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Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery > Subchapter VIII. Physical Therapy

§ 165. Definitions

- (a) “Physical therapy” means treatment of a human being by the use of exercise, massage, heat or cold, air, light, water, electricity, or sound, for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of tests as an aid to the diagnosis or treatment of any human condition, provided, however, that physical therapy shall not include radiology or electro-surgery.
- (b) “Physical therapist” means a person who is licensed pursuant to this subchapter to practice physical therapy.
- (c) “Board” means the Virgin Islands Board of Physical Therapy established as provided for in section 415(b)(6) of Title 3.
- (d) “Practice of physical therapy” means:
 - (1) Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disabilities or other health and movement-related conditions in order to determine a physical therapy evaluation and plan of treatment intervention, and to assess the ongoing effects of intervention.
 - (2) Alleviating impairments, functional limitations and disabilities by designing, implementing and modifying treatment interventions that may include, but are not limited to, therapeutic exercise, functional training in self-care and in home, community or work integration or reintegration, manual therapy including soft tissue and the first four stages of joint mobilization only, therapeutic massage, prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities, and patient-related instruction.
 - (3) Reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health and wellness in populations of all ages.
 - (4) Engaging in administration, consultation, education and research.
 - (5) The term “practice of physical therapy” as defined in this subsection does not preclude other health care providers’ providing service similar to that which is defined for persons licensed pursuant to this subchapter from performing various forms of modalities allowed in their specific practice act or Board regulations.
- (e) “Physical therapist assistant” means a person who is licensed pursuant to this subchapter and who assists the physical therapist in selected components of the physical therapy treatment intervention.
- (f) “Physical therapy aide” means a person trained under the direction of a physical therapist who performs designated and supervised routine tasks related to physical therapy services.
- (g) “Restricted license” for a physical therapist means a license on which the Board places restrictions or conditions, or both restrictions and conditions, as to scope of practice, place of practice, supervision of practice, duration of licensed

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status, or type or condition of patient or client to whom the licensee may provide services. “Restricted license” for a physical therapist assistant means a license on which the Board has placed any restrictions.

- (h) “Supervision” means the supervising physical therapist needs to be available at all times to the physical therapy assistant.
- (i) “Testing” means standard methods and techniques used to gather data about the patient.
- (j) “Consultation by means of telecommunication” means that a physical therapist seeks professional or expert opinion or advice from, or renders professional or expert opinion or advice to another licensed physical therapist or health care provider via telecommunications or computer technology from a distant location. It includes the review or transfer of patient records or related information by means of audio, video or data communications.
- (k) “Jurisdiction of the United States” means any state, the District of Columbia, or any American territory.
- (l) “Examination” means the national examination approved by the Board for the licensure of a physical therapist or the licensure of a physical therapist assistant.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended July 11, 2014, No. 7620, § 2(1.)(A), (B), Sess. L. 2014, p. 126.

Annotations

Notes

HISTORY

Revision notes.

This subchapter was enacted as subchapter VII, sections 161–172, but was redesignated subchapter VIII, sections 165–165k, to avoid conflict with subchapter VII as added by Act May 29, 1968, No. 2212. See note set out under section 161 of this title.

Amendments

Act 7620, § 2(1.)(A), rewrote subsection (b).

Act 7620, § 2(1.)(B), added subsections (d) through (l).

