Psychologist
 B. Dentist
 C. Acupuncturist
 D. Clinical Pharmacist

187

16. Which of the following is NOT an exemption allowing a physical therapist to provide care without a referral?

A. To conduct an initial patient visit.
 B. To provide instruction including exercise recommendations to an asymptomatic person.
 C. Continuation of services beyond 30 days of initial visit when, based on clinical evidence, no progress has been made with the patient's condition.
 D. In emergency circumstances when absence of care could result in serious impairment to bodily functions.



Supervision of PTAs 189

▶ Supervision, as applied to the licensed physical therapist assistant, means that all services must be performed under the supervision of a physical therapist licensed and practicing in Tennessee.
 ▶ Geographically PT and PTA must be located within 60 miles or 1 hour of each other.
 ▶ PT must be available to communicate via phone or other means whenever the PTA is delivering services.
 63.13.103(19)
 63.13.311(a) and (b)
 1150-01-.02(2)(a)

Supervision of PTAs Physical Therapist Responsibilities Discharge Plan Position Statement 190

Perform PT initial evaluation
 Delegate to PTA
 At least every 30 days
 Perform and document re-evaluation, assessment and plan modifications
 At least every 60 days
 "shall inspect the actual act of therapy services rendered"
 At Discharge
 Evaluation and discharge plan of summary required for every patient
 Consider This
 63.13.311(a) and (b)
 63.13.312(20)
 1150-01-.02(2)(a)

Supervision of PTAs Accountability 191

▶ The licensed physical therapist and the physical therapist assistant are equally responsible and accountable for carrying out the supervision provisions.
 1150-01-.02(2)(a)(5)

Physical Therapy Assistive Personnel 192

Board of PT Licensed

Possess Other Credentials

PT	ATC	Only Trained Under PT	
PTA	LMT	Aide	Transporter

63.13.103(11), (12), (13), (15)
 63.13.311
 1150-01-.01(24), (25), (28), (35)

Supervision of Physical Therapy Aides 193

▶ A physical therapist may use physical therapy aides for designated tasks that do not require clinical decision making by the licensed physical therapist or clinical problem solving by the licensed physical therapist assistant. Direct supervision must apply to physical therapy aides and is interpreted to mean that services are provided under the supervision of an on-site physical therapist or physical therapist assistant licensed and practicing in Tennessee.

63.13.103(11) and (15)
 63.13.311
 1150-01-.01(28)
 1150-01-.02(2)(a)

Consider This

Supervision of Other Assistive Personnel Possessing a License 194

▶ A physical therapist may use other assistive personnel for selected physical therapy designated tasks consistent with the training, education, or regulatory authority of such personnel. Other assistive personnel (nationally certified exercise physiologists or certified athletic trainer and massage therapists, etc.) must perform the delegated task under the on-site supervision of a physical therapist. The physical therapist shall then co-sign all related documentation in the patient records.

63.13.103(11) and (15)
 63.13.311
 1150-01-.01(28)
 1150-01-.02(2)(a)

Consider This

"On-site Supervision" 195

"On-site supervision" means the supervising physical therapist or physical therapist assistant must:

- ▶ Be continuously on-site and present in the department or facility where assistive personnel are performing services; and
- ▶ Be immediately available to assist the person being supervised in the services being performed; and
- ▶ Maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

63.13.103(11) and (15)
 63.13.311
 1150-01-.01(28)
 1150-01-.02(2)(b)(3)

Supervision of Physical Therapy Assistive Personnel Ratios 196

1 PT

3 PTAs

2 Aides or Assistive Personnel

1 PTA

2 Aides

1150-01-.02(2)(c)

Consider This

Volunteer and Student Supervision 197

▶ Volunteers are uncompensated individuals contemplating a career in physical therapy.

	Supervision	Supervised By
Volunteers	Direct On-site	PT PTA
PT Students	On-site	PT
PTA Students	On-site	PT PTA

63.13.103(11)
 63.13.311
 1150-01-.01(35)
 1150-01-.02(2)(b)(3)
 1150-01-.02(2)(c)-f)

Consider This

Home Health Aids Supervision Policy Statement 198

▶ Not in itself a violation of practice and rules to supervise home health aides if no other ethical or practice violations are present.

Consider This

Jurisprudence Case Study Supervision 199

▶ Following evaluation of a patient with adhesive capsulitis in June, the PT delegated treatment to the PTA. The established POC for stretching, therapeutic exercise, modalities, and functional training was followed 3 times a week through New Year's Day. Other than August when the PT reevaluated the patient, the PTA completed assessments and monthly status reports to the physician.

▶ Were supervision requirements met?

Jurisprudence Case Study Supervision Debriefing 200

- ▶ PTs must re-evaluate patients every 30 days and perform physical observations of sessions every 60 days.
- ▶ PTs and PTAs are equally responsible for ensuring supervision requirements are met.
- ▶ Clinicians are obligated to practice within their scope of practice.
- ▶ Were supervision requirements met?

