

ARTICLE 20:66

PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

Chapter

- 20:66:01 Fees.
- 20:66:02 Ethics.
- 20:66:03 Continuing education.
- 20:66:04 Dry needling.

~~—— **Declaratory Ruling:** Declaratory Ruling of the Board of Medical and Osteopathic Examiners dated September 21, 1994, was vacated by the Board of Medical and Osteopathic Examiners by order of the board dated March 30, 2015.~~

20:66:01:01. Fee amounts. The fees for the physical therapists associated with physical therapist and physical therapist assistants assistant licensing are as follows:

- (1) Application for ~~the~~ an initial license, ~~\$60~~ one hundred twenty dollars; and
- (2) ~~Annual~~ Biennial renewal of ~~the~~ a license, ~~\$60~~ one hundred twenty dollars;
- ~~—— (3) Reinstatement of a forfeited license, \$50.~~

Source: 15 SDR 40, effective September 13, 1988; 22 SDR 61, effective November 5, 1995; 34 SDR 93, effective October 17, 2007.

General Authority: SDCL 36-10-27(2), 36-10-32(3), 36-10-33, 36-10-35.1(2), 36-10-36.

Law Implemented: SDCL ~~36-10-28~~ 36-10-27(2), 36-10-32(3), 36-10-33, 36-10-35.1(2), 36-10-35.2.

CHAPTER 20:66:02

ETHICS

Section

20:66:02:01 Code of ethics -- Physical therapists.

20:66:02:01.01 Code of ethics -- Physical therapist assistants.

20:66:02:02 ~~Violations~~Violation of ethical code of conduct.

20:66:02:03 Ethical considerations, Repealed.

20:66:02:01. Code of ethics -- Physical therapists. ~~A licensee under physical therapist licensed in accordance with SDCL chapter 36-10 shall comply with the following code of ethics.~~

~~—— Principle #1: Physical therapists shall respect the inherent dignity and rights of all individuals.~~

~~1A. Physical therapists shall act in a respectful manner toward each person regardless of age, gender, race, nationality, religion, ethnicity, social or economic status, sexual orientation, health condition, or disability.~~

~~1B. Physical therapists shall recognize their personal biases and shall not discriminate against others in physical therapist practice, consultation, education, research, and administration.~~

~~—— Principle #2: Physical therapists shall be trustworthy and compassionate in addressing the rights and needs of patients/clients.~~

~~2A. Physical therapists shall adhere to the core values of the profession and shall act in the best interests of patients/clients over the interests of the physical therapist.~~

~~2B. Physical therapists shall provide physical therapy services with compassionate and caring behaviors that incorporate the individual and cultural differences of patients/clients.~~

~~2C. Physical therapists shall provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care or participation in clinical research.~~

~~2D. Physical therapists shall collaborate with patients/clients to empower them in decisions about their health care.~~

~~2E. Physical therapists shall protect confidential patient/client information and may disclose confidential information to appropriate authorities only when allowed or as required by law.~~

~~—— Principal #3: Physical therapists shall be accountable for making sound professional judgments.~~

~~3A. Physical therapists shall demonstrate independent and objective professional judgment in the patient's/client's best interest in all practice settings.~~

~~3B. Physical therapists shall demonstrate professional judgment informed by professional standards, evidence (including current literature and established best practice), practitioner experience, and patient/client values.~~

~~3C. Physical therapists shall make judgments within their scope of practice and level of expertise and shall communicate with, collaborate with, or refer to peers or other health care professionals when necessary.~~

~~3D. Physical therapists shall not engage in conflicts of interest that interfere with professional judgment.~~

~~3E. Physical therapists shall provide appropriate direction of and communication with physical therapist assistants and support personnel.~~

~~—— Principal #4: Physical therapists shall demonstrate integrity in their relationships with patients/clients, families, colleagues, students, research participants, other health care providers, employers, payers, and the public.~~

~~4A. Physical therapists shall provide truthful, accurate, and relevant information and shall not make misleading representations.~~