Research References & Practice Aids

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§ 165a. License required

- (a) All physical therapists and physical therapist assistants who practice physical therapy in the Virgin Islands are required to have a license in compliance with the terms of this subchapter.
- (b) A physical therapist licensed under this subchapter may perform physical therapy services without a prescription or physician referral under the following conditions:
 - (1) The physical therapist shall refer a client to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice, or if the patient is not progressing toward documented treatment goals as demonstrated by objective, measurable, or functional improvement.
 - (2) The physical therapist may not continue treating the patient beyond 45 calendar days or 12 visits, whichever occurs first, without receiving, a dated signature on the physical therapist's plan of care from the patient's physician, surgeon, or podiatrist indicating approval of the physical therapist's plan of care. Approval of the physical therapist's plan of care must include an in-person patient examination and evaluation of the patient's condition and, if indicated, testing by the physician, podiatrist, chiropractor, nurse practitioner, physician assistant and dentists.
 - (3) The physical therapist shall provide notice to the patient, orally and in writing, in at least 14-point type and signed by the patient indicating they are receiving direct physical therapy treatment services and may continue to receive direct physical therapy treatment services for a period of up to 45 calendar days or 12 visits, whichever occurs first, after which time a physical therapist may continue providing the patient with physical therapy treatment services only after receiving, a date signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care and that an in-person patient examination and evaluation was conducted by the physician and surgeon or podiatrist.
- (c) A physical therapist's failure to refer, as required by subsection (b) paragraph (1)(A), a patient to another qualified professional when the patient's condition is beyond the physical therapist's training subjects the physical therapist to disciplinary action under section 165k.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; —Amended Sept. 20, 2011, [No. 7270, § 12, Sess. L. 2011](#), p. 135; amended July 11, 2014, [No. 7620, § 2\(2.\), Sess. L. 2014](#), p. 126-127.

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Editor's note.

Act 7270, § 12, amended this section. This section of Act 7270 was originally objected to by the Governor but that objection was ultimately overridden by the Legislature on September 20, 2011.

Amendments

Act 7620, § 2(2.), rewrote the section.

—2011.

Act 7270, § 12, designated the existing language as subsection (a) and added subsection (b).

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§ 165b. Powers and duties of Board

The Board shall:

- (1) Evaluate the qualifications of physical therapist and physical therapist assistant applicants for licensure;
- (2) Provide for the examination of physical therapists and physical therapist assistants;
- (3) Issue licenses to persons who meet the qualifications of this subchapter;
- (4) Regulate the practice of physical therapy by interpreting and enforcing this subchapter;
- (5) Issue advisory opinions upon request regarding this subchapter;
- (6) Adopt and revise rules consistent with this subchapter. Such rules, when lawfully adopted, have the effect of law;
- (7) Establish mechanisms for assessing the continuing professional competence of physical therapists to practice physical therapy;
- (8) Establish mechanisms for assessing the continuing professional competence of physical therapist assistants to practice physical therapy;
- (9) Establish and collect fees for sustaining the necessary operation and expenses of the Board;
- (10) Maintain a current list of all persons regulated under this subchapter. This information includes the person's name, current business and residential address, email address, telephone numbers, and license number;
- (11) Provide information to the public regarding the complaint process;
- (12) Report final disciplinary action taken against a licensee to a national disciplinary database recognized by the Board or as required by law;
- (13) Report information of alleged unlawful conduct by licensees, unlicensed individuals, other health care providers and entities to the appropriate county, state or federal authority; and
- (14) Publish, at least annually, Board rulings, opinions, and interpretations of statutes or rules in order to guide persons regulated pursuant to this subchapter.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended July 11, 2014, [No. 7620, § 2\(3.\), Sess. L. 2014](#), p. 127.

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Amendments

Act 7620, § 2(3.), rewrote the section.

Research References & Practice Aids

CROSS REFERENCES

Filing and publication of regulations, see section 911 et seq. of Title 3.

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§ 165c. Application for license

