

Mississippi State Board of Physical Therapy

Regulations Governing Licensure of Physical Therapists and Physical Therapist Assistants

**TITLE 30 PROFESSIONS AND OCCUPATIONS
PART 3101 - 3103**

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Table of Contents

Part 3101: Organization and Structure

Chapter 1: General Provisions

Rule 1.1	Purpose	4
Rule 1.2	Legal Authority	4
Rule 1.3	Definitions	4
Rule 1.4	Publications	6

Chapter 2: State Board of Physical Therapy

Rule 2.1	Board Structure and Purpose	6
Rule 2.2	Meetings	6
Rule 2.3	Responsibilities	6
Rule 2.4	Method of Operation	8

Chapter 3: Oral Proceedings on Propose Rules

Rule 3.1	Scope	8
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Chapter 4: Declaratory Opinions

Rule 4.1	Scope	10
----------	-------	----

Chapter 5: Public Records Request

Rule 5.1	Scope	12
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Part 3103: Licensure

Chapter 1: Licensure

Rule 1.1	Licensure Requirements	15
Rule 1.2	Licensure by Reciprocity	16
Rule 1.3	Privilege to Practice	16
Rule 1.4	Foreign Trained Individuals	17
Rule 1.5	Temporary License	18
Rule 1.6	Conditions of Temporary Licensure Issued under Rule	18
Rule 1.7	Inactive Status	19
Rule 1.8	Licensees called to Active Military Service	20
Rule 1.9	Address/Name Change	20
Rule 1.10	Abandonment	21

Chapter 2: Professional Identification

Rule 2.1	Professional Titles and Abbreviations	21
Rule 2.2	Production and Display of License	21
Rule 2.3	Consumer Information Sign	21

Chapter 3: Practice		
Rule 3.1	Referrals	22
Rule 3.2	Telehealth	22
Rule 3.3	Intramuscular Dry Needling Manual Therapy	24
Rule 3.4	Code of Ethics	25
Chapter 4: Renewal of License		
Rule 4.1	General Provisions for Renewal	25
Rule 4.2	Procedure for Renewal of License	26
Rule 4.3	Failure to Renew	26
Rule 4.4	Expired License	27
Chapter 5: Continuing Competence		
Rule 5.1	Definition and Philosophy	27
Rule 5.2	Requirements	27
Rule 5.3	Content Criteria	28
Rule 5.4	Sources of Continuing Competence	28
Rule 5.5	Reporting Procedures for Continuing Competence	31
Rule 5.6	Waiver/Extension of Continuing Competence Units (CCUs)	31
Chapter 6: Revocation, Suspension and Denial of License		
Rule 6.1	Standards of Conduct	31
Rule 6.2	Summary Suspension	33
Rule 6.3	Complaints	33
Rule 6.4	Investigation	33
Rule 6.5	Complaint and Administrative Hearing	34
Rule 6.6	Sanctions	38
Rule 6.7	Appeals	39
Chapter 7: Exceptions and Exemptions		
Rule 7.1	Exceptions	39
Rule 7.2	Good Samaritan Act	40
Chapter 8: Physical Therapist Assistant		
Rule 8.1	Definitions	40
Rule 8.2	Supervision	41
Chapter 9: Criminal Offenses and Punishment		
Rule 9.1	Offenses	43
Rule 9.2	Punishment	44
Chapter 10: Fees		
Rule 10.1	Method of Payment	44
Rule 10.2	Schedule of Fees	44
Rule 10.3	Examination Fee	45

Regulations Governing Licensure of Physical Therapists and Physical Therapist Assistants

Title 30: Professions and Occupations

Part 3101: Organization and Structure

Part 3101: Chapter 1: General Provisions

Rule 1.1 Purpose. The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer physical therapy services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering physical therapy services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

Source: *Miss. Code Ann.* §73-23-43 (Rev. 2008); *Miss. Code Ann.* §25-43-2.104 (Rev.2010).

Rule 1.2 Legal Authority. The Mississippi State Board of Physical Therapy is authorized to establish and enforce these rules and procedures by virtue of the "Mississippi Physical Therapy Practice Law," Sections 73-23-31 et seq. of Mississippi Code of 1972, annotated.

Source: *Miss. Code Ann.* §73-23-43 (Rev. 2008).

Rule 1.3 Definitions. The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "Board" shall mean the Mississippi State Board of Physical Therapy.
2. "License" shall mean the document of licensure issued by the Board.
3. "Act" shall mean the "Mississippi Physical Therapy Practice Law" sections 73-23-31 et seq. of Mississippi Code of 1972, annotated.
4. "Examination" shall mean a national examination approved by the board for the licensure of a Physical Therapist or a Physical Therapist Assistant.
5. "Physical therapy" or "physiotherapy," are terms that are deemed identical and interchangeable, means the art and science of a health specialty concerned with the prevention of disability, and the physical rehabilitation for congenital or acquired physical or mental disabilities, resulting from or secondary to injury or disease.
6. "Practice of physical therapy" shall mean the practice of the health specialty and encompass physical therapy evaluation, treatment, planning, treatment administration, instruction, and consultative services, including but not limited to:
 - a. Performing and interpreting tests and measurements as an aid to physical therapy

treatment, for the purpose of correcting or alleviating any physical condition and to prevent the development of any physical or mental disability within the scope of physical therapy; and the performance of neuromuscular-skeletal tests and measurements as an aid in diagnosis, evaluation, or determination of the existence of and the extent of any body malfunction and to assess ongoing effects of intervention.

Electromyography (EMG)/nerve conduction studies may be performed by a licensed physical therapist who is certified in electromyography by the American Board of Physical Therapy Specialists (ABPTS).

- b. Planning initial and subsequent treatment programs, on the basis of test findings; and
 - c. Administering treatment by therapeutic exercise, neuro-developmental procedures, therapeutic massage/manual therapy, mechanical devices and therapeutic agents, which employ the physical, chemical and other properties of air, water, heat, cold, electricity, sound and radiant energy for the purpose of correcting or alleviating any physical condition or preventing the development of any physical or mental disability. Telehealth is an appropriate model of service delivery when it is provided in a manner consistent with the standards of practice, ethical principles, rules and regulations for Mississippi physical therapy practitioners. Intramuscular dry needling manual therapy may be performed by a licensed physical therapist who has met the criteria as described in these rules and regulations.
7. “Physical therapist (PT)” means a person licensed in this state to practice physical therapy as defined in these regulations, and whose license is in good standing.
 8. “Physical therapist assistant (PTA)” means a person who is licensed in this state and who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapists, but shall not perform the following physical therapy activities: interpretation of referrals; physical therapy initial evaluation/screening and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the skill and knowledge of the physical therapist assistant.
 9. “Referral” means the written or oral designation of physical therapy services by a doctor of medicine, dentistry, osteopathy, podiatry, or chiropractic, physician assistant, or by a nurse practitioner, holding a license in good standing under the laws of the state of Mississippi, another state, a territory of the United States, or the District of Columbia. The instruction may be as detailed or as general as the doctor, physician assistant or nurse practitioner in his or her sound discretion deems necessary in the particular case.
 10. “Direct, on-site supervision” means face-to-face oversight by a licensed physical therapist at regular intervals, as prescribed in these regulations adopted by the Board, of the services provided to a patient by a licensed physical therapist assistant.
 11. “Direct supervision” means face-to-face oversight at regular intervals of a physical therapist issued a temporary license under Part 3103 Rule 1.4 of these regulations by a licensed physical therapist.
 12. “Face-to-face” means within each other’s sight or presence at regular intervals.

13. “Regular intervals” means every sixth treatment day or fourteenth calendar day, whichever comes first.

Source: *Miss. Code Ann.* §§73-23- 33 and 73-23-43 (Rev. 2008).

Rule 1.4 Publication. The Board shall publish, annually, a list of the names and addresses of all persons licensed by the Board as physical therapists and physical therapist assistants and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

Source: *Miss. Code Ann.* §73-23-43(1)(e) and (2) (Rev. 2008).

Part 3101 Chapter 2: State Board of Physical Therapy “Board” Organization

Rule 2.1. Board Structure and Purpose. The Board shall consist of seven (7) members as set forth in the Act, i.e., four (4) licensed physical therapists, one (1) licensed physical therapist assistant, one (1) licensed physician, and one (1) consumer at large, for the terms indicated therein. Each must possess unrestricted licenses to practice in his/her profession. The consumer at large shall not be associated with or financially interested in any health care profession and who has an interest in consumer rights. The purpose of the Board is the administration and interpretation of the Act.

Source: *Miss. Code Ann.* §§73-23- 41(1) and 73-23-43(1)(e)(Rev. 2008); *Miss. Code Ann.* §25-43-2.104 (Rev.2010).

Rule 2.2. Meetings. The Board shall meet at least once each quarter and those meetings shall be held in compliance with the Open Meetings Law (Section 25-41-1, et seq.). Additional meetings may be held, at the discretion of the chairman of the Board or at the request of four (4) members of the Board, upon ten (10) days written notice to the Board members. A quorum shall consist of four (4) members of the Board, including the chairman, and shall be necessary for the Board to take action by vote.

Source: *Miss. Code Ann.* §§73-23-41(2) and 73-23-43(1)(e)(Rev. 2008); *Miss. Code Ann* § 25-43-2.104 (Rev. 2010).

