

259 CMR: BOARD OF ALLIED HEALTH PROFESSIONALS

259 CMR 2.00: GENERAL PROVISIONS

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2.01: Definitions

These definitions apply to all sections of 259 CMR.

Board. The Board of Allied Health Professions or its designee.

Business Records. Any materials other than Patient Records kept in the ordinary course of a Physical Therapy business.

Co-operative Education. An educational approach which provides alternating or parallel periods of classroom study and supervised employment in which:

- (a) there is a formal agreement with the institution, the student and the employer;
- (b) the rotation between academic study and work experience is structured to further the student's education and employability; and
- (c) the services performed by the student during the work experience are commensurate with their level of education and training.

Direct Supervision. A process by which a supervisor is on the premises and available to provide supervision in the form of aid, direction, and instruction when procedures or activities are performed.

Employee Record. A list of all individuals employed by a Physical Therapy Facility, including the following information for each employee: name; address; date of birth; job title; license type and license number for all professional licenses held; and dates of employment at the Physical Therapy Facility. For the purpose of 259 CMR 2.00 an Employee Record is considered a Business Record

Endorsement. A process of licensure based on the determination that a current license from another United States of America jurisdiction is consistent with Board requirements.

Expired. The date of validity has passed. A lapsed or inactive license is also expired.

License. A document granted by the Board as proof of the privilege that the licensee has been approved by the Board to practice his/her discipline. The license must be kept on the licensee's person and posted/filed at the site of practice.

Limited Liability Company or L.L.C. Any "limited liability company" or "foreign limited liability company" as defined by M.G.L. c. 156C, § 2.

Limited Liability Partnership or L.L.P. Any "registered limited liability partnership" or "foreign registered limited liability partnership", as defined in M.G.L. c. 108A, § 1.

Patient Record. All recorded information regarding a patient's clinical history, clinical examination findings, diagnosis, treatment, and consent, including billing records associated with and documenting patient care.

Physical Therapy. "Physical Therapy", as defined in M.G.L. c. 112, § 23A.

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Physical Therapy Facility. A place, office, clinic or establishment in which Physical Therapy is provided on a predictable or regular basis, or in which business and patient records related to physical therapy are used or stored, which has been licensed by the Board. A Physical Therapy Facility must have a PT Compliance Officer.

PT Compliance Officer. The Physical Therapist who has been designated by a Physical Therapy Facility as the physical therapist responsible for the operation of the Physical Therapy Facility in compliance with the laws of the Commonwealth and the rules and regulations of the Board. The appointment of a PT Compliance Officer is subject to Board approval.

Solo Practice. A place, office, clinic or establishment in which Physical Therapy is provided or in which Business Records or Patient Records related to Physical Therapy are used or stored, and where Physical Therapy is solely provided by one primary Physical Therapist who owns at least 51% of the business and operates the Physical Therapy Practice. In a Solo Practice, the Physical Therapist must not employ or be in partnership with any other Physical Therapist or Physical Therapist Assistant.

The Physical Therapist who owns the Physical Therapy Facility may contract or otherwise employ one or more Physical Therapist to provide substitute treatment in the owner's absence provided that the cumulative substitute coverage provided within a given registration period does not exceed 25 business days; or 60 business days in the cases of a documented disability of the Physical Therapist owner; or 90 business days for a documented maternity or paternity leave of the Physical Therapist owner. A Physical Therapist owner may apply to the Board to extend the substitute coverage periods for good cause.

Renewal. The requirement that a license, which is issued for a two year period, be renewed on or before the Licensee's birthday every two years.

Student. Any person pursuing a supervised course of study leading to a degree in athletic training, occupational therapy or physical therapy in an accredited or approved program, including co-operative education programs and post-doctoral clinical education programs. Students involved in clinical affiliations which are part of their educational program may perform duties commensurate with their level of education, in addition to those duties which may be performed by aides, as set forth in 259 CMR 3.01, 3.02, 5.01 and 5.02. Students whose employment is not part of a co-operative education program may only perform those duties which may be performed by aides, as set forth in 259 CMR 3.01, 3.02, 5.01 and 5.02.

Supervisor. A person who holds a current unrestricted license issued by the Board authorizing such person to practice the same discipline as the supervisee(s). A supervisor possesses skill, experience or education in excess of that possessed by the supervisee(s). The supervisor is responsible for the standard of services performed by the supervisee(s) and shall have knowledge of the patients/clients receiving treatment from the supervisee(s) and the issues/problems involving such treatment. A supervisor must co-sign all treatment documentation of a temporary license holder, as set forth in 259 CMR 3.03 and 5.04.