- (a) An applicant for a license as a physical therapist shall:
 - (1) Complete the application process including payment of a fee of \$200;
 - (2) Submit proof of graduation from a professional physical therapy education program accredited by a national accreditation agency approved by the Board;
 - (3) Pass the national examination approved by the Board;
 - (4) Present evidence satisfactory to the Board that he is of good moral character; and
 - (5) Meet the requirements established by Board rule, if applicable.
- (b) An applicant who has been educated outside of the United States and seeks a license as a physical therapist shall:
 - (1) Complete the application process including payment of a fee of \$200;
 - (2) Provide satisfactory evidence to the Board that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry-level program in the United States.
 - (3) Graduation from a professional education program outside the United States that was accredited by the same accrediting agency that the Board approves for programs within the United States constitutes evidence of substantial equivalency. In all other instances, "substantially equivalent" means that an applicant for licensure who was educated outside of the United States shall have:
 - (A) Graduated from a physical therapist education program that prepared the applicant to engage, without restriction, in the practice of physical therapy;
 - (B) Provided written proof that the applicant's school of physical therapy is recognized by its own ministry of education;
 - (C) Undergone a credentials evaluation as directed by the Board, utilizing the appropriate Coursework Tool based on the year of graduation, developed by the Federation of State Boards of Physical Therapy, that determines that the candidate has met uniform criteria for educational requirements as further established by rule; and
 - (D) Completed any additional education as required by the Board.
 - (4) Pass the Board-approved English proficiency examination if the applicant's native language is not English;
 - (5) Pass the examination approved by the Board;
 - (6) Present evidence satisfactory to the Board that he is of good moral character;

- (7) Meet the requirements established by Board rule if applicable; and
 - (8) Complete supervised clinical practice as defined by rules with a restricted license.
- (c) An applicant for licensure as a physical therapist assistant shall:
- (1) Complete the application process including payment of a fee of \$100;
 - (2) Submit proof of graduation from a physical therapist assistant education program accredited by a national accreditation agency approved by the Board;
 - (3) Pass the examination approved by the Board;
 - (4) Present evidence satisfactory to the Board that he is of good moral character; and
 - (5) Meet the requirements established by Board rule if applicable.
- (d) An applicant for a certification/licensure as a physical therapist assistant who has been educated outside of the United States shall:
- (1) Complete the application process, including payment of fees;
 - (2) Provide satisfactory evidence that the applicant's education is substantially equivalent to the physical therapist assistants educated in an accredited entry-level program as determined by the Board;
 - (3) Graduation outside of the United States from an education program accredited by the same accrediting agency that the Board approves for programs within the United States constitutes evidence of substantial equivalency. In all other instances, "substantially equivalent" means that an applicant for licensure educated outside of the United States shall have:
 - (a) Graduated from a physical therapist assistant education program that prepares the applicant to work as a Physical Therapist Assistant;
 - (b) Provided written proof that the applicant's physical therapist assistant school is recognized by its own ministry of education;
 - (c) Undergone credentials evaluation as directed by the Board, utilizing the appropriate PTA Tool based on year of graduation, developed by the Federation of State Boards of Physical Therapy, that determines that the candidate has met uniform criteria for education requirements as further established by rule; and
 - (d) Completed any additional education as required by the Board.
 - (4) Pass the Board-approved English proficiency examinations if the applicant's native language is not English;
 - (5) Pass the examination approved by the Board;
 - (6) Complete supervised clinical practice as defined by rules with a restricted license;
 - (7) Meet the requirements established by Board rule if applicable.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended July 11, 2014, [No. 7620, § 2\(4\), Sess. L. 2014](#), p. 127.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Amendments

Act 7620, § 2(4.), rewrote the section.

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§ 165d. Examinations

- (a) The Board shall provide for examinations to applicants who comply with section 165c of this subchapter.
- (b) The physical therapist examination must be a national examination that tests entry-level competence related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention and consultation.
- (c) The physical therapist assistant examination must test for requisite knowledge and skills in the technical application of physical therapy services.
- (d) If the Board determines that an applicant has engaged, or has attempted to engage, in conduct that subverts or undermines the integrity of the examination process, the Board may disqualify the applicant from taking or retaking the examination for a specified period of time.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended July 11, 2014, [No. 7620, § 2\(5.\), Sess. L. 2014](#), p. 127.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Reference in text to “section 164” was changed to “section 165c” to conform reference to renumbering of such section pursuant to section 14 of Title 1.

Amendments

Act 7620, § 2(5.), rewrote the section.

