



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Board of Physical Therapy

- Preproposal Statement of Inquiry was filed as WSR 09-15-002 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-915 WAC, amending the chapter to consider the use of Telehealth in the practice of physical therapy.

Hearing location(s): Department of Health, Town Center Two
111 Israel Road SE, Room 158
Tumwater, WA 98501

Date: November 17, 2010

Time: 10:15 a.m.

Submit written comments to:

Name: Kris Waidely, Program Manager

Address: PO Box 47852

Olympia, WA 98504-7852

Website: <http://www3.doh.wa.gov/policyreview/>

fax (360) 236-2901

by (date) 11/03/2010

Assistance for persons with disabilities: Contact

Kris Waidely by 11/03/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 11/17/2010

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Telehealth is within the physical therapy scope of practice. The Board of Physical Therapy (Board) developed rules so practitioners are able to clearly tell that Telehealth is within their scope of practice. The proposed rule provides the requirements in rule for appropriate physical therapy care via Telehealth. The proposed rule provides an alternative way by which a therapist may determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention.

Reasons supporting proposal:

The law gives the Board authority to adopt rules regarding the standard of practice for physical therapy in Washington State. The proposed rules clarify that Telehealth is within the scope of practice for physical therapists and physical therapist assistants when performed under the same standard of care requirements that exist when treating a patient in-person.

Statutory authority for adoption:

RCW 18.74.023 and RCW 18.74.025

Statute being implemented:

RCW 18.74.023 and RCW 18.74.025

Is rule necessary because of a:

Federal Law?

Yes

No

Federal Court Decision?

Yes

No

State Court Decision?

Yes

No

If yes, CITATION:

DATE 10/06/10

NAME (type or print)

Lisa Hodgson

SIGNATURE

Lisa W. Hodgson

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 06, 2010

TIME: 10:22 AM

WSR 10-20-158

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

none

Name of proponent: (person or organization)

Department of Health - Board of Physical Therapy

PO Box 47852
Olympia WA 98504-7852

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kris Waidely, Program Manager	PO Box 47852, Olympia WA 98504-7852	(360) 236-4847
Implementation....Kris Waidely, Program Manager	PO Box 47852, Olympia WA 98504-7852	(360) 236-4847
Enforcement.....Kris Waidely, Program Manager	PO Box 47852, Olympia WA 98504-7852	(360) 236-4847

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(a) exempts rules that, by definition, are not significant legislative rules. By definition this rule qualifies under RCW 34.05.328(5)(c)(ii) as an "interpretative rule."

NEW SECTION

WAC 246-915-187 Use of telehealth in the practice of physical therapy. (1) Licensed physical therapists and physical therapist assistants may provide physical therapy via telehealth following all requirements for standard of care, including those defined in chapters 18.74 RCW and 246-915 WAC.

(2) The physical therapist or physical therapist assistant must identify in the clinical record that the physical therapy occurred via telehealth.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) Telehealth means providing physical therapy via electronic communication where the physical therapist or physical therapist assistant and the patient are not at the same physical location.

(b) Electronic communication means the use of interactive, secure multimedia equipment that includes, at a minimum, audio and video equipment permitting two-way, real time interactive communication between the physical therapist or the physical therapist assistant and the patient.