Supervision. A process by which two or more people participate in joint effort to establish, maintain and elevate a level of performance. Supervision requires the physical presence of all parties at regularly scheduled supervision sessions. Supervision is structured according to the supervisee's qualifications, position, level of preparation, depth of experience and the environment within which the supervisee functions.

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Temporary License. A license granted under certain prescribed conditions for a limited period of time in the profession of Occupational Therapy and Athletic Training. A holder of a temporary license must practice under the supervision of a supervisor in that discipline.

2.02: Licensing Process

(1) Foreign Educated Applicants Seeking Licensure.

(a) Applicants for licensure who have completed a program that is located in a foreign jurisdiction (*i.e.*, NOT a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico) that is not accredited or approved by an entity acceptable to the Board shall be required to:

1. follow the application procedure set forth in 259 CMR 2.02 except for 259 CMR 2.02(2)(a)1.a. and d. and;
2. meet the following additional requirements for licensure:
  - a. credentials must be evaluated by a credential evaluation service approved by the Board;
  - b. achieve a passing score on the Test of English as a Foreign Language (TOEFL) and the Test of Written English (TWE); and
  - c. provide satisfactory evidence to the Board that he/she is authorized to practice his/her specific discipline without restriction in the jurisdiction in which the post secondary institution from which the applicant has graduated is located or in the jurisdiction in which the applicant is a citizen.

(b) The Board, in its discretion and for good cause shown, may waive any or all requirements set forth in 259 CMR 2.02(1)(a)2.a. through c.

(2) Applicants Seeking Licensure by Examination.

(a) Applicants seeking licensure in Massachusetts in an allied health profession, who have not previously been issued a license by the Commonwealth of Massachusetts in that same profession, may apply for licensure by examination. An applicant shall:

1. Submit to the Board:
  - a. proof that he/she has satisfactorily completed an accredited/approved educational program for the applicant's specific discipline;
  - b. a fully completed application with the required documentation;
  - c. the required fee for application and licensure;
  - d. an official transcript indicating successful completion of all academic and field work requirements, graduation date and degree conferred. Until the official transcript is available, an alternate form approved by the school registrar and carrying the official school seal will be accepted; and
  - e. other materials as may be required by the Board.
2. Obtain from the Board:
  - a. M.G.L. c. 112, §§ 23A through 23Q;
  - b. 259 CMR 1.00 through 5.00; and
  - c. the current Standards of Practice and Code of Ethics for the applicant's specific discipline;

(b) Applicants for licensure in the areas of Occupational Therapy and Athletic Training who have recently completed their professional education may apply for temporary license privileges by completing the requirements listed in 259 CMR 2.02(a)1. and 2. and submitting a request to the Board for temporary licensure.

1. A temporary license holder is required to practice under the SUPERVISION of a supervisor in that discipline. The supervisor must co-sign all documentation until the applicant receives an unrestricted license.
2. Applicants must take and pass the qualifying examination for their profession within a reasonable period of time.
  - a. If the profession's qualifying examination is given only on certain, limited dates, the applicant is required to take the next scheduled examination.