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§ 165e. Issuance of license after examination

The Board shall issue a license to each applicant who passes the examination in accordance with standards fixed by it and who is not disqualified to receive a license under the provisions of section 165i of this subchapter.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Reference in text to “section 170” was changed to “section 165i” to conform reference to renumbering of such section pursuant to section 14 of Title 1.

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§ 165f. Issuance of license without examination

On payment to the Board of a fee of \$15, and on submission of a written application on forms provided by the Board, the Board shall issue a license without examination to:

- (1) a person filing said application within 6 months from the effective date of this Act who presents evidence satisfactory to the Board that he meets the qualifications set forth in this subchapter and that he was practicing physical therapy in the Virgin Islands on the effective date of this subchapter;
- (2) a person who is licensed or otherwise registered as a physical therapist by another state of the United States of America, or the District of Columbia, if the requirements for license or registration in such state or District were at the date of his license or registration by such state substantially equal to the requirements set forth in this subchapter.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Reference to “section 5 of this Act” was changed to “this subchapter” pursuant to section 14 of Title 1, as section 5 of “this Act” added this subchapter.

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§ 165g. Temporary licenses

On payment to the Board of a fee of \$10, and the submission of a written application on forms provided by it, the Board shall issue without examination, a temporary license to practice physical therapy in the Virgin Islands for a period not to exceed one year to any person who meets the qualifications set forth in section 165c of this subchapter upon submission to the Board that he is in the Virgin Islands on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project. Upon the submission of a written application on forms provided by it, the Board shall also issue a temporary license to a person who has applied for a license under the provisions of section 165c of this subchapter, and who is, in the judgment of the Board, eligible to take the examination provided for in section 165d of this subchapter. Such temporary license shall be available to an applicant only with respect to his first application for a license and such license shall expire when the Board makes a final determination with respect to said application.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

References to sections “164” and “165” were changed to “165c” and “165d” respectively to conform references to renumbering of such sections pursuant to section 14 of Title 1.

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§ 165h. Renewal or reinstatement of license

- (a) All licenses issued by the Board shall expire on the 31st day of December of the second year next succeeding the issuance thereof. A license may be renewed on the payment to the Board of a fee of \$200.00 for physical therapists, and \$100 for physical therapists assistants on or before January 1st of each year and if said fee is not paid by that date, the license shall automatically expire. A license which has thus expired, may within five years of its expiration date, be renewed on the payment to the Board of a fee of \$250.00, in addition to the annual license fee for each year or part thereof during which the license was ineffective and the payment of a restoration fee of \$10. After said five-year period such license may be renewed only by complying with the provisions herein relating to the issuance of an original license.
- (b) The Board may reinstate a lapsed license upon completion of a reinstatement application including payment of a fee set by the Board.
- (c) If a physical therapist's license or a physical therapist assistant's license has lapsed for two or more renewal periods, that person shall demonstrate to the Board's satisfaction competence to practice physical therapy by one or more of the following as determined by the Board:
 - (1) Practice for a specified time under a restricted license;
 - (2) Complete prescribed remedial courses;
 - (3) Pass all examinations approved by the Board; and
 - (4) Provide proof of licensed practice in another jurisdiction.
- (d) The Board may reinstate a revoked license evidence of satisfactory completion of all requirements for reinstatement that were stipulated in a consent order at the time of revocation. The Board may further require evidence of a physical therapist's competence to practice physical therapy through one or more of the activities specified in section 165h(c) of this subchapter.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended Nov. 7, 1983, No. 4877, § 310(c)(6), Sess. L. 1983, p. 239; Aug. 20, 2010, [No. 7183, § 17, Sess. L. 2010](#), p. 118; amended July 11, 2014, No. 7620, § 2(6)(A)-(D), Sess. L. 2014, p. 133-134.

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Amendments

Act 7620, § 2(6.)(A), inserted “or reinstatement” following “Renewal” in the section heading.