~~4B. Physical therapists shall not exploit persons over whom they have supervisory, evaluative or other authority (e.g., patients/clients, students, supervisees, research participants, or employees).~~

~~4C. Physical therapists shall discourage misconduct by health care professionals and report illegal or unethical acts to the relevant authority, when appropriate.~~

~~4D. Physical therapists shall report suspected cases of abuse involving children or vulnerable adults to the appropriate authority, subject to law.~~

~~4E. Physical therapists shall not engage in any sexual relationship with any of their patients/clients, supervisees, or students.~~

~~4F. Physical therapists shall not harass anyone verbally, physical, emotionally, or sexually.~~

~~— Principle #5: Physical therapists shall fulfill their legal and professional obligations.~~

~~5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.~~

~~5B. Physical therapists shall have primary responsibility for supervision of physical therapist assistants and support personnel.~~

~~5C. Physical therapists involved in research shall abide by accepted standards governing protection of research participants.~~

~~5D. Physical therapists shall encourage colleagues with physical, psychological, or substance-related impairments that may adversely impact their professional responsibilities to seek assistance or counsel.~~

~~5E. Physical therapists who have knowledge that a colleague is unable to perform their professional responsibilities with reasonable skill and safety shall report this information to the appropriate authority.~~

~~5F. Physical therapists shall provide notice and information about alternatives for obtaining care in the event the physical therapist terminates the provider relationship while the patient/client continues to need physical therapy services.~~

~~—— Principal #6. Physical therapists shall enhance their expertise through the lifelong acquisition and refinement of knowledge, skills, abilities, and professional behaviors.~~

~~6A. Physical therapists shall achieve and maintain professional competence.~~

~~6B. Physical therapists shall take responsibility for their professional development based on critical self-assessment and reflection on changes in physical therapist practice, education, health care delivery, and technology.~~

~~6C. Physical therapists shall evaluate the strength of evidence and applicability of content presented during professional development activities before integrating the content or techniques into practice.~~

~~6D. Physical therapists shall cultivate practice environments that support professional development, lifelong learning, and excellence.~~

~~—— Principle #7. Physical therapists shall promote organizational behaviors and business practices that benefit patients/clients and society.~~

~~7A. Physical therapists shall promote practice environments that support autonomous and accountable professional judgments.~~

~~7B. Physical therapists shall seek remuneration as is deserved and reasonable for physical therapist services.~~

~~7C. Physical therapists shall not accept gifts or other considerations that influence or give an appearance of influencing their professional judgment.~~

~~7D. Physical therapists shall fully disclose any financial interest they have in products or services that they recommend to patients/clients.~~

~~7E. Physical therapists shall be aware of charges and shall ensure that documentation and coding for physical therapy services accurately reflect the nature and extent of the services provided.~~

~~7F. Physical therapists shall refrain from employment arrangements, or other arrangements, that prevent physical therapists from fulfilling professional obligations to patients/clients.~~

~~Principle #8: Physical therapists shall participate in efforts to meet the health needs of people locally, nationally, or globally.~~

~~8A. Physical therapists shall provide pro bono physical therapy services or support organizations that meet the health needs of people who are economically disadvantaged, uninsured, and underinsured.~~

~~8B. Physical therapists shall advocate reducing health disparities and health care inequities, improve access to health care services, and address the health, wellness, and preventive health care needs of people.~~

~~8C. Physical therapists shall be responsible stewards of health care resources and shall avoid overutilization or underutilization of physical therapy services.~~

~~8D. Physical therapists shall educate members of the public about the benefits of physical therapy and the unique role of the physical therapist~~ ethical standards in the American Physical Therapy Association, Code of Ethics for the Physical Therapist, 2020.

Source: 41 SDR 180, effective May 21, 2015.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL 36-10-39, 36-10-40.

Reference: ~~Code of Ethics of the American Physical Therapy Association,~~ Code of Ethics for the Physical Therapist, 2010 August 12, 2020. Copies may be obtained from http://www.apta.org/uploadedFiles/APTAorg/About_Us/Policies/Ethics/CodeofEthics.pdf at no cost at <https://www.apta.org/your-practice/ethics-and-professionalism>.

