

Archived: Thursday, December 15, 2022 8:48:59 AM

From: [BPL-BoardSupport](#)

Sent: Tue, 13 Dec 2022 17:17:09

To: [MacIntosh, Weston \(LARA\)](#)

Subject: FW: Submitting comments on PT Draft Rules for Public Hearing on 12/14/22

Importance: Normal

Sensitivity: None

Attachments:

[APTA MI PT Rules Public Hearing 12 14 22 FINAL.pdf](#) 

From: Jake Jakubiak Kovacek <jakejakubiakkovacek@gmail.com>

Sent: Tuesday, December 13, 2022 12:15 PM

To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>

Cc: Edward Mathis <edwardmdpt@gmail.com>; Brian Gilbert <brian.gilbert@pt-cpr.com>; Michael Shoemaker <shoemami@gvsu.edu>; Abigail Skallerud <abigail.skallerud@gmail.com>; Jena.Colon@mymichigan.org; Cate Langley <contact@aptami.org>; Kathleen Walworth <kathleenmariew@juno.com>

Subject: Submitting comments on PT Draft Rules for Public Hearing on 12/14/22

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Please find attached the recommendations from the American Physical Therapy Association Michigan Chapter (APTA MI) for the PT Draft Rules Public Hearing on 12/14/22.

Please "reply all" when you receive them.

If there are any questions, please do not hesitate to contact me.

Thank you very much,

Jake Jakubiak Kovacek, PT

APTA MI Liaison to the Board of Physical Therapy

Jake Jakubiak Kovacek

Jake@PTManager.com

313-516-5691 mobile



To: The Department of Licensing and Regulatory Affairs (LARA) / Bureau of Professional Licensing (BPL)
Re: Public comments on Physical Therapy Draft Rules - Physical Therapy – General Rules - MOAHR # 2022-15LR
Date: Public Hearing on December 14, 2022

The American Physical Therapy Association Michigan Chapter (APTA MI) thanks LARA and the Bureau of Professional Licensing for the opportunity to recommend the following language to further clarify the Draft PT Rules.

1. Page 2. R 338.7121 Definitions.

- After (l) "Prescription" is a written or electronic order for physical therapy.
- *Insert a new (m) "Supervision" means the physical therapist does not need to provide direct supervision of the physical therapist assistant, but must meet the requirements under R 338.7138.*

Adding both "Direct Supervision" and "Supervision" in the definitions will clarify that each term has distinct requirements.

2a. Page 3. R 338.7131 Program accreditation standards; physical therapist; adoption of standards by reference. Rule 31. (1)

- Remove "~~revised November 3, 2020~~" and *insert the most current available edition* of "PT Standards and Required Elements"
- So it would then read: ... "PT Standards and required Elements" in the most current available edition are available at no cost on the commission's website at <https://www.capteonline.org>, are approved and adopted by reference.

2b. Page 9. R 338.7141 Program accreditation standards; physical therapist assistants; adoption of standards by reference. Rule 41. (1)

- Remove "~~revised November 3, 2020~~" and *insert the most current available edition* of "PTA Standards and Required Elements"
- So it would then read: ... "PTA Standards and Required Elements," in the most current available edition are available at no cost on the commission's website at <https://www.capteonline.org>, are approved and adopted by reference.

The CAPTE website is currently seeking comments on the 2022 PT/PTA Standards and Required Elements First Draft until December 15, 2022. Using "the most current available edition" will appropriately reference this document without having specific dates in the PT Rules.

<https://www.capteonline.org/about-capte/policies-and-procedures/accreditation-handbook>

3a. Page 5. R 338.7134 Physical therapist examination; eligibility. Rule 34. 2 (c).

- Current draft language is incorrect: 2 (c) Whether the request relates to the physical therapy or physical therapy assistant examination level.
- Correct the language so it will then read: 2 (c) Whether the request relates to the *physical therapist or physical therapist assistant* examination level.

3b. Page 11. R 338.7146 Physical therapist assistant examination; eligibility. Rule 46. 2 (c).