Rule 2.3. Responsibilities. The Board shall have the following powers and duties:

1. To examine and determine the qualifications and fitness of application for licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state, provide for and approve all examinations of applicants for licensure;
2. To issue, renew, deny, suspend, or revoke licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state or otherwise discipline licensed physical therapists and physical therapist assistants;
3. To investigate alleged or suspected violations of the provisions of the act or other laws of this state pertaining to physical therapy and any rules and regulations adopted by the Board;
4. To establish reasonable fees for application for examination, certificates of licensure and renewal and other services provided by the Board;

5. To adopt, amend or repeal any rules or regulations necessary to carry out the purposes of the act and the duties and responsibilities of the Board, in accordance with section 25-43-1 et seq. Such rules, when lawfully adopted, shall have the effect of law;
6. To hire appropriate support personnel to carry out the provisions of the Act;
7. Keep a record of all proceedings of the Board, and make said records available to the public; and
8. To promulgate and implement rules and procedures to carry out the purpose of the Act.
9. To maintain a register listing the name of every physical therapist and physical therapist assistant licensed to practice in this state, his/her last known place of business and last known place of residence, and the date and number of his/her license. At least once a year, compile a list of physical therapists and physical therapist assistants licensed to practice in Mississippi and make the list available to any person upon application to the Board and the payment of such charges as may be fixed upon it.
10. Subject to any confidentiality provisions established by law, make all written final orders available for public inspection and copying and index them by name and subject.
11. Subject to any confidentiality provisions established by law, when and if declaratory opinions are required by state law, make all declaratory opinions available for public inspection and copying and index them by name and subject, unless information contained within such opinions is confidential by statute or exempt from public disclosure pursuant to another provision of law.
12. To adopt the American Physical Therapy Association Code of Ethics: Standards of Ethical Conduct and the accompanying Guide for Professional Conduct for physical therapists and physical therapist assistants licensed under this chapter. To further adopt the American Physical Therapy Association Standards of Practice for Physical Therapy and the accompanying Criteria.
13. To regulate the practice of physical therapy by interpreting and enforcing this chapter;
14. To provide for the examination of physical therapists and physical therapist assistants;
15. To establish mechanisms for assessing the continuing professional competence of physical therapists and physical therapist assistants;
16. To set criteria for continuing education;
17. To establish and collect fees for sustaining the necessary operation and expenses of the Board;
18. To publish, at least annually, final disciplinary action against a licensee;
19. To report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the Board or as required by law;
20. To share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the Board with other state or federal and with national disciplinary database recognized by the Board or as required by law provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;
21. To participate in or conduct performance audits;
22. To, through its employees and/or representatives, enter and make inspections of any place where physical therapy is practiced and inspect and/or copy any record pertaining to clients or the practice of physical therapy under this chapter;

23. To conduct a criminal history records check on licensees whose licensure is subject to investigation by the Board and on applicants for licensure. In order to determine the applicant's or licensee's suitability for licensing, the applicant or licensee shall be fingerprinted. The Board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

Source: *Miss. Code Ann.* §§73-23- 41(2), 73-23-43 and 73-23-67 (Rev. 2008); *Miss. Code Ann.* §§24-43-2.103(5)(c) and 25-43-2.104 (Rev. 2010).

Rule 2.4 Method of Operation. The Mississippi State Board of Physical Therapy, hereinafter “[Board]” is created pursuant to Miss Code Ann. § 73-23-1, et. seq., as amended, in order to examine and determine the qualifications and fitness of applicants for license to practice physical therapy and to practice as physical therapist assistant; to issue, renew, deny, suspend, and revoke licenses; to investigate and inspect, pursuant to the law, and regulate licensure of physical therapists and physical therapist assistants; to establish licensure and examination, fees, pursuant to the law; adopt and amend rules and regulations; hire support personnel; but not limited thereto, and in order to conduct licensure and regulation of physical therapists and physical therapist assistants.

The Board's office is located at 625 Lakeland East Drive, Suite F., Flowood, MS. 39232. The website is www.msbpt.state.ms.us. The phone number is (601) 939-5124 and the fax number is (601) 939-5246. [required by 25-43-2.104]

Source: *Miss. Code Ann.* §§73-23-41 and 73-23-43 (Rev. 2008); *Miss. Code Ann.* §25-43- 2.104 (Rev. 2010).

Part 3101 Chapter 3: Oral Proceedings on Proposed Rules

Rule 3.1 Scope. This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to Rule 3.1 and §25-43-3.104.

1. **When Oral Proceedings will be Scheduled on Proposed Rules.** The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.
2. **Request Format.** Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).
3. **Notification of Oral Proceeding.** The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.
4. **Presiding Officer.** The Commissioner or his designee, who is familiar with the substance of

the proposed rule, shall preside at the oral proceeding on a proposed rule.

5. Public Presentations and Participation.

- a. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
- b. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
- c. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- d. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- e. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
- f. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

6. Conduct of Oral Proceeding.

- a. Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (iii) call on those individuals who have contacted the board about speaking on or against the proposed rule; (iv) allow for rebuttal statements following all participants comments; (v) adjourn the proceeding.
- b. Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.
- c. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
- d. Recording. The Board may record oral proceedings by stenographic or electronic means.

Part 3101 Chapter 4: Declaratory Opinions

Rule 4.1 Declaratory Opinions. Scope. These rules set forth the Mississippi State Board of Physical Therapy, hereinafter “[Board],” rules governing the form and content of requests for declaratory opinions, and the Board’s procedures regarding the requests, as required by Mississippi Code §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

- 1. Persons Who May Request Declaratory Opinions.** Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. “Substantial interest in the subject matter” means: an individual, business, group or other entity that is directly affected by the Board’s administration of the laws within its primary jurisdiction. “Primary jurisdiction of the Board” means the Board has a constitutional or statutory grant of authority in the subject matter at issue.
- 2. Subjects Which May Be Addressed In Declaratory Opinions.** The Board will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Board or (2) a rule promulgated by the Board. The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the Board.
- 3. Circumstances In which Declaratory Opinions Will Not Be Issued.** The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
 - a. lack of clarity concerning the question presented;
 - b. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
 - c. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
 - d. the facts presented in the request are not sufficient to answer the question presented;
 - e. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
 - f. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
 - g. no controversy exists concerning the issue the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
 - h. the question presented by the request concerns the legal validity of a statute or rule;
 - i. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
 - j. no clear answer is determinable;

- k. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
 - l. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
 - m. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
 - n. a similar request is pending before this Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
 - o. where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
 - p. the question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.
- 4. Written Request Required.** Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.
- 5. Where to Send Requests.** All requests must be mailed, delivered or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.
- 6. Name, Address and Signature of Requestor.** Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.
- 7. Question Presented.** Each request shall contain the following:
- a. a clear and concise statement of all facts on which the opinion is requested;
 - b. a citation to the statute or rule at issue;
 - c. the question(s) sought to be answered in the opinion, stated clearly;
 - d. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
 - e. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
 - f. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.
- 8. Time for [agency]'s Response.** Within forty-five (45) days after the receipt of a request for

a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

- a. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
- b. decline to issue a declaratory opinion, stating the reasons or its action; or
- c. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request;

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

- 9. Opinion Not Final for Sixty Days.** A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.
- 10. Notice by [agency] to third parties.** The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.
- 11. Public Availability of Requests and Declaratory Opinions.** Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.
- 12. Effect of a Declaratory Opinion.** The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann.* §25-43-2.103 (Rev.2010) and *Miss. Code Ann.* §73-23-43(1)(e).

Part 3101 Chapter 5: Public Records Request

Rule 5.1 Scope. All public requests to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the Mississippi State Board of Physical Therapy (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Physical Therapy, PO Box 55707, Jackson, Mississippi 39296-5707. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly hand printed on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records

cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining

from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in below.

Charges are as follows:

Copying Fee:

\$1.00 per page plus cost of retrieving information

Microfilm Reproductions:

8½" x 11" .50/page

Minimum charge of \$2.00 per request

Computer Printouts:

11" x 17" Continuous form \$1.00/page of reported data

\$250.00 for data retrieved from computer file

Certification of Documents:

\$3.00/First copy or cover letter

\$1.00/Each additional page

Minimum charge of \$3.00 per request

Additional fees incident to document production may include personnel charges for time expended in the actual searching, reviewing, and/or duplication of documents and, if applicable, the mailing of copies of said public documents.

Source: *Miss. Code Ann.* §§25-61-1 through 25-61-12 (Rev. 2010) and *Miss. Code Ann.* §73-23-43(1)(e) and (d).

Title 30: Professions and Occupations

Part 3103: Licensure, Practice, Renewal, Continuing Education, Standard of Conduct & Fee

Part 3103: Chapter 1: Licensure

Rule 1.1 Licensure Requirements. An applicant for a regular license as a physical therapist or physical therapist assistant shall submit to the Board, verified by oath, written evidence in form and content satisfactory to the Board that the applicant:

1. Is of good moral character which is defined as:
 - a. “Good moral character” is a pattern of behavior conforming to the profession’s ethical standards and behavior that indicates honesty and truthfulness, integrity, respect among the community for lawful behavior, respect for the rights of others, and obedience to the lawful directives of public officers or officials or persons charged with the enforcement of the law and showing an absence of moral turpitude.
2. A determination of good moral character shall be based on acts that reflect moral turpitude and upon the consideration of all aspects of a person’s character as exemplified by his or her behavior and shall include, but not necessarily be limited to, consideration of the following:
 - a. Evidenced among other things of having neither a conviction nor a plea of guilty or nolo contendere, probation, pretrial diversion or payment of any fine for a felony or a misdemeanor involving moral turpitude, regardless of whether the matter is under appeal by the applicant. Fitness for service as it relates to moral character must be verified by an appropriate background investigation.
 - b. Disciplinary action taken against any professional license, registration or certification held by the applicant by applicable governmental authority of any state, territory or political subdivision of the United States or any other jurisdiction.
 - c. Whether an applicant has been guilty of conduct or practices in this state or elsewhere which would constitute grounds for disciplinary action under the Board’s laws, rules and/or regulations.
 - d. Civil lawsuits and administrative action bearing upon moral character such as fraud, misrepresentation, theft, assault and battery.
 - e. The applicant’s prior history of unlicensed practice of a regulated profession in this state.
 - f. Conduct that violates any of the provisions in the Code of Professional Ethics, Guidelines and Standards established by the American Physical Therapy Association.
 - g. Conduct involving dishonesty, fraud, or attempted deception.
 - h. Conduct involving misrepresentation.
 - i. Conduct that would adversely reflect on a person’s fitness to perform physical therapy.
3. In determining a person’s good moral character when there is evidence of the conduct described above in subsection 2 of this Rule, the Board will also consider the following factors:
 - a. The nature of the criminal offense(s) or conduct which gave rise to the disciplinary, civil or administrative action.

- b. The age of the applicant at the time of the criminal conviction(s) or conduct which give rise to the disciplinary, civil or administrative action.
 - c. The number of criminal convictions or number of disciplinary, civil or administrative actions taken against the applicant.
 - d. The nature and severity of the sentence or sanction imposed for each criminal conviction or disciplinary, civil or administrative action.
 - e. Whether the probation period given in a conviction has been completed and fully satisfied to include fines, court costs, and other conditions of probation.
 - f. Whether restitution ordered by a court in a criminal conviction or civil judgement has been fully satisfied.
 - g. Satisfactory completion of all terms of a criminal conviction(s) or disciplinary action.
4. The burden of demonstrating that the applicant possesses the good moral character required for licensure shall rest with the applicant.
2. Has graduated from a physical therapist or a physical therapist assistant program accredited by an agency recognized by the US Department of Education, Office on Postsecondary Education and has paid an application fee not to exceed double the price of the examination, no part of which shall be refundable.
 3. Has passed an examination approved by the Board with the minimum passing score set by the Board and published annually; and
 - a. An applicant who has taken the exam more than six times in any jurisdiction and who is not licensed is not eligible to sit for the examination in Mississippi.
 - b. Has paid the required fee(s);
 - c. Has valid social security number; and
 - d. Applicants for licensure must pass the Board's jurisprudence exam.

