

**The University of Texas at El Paso
College of Health Sciences
Doctor of Physical Therapy Program**

PT 6201

Law and Ethics in PT Practice

Summer 2020

COURSE SYLLABUS

Credit Hours: **2**

Contact Hours: **Total: 30 hrs**
Lecture: 30 hrs; Lab: 0 hrs; Clinic: 0 hrs

Schedule:

Wednesday 8:30 am – 10:10 am
Friday 8:30 am – 10:10 am

Coordinator/Instructor(s):

Faculty: Rhonda Manning, PT, DPT, PCS
Office location: *Campbell building Room 307*
Phone #: 915-747-7610
E-mail: rajeske@utep.edu
Office hours: As requested – please email and request an appointment

Teaching Assistant: N/A

Course Description: Ethical principles and legal factors which influence healthcare in general and physical therapy practice in Texas are introduced.

Course Prerequisites for DPT Students: The UTEP DPT Program curriculum is a lock-step curriculum. Therefore, students must pass all courses in the prior semester of the DPT Program in order to enroll in courses in the subsequent semester. Faculty may consider exceptions for PT 6116 PT Capstone Project I and PT 6117 PT Capstone Project II.

Course Objectives:

1. Explain content and purposes of key legal, ethical, and professional documents and principles that guide physical therapy practice (including APTA Code of Ethics, Texas PT Practice Act and Rules, APTA Guide for Professional Conduct, APTA Standards of Practice, APTA Core Professional Values, and health care principles). (7B, 7D1, 7D4-5) (Comprehension)
2. Explain how federal, state, and institutional regulations effect patient/client care and fiscal management of a physical therapy clinic. (7B, 7D1, 7D3, 7D41) (Comprehension)
3. Explain the limits of direct access in the state of Texas and how to advance it through the legislative process. (7B, 7D14, 7D35) (Comprehension)
4. Determine the role of the physical therapist assistant in the plan of care based on professional and legal standards. (7B, 7D25, 7D29) (Comprehension)

5. Apply legal and ethical guiding documents and principles for physical therapy in the analysis of given scenarios. (7B Ethics and values, 7D1, 7D4-5) (Application)
6. Assess federal statutes and health care policies pertaining to the practice of physical therapy and patient rights (including ADA, HIPAA, Patient Self-Determination Act) and their impact on the healthcare environment and practice. (7B, 7D41) (Evaluation)
7. Explain malpractice and risk management strategies related to the practice of physical therapy (including documentation and use of informed consent). (7B, 7D37, 7D43) (Comprehension)
8. Identify signs of domestic, child, and elder abuse, and legal and ethical implications for physical therapy practice. (7D2,7B) (Comprehension)
9. Identify appropriate reporting agencies with regard to HIPAA, patient privacy, and fraud/waste/abuse laws. (7B,7D3) (Comprehension)
10. Demonstrate effective communication and active teaching methods during a formal teaching presentation. (7B Teaching and learning, 7D7, 7D12) (Application)
11. Complete an accurate peer assessment including providing substantive suggestions for improvements. (7B, 7D7) (Analysis)
12. Explain how you may use key legal, ethical, and professional documents and principles that guide physical therapy practice (including APTA Code of Ethics, Texas PT Practice Act and Rules, APTA Guide for Professional Conduct, APTA Standards of Practice, APTA Core Professional Values, and health care principles) to challenge the status quo of current practice. (7B, 7D6, 7D14) (Comprehension)

Methods of Instruction: Primarily active learning activities including but not limited to: small group work, writing activities, group discussions, and video review.

Methods of Evaluation: Student competence and attainment of course objectives are assessed using a variety of methods. These methods and their contribution to the final grade are listed in the table below.

Item	Grade Composition
Quizzes (written)	0%
Lab Assignments (written, psychomotor)	0%
Skills Check (psychomotor)	0%
Ethics Paper (written)	20%
Letters to legislature (written)	20%
Exam #1 (written)	30%
Practical exam (psychomotor)	0%
Exam #2 (written)	30%
Total	100%

Each of the 5 letter are worth 4% of your grade.

Grading Scale: The following letter grade scale is used for the UTEP Doctor of Physical Therapy Program:

<u>Letter Grade Scale</u>	<u>Numerical Grade Scale</u>
A	90-100
B	80-89
C	75-79
F	Below 75

Required Textbooks and Other Learning Resources:

APTA membership for online member only readings, including:

APTA Learning Center: Professionalism Module 3 – Ethical Compass

http://learningcenter.apta.org/tp_professionalissues.aspx

Guide to Physical Therapist Practice 3.0. Alexandria, VA: American Physical Therapy Association; 2014. Available at:

<http://guidetoptpractice.apta.org/>

Bodenheimer T, Grumbach K. eds. *Understanding Health Policy: A Clinical Approach, 7e* New York, NY: McGraw-Hill; . <http://0-accessphysiotherapy.mhmedical.com.lib.utep.edu/content.aspx?bookid=1790§ionid=121192090>.