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- b. If the test is given on an ongoing basis, the applicant must take and pass the examination within 120 days of being granted a temporary license.
    3. A passing examination score will result in the issuance of an unrestricted license to the applicant. Upon receipt of notice of licensure, an applicant may practice without supervision.
    4. The Board may rescind the temporary license and require the applicant to cease practice immediately if the applicant:
      - a. does not take the next scheduled examination; or
      - b. does not pass the next scheduled examination; or
      - c. does not pass the examination within 120 days if the examination is offered on an ongoing basis.
    5. Applicants may apply for an extension of their temporary license. Such extension shall not be unreasonably withheld by the Board. An Applicant with an extended temporary license must take and pass the qualifying examination for her/his profession within the period of time described in 259 CMR 2.02(2)(c)2.
    6. An applicant may be granted a second extension of temporary licensure at the Board's discretion. Applicants granted a second extension may practice only under the DIRECT SUPERVISION of a supervisor licensed in that discipline.
    7. The Board may not issue more than two extensions of temporary licensure to an applicant.
  - (c) When an application for licensure by examination is approved by the Board, the applicant will be issued a license. Upon receipt of notice of licensure, an applicant may practice his/her specific discipline.
- (3) Applicants Seeking Licensure by Endorsement.
- (a) Individuals who hold a current license in good standing in an allied health profession issued by another jurisdiction which is a state or territory of the United States, District of Columbia or the Commonwealth of Puerto Rico may apply for licensure in that same profession by endorsement. An applicant shall:
    1. submit to the Board:
      - a. a fully completed application with the required documentation;
      - b. the required fee for application and licensure;
      - c. an official transcript indicating successful completion of all academic and field work requirements, graduation date and degree conferred from an accredited/ approved educational program;
      - d. satisfactory evidence of successful completion of the examination required by the Board for the applicant's specific discipline; and
      - e. official documentation of a current license in good standing issued by another jurisdiction which is a state or territory of the United States, District of Columbia or the Commonwealth of Puerto Rico;
    2. Obtain from the Board:
      - a. M.G.L. c. 112, §§ 23A through 23Q;
      - b. 259 CMR 1.00 through 5.00; and
      - c. the current Standards of Practice and Code of Ethics for the applicant's specific discipline.
  - (b) When an application for licensure by endorsement is approved by the Board, the applicant will be issued a license. Upon receipt of notice of licensure, an applicant may practice his specific discipline in Massachusetts.
- (4) Applicants Seeking Licensure Who Have Achieved a Passing Score on the Licensure Examination, Including Applicants From States Without Licensure Statutes.
- (a) Individuals who have passed the examination required for their discipline, but who are not currently licensed in another jurisdiction, may apply for licensure by fulfilling the requirements set out in 259 CMR 2.02(3)(a)1. and 2., except 2.02(3)(a)1.e. and submitting satisfactory evidence of successful completion of the examination required by the Board for the applicant's specific discipline.
  - (b) When an application for licensure under 259 CMR 2.02(4) is approved by the Board, the applicant will be issued a license. Upon receipt of notice of licensure, an applicant may practice his/her specific discipline in Massachusetts.

## 259 CMR: BOARD OF ALLIED HEALTH PROFESSIONALS

### 2.03: Participation in Continuing Education Courses by Persons Not Licensed by the Board

Individuals not licensed in Massachusetts who participate in continuing education courses in Massachusetts which involve the treatment of patients/clients must be licensed in their respective professions in their own state or jurisdiction.

### 2.04: Requirements for Renewal of License

A license shall expire every two years on the birth anniversary of the Licensee. The filing of a license renewal form is the responsibility of the licensee. A licensee must submit to the Board a completed renewal application and the proper fee prior to the renewal/expiration date of the license.

### 2.05: Requirements for Reinstatement of a Lapsed/Expired License

- (1) A license which has lapsed may be reinstated upon fulfilling the following conditions:
  - (a) payment of any past due license fee, a late fee and the current license fee;
  - (b) presentation of evidence satisfactory to the Board of having completed all required continuing education credits;
  - (c) acknowledgement of practice during the period the license was expired; and
  - (d) completion of any other Board requirements.
- (2) If not practicing during the period the license was expired:
  - (a) payment of the application fee, a late fee and the current license fee;
  - (b) presentation of evidence satisfactory to the Board of having completed any required continuing education credits;
  - (c) acknowledgement of non-practice during the period the license was expired; and
  - (d) completion of any other Board requirements.
- (3) If practicing in another state during the period the Massachusetts license was expired:
  - (a) payment of the application fee, a late fee and the current license fee;
  - (b) official record of standing or certified statement indicating the license is in good standing in the state of current licensure if licensure is required; and
  - (c) presentation of evidence satisfactory to the Board of having completed any required continuing education credits.
- (4) Notwithstanding the provisions of 259 CMR 2.05, the Board may refer cases of unlicensed practice to appropriate law enforcement authorities for prosecution.

### 2.06: Requirement to Cooperate with the Board

- (1) A licensee shall respond within 30 days to a written communication from the Board or its designee and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the licensee's professional conduct. The 30-day period commences on the date the Board sends the communication to the licensee's last known address.
- (2) A licensee shall cooperate with any reasonable request from a Division agent or employee acting on behalf of the Board.

## REGULATORY AUTHORITY

259 CMR 2.00: M.G.L. c. 112, § 23M.

NON-TEXT PAGE