20:66:02:01.01. Code of ethics -- Physical therapist assistants. A physical therapist assistant licensed in accordance with SDCL chapter 36-10 shall comply with the ethical standards in the American Physical Therapy Association, Standards of Ethical Conduct for the Physical Therapist Assistant, 2020.

Source:

General Authority: SDCL 36-10-36.

Law Implemented: SDCL 36-10-39, 36-10-40.

Reference: American Physical Therapy Association, Standards of Ethical Conduct for the Physical Therapy Assistant, August 12, 2020. Copies may be obtained at no cost at <https://www.apta.org/your-practice/ethics-and-professionalism>.

20:66:02:02. ~~Violations~~ Violation of ethical code of conduct. ~~A violation of any of the ethical standards and conduct is considered unprofessional conduct as defined by SDCL~~ The State Board of Physical Therapy may take disciplinary action if an ethical violation constitutes unprofessional conduct under SDCL 36-10-39 or 36-10-40.

Source: 41 SDR 180, effective May 21, 2015.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL 36-10-39, 36-10-40.

Cross References: Code of ethics -- Physical therapists, § 20:66:02:01

Code of ethics -- Physical therapist assistants, § 20:66:02:01.01

20:66:02:03. Ethical considerations. ~~The board may utilize the annotations and opinions included in the Code of Ethics of the American Physical Therapy Association as guidance in determining whether a licensee has violated professional ethical standards and conduct~~ Repealed.

Source: 41 SDR 180, effective May 21, 2015.

~~General Authority:~~ SDCL 36-10-36.

~~Law Implemented:~~ SDCL 36-10-39, 36-10-40.

CHAPTER 20:66:03

CONTINUING EDUCATION

Section

20:66:03:01 (Effective through December 31, 2023) Continuing education hours – 15 hours.

(Effective January 1, 2024) Continuing education hours ~~–15 hours.~~

20:66:03:02 Activities for continuing education requirements.

20:66:03:03 Reporting continuing education.

20:66:03:04 Waiver of continuing education requirements.

20:66:03:01. (Effective through December 31, 2023) Continuing education hours--15 hours. ~~An applicant to renew a license~~ A physical therapist and physical therapist assistant shall complete ~~15~~ fifteen continuing education hours in a one-year period in professional education activities updating competency in physical therapy.

(Effective January 1, 2024) Continuing education hours--15 hours. ~~An applicant to renew a license~~ To renew a license, a physical therapist and physical therapist assistant shall complete ~~15~~ thirty continuing education hours ~~in a one-year~~ during the two-year license period ~~in professional education activities updating competency in physical therapy.~~

Source: 44 SDR 168, effective May 7, 2018.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL ~~36-10-35.2, 36-10-36~~ 36-10-51.

20:66:03:02. Activities for continuing education requirements. ~~Activities that qualify for credit toward completion of~~ To meet the continuing education requirement include programs ~~sponsored~~ hours required in § 20:66:03:01, an activity must be:

(1) Sponsored or approved by the American Physical Therapy Association or other national or state physical therapy association; ~~activities conducted;~~

(2) Conducted by a hospital or related institution;

(3) Approved by the State Board of Physical Therapy; ~~and programs sponsored or~~

(4) Sponsored by a college or university. ~~The educational activities~~

The activity must also have significant intellectual or practical content dealing primarily with matters directly related to the practice of physical therapy or to the professional responsibility or ethical obligations of the participants.

Source: 44 SDR 95, effective December 7, 2017.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL ~~36-10-33, 36-10-35.2~~ 36-10-51.

20:66:03:03. Reporting continuing education. ~~To demonstrate compliance with the continuing education requirements, each~~ Each physical therapist and physical therapist assistant ~~shall~~ must sign a statement to confirm completion of the ~~required~~ continuing education hours ~~each year~~ required in § 20:66:03:01 on the license renewal application, and ~~shall~~ must present proof of completion if requested by the ~~board~~ State Board of Physical Therapy.