Source: *Miss. Code Ann.* §§73-23-43(1)(e), 73-23-47 and 73-23-49 (Rev. 2008).

Rule 1.2 Licensure by Reciprocity. An applicant for licensure by reciprocity shall submit to the Board, verified by oath, written evidence in form and content satisfactory to the Board that:

- a. The applicant has a valid unrestricted license from another jurisdiction of the United States.
- b. That the requirements for said license are equivalent to or greater than those required in this state as set forth in Part 3103 Rule 1.1 and 1.2 of these regulations; and
- c. That said license is in good standing and has not been suspended or revoked.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-51(1) (Rev. 2008).

Rule 1.3 Privilege to Practice. Applicants who live in states participating in the Physical Therapy Licensure Compact are eligible to receive a privilege to practice in accordance with the rules of the Physical Therapy Compact Commission as they currently exist or maybe hereafter amended from time to time. In order to receive a privilege to practice under the rule, applicants must:

1. Apply for a privilege to practice at the Licensure Compact Commission;
2. Pay to Licensure Compact Commission any fees required by the Commission or the Board;
3. Pass a jurisprudence exam required by the Board;
4. Comply with the rules and regulations governing the practice of Physical Therapy in MS;

5. Waive the Mississippi Licensure Compact fee for applicants who are active in the United States Military and their spouses.

Source: *Miss. Code Ann.* §§73-23-43(1)(e), 73-23-47(2), and 73-23-101 (Rev. 2008).

Rule 1.4 Foreign Trained Individuals. An applicant for licensure who has been trained as a physical therapist in a foreign country, and desires to be licensed pursuant to the laws of the State of Mississippi, shall submit to the Board, verified by oath, in form and content satisfactory to the Board:

1. That the applicant is of good moral character;
2. That the applicant holds a diploma from an educational program for physical therapists approved by the Board;
3. Documentary evidence that the educational program is substantially equivalent to that required of a non-foreign trained applicant for licensure; for the purpose of this section “substantially equivalent” means that an applicant for licensure educated outside of the United States shall have:
 - a. Graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy.
 - b. Provide written proof that the applicant’s school of physical therapy education is recognized by its own ministry of education.
 - c. Undergone credentials evaluation as directed by the Board that determines the candidate has met uniform criteria for educational requirements as further established by rule.
 - d. Completed any additional education as required by the Board.
 - e. Passed the Board approved English proficiency examinations if the applicant’s native language is not English.
 - f. Passed the examination approved by the Board.
 - g. And meets other requirements established by rules of the Board.
4. Notwithstanding the provisions in the above section, if the applicant is educated outside the United States and is a graduate of a professional physical therapy educational program accredited by a national accrediting agency approved by the Board, the Board may waive the requirements in Part 3103 Rule 1.3, paragraph 3.
5. Until and including December 31, 2006, demonstrable proficiency in the English language by passing all of the following English language examinations with scores to be determined by the Board:
 - a. Minimum scores of:
 1. 4.5 on the Test of Written English (TWE); and
 2. 50 on the Test of Spoken English (TSE); and
 3. 220 on the computer-based Test of English as a Foreign Language (TOEFL) or 560 on the paper based TOEFL; and
 - b. Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination:
 1. Minimum scores on the TOEFL iBT:
 1. 24 on the writing section;
 2. 26 on the speaking section;

3. 21 on the reading section; and
4. 18 on the listening comprehension section

The Board reserves the right to require a personal interview with any applicant for final determination of the exemption request.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-51(2)(Rev. 2008).

Rule 1.5 Temporary License.

1. A temporary license to practice as a physical therapist or physical therapist assistant may be granted to an applicant for licensure meeting the requirements of Part 3103 Rule 1.1 or 1.3 who has registered for the exam in this state but has not taken the approved examination or has not received the results of the examination, subject to the conditions of Rule 1.5.
2. The Board may by rule provide for the issuance of a temporary license to a physical therapist or a physical therapist assistant licensed in another state and has filed an application with the Board for a permanent license in this state. This temporary license will be granted for a period not to exceed sixty (60) days.
3. During a lawfully declared local, state, or national disaster or emergency, the Board may issue a temporary license to any otherwise qualified physical therapist or physical therapist assistant licensed and in good standing in another state or territory of the United States and who meets such other requirements as the Board may prescribe by rule and regulations.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-53 (Rev. 2008).

Rule 1.6 Conditions of Temporary Licensure Issued under Part 3103 Rule 1.4.1.

1. A temporary license shall be granted for a period not to exceed ninety (90) days beyond the date of the next scheduled examination.
2. A temporary licensee shall restrict his practice to the State of Mississippi.
3. 1. A physical therapist temporary licensee shall practice under the direct supervision of a physical therapist licensed in Mississippi. Direct supervision in this case shall mean:
 - a. Daily face to face communication between the supervising physical therapist and temporary licensee; and,
 - b. On premises observation of patient care in each of the temporary licensee's practice settings, a minimum of two (2) hours per day;
 - c. Availability of the supervising therapist via telecommunications when he or she is not on premises.
2. A physical therapist assistant temporary licensee shall practice under the direct on-site supervision of a physical therapist licensed in Mississippi. Direct, on-site supervision in this case shall mean:
 - a. Daily face to face communication between the supervising physical therapist and temporary licensee; and,
 - b. On premises observation of patient care in each of the temporary licensee's practice settings, a minimum of two (2) hours per day;
 - c. Availability of the supervising therapist via telecommunications when he or she is not on premises.

4. A temporary licensed physical therapist may not supervise any licensed physical therapist or physical therapist assistant.
5. Documentation in form and substance acceptable to the Board that the conditions of Part 3103 Rule 1.5.3 have been met must be on file with the Board before a temporary license will be issued.
6. The license of a temporary licensee who is required to take the approved examination and fails to take said examination shall be automatically expired by operation of the law and without further action of the Board as of the date the results are received by the Board.
7. The license of a temporary licensee who does not pass the approved examination shall be automatically expired by operation of the law and without further action of the Board on the date that the results of the examination are received by the Board.
8. A temporary license will not be issued to any individual who has had a temporary license expired pursuant to the provisions of these regulations.
9. Any person who has taken but not passed the required examination in this or another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-53 (Rev. 2008).

Rule 1.7 Inactive Status. Inactive status indicates the voluntary termination of the right or privilege to practice physical therapy in Mississippi. The Board may allow a licensee who is not actively engaged in the practice of physical therapy in Mississippi to inactivate the license instead of renewing it at the time of renewal. A licensee may remain on inactive status for no more than six consecutive years. After the six-year period of inactive status the licensee must comply with Part 3103 Rule 4.4 in order to reinstate his/her license.

1. Requirements for initiation of inactive status. The following is required to put a license on inactive status:
 1. A signed renewal application form, documenting completion of Board approved continuing competence (CC) for the current renewal period, as described in Part 3103 Rule 5.4 of the regulations;
 2. The inactive fee, and any late fees which may be due; and
 3. A passing score on the jurisprudence exam.
2. Requirements for renewal of inactive status. An inactive licensee must renew the inactive status every two years. The components required to maintain the inactive status are:
 1. A signed renewal application form, documenting completion of Board approved continuing competence (CC) for the current renewal period, as described in Part 3103 Rule 5.4 of the regulations;
 2. The inactive renewal fee, and any late fees which may be due; and
 3. A passing score on the jurisprudence exam.
3. Requirements for reinstatement of active status and must otherwise comply with the law, rules and regulations. A licensee on inactive status may request a return to active status at any time. After the licensee has submitted a complete application for reinstatement, the Board will send a renewal certificate for the remainder of the current renewal period to the licensee.

1. The components required to return to active status are:
 - a. A signed renewal application form, documenting completion of Board approved continuing competence (CC) for the current renewal period;
 - b. The renewal fee, and any late fees which may be due; and
 - c. A passing score on the jurisprudence exam.
2. The Board will allow the licensee to substitute one of the following actions for the continuing competence requirements:
 - a. Re-take and pass the national licensure exam;
 - b. Attend a university review course pre-approved by the Board; or
 - c. Complete an internship (equal to 150 hours of continuing education) pre-approved by the Board.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-57(Rev. 2008).

Rule 1.8 Licensees called to Active Military Service.

1. Renewal:
 - a. A licensee who is a member of the reserves and called to active military service must submit renewal fees within 90 days after active service has ended if their license expired within the months of active service. The regular renewal period will not change. The licensee must submit official documentation of active service and its inclusive dates.
2. Continuing education units (CEUs):
 - a. A licensee who is a member of the reserves and called to active military service will have his/her CEUs prorated in proportion to the number of months of documented active service.
 - b. A licensee whose license expires during the period of active service will be given a complete waiver of CEUs for the past renewal period, and CEUs for months of documents active service in the current renewal cycle will be prorated.
 - c. All licensees must take two hours of Board-approved programs in ethics and professional responsibility as part of their total CE requirement, which cannot be prorated.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-53 (Rev. 2008); and *Miss. Code Ann.* §33-1-39 (Rev. 2010).

Rule 1.9 Address/Name Change. The cost of resending any correspondence or materials will be born by the licensee.

1. Change of Address – Each person holding a license who has had a change of address shall file in writing with the Board his/her current mailing address, giving both old and new addresses. Such notification should be received in the Board’s administrative office no later than thirty (30) days after such change is effective and must reference the individual’s name, profession, and license number.
2. Change of Name – An individual licensed with the Board shall notify the Board in writing within thirty (30) days of a name change. The notice shall provide both the old and new name, a notarized photocopy of the official document involved, and must reference the

individual's profession and license number.

Source: *Miss. Code Ann.* §73-23-43(1)(d), (e) and (2) (Rev. 2008).

Rule 1.10 Abandonment. An application shall be deemed abandoned by the Board if, after one (1) year from the date of filing, the requirements for licensing have not been completed and submitted to the Board.

Source: *Miss. Code Ann.* §73-23-43(1)(e) (Rev. 2008).

Part 3103 Chapter 2: Professional Identification

Rule 2.1 Professional Titles and Abbreviations. The preferred title for use by the licensed physical therapist is the initials PT. The licensed physical therapist assistant may use the title PTA.

A person issued a license to practice pursuant to the Act by the Mississippi State Board of Physical Therapy may use the titles physiotherapist, licensed or registered physical therapist, licensed or registered physical therapist assistant, and the abbreviations PT, DPT, LPT, RPT and PTA or LPTA, depending upon the license issued by the Board.