Act 7620, § 2(6.)(B), in subsection (a), inserted “second” after “the” and before “year”, substituted “\$200.00 for physical therapists, and \$100 for physical therapists assistants” for “80.00” where it appears for the first time, and substituted “\$250.00, in addition to the annual license fee” for “\$80.00” where it appears for the second time.

Act 7620, § 2(6.)(C), rewrote subsection (b).

Act 7620, § 2(6.)(D), added subsections (c) and (d).

—2010.

Act 7183, § 17, designated the existing language as subsection (a) and added subsection (b).

—1983.

Substituted “\$80.00” for “\$20” preceding “on or before” in the second sentence and preceding “for each” in the third sentence.

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§ 165i. Regulation of physical therapy ethical practice

- (a) A physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession as established by the Physical Therapist Code of Ethic;
- (b) Use of Titles and Terms; Restrictions; Classification of Violation
 - (1) A physical therapist shall use the letters “PT” immediately following the physical therapist’s name to designate licensure under this subchapter.
 - (2) A physical therapist who has graduated from a DPT program may use the title “Doctor of Physical Therapy.” A physical therapist holding a DPT or other doctoral degree must not use the title “Doctor” without also clearly informing the public of his profession as a physical therapist. Use of the title must be in accordance with paragraph (3) of this subsection.
 - (3) A person or business entity, its employees, agents or representatives shall not use in connection with that person’s name or the name or activity of the business, the words “physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “doctor of physical therapy”, the letters “PT” “DPT”, “LPT”, “RPT” or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this subchapter. A person or business entity shall not advertise or otherwise promote another person as being a “physical therapist” or “physiotherapist” unless the individual so advertised or promoted is licensed as a physical therapist under this subchapter. A person or business entity that offers, provides, or bills any other person for services shall not characterize those services as “physical therapy” or “physiotherapy” unless the individual performing those services is a person licensed as a physical therapist under this subchapter.
 - (4) A physical therapist assistant shall use the letters “PTA” immediately following the physical therapist assistant’s name to designate licensure under this subchapter.
 - (5) A person shall not use the title “physical therapist assistant”, the letters “PTA” or any other words, abbreviations or insignia in connection with that person’s name to indicate or imply, directly or indirectly, that the person is a physical therapist assistant unless that person is licensed as a physical therapist assistant pursuant to this subchapter.
- (c) **Patient Care Management**
 - (1) A physical therapist is responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:
 - (A) The initial evaluation and documentation of each patient;

- (B) Reevaluation of those patients seen by a physical therapist assistant every 10 visits or 30 days, whichever comes first. For those patients seen through the Departments of Education or Health on a weekly or monthly basis by a physical therapist assistant, reevaluation by a physical therapist is to be completed every three months; and
 - (C) The documented discharge of the patient, including the patient's response to treatment intervention at the time of discharge.
- (2) A physical therapist shall assure the qualifications of all physical therapist assistants and physical therapy aides under the physical therapist's direction and supervision.
 - (3) For each patient on each date of service, a physical therapist shall provide all of the treatment intervention that requires the expertise of a physical therapist and shall determine the use of physical therapist assistants or physical therapy aides that provide for the delivery of care that is safe, effective and efficient.
 - (4) A physical therapist assistant shall work under a physical therapist's supervision. A physical therapist assistant shall document the care he provides.
 - (5) A physical therapist or physical therapist assistant may use unlicensed persons for designated routine tasks.
 - (6) A physical therapist's responsibility for patient care management includes accurate documentation and billing of the services provided.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended May 28, 2005, [No. 6732, § 34, Sess. L. 2005](#), p. 158; amended July 11, 2014, [No. 7620, § 2\(7.\), Sess. L. 2014](#), p. 134-136.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Amendments

Act 7620, § 2(7.), rewrote the section.

—2005.

Act 6732, § 34, in paragraph (1), substituted “surgery, chiropractic or naturopathy medicine” for “and surgery”.