- Current draft language is incorrect: 2 (c) Whether the request relates to the physical therapy or physical therapy assistant examination level.
- Correct the language so it will then read: 2 (c) Whether the request relates to the *physical therapist or physical therapist assistant* examination level.

4. Page 8 of the Draft PT Rules states:

- R 338.7139 Delegation of acts, tasks, or functions to a licensed or unlicensed individual; direct supervision of a licensed or unlicensed individual; requirements.
Rule 39. (1) Under section 16215(6) of the code, MCL 333.16215, the requirements of this rule do not apply to a physical therapist who delegates to a physical therapist assistant if the physical therapist satisfies the requirements for delegation to a physical therapist assistant **under R 338.7138.**
- **R 338.7138 was omitted in the Draft PT Rules.**
- **APTA MI strongly recommends that R 338.7138 be returned to the PT Rules.**
- R 338.7138 clearly states the requirements for proper supervision of the licensed physical therapist assistant by the licensed physical therapist. Although MCL 333.16109 Definitions; S-U defines supervision, the person seeking information will need to know how to find it in the Public Health Code. Which is not a given. Additionally, 333.16109 does not include that a physical therapist shall not supervise more than 4 physical therapist assistants at the same time.

For convenience, here is R 338.7138 from the current PT Rules:

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

- Rule 38. (1) A physical therapist who delegates the performance of selected acts, tasks, or functions to a physical therapist assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the physical therapist assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule.
- (2) A physical therapist who delegates acts, tasks, or functions under this rule shall also satisfy all the following:
- (a) Ensure the qualifications of the physical therapist assistant under the physical therapist's supervision, including verification of the physical therapist assistant's training, education, and licensure.
 - (b) Examine and evaluate the patient or client before delegating acts, tasks, or functions performed by a physical therapist assistant.
 - (c) Provide predetermined procedures and protocols for delegated acts, tasks, or functions.
 - (d) Maintain a record of the names of the physical therapist assistants to whom acts, tasks, or functions are delegated.
 - (e) Monitor a physical therapist assistant's practice and provision of assigned physical therapy acts, tasks, or functions.
 - (f) Meet regularly with the physical therapist assistant to whom acts, tasks, or functions have been delegated to evaluate the assistant's performance, review records, and educate the physical therapist assistant on the acts, tasks, or functions that have been delegated.
- (3) A physical therapist shall not supervise more than 4 physical therapist assistants at the same time.

9. Page 14. R 338.7161 License renewals; requirements; applicability.

- Here is the current Draft Language:
 - (6) ~~The department shall receive a request for a waiver of PDRs for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.~~
- **Recommend that the current Draft Language be omitted.**
 - It is far more restrictive than the Public Health Code.
 - It substantially limits a licensee's ability to inform the board that they need a waiver of PDRs in the event of a personal or family illness, injury or catastrophic event such as losing your home and all your possessions in a fire.
- Here is the current Public Health Code language:
 - The department must receive a request for a continuing education waiver under section 16205(1) of the code, MCL 333.16205, before the expiration date of the license.
- **Recommend that the current Public Health Code language remain in the PT Rules.**



10. Page 14. R 338.7163 Acceptable PDR activities, requirements, limitations. Rule 63. (1)

- After (1) c.....a licensee shall earn at least 1 PDR in pain and system management....
- Recommend that a new (1) d be added that states: Beginning June 1, 2022, an applicant for an initial PT or PTA license shall have completed a minimum of 2 hours of implicit bias training within the 5 years immediately preceding issuance of the license.
- Recommend that a new (1) e be added that states: Beginning June 1, 2022, and for every renewal cycle thereafter, in addition to completing 24 PDRs a PT or PTA shall have completed a minimum of 1 hour of implicit bias training for each year of the PT or PTA license renewal cycle.
- Recommend that a new (1) f be added that states: Full details on implicit bias training can be found in R 338.7004 Implicit bias training standards found in the Public Health Code General Rules.

Thank you for taking our APTA MI recommendations into consideration.