It shall be unlawful for any person, or business entity, its employees, agents or representatives to in any manner, represent himself/herself or itself as a physical therapist, a physical therapist assistant or someone who provides physical therapy services, or use in connection with his or its name the words or letters physiotherapist, registered or licensed physical therapist, PT, RPT, licensed physical therapist assistant, LPTA, PTA, or any other letters, words, abbreviations or insignia, indicating or implying that he or it is a physical therapist, a physical therapist assistant, or provides physical therapy services, without a valid existing license as a physical therapist or as a physical therapist assistant, as the case may be, issued to that person. It shall be unlawful to employ an unlicensed physical therapist or physical therapist assistant to provide physical therapy services.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-35 (Rev. 2008).

Rule 2.2 Production and Display of License. A person licensed to practice physical therapy in Mississippi shall be issued a "Certificate of Licensure" and "License Identification Card." The licensee shall prominently display the "Certificate of Licensure" or copy thereof at their place(s) of employment. The licensee shall carry the "License Identification Card" with them at all times and show said ID card when requested.

Source: *Miss. Code Ann.* § 73-23-43(1)(e) and (h) (Rev. 2008).

Rule 2.3 Consumer Information Sign. There should at all times be prominently displayed in the place of business each licensee a sign containing the name, mailing address, and telephone number of the Board and a statement informing consumers that complaints against licensees can be directed

to the Board. The consumer information sign shall read: Complaints regarding non-compliance with the Mississippi Physical Therapy Practice Act can be directed to the Mississippi State Board of Physical Therapy, P.O. Box 55707, Phone: (601) 939-5124, Fax: (601) 939-5246, Email: info@msbpt.state.ms.us. The minimum size of the sign shall be 6 inches by 8 inches.

Source: *Miss. Code Ann.* §73-23-43(1)(c), (e) and (h) (Rev. 2008).

Part 3103 Chapter 3: Practice

Rule 3.1 Referrals.

1. Physical Therapist may evaluate or provide wellness fitness without a referral.
2. A physical therapist licensed under the physical therapy law shall not perform physical therapy services without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner. However, a physical therapist may perform physical therapy services without a prescription or referral under the following circumstances:
 - a. To children with a diagnosed developmental disability pursuant to the patient's plan of care.
 - b. As part of a home health care agency pursuant to the patient's plan of care.
 - c. To a patient in a nursing home pursuant to the patient's plan of care.
 - d. Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress or promotion of fitness.
 - e. To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis must have been made within the previous one hundred eighty (180) days. The physical therapist shall provide the health care provider who rendered the diagnosis with a plan of care for physical therapy services within the first fifteen (15) days of physical therapy intervention.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and (h) and 73-23-35(3) (Rev. 2008).

Rule 3.2 Telehealth.

1. **Patient Identity and Communication.** The physical therapist/physical therapist assistant using telehealth to deliver physical therapy services or who practices tele-physical therapy, upon an initial contact with the patient shall:
 - a. Verify the identity of the patient prior to **each** session;
 - b. Obtain alternative means of contacting the patient;
 - c. Arrange for the patient to have alternative means of contacting the physical therapist or physical therapy assistant;
 - d. Provide contact methods of alternative communication the physical therapist or physical therapy assistant shall use for emergency purposes;
 - e. Use personal identifying information only in secure communications; and
 - f. Obtain written, informed consent from the patient or other appropriate person with authority to make health care treatment decisions for the patient before services are provided through telehealth.

2. **Informed Consent.** The informed consent shall, minimally, inform the patient and document acknowledgement of the risk and limitations and potential benefits associated with:
 - a. The use of electronic communications in the provision of physical therapy;
 - b. The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of physical therapy; and
 - c. The potential disruption of electronic communication in the use of telehealth;
 - d. Video-taping and recording of treatment session.
3. **Confidentiality.** The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the patient's medical information as required by the Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal and State laws. Confidentiality shall be maintained through appropriate processes, practices and technology, including disposal of electronic equipment and data.
4. **Competence and Scope of Practice.** A licensee using electronic communication to deliver physical therapy services or who practices tele-physical therapy shall:
 - a. Be responsible for determining and documenting that telehealth is appropriate for provision of physical therapy;
 - b. Limit the practice of tele-physical therapy to the area of competence in which proficiency has been gained through education and training;
 - c. Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the physical therapist or physical therapy assistant disposes of electronic equipment and data by use of a **secure telecommunication mechanism**;
 - d. Make every attempt to ensure that an on-site physical therapist or physical therapist assistant shall provide the appropriate interventions. If it is determined in-person interventions are necessary;
 - e. Perform all evaluations, including initial evaluations, re-evaluations and scheduled discharges with use of a secure electronic mode of communication using video/voice or in person;
 - f. Assure the technology proficiency of those involved in patient care.
5. **Maintenance and Retention of Records.** The licensee shall document in the file or record which services were provided by tele-health and adhere to the record-keeping requirements of Part 3103, Rule 8.2.
6. **Compliance with Laws and Regulations.** A licensing practicing tele-physical therapy practitioner must:
 - a. Have an active Mississippi license in good standing to practice telehealth in the state of Mississippi.
 - b. Otherwise be authorized by law to practice in another jurisdiction where the patient is physically present or domiciled.
 - c. Abide by the Board's law and rules and regulations and all current standards of care

- requirements applicable to onsite physical therapy services.
- d. Comply with all other applicable State and Federal Laws, rules and regulations.

Source: *Miss. Code Ann.* §§73-23-33 and 73-23-43 (Rev. 2008).

Rule 3.3 Intramuscular Dry Needling Manual Therapy.

- A. Intramuscular dry needling manual therapy is a physical intervention that uses a filiform needle no larger than 25-gauge needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based upon Western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Intramuscular dry needling manual therapy does not include the stimulation of auricular or distal points or any points based upon areas of Eastern (Oriental) medicine and acupuncture.
- B. Intramuscular dry needling manual therapy as defined pursuant to this rule is within the scope of practice of physical therapy.
- C. A physical therapist must have the knowledge, skill, ability, and documented competency to perform an act that is within the physical therapist's scope of practice.
- D. To be deemed competent to perform intramuscular dry needling manual therapy a physical therapist must meet the following requirements:
 1. Documented successful completion of a intramuscular dry needling manual therapy course of study; online study is not considered appropriate training to attain the necessary skills to perform intramuscular dry needling manual therapy.
 - a. A minimum of 50 hours of face-to-face intramuscular dry needling manual therapy course study must be successfully completed within twelve (12) months. A physical therapist who does not complete the course of study within twelve (12) months after beginning the course of study must begin anew.

The Board may grant a one-time extension for the completion of the course of study required by this Rule upon presentation of satisfactory evidence that the physical therapist is unable to complete the required course of study within the time prescribed because of illness, injury, disability, military service, or other documented good cause. A request for an extension of time must be made in writing and filed with the Board no later than thirty (30) calendar days before the expiration of the Board approved twelve (12) month course of study. The extension shall be for no more than six (6) months from the date the Board approves the extension.
 - b. During the 12-month certification process of intramuscular dry needling manual therapy practice of the dry needling skills learned as part of the course curriculum will be permitted to the specific areas and musculature prior to the completion of the 50 hours of required training provided that compensation will not be sought and the physical therapists will not bill for dry needling services until the completion of the 50 hours of training has been fulfilled.
 - c. The Mississippi State Board of Physical Therapy's website will reflect the names of the therapists that are Board approved to provide intramuscular dry needling manual therapy.
 2. The physical therapist must have Board approved credentials for providing intramuscular dry needling manual therapy which are on file with the Board office prior to using the treatment technique.

- E. The provider/educator/instructor of the required intramuscular dry needling manual therapy educational course does not need to be a physical therapist. The instructor of the intramuscular dry needling manual therapy course of study must meet the educational and clinical prerequisites as defined in this rule, D(1)(a)&(b) and demonstrate a minimum of two years of intramuscular dry needling manual therapy practice techniques.
- F. A physical therapist performing intramuscular dry needling manual therapy in his/her practice must have written informed consent for each patient where this technique is used. The patient must sign and receive a copy of the informed consent form. The consent form must, at a minimum, clearly state the following information:
 - 1. Risks and benefits of intramuscular dry needling manual therapy.
 - 2. Physical therapist's level of education and training in intramuscular dry needling manual therapy.
 - 3. The physical therapist will not stimulate any distal or auricular points during intramuscular dry needling manual therapy.
- G. When intramuscular dry needling manual therapy is performed, this must be clearly documented in the procedure notes and must indicate how the patient tolerated the technique as well as the outcome after the procedure.
- H. Intramuscular dry needling manual therapy shall not be delegated and must be directly performed by a qualified, licensed physical therapist.
- I. Intramuscular dry needling manual therapy must be performed in a manner consistent with generally accepted standards of practice, including but not limited to, aseptic techniques and standards of the center for communicable diseases.
- J. Failure to provide written documentation of appropriate educational credentials is a violation of this rule, and is prima facie evidence that the physical therapist is not competent and not permitted to perform intramuscular dry needling manual therapy.
- K. This rule is intended to regulate and clarify the scope of practice for the physical therapist.

Source: *Miss. Code Ann.* §§73-23-33 and 73-23-43 (Rev. 2008).

Rule 3.4 Code of Ethics.

- 1. All licensees shall comply with the current American Physical Therapy Association Code of Ethics: Standards of Ethical Conduct and the accompanying Guide for Professional Conduct for physical therapists and physical therapist assistants.
- 2. All licensees shall comply with the current American Physical Therapy Association Standards of Practice for Physical Therapy and the accompanying Criteria.

Source: *Miss. Code Ann.* §73-23-43(1)(e) and (g) (Rev. 2008).

Part 3103 Chapter 4: Renewal of License

Rule 4.1 General Provisions. The Board shall issue licenses which shall be subject to biennial renewal.

- 1. The licensure period shall be construed as July 1 through June 30 of odd-numbered years for persons whose surnames begin with A through L and the licensure period shall be construed as July 1 through June 30 of even-numbered years for persons whose surnames begin with M

through Z. For one time only during 2005, those persons whose surnames begin with M through Z would renew for only one year, and thereafter every two years on even-numbered years.

2. Each individual's licensure renewal group is based on the first letter of his or her last name at the time of the implementation of this rule or at the time of initial licensure, whichever occurred later. Each licensee shall remain in his or her originally assigned licensure renewal group for all subsequent license renewals. Thus, even if a licensee's name is changed, he or she shall remain in the same licensure renewal group as originally assigned.
3. Commencing with the licensure renewal period ending June 30, 2014 a licensee shall be required to provide the Board with a current photo identification every four (4) years from the date of the Board's receipt of the licensee's previous photo identification. The photo must be an approximate size of 2x2 inches, head and shoulder only, full face, front view, plain white background, standard photo stock paper. Scanned or computer-generated photographs must be printed on photo quality paper and must have no visible pixels or dots. Photos can be uploaded to the licensee's profile or the photo can be mailed into the Board office.