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§ 165j. Fees

All fees collected by the Board shall be deposited in the general fund of the Virgin Islands through the Commissioner of Health.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

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§ 165k. Discipline and enforcement

- (a) **Grounds for denial and revocation of a license.** The following are grounds for denial of a license or disciplinary action:
- (1) Violating any provision of this subchapter, Board rules or a written order of the Board;
 - (2) Obtaining or attempting to obtain a license by fraud or misrepresentation;
 - (3) Attempting to engage in conduct that subverts or undermines the integrity of the examination or the examination process including, but not limited to, utilizing in any manner recalled or memorized examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with other examinees during the test, or copying or sharing examination questions or portions of questions;
 - (4) Practicing or offering to practice beyond the scope of the practice of physical therapy.
 - (5) Acting in a manner inconsistent with generally accepted standards of physical therapy practice, regardless of whether actual injury to the patient is established;
 - (6) Failing to adhere to the recognized standards of ethics of the physical therapy profession as established by rule;
 - (7) Failing to complete continuing competence requirements as established by rule;
 - (8) 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;
 - (9) Failing to supervise physical therapist assistants or physical therapy aides in accordance with this subchapter and Board rules;
 - (10) Failing to report to the Board, when there is direct knowledge, any unprofessional, incompetent or illegal acts that appear to be in violation of this subchapter or any rules established by the Board;
 - (11) Engaging in sexual misconduct. For the purpose of this paragraph “sexual misconduct” includes:
 - (A) Engaging in or soliciting sexual relationships, whether consensual or non-consensual, 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 contact of a sexual nature with patients or clients; and
 - (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.

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- (12) Having had a license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked or suspended by the proper authorities of another state, territory or country;
- (13) Having been convicted of or pled guilty to a felony in the courts of this Territory 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 guilt, an Alford plea, or a plea of nolo contendere;
- (14) Aiding and abetting the unlicensed practice of physical therapy;
- (15) Directly or indirectly requesting, receiving or participating in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or profiting by means of a credit or other valuable consideration such as an unearned commission, discount or gratuity in connection with the furnishing of physical therapy services. This does not prohibit the members of any regularly and properly organized business entity recognized by law comprising physical therapists from dividing fees received for professional services among themselves as they determine necessary;
- (16) Promoting any unnecessary device, treatment intervention or service resulting in the financial gain of the practitioner or of a third party;
- (17) Providing treatment intervention unwarranted by the condition of the patient or continuing treatment beyond the point of reasonable benefit;
- (18) Participating in under-utilization or over-utilization of physical therapy services for personal or institutional financial gain;
- (19) Charging fraudulent fees for services performed or not performed;
- (20) Making misleading, deceptive, untrue or fraudulent representations in violation of this subchapter or in the practice of the profession;
- (21) Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, chemicals or alcohol, or by other causes;
- (22) Practicing physical therapy with a mental or physical condition that impairs the ability of the licensee to practice with skill and safety;
- (23) Practicing after having been adjudged mentally incompetent by a court of competent jurisdiction;
- (24) Interfering with an investigation or disciplinary proceeding by failure to cooperate, by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent that patient or witness from providing evidence in a disciplinary proceeding or any legal action; and
- (25) Failing to maintain patient confidentiality without documented authorization of the patient or unless otherwise required by law. All records used or resulting from a consultation by means of telecommunications, as defined in section 165 of this subchapter, are part of a patient's records and are subject to applicable confidentiality requirements.

(b) Investigative powers; emergency action; hearing officers.

- (1) The Board has the power to:
 - (A) Receive complaints filed against licensees; and
 - (B) Conduct an investigation at any time and on its own initiative without receipt of a written complaint if the Board has reason to believe that there may be a violation of this subchapter.
- (2) The Board shall establish regulations pertaining to hearings, investigations, disciplinary under this subchapter.
- (3) The Board shall conduct its proceedings in accordance with the provisions of this subchapter. Any person may represent himself before the Board or be represented by an attorney. Every vote and official act of the Board must be entered into the official record.

