

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF PHYSICAL THERAPY PRACTICE**

**IN RE: THE PETITION FOR DECLARATORY
STATEMENT REQUESTED BY IAN ROSS, PT**

FINAL ORDER

THIS MATTER came before the Board of Physical Therapy Practice (Board) pursuant to Section 120.565, Florida Statutes. At a duly-noticed public meeting held on November 5, 2010, in Orlando, Florida, the Board considered the above-referenced Petition for Declaratory Statement. The Petition was filed with the Department of Health on June 25, 2010. The Petitioner is requesting that the Board issue a Declaratory Statement interpreting the physical therapy practice rules as applied to Petitioner and other licensees. More specifically, Petitioner requests that the Board clarify the language and meaning of Rule 64B17-9.001(6)(a) concerning approval of certain continuing education for credit. Petitioner was present without counsel. Having considered the Petition and relevant statutes and rules, the Board issues the following:

FACTUAL FINDINGS

1. The Petition was duly filed and noticed in the Florida Administrative Law Weekly.
2. The Petition is attached hereto and incorporated herein by reference.
3. The Petitioner is a Florida licensed physical therapist.
4. The Petitioner seeks a declaratory statement from the Board if he, as a director and

instruction of a clinical education program in Florida, be allowed to receive continuing education credits for his regular clinical instruction of physical therapy.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565 and Chapter 486, Florida Statutes.

2. The Board answers the request for Declaratory Statement in the **NEGATIVE**.

3. Rule 64B17-9.001 mandates that every licensee under the Physical Therapy Practice Act complete 24 hours of continuing education courses approved by the Board in a bi-annum cycle. Under the same rule licensees may earn credit for completing continuing education courses provided by an accredited college or university which already provides training programs for licensees and applicants. Subsection (5) of the rule allows course instructors who provide continuing education to licensees to receive up to six contact hours of continuing education credit. However, course instructors are not allowed to receive continuing education credit if they are teaching their normal course of instruction.

4. The Petitioner is a director and clinical instructor of an accredited education program for licensees and applicants. The Petitioner would like to avail himself of the educational opportunities provided in his work environment in order to complete his continuing education requirement. More precisely, the Petitioner would like to earn continuing education credit for the courses he teaches to licensees. The Petitioner argues that the “regular course of


study” prohibition does not apply to him because he is a “clinical instructor” as opposed to a “course instructor,” as stated in the rule.

5. Upon careful consideration the Board finds that the term “course instructor” as stated in the full context of the rule in questions also includes “clinical instructors.” Therefore, the “regular course of study” prohibition fully applies to the Petitioner. The Petitioner is not eligible to receive continuing education credit for courses he teaches to licensees in his regular course of study.

This Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED, this 27 day of December, 2010.

BOARD OF PHYSICAL THERAPY PRACTICE


Allen Hall, Executive Director
for Dr. Madeleine Hellman, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to: IAN ROSS, 9801 Belvedere Rd., Royal Palm Beach, FL 33411; by interoffice mail to DROR LEWY, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 29th day of December, 2010.

Sandra Soto
Deputy Agency Clerk

Petition for Declaratory Statement Before the Board of Physical Therapy Practice

Ian Ross, PT
9801 Belvedere Rd., Royal Palm Beach, FL 33411
Tel: (561) 273-6389, Fax (561) 273-6425

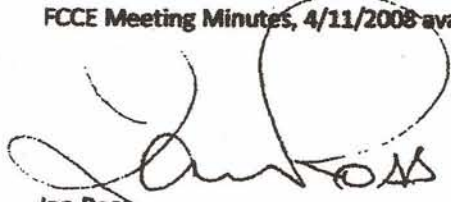
FAC 64B17-9.0001, Continuing Education, Section 6(a) "Courses sponsored by a program in physical therapy at a college or university which provides a curriculum for training physical therapists or physical therapist assistants, when approved by the physical therapy or physical therapy assistants program, which is accredited by, or has status with an accrediting agency approved by the United States Department of Education."

It appears to me that the intent of Section 6(a) is that a program may offer CEH/CEU's to licensees at the conclusion of continuing education courses it sponsors. That is, it gives a program the authority to award CEH/CEU's to recipients of instruction. However, I have been advised that there may be another reading of the section. The alternative reading is that the section allows a program in physical therapy to offer, and give, CEH/CEU's to providers of instruction.

This alternative reading has resulted in a policy statement that purportedly gives faculty members the authority to offer CEH's to the Clinical Instructors, Florida licensees, whom provide instruction to pre-licensed students who are enrolled in the program's clinical education courses, for that instruction. The Florida Consortium of Clinical Educators (FCCE) policy, effective January 1, 2008, states: "1 CEH for Clinical Education is equivalent to 160 hours of clinical instruction" and, "the ACCE/DCE (is) responsible for authorizing and awarding certificate [sic.] for CEHs to CIs providing clinical instruction" (FCCE Meeting Minutes, 4/11/2008). The intent of the policy is to give PT/PTA programs the opportunity to offer their Clinical Instructors some compensation for performing that role.

I would like to have clarification from the Board of Physical Therapy Practice indicating whether this alternative reading is, in fact, acceptable to the Board, and, as such, whether I, as a faculty member in a relevant program can, indeed, offer CEH's to these licensees, for this activity. Concomitantly, I would like clarification as to whether a licensee whom offers CEH's awarded under these circumstances, for being a Clinical Instructor, would find them acceptable to the Board.

FCCE Meeting Minutes, 4/11/2008 available at: <http://fcce.homestead.com/FCCEMembermaterials.html>



Ian Ross
June 24, 2010