Source: *Miss. Code Ann.* §§73-23-43(1)(a), (d), (e) and (j) and 73-23-49(1), (2) and (4) and 73-23-64 (4) (Rev. 2008).

Rule 4.2 Procedure for Renewal of License. The Board will notify licensees approximately sixty (60) days prior to the end of the licensure period. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal. The method of renewal is as follows:

1. Online Renewals – Licensees may apply for renewal and pay the necessary fees via the Internet. In order to renew a license online, licensees will need to access the Board's website at www.msbpt.ms.gov and choose the login button on the bottom left-hand side of the screen;
2. Continuing education is reported online and licensees are subject to CEU random audits;
3. Submit the renewal fee;
4. Renewals should be completed by the end of the licensure period as indicated on the licensee's certificate and identification card;
5. Renewal applications filed after June 30 are subject to a late fee.

Source: *Miss. Code Ann.* §§73-23-43(1)(d), (e) and (k) and 73-23-57 (Rev. 2008).

Rule 4.3 Failure to Renew. A licensee who does not file, with the Board, all requirements for renewal before the end of the licensure period will be deemed to have allowed his license to lapse. Failure to submit all renewal requirements on or before September 30 shall result in the necessity of the payment of a reinstatement fee in addition to the late fee and renewal fee. Said licensee may be reinstated by the Board, at its discretion, by the licensee's payment of the renewal fee, the late fee, a reinstatement fee and the submission of required continuing education hours provided said application for reinstatement is made within two (2) years after its last expiration date.

A license may not be reinstated after having lapsed for two (2) consecutive years. A new application

must be made and the licensure regulations in effect at that time must be met.

Source: *Miss. Code Ann.* §§73-23-43(1)(d) and (e), 73-23-57 and 73-23-64(4) (Rev. 2008).

Rule 4.4 Expired License. Any person whose license has been expired for more than five years may apply for licensure upon the payment of an application & license fee with the following conditions:

1. Licensee will be subjected to a three (3) month supervisory period;
2. Licensee may only practice under the direct on-site supervision of a currently Mississippi licensed physical therapist;
3. Shall restrict his/her practice to the State of Mississippi;
4. Supervision agreement must be on file and satisfactory to this office prior to the license being issued. The supervision agreement shall be in force for the entire three (3) month supervisory period. This licensee may only practice in the facilities and under the supervision of the licensed physical therapist listed on the supervision agreement of file in this office. Any changes in practice sites and /or supervisors must be reported to this office on a supervision agreement prior to the change taking place. At the end of the supervisory period the supervising physical therapist shall report to the Board completion of satisfactory or unsatisfactory supervision period. If an unsatisfactory supervision period is reported by the supervising physical therapist, the Board, in its discretion may require an additional three (3) month supervisory period;
5. During the supervisory period the supervised physical therapist/physical therapist assistant shall not supervise any currently licensed physical therapist or physical therapist assistant;
6. Complete prescribed remedial courses as approved by the Board.

Source: *Miss. Code Ann.* §§73-23-43(1)(a), (d), (e) and (j); 73-23-49(1), (2) and (4); and 73-23-64 (4) (Rev. 2008).

Part 3103 Chapter 5: Continuing Competence

Rule 5.1 Definition and philosophy. Each individual licensed as a physical therapist or physical therapist assistant is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Continuing competence is the ongoing ability of a physical therapist or physical therapist assistant to learn, integrate, and apply the knowledge, skill, and judgment to practice as a physical therapist and/or physical therapist assistant according to generally accepted standards and professional ethical standards as defined by APTA and FSBPT.

Source: *Miss. Code Ann.* §§73-23-43(1) (e), (h), (j) and (k) (Rev. 2008).

Rule 5.2 Requirements.

1. Regulations set the requirement of 30 continuing competence units (CCU) to be accrued during each 2-year licensing period (July 1- June 30). No carryover of continuing competence units from one licensure period to another shall be allowed.
2. At least 25 percent (7.5 CCU) of the required continuing competence units earned during each licensure period must be directly related to the clinical practice of physical therapy.

Continuing Competence (CC) activities claimed as clinical are subject to review if considered questionable.

3. All licensees must take three (3) hours of study in ethics, professionalism, or jurisprudence per licensing period as part of their total CC requirements.
4. At least 15 of the 30 required continuing competence units must be from Certified Activities (outlined in Rule 5.4).
5. Individuals applying for initial licensure within a licensing period must accrue continuing competence hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.
6. Persons who fail to accrue the required continuing competence hours shall be issued a probationary license for one licensure period only. No ensuing license may be probationary as a result of not meeting continuing competence requirements. Failure to accrue the required hours during the CC probationary period may result in sanctions up to and including revocation of license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period and then applied to the current (probationary) licensing term.
7. Licensees who have accrued the required CC hours within the licensure period but who have not received proof of course completion from CC providers shall be granted 30 days from expiration of licensure in which to provide the Board with proof of completion of courses. Failure to provide proof within 30 days will result in license being placed on CC probationary status for the entire licensure period.

Source: *Miss. Code Ann.* §73-23-43(1) (a), (d), (e), (h), (j) and (k) (Rev. 2008).

Rule 5.3 Content Criteria. The content must apply to the field of physical therapy and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level of the physical therapist/physical therapist assistant at the time the individual entered the profession as described in current legislation and regulations.
2. Allow the licensee to enhance his/her knowledge and skills.
3. Provide opportunities for interdisciplinary learning.
4. Extend limits of professional capabilities and opportunities.
5. Facilitate personal contributions to the advancement of the profession.

Source: *Miss. Code Ann.* §73-23-43(1) (e), (h), (j) and (k) (Rev. 2008).

Rule 5.4 Sources of Continuing Competence. Continuing competence hours may be accrued from the following sources when the content of the programs relates to the profession of physical therapy. The Board reserves the right to determine whether the content relates to the profession of physical therapy:

1. **Certified activities** are activities that go through a certification process to determine if the activity meets a minimal threshold of required criteria and how well that activity meets additional “desirable” criteria. At least fifteen (15) CCUs are required per licensure period in this category.
 - a. Conferences and continuing competence activities that meet the Standards of Continuing Competence (SCC) as set forth by the Federation of State Boards of Physical Therapy

- (FSBPT). Credit is applied as awarded. Certificate of completion is required as evidence of compliance.
- b. Conferences and continuing competence activities provided by the American Physical Therapy Association (APTA), Mississippi Physical Therapy Association (MPTA), and other state chapters and sections of APTA. Credit is applied as awarded. Certificate of completion is required as evidence of compliance.
 - c. Educational programs where continuing competence credit is given and approved by accredited universities. Credit is applied as awarded. Certificate of completion is required as evidence of compliance.
 - d. Attendance at educational programs where continuing competence credit is given and approved by the Mississippi State Board of Physical Therapy.
 - e. Academic course work taken for credit from a regionally accredited college or university. Courses must be on the graduate level for physical therapists. Undergraduate courses are acceptable for physical therapist assistants. Credit for 11 CCUs is applied for each semester credit hour passed with a grade of “C” or better. Transcript with grade or completion status required as evidence of compliance.
 - f. APTA credentialed fellowship or residency. Licensees who are enrolled in a residency or fellowship may be exempt from obtaining the mandatory continuing competence hours while completing the program of study. The required documentation is a letter from the director of residency or fellowship program.
 - g. Exams and assessments (includes, but is not limited to, ABPTS certification and re-certification, PTA advanced proficiency certification, and FSBPT Practice Review Tool). Credit for CCUs is applied as awarded with a minimum of 15 CCUs applied. Certification of completion required as evidence of compliance.
2. **Approved Activities** are activities that are approved but do not go through a formal certification process due to the fact that these activities would be difficult to verify. Approved activities are assigned a set CCU value as a group, based on the criteria, versus each individual activity being assigned a value. **Limited to 15 CCUs per licensure period.**
- a. Continuing competence courses and conferences not outlined in Rule 5.4.1 (listed above). Credit for 10 CCUs is applied for courses containing ≥ 32 contact hours. Credit for 5 CCUs is applied for courses containing 8-31 contact hours. Credit for 2 CCUs is applied for courses containing 1-7 contact hours. Certificate of completion is required as evidence of compliance.
 - b. Residencies and fellowships not outlined in Rule 5.4.1 (listed above). Credit for 15 CCUs is applied. Certificate of successful completion is required as evidence of compliance.
 - c. Exams and Assessments not outlined in rule 5.4.1 (listed above). Credit for CCUs is applied as awarded with a maximum of 11 CCUs per exam or assessment.
 - d. Self-study, which may include independent study, or studies directed by a correspondence course, video, internet or satellite program by provider not outlined in Rule 5.4.1 (listed above). One (1) CCU per study topic is applied. Record of study objectives, activities, and time spent to meet objectives, as well as reflection on learning achieved are required as evidence of compliance.
 - e. Attendance at in-service education programs pertaining to clinical concepts, safety training, or governmental regulatory training. One (1) CCU per in-service is applied.

- Learning objectives, program schedule, and verification of attendance from employer are required as evidence of compliance.
- f. Presentations made before physical therapists or other health care professionals and directly related to the profession of physical therapy. Credit for 3 CCUs per presentation/topic is applied. Learning objectives and presentation brochure or flyer are required as evidence of compliance.
 - g. Research. Credit for 10 CCUs are applied for Principal and Co-Principal Investigators in internally or externally funded research projects. Title, abstract, funding agency, and grant period are required as evidence of compliance.
 - h. Professional publications. Credit for 8 CCUs is applied for each peer-reviewed publication. Credit for 4 CCUs is applied for each non-peer reviewed publication. Copy of article, book chapter, or other work product is required as evidence of compliance.
 - i. Clinical Instructorship. Credit for 1 CCU is applied for each 40 hours of clinical supervision with the same student. A maximum of 3 CCUs per clinical rotation for a total of 6 CCUs per licensure period is allowed. Students must be enrolled in CAPTE accredited or eligible DPT or PTA program. Verification of the clinical supervision agreement with the student's educational program and a log reporting supervision hours is required as evidence of compliance. A certificate of completion from the educational program may also be used as evidence of compliance.
 - j. Board and Committee Work. Credit for 5 CCUs is applied for assignments requiring time commitment of ≥ 33 hours/year. Credit for 3 CCUs is applied for assignments requiring time commitment of 16-33 hours/year. Organizational materials listing participation, responsibilities, and activities as well as written verification of time spent in activity is required as evidence of compliance.
 - k. Structured Interactive Study (i.e. group study, journal club). Credit for 3 CCUs per study group is applied per licensure period. Group attendance records reporting time spent, study group goals, and reflection on goal attainment and learning are required as evidence of compliance.
 - l. Formal Mentorship (as mentor or as protégé). Credit for 5 CCUs is applied per licensure period. Objectives and action plans, as well as documentation of activities and contact hours are required as evidence of compliance.
3. **Unacceptable** activities include:
- a. Staff meetings
 - b. Presentations or publications directed at lay groups
 - c. Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.
 - d. Entertainment or recreational meetings or activities.
 - e. Self-directed studies other than those previously outlined.
 - f. Credit for repetitions of an activity more than once in a licensure period
 - g. Routine teaching or research duties as part of a job requirement.
 - h. CCUs carried over from one licensure period to another.