- (4) The Board has the power to administer oaths, hear testimony and receive evidence of matters within its jurisdiction, and require by subpoena the attendance and testimony of witnesses, and the production of all books, papers, and documents relating to any matter under investigation. The Board shall issue a subpoena upon application by any party to a proceeding before the Board and a showing of general relevance and reasonable scope. When a subpoenaed witness fails to appear, the Board may apply to the Superior Court for an order requiring the person subpoenaed to appear before the Board to testify and produce books, papers, or documents.
- (5) A majority of the Board members or certified mediator and no less than two board members, with one from each district shall preside at the hearings.
- (6) The Board may take emergency action ordering the summary suspension of a license or the restriction of a physical therapist's practice or a physical therapist assistant's employment pending proceedings by the Board.
- (7) If the Board finds that the information received in a complaint or an investigation does not merit disciplinary action against a licensee it may take the following actions:
 - (A) Dismiss the complaint; and
 - (B) Issue an advisory letter to the licensee. An advisory letter is non-disciplinary and notifies a licensee that, while there is no evidence to merit disciplinary action, the Board believes that the licensee should become educated about the requirements of this subchapter and Board rules.
- (8) If the Board finds that the information received in a complaint or an investigation merits disciplinary action against a licensee it may take the following actions or combination thereof:
 - (A) Issue a censure;
 - (B) Restrict a license. The Board may require a licensee to report regularly to the Board on matters related to the grounds for the restricted license.
 - (C) Suspend a license for a period prescribed by the Board.
 - (D) Suspend or restrict a license while the licensee seeks treatment for impairment.
 - (E) Revoke a license;
 - (F) Refuse to issue or renew a license;
 - (G) Accept a voluntary surrendering of a license based on an order of consent from the Board; or
 - (H) Apply to any court of competent jurisdiction for an order enjoining any person or business entity from committing any violation of this subchapter. Injunction proceedings under this subsection are in addition to, and not in lieu of, all penalties and other remedies prescribed in this subchapter.
- (9) The Board has the power to require restitution when necessary.
- (10) The Board has the power to assess the costs of the disciplinary proceedings against the physical therapist or physical therapist assistant. Costs may be assessed against a complainant, if the Board finds that the complaint is frivolous as defined by Title 5, section 541, subsection (c), Virgin Islands Code.
- (11) Any physical therapist or physical therapist assistant or applicant for licensure under this subchapter whose license to practice is denied, revoked, suspended or otherwise limited pursuant to this section or this subchapter, shall have the right to appeal the action of the Board within 30 days after the written decision to the Superior Court and the notice of appeal must be simultaneously filed with the Board.

History

—Added Feb. 10, 1969, No. 2388, § 5, Sess. L. 1969, p. 13; amended July 11, 2014, [No. 7620, § 2\(8.\), Sess. L. 2014](#), p. 136-141.

Annotations

Notes

HISTORY

Revision notes.

Section was renumbered, see note set out under section 165 of this title.

Reference to “section 162” was changed to “section 165a” to conform reference to renumbering of such section pursuant to section 14 of Title 1.

Amendments

Act 7620, § 2(8.), rewrote the section.

Research References & Practice Aids

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Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery > Subchapter VIII. Physical Therapy