201

Concept Application

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

202

17. Which of the following is TRUE regarding TN physical therapy supervision requirements?

- A. PT's shall re-evaluate, assess, and modify the treatment plan every 60 days.
- B. A PTA may concurrently supervise a maximum of two full-time assistive personnel or physical therapy aides.
- C. The licensed PT and PTA are equally responsible and accountable for carrying out the supervision provisions.
- D. Volunteers are "other assistive personnel" and may perform delegated services with direct onsite supervision.

203

18. Which of the following statements is FALSE when practicing physical therapy in TN?

- A. It is a violation of the Practice Act for a physical therapist to monitor home health aides.
- B. A discharge evaluation/plan/summary, or evaluation is required for every physical therapy record.
- C. Performing fingerstick techniques is within the scope of practice of a licensed PT or PTA.
- D. Health screenings outside one's scope of practice may subject the licensee to disciplinary action or possible malpractice litigation.

204

Disciplinary Actions

- ▶ Clinicians and consumers can conveniently search multiple locations from the TN Department of Health website.
 - ▶ Licensure Verification
 - ▶ Abuse Registry
 - ▶ Month Disciplinary Actions
 - ▶ Recently Suspended Licenses for Failure to Pay Child Support

205

Types of Disciplinary Action

- ▶ Upon a finding by the Board that a physical therapist or physical therapist assistant has violated any provision, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - ▶ Suspend or revoke license
 - ▶ Probation
 - ▶ Civil penalty
 - ▶ Any action deemed appropriate by the Board to be required

63.13.312
1150-01-15

Consider This

206

Offenses That May Lead to Disciplinary Actions Patient Care and Supervision

- ▶ Practicing outside scope of practice.
- ▶ Failing to maintain adequate patient records.
- ▶ Inadequate supervision or delegation of duties to assistive personnel.
- ▶ Aiding or abetting a person who is not licensed who directly or indirectly performs activities requiring a license.

63.13.303(b)
63.13.312

207

Offenses That May Lead to Disciplinary Actions Substandard Care

- ▶ Providing substandard care
 - ▶ PTA by exceeding performance of delegated tasks
 - ▶ PT by ignorance, incompetence, or deliberate or negligent act or failure to act
- ▶ Providing unwarranted treatment or treatment beyond point of benefit
- ▶ Over or under utilization of appropriate interventions
- ▶ Abandoning patient care without informing them of further options

63.13.312
1150-01-02(1)(c)

Consider This

208

Offenses That May Lead to Disciplinary Action Fraud

- ▶ Misleading representations or fraud in obtaining licensure
- ▶ Charging unreasonable fees
- ▶ Misleading, deceptive, or untrue representations during practice
- ▶ Promoting unnecessary devices for financial gain
- ▶ Fee splitting in exchange for referrals
- ▶ Accepting commissions in any form on professional services

63.13.312

209

Offenses that May Lead to Disciplinary Action Criminal History

- ▶ Reporting of conviction of a felony or any offense involving moral turpitude including conviction or adjudication of any misdemeanor involving
 - ▶ Sex
 - ▶ Drugs
 - ▶ Physical injury or threat of injury to any person
 - ▶ Abuse or neglect of minor, spouse, or elderly
 - ▶ Fraud or theft.
- ▶ Interfering with investigation or disciplinary proceeding

63.13.312

Consider This

Offenses that May Lead to Disciplinary Action Competence 210

- ▶ Practicing when physical or mental abilities are impaired by controlled substances, habit-forming drugs, chemicals or alcohol.
- ▶ Being under a current judgment of mental incompetency
- ▶ Disciplinary action against license in another state
- ▶ Failure to meet continuing competence requirement

63.13.312

Offenses that May Lead to Disciplinary Action Conduct 211

- ▶ Engaging in sexual misconduct
 - ▶ Engaging or soliciting sexual relationships when patient/clinician relationship exists
 - ▶ Sexual advances, favors, verbal or physical conduct or contact with patients
 - ▶ Intentionally viewing completely or partially disrobed patient if not related to treatment
- ▶ Failing to adhere to ethics of physical therapy
- ▶ Failing to report violations of others
- ▶ Failing to maintain patient confidentiality

Consider This

63.13.312

Concept Application 212

Reminder: Upon completion of the video course, go to www.cheapceus.com to complete your post-test with a score of 80% or higher and submit payment to receive your CEUs.

213

19. Which of the following is an offense that may lead to disciplinary action by the Board of Physical Therapy?

- A. Provision of substandard care that does not result in patient injury.
- B. Engaging in consensual sexual communication with a patient.
- C. Criminal conviction involving drugs.
- D. All of the above.

214

20. What is the term for the type of disciplinary action imposed by the Board of Physical Therapy Practice that requires the payment of a fine?

- A. Financial Obligation
- B. Civil Penalty
- C. Remuneration
- D. Monetary Penalty


215

Conclusion

- ▶ Understanding the laws, rules, and ethics of practice and knowing where to access accurate information will aid the clinician in avoiding violations and foster integrity in practice.

216

How To Obtain Your CEU Credits



- ▶ Go to cheapceus.com
- ▶ Click the 'Take Course Post Test' link for this course.
- ▶ Complete your post-test with a score of 80% or higher. (Multiple attempts permitted)
- ▶ Submit payment and print your certificate.

Ethics & Jurisprudence – Tennessee Physical Therapy

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