Source: Miss. Code Ann. §73-23-43(1)(e), (h), (j) and (k) (Rev. 2008)

Rule 5.5 Reporting Procedures for Continuing Competence.

1. In each licensure period the Board shall randomly select licensees for audit of evidence of compliance with continuing competence activities.
2. Licensees renewing from and after July 1, 2016 must record and report compliance with continuing competence activities through the free online aPTitude program of the FSBPT. <https://pt.fsbpt.net/aPTitude>
3. The online renewal screen will notify the licensee who is subject to audit. It is the licensee's responsibility to comply with the audit requirements.
4. Licensees shall retain evidence of compliance with continuing competence requirements for the preceding licensure period.

Source: Miss. Code Ann. §73-23-43(1) (e) and (k) (Rev. 2008)

Rule 5.6 Waiver/Extension of Continuing Competence Units (CCUs). CCUs required for renewal of license may be waived or extended by the Board if there is a gubernatorial declared emergency.

Source: Miss. Code Ann. §73-23-43(1) (e) and (k) (Rev. 2008).

Part 3103 Chapter 6: Revocation, Suspension, and Denial of License

Rule 6.1 Standards of Conduct. Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with this section. The Board, upon satisfactory proof and in accordance with the provision of this chapter and the regulations of the Board, may suspend, revoke, or refuse to issue or renew any license hereunder, censure or reprimand any license, restrict or limit a license, and/or take any other action in relation to a license as the Board may deem proper under the circumstances upon any of the following grounds:

1. Negligence in the practice or performance of professional services or activities.
2. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities.
3. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.
4. Being convicted of any crime, which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud, or dishonesty.
5. Having been convicted of or pled guilty to a felony in the courts of this state or any other state, territory or country. Conviction, as used in this paragraph, shall include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere;
6. Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public are established.
7. Continued practice although the licensee has become unfit to practice as a physical therapist or physical therapist assistant due to:
 - a. Failure to keep abreast of current professional theory or practice; or
 - b. Physical or mental disability; the entry of an order or judgment by a court of

competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or

- c. Addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.
8. Having disciplinary action taken against the licensee's license in another state.
9. Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin.
10. Engaging in lewd conduct in connection with professional services or activities.
11. Engaging in false or misleading advertising.
12. Contracting, assisting, or permitting unlicensed persons to perform services for which a license is required under these regulations.
13. Violation of any probation requirements placed on a license by the Board.
14. Revealing confidential information except as may be required by law.
15. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.
16. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.
17. For treating or attempting to treat ailments or other health conditions of human beings other than by physical therapy as authorized by these regulations.
18. Except as authorized in Part 3103 Rule 3.1, for applying or offering to apply physical therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of physical therapy, other than upon the referral of a licensed physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner, or for acting as a physical therapist assistant other than under the direct, on-site supervision of a licensed physical therapist.
19. Failing to adhere to the recognized standards of ethics of the physical therapy profession as established by Board rule.
20. Violations of any provisions of this chapter, Board rules or regulations or a written order or directive of the Board.
21. Has engaged in any conduct considered by the Board to be detrimental to the profession of physical therapy.
22. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a Board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Part 3103 Rule 6.2 of these regulations.
23. The Board is authorized by section 93-11-153 of the Mississippi Code to suspend the license of any licensee being out of compliance with an order for support. The procedure for the suspension of a license for being out of compliance with an order for support, and the procedure for the re-issuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the re-issuance or reinstatement of a license suspended by that purpose, shall be governed by section 93-11-157 or 93-11-163, as the case may be.
24. Failing to complete continuing competence requirements as established by Board rule.
25. Failing to supervise physical therapist assistants in accordance with this chapter and/or Board rule.
26. Engaging in sexual misconduct. For the purpose of this paragraph, sexual misconduct

includes, but is not necessarily limited to:

- a. Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists.
 - b. Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical conduct of a sexual nature with patients or clients.
 - c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.
27. The erroneous issuance of a license to any person.
28. Failing to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that contain at minimum sufficient information to identify the patient, an evaluation of objective findings, a diagnosis, a plan of care, a treatment record and a discharge plan.
29. Failing to report to the Board any unprofessional, incompetent or illegal acts that appear to be in violation of this law or any rules established by the Board.

Source: *Miss. Code Ann.* §§73-23-43(1)(b) and (e); 73-23-59; 73-23-64(1) (Rev. 2008).

Rule 6.2 Summary Suspension.

1. The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:
 - a. The health, safety, or welfare of the general public is in immediate danger; or
 - b. The licensee's physical capacity to practice his/her profession is in issue; or
 - c. The licensee's mental capacity to practice his/her profession is in issue.
2. If the Board summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

Source: *Miss. Code Ann.* §§73-23-43(1)(c), (e) and (h); 73-23-59; and 73-23-64(2) (Rev. 2008).

Rule 6.3 Complaints. All complaints concerning a licensee, a business, or professional practice, shall be reviewed by the Board. Each complaint received shall be logged, recording at a minimum the following information:

1. Name of Licensee, organization, business or practice;
2. The name of the complaining party, if known;
3. Date of complaint;
4. Brief statement of complaint; and
5. Disposition.

Source: *Miss. Code Ann.* §§73-23-43(1)(c) and (e) and 73-23-63(2)(a) (Rev. 2008).

Rule 6.4 Investigation. All complaints will be investigated by the Board and/or its designated representative(s) and evaluated by the Board.

Source: *Miss. Code Ann.* §73-23-43(1)(c) and (e) (Rev. 2008).

Rule 6.5 Complaint and Administrative Hearings.

1. ***Opportunity for a Licensee or Applicant to have a Hearing.*** Every licensee or applicant shall be afforded notice and an opportunity for a hearing before the Board takes any action, the effect of which would be:
 - a. to deny a license for any cause other than failure to pass an examination or failure to meet educational or administrative requirements for the issuance of a license;
 - b. to refuse to renew license for any cause other than failure to complete the application or pay the required renewal fee;
 - c. to suspend a licensee;
 - d. to revoke a license; and/or
 - e. take any of the action authorized by Miss. Code Ann. Section 73-23-59(1), as amended.
2. ***Complaint Procedures.***
 - a. *Filing a Complaint.* Any person, firm, corporation, member of the Board, or public officer may make a complaint to the Board. Only those complaints that are in writing and signed on the official Mississippi State Board of Physical Therapy complaint form will be formally addressed by the Board, unless extenuating circumstances exist. The forms required for an official complaint can be obtained from the Board's website or office.
 - b. *Procedures upon Receipt of a Complaint by the Board's Office.* The Board Executive Director/Administrator or Investigator will act as the Complaint Manager. Upon receipt of the complaint, the Board staff shall:
 - i. log in the date the complaint is received in the Board office;
 - ii. determine whether the person against whom the complaint is made is a current licensee;
 - iii. assign a complaint number and set up an individual file;
 - iv. notify the Board designee ("Complaint Consultant"), if applicable, of receipt of a complaint; and
 - v. send a letter to the complainant confirming receipt of the complaint.
 - c. *Review of the Complaint.*
 - i. The Complaint Consultant and/or Complaint Manager will comprise the Complaint Committee and will review the contents of the complaint to determine whether or not the allegation constitutes a possible violation of the *Mississippi Physical Therapy Law* and the rules and regulations promulgated thereto. If the allegation does not indicate a possible violation under the Board's jurisdiction, the Complaint Committee will recommend that the complaint be dismissed by the Board and thereafter notify the complainant and the subject of the complaint of the outcome of the complaint.
 - ii. If the allegation of the complaint does indicate a possible violation under the Board's jurisdiction, the subject of the complaint ("Respondent") will be provided with written notice, along with a copy of the complaint within thirty (30) calendar days of receipt of the complaint in the Board office, unless the Complaint Committee reasonably determines that disclosure of the complaint at that time may impair, impede, or compromise the efficacy or integrity of the investigation of the complaint. The notice shall be considered properly served when sent to the licensee, applicant, or affected party's last known address of record at the Board's office. It is the

responsibility of the licensee, applicant, or affected party to keep the Board informed of his or her current address.

- iii. If the Complaint Committee determines that disclosure of the complaint will impair, impede, or compromise the integrity or efficacy of the investigation, the investigation of the complaint will proceed without notice to the Respondent at the initial stage.
 - iv. Unless it has been determined that disclosure of the complaint will impair the integrity or efficacy of the investigation, so that the investigation is proceeding without notice to the Respondent at the initial stage, the Respondent shall be provided twenty (20) calendar days from the date of the Board's notice to the Respondent in which to file a written response to the complaint and shall be advised that he or she is required to provide all documents and exhibits in support of his or her position. The Complaint Manager or Complaint Committee may grant a reasonable request for extension of time within which a Respondent may respond to a complaint and/or within which a complainant may comment upon response of the Respondent.
 - v. Upon receipt of the written response of the subject of the complaint, the Complaint Committee will send a copy of the response to the complainant.
 - vi. The complainant will have seven (7) working days from the date that the written response is sent by the Board to submit a written reply to the response to the Board.
 - vii. If the Complaint Committee has determined that it is in the best interest of the investigation to withhold disclosure of the complaint during the initial stage of the investigation, a copy of the complaint will be provided to the Respondent no later than at the time of the issuance of a notice of contemplated action or notice of hearing and complaint.
3. ***Reviews & Investigations by Complaint Committee.***
- a. After the receipt of a complaint and the expiration of the period for the response, the Complaint Committee shall consider the complaint, responses, complainant's reply to the responses, and other relevant material available and determine whether further investigation is warranted and/or make a recommendation to the Board. The Complaint Committee may also offer the licensee or applicant the opportunity to engage in the informal process for addressing complaints.
 - b. At any point in its investigation of a complaint the Complaint Committee may, at its discretion, assign or reassign the matter to an investigator to ascertain additional facts and report to the Complaint Committee. The Complaint Committee may procure the services of experts, consultants, or private investigators to assist in the investigations and handling of complaints.
 - c. The expert, consultant, or private investigator and/or Complaint Committee shall review and investigate the complaint and prepare a report concerning the complaint.
 - d. Upon completion of a formal investigation, the Complaint Committee shall consider the facts regarding the complaint. The Complaint Committee shall review the investigative report and supporting documents and make a recommendation to the Board.
 - e. When in the opinion of the Complaint Committee a complaint warrants the issuance of a formal complaint against the licensee or applicant, the Complaint Committee shall recommend such action to the Board in accordance with the *Administrative Proceedings'* section of this Rule.