§ 165I. Exemptions from licensure

- (a) This subchapter does not restrict a person licensed under any other law of this Territory from engaging in the profession or practice for which that person is licensed if that person does not represent, imply or claim that he is a physical therapist, physical therapist assistant.
- (b) The following persons are exempt from the licensure requirements of this subchapter when engaged in the following activities:
 - (1) A person in an entry-level professional education program approved by the Board who is satisfying supervised clinical education requirements related to the person's physical therapist education while under on-site supervision of a physical therapist;
 - (2) A physical therapist who is practicing in the United States Armed Services, United States Public Health Service or Veterans Administration pursuant to federal regulations for licensure of health care providers;
 - (3) A physical therapist who is licensed in another jurisdiction of the United States or credentialed to practice physical therapy in another country if that person is teaching, demonstrating or providing physical therapy services in connection with teaching or participating in an educational seminar of no more than 60 days in a calendar year;
 - (4) A physical therapist who is licensed in another jurisdiction of the United States if that person is providing consultation by means of telecommunication, as defined in § 165a(k) of this subchapter, to a physical therapist licensed under this subchapter;
 - (5) A physical therapist who is licensed in a jurisdiction of the United States or credentialed in another country, if that person by contract or employment is providing physical therapy to individuals affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the territory for no more than 60 days in a calendar year; and
 - (6) A physical therapist who is licensed in a jurisdiction of the United States and who enters the Territory to provide physical therapy during a declared local or national disaster or emergency. This exemption applies for no longer than 60 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the Board of their intent to practice.
- (c) A physical therapist assistant who is certified or licensed in a jurisdiction of the United States and is assisting a physical therapist engaged specifically in activities related to subsection (b), paragraphs (2), (3), (5) and (6) of this section is exempt from the requirement of licensure under this subchapter.

History

—Added July 11, 2014, [No. 7620, § 2\(9.\), Sess. L. 2014](#), p. 141-142.

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§ 165m. Change of name, address or telephone number

Each licensee is responsible for reporting a name change and changes in business and home address, email address and telephone numbers to the Board within 30 days of the change.

History

—Added July 11, 2014, [No. 7620, § 2\(10.\), Sess. L. 2014](#), p. 142-143.

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§ 165n. Reporting violations; immunity

- (a) A person, including, but not limited to, a licensee, corporation, insurance company, health care organization or health care facility and Territorial governmental agencies, shall report to the Board any conviction or determination by an agency or court that a licensee has committed an act that constitutes a violation of section 165k(c) of this subchapter.
- (b) The Board shall not disclose the identity of a person who provides information unless such information is essential to proceedings conducted pursuant to section 165k(d) of this subchapter, or unless required by a court of law.

History

—Added July 11, 2014, [No. 7620, § 2\(11.\), Sess. L. 2014](#), p. 143.

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Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery > Subchapter VIII. Physical Therapy

§ 165o. Rights of consumers

- (a) The public shall have access to the following information:
 - (1) A list of licensees that includes place of employment, business address and telephone number of record, license number, date of license expiration and status of license;
 - (2) A list of final disciplinary actions taken by the Board; and
 - (3) The address, website, email and phone number of the Board.
- (b) Each licensee shall display a copy of his license in a location accessible to public view and produce a copy immediately upon request.
- (c) Each licensee shall provide the public with information on how to file a complaint with the Board against a licensee by placing signs in the lobby, in waiting rooms and in the reception area of all offices and shall produce a copy immediately upon request.
- (d) Any person may submit a complaint regarding any licensee, or any other person potentially in violation of this subchapter. Confidentiality must be maintained subject to law.
- (e) The home address, email address and home telephone numbers of physical therapists and physical therapist assistants are not public records and must be kept confidential by the Board unless they are the only addresses and telephone numbers of record.
- (f) A patient has freedom of choice in selection of services and products.
- (g) Information relating to the physical therapist-patient relationship is confidential and shall not be communicated to a third party who is not involved in that patient's care without the written authorization of the patient, or patient's parent or guardian if the patient is a minor, or patient's legal guardian if the patient is adjudicated incompetent. The physical therapist-patient privilege does not extend to cases in which the physical therapist has a duty to report information as required by law.
- (h) The Board shall keep all information relating to the receipt and investigation of complaints filed against licensees confidential until the information is disclosed in the course of the investigation or any subsequent proceeding or until disclosure is required by law. Patient records, including clinical records, files, any other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's family might be identified, or information received and records or reports kept by the Board as a result of an investigation made pursuant to this subchapter shall not be available to the public and shall be kept confidential by the Board.

History

—Added July 11, 2014, [No. 7620, § 2\(12.\), Sess. L. 2014](#), p. 143-144.

Annotations

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