Sincerely,

A handwritten signature in black ink that reads "Edward Mathis".

Edward Mathis, PT, DPT
President, APTA Michigan

A handwritten signature in black ink that reads "Jake Jakubiak Kovacek".

Jake Jakubiak Kovacek, PT
APTA MI Liaison to the Board of Physical Therapy

Archived: Thursday, December 15, 2022 8:49:03 AM
From: [BPL-BoardSupport](#)
Sent: Wed, 14 Dec 2022 11:57:35
To: [MacIntosh, Weston \(LARA\)](#)
Subject: FW: Letter for consideration regarding PT License renewal
Importance: Normal
Sensitivity: None
Attachments:
[Final draft to Department of Licensing.docx](#) 

This looks like a public comment to me.

Thank you,
Stephanie Wysack
Departmental Technician
Boards and Committees Section
Bureau of Professional Licensing
Michigan Department of Licensing and Regulatory Affairs
Phone: 517-241-7500
Email: BPL-BoardSupport@michigan.gov



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From: Kristie Kava <kskava1@gmail.com>
Sent: Tuesday, December 13, 2022 9:48 PM
To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>
Subject: Letter for consideration regarding PT License renewal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

To whom it may concern,

Please find the attached letter for consideration regarding Physical Therapist License Renewal.

Thank you,
Kristie Kava, PT, MS, DScPT, OMPT

To: The Department of Licensing and Regulatory Affairs / Bureau of Professional Licensing
Re: Public Comments on PT Draft Rules
Date: For Public Hearing on 12/14/22

As a licensed physical therapist for over 40 years, I have developed my clinical skills and expertise to ensure that I always provided my patients with current evidence based physical therapy treatment. I received my Bachelor of Science degree in Physical Therapy in 1974 from Wayne State University and become a licensed physical therapist (PT) in Michigan.

My additional academic degrees include a Master of Science (MS) in Physical Therapy in Allied Health Education in 1978 from the University of Kentucky, a Doctor of Science in Physical Therapy (DScPT) in 2007 from Oakland University, and a certificate in Orthopedic Manual Physical Therapy (OMPT) in 1998 from Oakland University. I am also a credentialed Rehabilitative Pilates Instructor, Gyrotonic and Gyrokinesis movement Instructor.

Over the years, I have taught within numerous accredited physical therapy programs as a Guest Instructor to Assistant Professor. In addition, I have provided numerous hours of clinical instruction to PT students, licensed physical therapists and licensed physical therapist assistants in numerous settings including professional conferences, continuing education seminars, and in multiple clinical settings.

For licensees who have expanded their clinical expertise via credentialed continuing clinical education courses and want to instruct other licensees to improve their patient care skills, an additional option is needed.

- I recommend that on Page 16 of the Draft Rules, Activity Code (a) *an additional bullet point be added.*
- After “An accredited physical therapist assistant educational program that satisfies the standards under R 338.7141”, this bullet point would follow:
 - *A clinical training program related to the practice of physical therapy presented by a physical therapist or physical therapist assistant who has achieved specialty expertise and / or recognition from organizations which enhance physical therapy patient care as approved by the board.*

- I recommend that the language on Page 14 of the Draft Rules, R 338.7161 License renewals; requirements, applicability **BE REMOVED** and the Current Language Remain.
- **REMOVE** Draft Rule new language: (6) The department shall receive a request for a waiver of PDRs for the board’s consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.
 - Adding this language would mean that only PTs and PTAs would be disadvantaged if they needed to seek a waiver of PDRs from the Board if they experience a personal or family crisis. The 400,000 other licensed health professionals would continue to have flexibility as provided currently in the Public Health Code.
 - **KEEP** the Current Public Health Code Language:
 - The department must receive a request for a continuing education waiver under section 16205(1) of the code, MCL 333.16205, before the expiration date of the license.

Thank you for your consideration,

Kristie S. Kava PT, MS, DScPT, OMPT
PT license number 5501001232
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Novi, MI 48374