4. ***Disposition of Complaints.***

- a. Settlement: The Board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.
- b. Board Review: Upon review and consideration, the Board shall vote upon the proposed recommendation(s) of the Complaint Committee and shall either uphold, reverse, or modify the recommendation(s).
- c. Board Action: The Board may take any action with regard to a complaint which is within its authority and which is within the law, including scheduling the matter for administrative hearing and referring the complaint to another licensing board or appropriate authority for further action.
- d. Voluntary Surrender of License: If a licensee who is the subject of a Board investigation or disciplinary proceeding voluntarily surrenders his or her license, absent unusual circumstances as determined by the Board, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee consents to entry of an order limiting or prohibiting his or her practice of physical therapy in Mississippi.

5. ***Settlement by Informal Proceedings.***

- a. Purpose: The Board or the Complaint Committee may enter into informal proceedings with the party who is the subject of a complaint for the purpose of resolving the matter appropriately.
- b. Informal Conferences: This process includes an informal review or meeting between the Complaint Committee or Board and the licensee or applicant to fully explore the issue(s) involved in the complaint and to facilitate the disposition of a complaint. This process may occur at any time prior to the Board entering any order with respect to the complaint. No prejudice shall be attached to the licensee or applicant for failure to attend an informal conference.
- c. Agreement: The Board or Complaint Committee and the licensee or applicant may enter into a proposed stipulation, consent order or agreement for disciplinary action or resolution of the complaint.

No proposed settlement, consent agreement, voluntary surrender of a license, or other proposal for the resolution of a pending complaint or disciplinary action shall be effective unless approved by the Board. The settlement, consent order, or other proposal must be executed by the Board chair or Board designee and the licensee or applicant and his or her legal representative (if applicable). No Board member is presumed to be biased and shall not be excused from participating in the adjudication and deliberation of a case or action based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for resolution of a pending complaint or disciplinary or licensure action.

6. ***Administrative Proceedings.***

All administrative disciplinary hearings shall be conducted in accordance with the *Mississippi Physical Therapy Law* and the rules provided hereinbelow.

- a. Case Summary: A case summary, including the alleged violations of the *Mississippi Physical Therapy Law*, as amended, and the Rules and Regulations of the Board will be presented to the Board by the Complaint Committee along with the recommendation(s) for the disposition of the complaint. Reasonable attempts will be made to not disclose

- the identity of the Respondent and the complainant by the Complaint Committee until the matter comes before the Board for hearing or final resolution.
- b. Reasonable Cause: The Board’s review will include the case summary presented by the Complaint Committee to determine if reasonable cause exists to issue a notice of contemplated action or notice of hearing and complaint.
 - c. Dismissal of a Complaint: If the Board determines that there is not reasonable cause for the issuance of a notice of contemplated action or notice of hearing and formal complaint, a letter from the Board will be sent within thirty (30) calendar days of the Board’s decision to the complainant and to the party named in the complaint. The letter will set forth the Board’s action and reason for its decision.
 - d. Notice and Service to Respondent: If the Board determines that there is sufficient evidence or cause to issue a complaint or notice of contemplated action, the formal notice and complaint shall be signed by the Executive Director/Board Administrator and shall be served as required by Miss. Code Ann. Section 73-23-63, as amended, to the party named in the complaint (the “Respondent”) at his or her last known address on file with the Board.
 - e. Presiding Hearing Official: All hearings shall be conducted by the Board or by a hearing officer designated by the Board.
 - i. If a hearing officer is designated to hear a case, the hearing officer shall have the authority to decide pre-hearing matters, preside over the hearing, and direct post-hearing matters in accordance with the requirements of the case in a manner that ensures due process and an efficient and orderly hearing and resolution of the case.
 - ii. If a hearing officer is not designated to preside over the case or if the hearing officer is unavailable or unable to proceed, the Board chair or other designee of the Board shall have the authority to decide pre-hearing or preliminary matters.
 - f. Filings: The original of any papers, pleadings, or other documents shall be filed with the Board office. Each party must send copies to the hearing officer and attorneys or parties of record.
 - g. Continuances: No more than two (2) continuances of the hearing will be granted without the approval of the Board for good cause.
 - h. Hearing Process:
 - i. The Board’s Executive Director/Administrator’s duties shall include:
 - 1. Issuing a notice of hearing and complaint or notice of contemplated action in the case;
 - 2. Executing notices, scheduling orders, and other routine procedural documents that facilitate the conduct of the administrative proceedings;
 - 3. Maintaining the official record of all papers and pleadings filed with the Board in any matter; and
 - 4. Preparing, certifying, and filing with the appellate court the record of the case on appeal or review.
 - ii. The hearing officer or the Board designee shall issue appropriate orders to control the course of the proceedings.
 - iii. The hearing officer or the Board designee may order the filing of briefs or other documents in the proceedings.

- iv. A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or the Board designee upon the filing of a timely motion for continuance.
- v. At the conclusion of the hearing, a final decision and order shall be entered by the Board. The hearing officer, the Board chair, or designated Board member shall have the authority to sign the written decision of the Board.
- vi. The Board's Executive Director/Administrator shall serve the decision of the Board on the licensee or applicant.
- vii. If a license is restricted, suspended, or revoked by the Board, the licensee shall immediately surrender his or her license to the Board as directed by the Board or the Board designee.
- viii. If the licensee's scope of practice is restricted or limited or otherwise conditioned the license may reflect such restriction, limitation, or condition.
- i. Recusal: Complaint Committee members who participate in the preparation of recommendations to the remaining Board members shall not participate further in any actions initiated by the Board against the licensee or party who is the subject of the complaint.
- j. Each hearing will be recorded by a court reporter. The cost of the transcription shall be borne by the person making the request.

Source: *Miss. Code Ann.* §§73-23-43(1)(e); 73-23-59(2) and (3); 73-23-63(2)(b), (c) and (d); and 73-23-64(3) (Rev. 2008).

Rule 6.6 Sanctions. The Board may impose any of the following sanctions, singly or in combination, when it finds that an applicant or a licensee has committed any violation listed in section 73-23-59 or Part 3103 Rule 6.1:

- 1. Revoke the license.
- 2. Suspend the license, for any period of time.
- 3. Censure the licensee.
- 4. Impose a monetary penalty in an amount not to exceed \$500.00 for the first violation, \$1,000.00 for the second violation, and \$5,000.00 for the third violation and for each subsequent violation.
- 5. Place a licensee on probationary status and require the licensee to submit to any of the following:
 - a. Report regularly to the Board, or its designee, upon matters which are the basis of probation;
 - b. Continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
 - c. Such other reasonable requirements or restrictions as are proper.
- 6. Refuse to issue or renew a license.
- 7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
- 8. The Board may reinstate any licensee to good standing under this chapter if, the Board is satisfied that the applicant's renewed practice is in the public interest.
- 9. Restrict a license; or

10. Accept a voluntary surrendering of a license based on an order of consent from the Board.
11. In addition to any other power that it has, the Board may issue an advisory letter to a licensee if it finds that the information received in a complaint or an investigation does not merit disciplinary action against the licensee.
12. The Board may also assess and levy upon any licensee or applicant for licensure the costs incurred or expended by the Board in the investigation and prosecution of any licensure or disciplinary action, including, but not limited to, the cost of process service, court reports, expert witness, investigators, and attorney fees.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-64(1), (4) (6) and (7) (Rev. 2008).

Rule 6.7 Appeals. Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

Source: *Miss. Code Ann.* §§73-23-43(1)(e) and 73-23-63(3) (Rev. 2008).

Part 3103 Chapter 7: Exceptions and Exemptions

Rule 7.1 Exceptions. No person shall practice physical therapy or represent himself/herself to be a physical therapist or physical therapist assistant unless he/she is licensed by the Board, except as otherwise provided in this section.

1. Students enrolled in accredited physical therapy educational programs, while engaged in completing a clinical requirement for graduation, which must be performed under direct clinical supervision. Direct clinical supervision shall mean under the direct control of a clinical instructor of the physical therapy program in which the student is enrolled, or his/her designee. Students in an accredited physical therapy program may provide treatment services in a pro bono clinic setting under the supervision of a Mississippi licensed physical therapist when such is done as part of the clinical requirements for graduation from a physical therapist or physical therapist assistant educational program. The clinical instructor or his/her designee must be a licensed Mississippi physical therapy practitioner and shall be readily accessible and accountable at all times when physical therapy services are being provided by the student. If the student is completing a physical therapist educational program, it's a licensed physical therapist. If the student is completing a physical therapist assistant program, the physical therapist assistant will work collaboratively with a physical therapist to supervise the physical therapist assistant student in full compliance with all laws, rules and regulations regarding physical therapist assistant scope of practice. The Board has adopted the American Physical Therapy Association (APTA) guidelines for supervision of student physical therapist assistants.
2. Physical therapists licensed in other jurisdictions while enrolled in graduate educational programs in this state that include the evaluation and treatment of patients as part of their experience required for credit, so long as the student is not at the same time gainfully employed in this state as a physical therapist;
3. Practitioners of physical therapy employed in the United States Armed Services, United States Public Health Service, Veterans Administration or other federal agency; however, if such individual engages in the practice of physical therapy outside of the scope of official

- duty, he must be licensed as herein provided;
4. Physical therapists or physical therapist assistants licensed in other jurisdictions who are teaching or participating in physical therapy education projects, demonstrations or courses in this state, or providing physical therapy services to visiting established athletic organizations, performing arts companies or volunteering to provide services to competitors in events such as the Olympics or dance competitions in which their participation in the treatment and/or evaluation of patients is minimal.
 5. Schools, YMCAs, athletic clubs and similar organizations furnishing services to their players and members, provided that they do not represent themselves as physical therapists, as physical therapist assistants, or as providing physical therapy services;
 6. The performance by any person of simple mechanical or machine assisted acts in the physical care of a patient, not requiring the knowledge and skill of a physical therapist under the order or direction of a licensed doctor of medicine or dentistry or of a physical therapist assistant under the direct, on-site supervision of a licensed physical therapist.
 7. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.
 8. A physical therapist or physical therapist assistant who is licensed in a jurisdiction of the United States and who enters this state to provide physical therapy during a lawfully declared local, state or national disaster or emergency. This exemption applies for no longer than 60 days or the period prescribed by the Board following the declaration of the emergency. In order to be eligible for this exemption the physical therapist or physical therapist assistant shall:
 - a. Notify the Board in writing of their intent to practice;
 - b. Shall provide a copy of their license in good standing;
 - c. Shall, if a physical therapist assistant, practice only under the supervision of a physical therapist who is duly licensed in the State of Mississippi. Any licensee who will supervise a person in this category shall provide the Board with a schedule indicating when the person will be performing therapy services and with the names of the facilities at which the person will perform the services.