Source: 44 SDR 95, effective December 7, 2017.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL ~~36-10-33, 36-10-35.2~~ 36-10-51.

20:66:03:04. Waiver of continuing education requirements. ~~The board~~ State Board of Physical Therapy may ~~excuse an applicant from the annual~~ waive the continuing education requirements if the applicant submits an affidavit to the board stating that the applicant was prevented from completing the requirements because of ~~illness or undue hardship~~ the circumstances listed in SDCL 36-10-51. A physical therapist or physical therapist assistant must submit the affidavit for a waiver to the board at least thirty days prior to the expiration of two-year period referenced in § 20:66:03:01.

Source: 44 SDR 95, effective December 7, 2017.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL ~~36-10-33, 36-10-35.2~~ 36-10-51.

20:66:04:01. Definitions. Words defined in SDCL chapter 36-10 have the same meaning when used in this article chapter. ~~In addition, words used in this article mean:~~

~~—— (1) "Dry needling," a skilled technique performed by a licensed physical therapist who has completed an approved course of training using filiform needles to penetrate the skin and underlying tissues to affect change in body structures and physical function capability for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability.~~

Source: 45 SDR 9, effective August 1, 2018.

General Authority: SDCL ~~36-10-36~~, 36-10-52.

Law Implemented: SDCL 36-10-18, 36-10-52.

20:66:04:02. Dry needling course of study. ~~The board~~ State Board of Physical Therapy may approve a course of study in dry needling that meets the following criteria:

(1) The course of study ~~shall include~~ covers:

(a) Surface anatomy as it relates to underlying tissues, organs, and other structures, including variations in form, proportion, and anatomical landmarks;

(b) ~~Both emergency~~ Emergency preparedness and response procedures related to secondary physiological effects or complications with dry needling;

(c) ~~Both emergency~~ Emergency preparedness and response procedures related to secondary emotional effects or complications associated with dry needling;

(d) Standards for dry needle handling;

(e) Factors influencing safety and injury prevention;

(f) Personal protection procedures and techniques as related to dry needling;

(g) ~~Theoretical~~ The theoretical basis for dry needling;

(h) ~~Theoretical~~ The theoretical basis for combining dry needling with other interventions;

(i) Secondary effects or complications associated with dry needling on other systems of the human body;

(j) ~~Theoretical~~ The theoretical basis of pain sciences, including anatomy, physiology, pathophysiology, and relation to body structures and function;

(k) Indications, contraindications, and precautions related to dry needling;

(l) Palpation techniques as related to dry needling;

(m) Needle insertion techniques;

(n) Needle manipulation techniques;

(o) Physiological responses to dry needling; and

(p) Solid filament needles;

(2) The majority of the course of study ~~shall be~~ is in-person. ~~Courses held entirely online or by other distance learning will not satisfy this requirement~~; and

(3) The course is evaluated through a practical, hands-on evaluation and a written examination.

A physical therapist may only perform dry needling on the parts of the body ~~included~~ addressed in the course of study.

Source: 45 SDR 9, effective August 1, 2018.

General Authority: SDCL 36-10-52.

Law Implemented: SDCL 36-10-52.

20:66:04:03. Proof of course completion. Prior to performing dry needling, ~~the~~ a physical therapist ~~shall~~ must, on a form approved by the ~~board~~ State Board of Physical Therapy, provide proof of successful completion of a ~~board-approved~~ board-approved course of study in dry needling ~~evaluated through a practical, hands-on evaluation and a written examination.~~

Source: 45 SDR 9, effective August 1, 2018.

General Authority: SDCL 36-10-52.

Law Implemented: SDCL 36-10-52.

20:66:04:04. Dry needling delegation.~~Dry~~ A physical therapist may not delegate dry needling may not be delegated to a physical therapist assistant.

Source: 45 SDR 9, effective August 1, 2018.

General Authority: SDCL 36-10-36, 36-10-52.

Law Implemented: SDCL 36-10-52.