Source: *Miss. Code Ann.* §§73-23-35(1); 73-23-37; 73-23-39; 73-23-43(1)(e); and 73-23-53(6) (Rev. 2008).

Rule 7.2 Good Samaritan Act. [Left Blank on Purpose]

Source: *Miss. Code Ann.* § 73-25-37 (Rev. 2008).

Part 3103 Chapter 8: Physical Therapist Assistant

Rule 8.1 Definition. A physical therapist assistant (PTA), as defined in Part 3101 Rule 1.3 hereinabove, shall be an individual who meets the qualifications and requirements as set forth in Part 3103 Chapter 1 of these regulations, and has been issued a license by the Board. The roles and responsibilities of a PTA are:

1. To practice only under the direct supervision of a physical therapist licensed to practice in Mississippi.
2. To assist with but not perform patient evaluations.
3. To perform treatment procedures as delegated by the physical therapist but not to initiate or alter a treatment plan.
4. To supervise other supportive personnel as charged by the physical therapist.
5. To notify the physical therapist of changes in the patient's status, including all untoward patient responses.
6. To discontinue immediately any treatment procedures which in their judgment appear to be harmful to the patient.
7. To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

Source: *Miss. Code Ann.* §§73-23-33(c) and 73-23-43(1)(a), (e) and (h) (Rev. 2008).

Rule 8.2 Direction and Supervision of the physical therapist assistant.

1. Supervision Standards. A Mississippi-licensed physical therapist may delegate the performance of selected acts, tasks, functions, or interventions to a Mississippi licensed physical therapist assistant. The physical therapist shall, however, at all times be responsible for the physical therapy plan of care and instructions provided to the physical therapist assistant; interpretation of referrals; oversight of all documentation for services rendered to each client or patient; providing direct care to the patient; and assuring that the physical therapist assistant does not function autonomously. The supervising physical therapist shall, at a minimum:
 - a. Ensure that the assignment of responsibilities to the physical therapist assistant is commensurate with his or her qualifications, including training, education, skill level, and experience. In cases when the supervising physical therapist is the direct employer of the physical therapist assistant, the physical therapist shall ensure that the physical therapist assistant holds a valid and current Mississippi license.
 - b. Examine and evaluate the patient or client to establish a physical therapy diagnosis, treatment goals, frequency, duration, and plan of care before delegating tasks or interventions to be performed by a physical therapist assistant -- the initial evaluation.
 - c. Before a patient is treated by the physical therapist assistant, evaluate the patient and establish a written plan of care to include the treatment initial and ongoing treatment program goals and plans for the patient or client, the elements of the plan of care to be delegated to the physical therapist assistant and predetermined procedures and protocols for acts, tasks, functions, or interventions delegated to the physical therapist assistant.
 - d. Review the patient plan of care, treatment goals and delegated tasks with the physical therapist assistant before the physical therapist assistant provides care to a patient for the first time.
 - e. The supervising physical therapist shall be readily available in person or by telecommunication to the physical therapist assistant at all times for advice, assistance and instruction while the physical therapist assistant is treating patients or clients or providing physical therapy services.

- f. Hold regularly scheduled and documented in meetings and case conferences with the physical therapist assistant to evaluate the assistant's performance, review records and changes in plan of care, and assess the plan of care. The frequency of the meetings and case conferences is to be determined by the supervising physical therapist based upon the needs of the patient; the supervisory needs of the physical therapist assistant; and prior to any planned discharge. Notwithstanding the aforesaid, meetings and case conferences must take place at least once every sixth physical therapist assistant visit or at least once every thirtieth (30th) calendar day, whichever occurs first and be documented in the patient or client record.
 - g. Reevaluate the patient as previously determined during the initial evaluation, or more often if necessary, and modify the treatment, goals and plan as needed. The physical therapist assistant shall not alter a treatment plan or program without the prior evaluation by, and approval of, the supervising physical therapist. A supervising physical therapist must, however, re-evaluate and render personal treatment to a patient receiving physical therapy services from a physical therapist assistant a minimum of least once every sixth (6th) physical therapist assistant visit or at least once every or thirtieth (30th) calendar day, whichever occurs first.
 - h. Treat and assess the patient or client for his or her final treatment session, establish a discharge plan and write a discharge summary/status. If the supervising physical therapist is unable to carry out the provisions of this paragraph due to an emergency or unforeseen situation, an explanation of the circumstances constituting the emergency or unforeseen event must be documented in the treatment record of such patient.
2. Physical Therapist Assistants under Supervision. It is the responsibility of the physical therapist to determine the number of physical therapist assistants he or she can supervise safely and competently. However, in no case shall the physical therapist supervise more than a total of four (4) physical therapist assistants and/or physical therapy students at any point in time during the physical therapist's work day. The number of supervisees is inclusive of all geographic locations or employing agencies.
3. Documentation Requirements.
- a. A written record of physical therapy treatment shall be maintained for each patient. The written record shall include:
 - i. A prescription or referral when required showing the written request for physical therapy evaluation or treatment signed by a healthcare provider lawfully authorized to make such request.
 - ii. Written documentation in each patient's record, along with the physical therapist's signature, of the treatment program goals and plan of care. An initial physical therapy evaluation shall not be documented or signed by a physical therapist assistant or any other personnel.
 - iii. Progress notes regarding the client's or patient's subjective status, changes in objective findings, and progression or regression toward established goals.
 - iv. A record of the reassessment or re-evaluation of the patient or client, written and signed by the supervising physical therapist.
 - v. Written documentation of each patient or client visit which includes specific treatment and services provided.
 - vi. Written documentation of supervisory visits and/or conferences -- including the

date of visit, treatment plans and changes in the treatment plan; other communications between the supervising physical therapist and the physical therapist assistant; and findings and subsequent decisions made. The written documentation must be signed and dated by the supervising physical therapist or the physical therapist assistant.

- vii. Documentation of a discharge evaluation by the supervising physical therapist and a discharge summary which must be written and signed by the supervising physical therapist. If the supervising physical therapist is unable to provide a patient discharge evaluation and plan, the reason for or circumstances of such inability must be documented in the physical therapy treatment record of such patient.
 - viii. Accurate patient or client treatment and billing records.
- b. A signature stamp shall not be used in lieu of a written signature on physical therapy patient or client records. Forms of electronic signatures, established pursuant to written policies and procedures to assure that only the author can authenticate his or her own entry, may be acceptable.
4. The supervision requirements stated in these regulations are minimal. It is the professional responsibility and duty of the licensed physical therapist to provide the physical therapist assistant with more supervision if deemed necessary in the physical therapist's professional judgment.

Source: *Miss. Code Ann.* §§73-23-33(f) and (g) and 73-23-43(1)(a), (e), (h) and (j) (Rev. 2008).

Part 3103 Chapter 9: Criminal Offenses and Punishment

Rule 9.1 Offenses. It is a misdemeanor for any person to:

1. Sell, fraudulently obtain, or furnish any physical therapy license, record, or aid or abet therein.
2. Practice physical therapy under cover of any physical therapy diploma, permit, license, or record illegally or fraudulently obtained or issued.
3. Practice physical therapy or bill for physical therapy services, unless duly licensed to do so by the Mississippi State Board of Physical Therapy.
4. Impersonate in any manner or pretend to be a physical therapist or physical therapist assistant or use the titles protected herein, the letters protected herein, or any other words, letters, signs, symbols or devices to indicate the person using them is a licensed physical therapist or physical therapist assistant unless duly authorized by license or permit.
5. Practice physical therapy during the time his/her license or permit is suspended, revoked, or expired.
6. Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses, required to practice physical therapy in this or any other jurisdiction.
7. Make false representations or impersonate or act as a proxy for another person or allow or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.
8. Otherwise violate any provisions of the Act, or the Regulations promulgated thereto.

Source: *Miss. Code Ann.* §73-23-61 (Rev. 2008).

Rule 9.2 Punishment. Such misdemeanors shall, upon conviction, be punishable by a fine or by imprisonment or by both fine and imprisonment for each offense, as set forth in the Act.

Source: *Miss. Code Ann.* §73-23-61 (Rev. 2008).

Part 3103 Chapter 10: Fees

Rule 10.1 Method of Payment. In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Mississippi State Board of Physical Therapy check or money order.

Source: *Miss. Code Ann.* §73-23-43(1)(d), (e) and (l) (Rev. 2008).

Rule 10.2 Schedule of Fees.

1. Application Fee	\$125.00
2. Initial License Fee:	
a. Physical Therapist	\$150.00
b. Physical Therapist Assistant	\$125.00
3. Compact Licensure Fee	\$150.00
4. Renewal Fee:	
a. Physical Therapist	\$150.00
b. Physical Therapist Assistant	\$125.00
5. Late Renewal Fee	\$150.00
6. Reinstatement Fee	\$200.00
7. License Certificate Replacement Fee	\$35.00
8. Duplicate License Certificate Fee	\$35.00
9. ID Card Replacement Fee	\$25.00
10. License Verification Fee	\$35.00
11. Examination Registration Fee:	
a. Physical Therapist	\$50.00

b. Physical Therapist Assistant	\$50.00
12. Inactive Status Fee	\$50.00
13. Insufficient Funds Check Fee	\$40.00
14. Mailed Copy of Regulations	\$10.00
15. Failure to Notify Change of Name/Address	\$25.00
16. Replacement Licensure Seal	\$10.00

Source: *Miss. Code Ann.* §§73-23-43(1)(d), (e) and (l) and 73-23-49(1) (Rev. 2008).

Rule 10.3 Examination Fee. Fees for the examination are to be paid to the appropriate examination administrant.

Source: *Miss. Code Ann.* §§73-23-43(1)(d), (e) and (l) and 73-23-49(3) (Rev. 2008).