Recommended Textbooks and Other Learning Resources:

- 1) Pozgar GD. *Legal and Ethical Issues for Health Professionals 4th ed.* Burlington, MA: Jones & Barlett Learning; 2016. ISN-13:978-1-284-03679-4

Resources Available for Student Success:

Confidential Resources:

- **Center for Accommodations and Support Services (CASS):** If you have or suspect a disability and need accommodations, you should contact the Center for Accommodations and Support Services (CASS) at 747-5148. You can also e-mail the office at cass@utep.edu or go by their office in Union Building East, room 106 (next to the UTEP post-office). For additional information, visit the CASS website at <http://sa.utep.edu/cass>.
- **The UTEP Student Health Center:** Union East Suite 100; 915.747.5624; www.utep.edu/chs/shc
- **The UTEP Counseling and Psychological Services:** 202 Union West, 915.747.5302; www.utep.edu/student-affairs/counsel

Additional Resources:

- Division of Student Affairs. 915.747.5076, www.utep.edu/student-affairs
- DPT Library Research Guide: <http://libguides.utep.edu/pt>

- Writing Center: 915.747.5112. <https://uwc.utep.edu>
- Computer Labs: Independent Learning Center (ILC), 1st floor Campbell Building
- Military Student Success Center: 915.747.5342, www.utep.edu/student-affairs/mssc
- Student Wellness Program. 915.747.6738, www.utep.edu/chs/wellness

University Policies: All students are responsible for following UTEP policies and procedures found in the Handbook of Operating Procedures at www.utep.edu/vpba/hoop

Program Policies: All DPT students are responsible for following all policies and procedures documented in the current DPT Student Handbook. Course policies found in the DPT Student Handbook apply to all courses in the DPT curriculum. The current DPT Student Handbook may be found on the DPT Student Resources site on Blackboard.

Academic Integrity: The UTEP DPT Program has a “zero tolerance policy” for scholastic dishonesty. DPT students must demonstrate academic integrity at all times. The current DPT Student Handbook outlines specific definitions, expectations, details, and consequences related to academic integrity and scholastic dishonesty. Additional information related to academic integrity is available through the UTEP Division of Student Affairs at www.utep.edu/student-affairs/osccr/student-conduct/academic-integrity.html

Course-Specific Policies:

- **Attendance Policy - Absences:** Refer to current DPT Student Handbook “Attendance and Classroom Behavior” for the DPT Program policy. Additional course-specific policy are as follows:
 - *Attendance should be considered mandatory for all class meetings.*
- **Attendance Policy - Tardiness & Early Departures:** Refer to current DPT Student Handbook “Attendance and Classroom Behavior” for DPT Program policy. Additional course-specific policy is as follows:
 - I use the clock on the computer to determine when class should start and end. If you expect to arrive late or leave early (eg, doctor’s appointment), you should notify me in writing by email in at least 2 hours in advance. If you are consistently late &/or leaving early for any reasons, I will contact you to meet with me to discuss the problem in person or by email. Each subsequent incidence of tardiness &/or early departure may result in 1% deduction from your final semester grade.
 - **NOTE:** *Being “on time” in the online learning environment means that you have arrived into the virtual classroom & are fully “connected” PRIOR to the start of class.*
- **Professional Behavior Policy:** See DPT Student Handbook “Attendance and Classroom Behavior”, “Professional Behaviors” and “Unprofessional Behavior:” for general program policy. Additional course-specific policies are as follows:
 - I expect you to arrive to class prepared and to actively participate while not being disruptive. If you are consistently ill-prepared, not actively

participating, and/or being disruptive, I will contact you to meet with me to discuss the problem in person or by email. Each subsequent incidence of poor preparation, poor participation, and/or disruption may result in 1% deduction from your final semester grade.

- University spaces are intended to be safe, welcoming environments that support learning and are respectful of all individuals. Discrimination or harassment based on cultural beliefs, gender identity, sexual orientation, or personal viewpoints will not be tolerated. Diversity is a welcome part of all learning settings. Any direct or indirect instances of discrimination should be reported to Dr Pechak immediately.
- **NOTE:** *The online learning environment is generally not optimally conducive to promoting a professional environment. Dogs bark and kids scream, and most of us have “offices” in bedrooms. I understand that flexibility is necessary. However, I expect students to be sitting or standing upright during class – as opposed to lying down. Lying down would not be acceptable in a face-to-face classroom. Additionally, I expect your cameras to be turned on so that we may maximize our engagement with each other; I consider having your camera on to be a component of active participation. Mute your microphone when you are not contributing to the discussion in the virtual classroom to avoid being unnecessarily disruptive. If you must “leave” briefly (eg, to go to the toilet), then please use the relevant online symbol to indicate to me that you have “stepped out” or send me a private message in the Chat box. I regularly visually check in with all students. If you are talking with a roommate or other person, or if you are distracting to me, there are other students who are likely distracted by this behavior as well. Please avoid being distracting.*
 - i. *If your Internet bandwidth is too poor to allow consistent use of video, please contact me to discuss it.*
- **Late or Missed Assignments and Assessments Policy:** See current DPT Student Handbook “Written Examination Policy”. Additional course-specific policy is as follows:
 - *Always use the DPT student writing guidelines found in your handbook. Failure to use the writing guidelines will result in 10% deduction.*
 - *If you are turning a hand-written document (i.e. a quiz) it must be in ink. Items written in pencil will not be graded.*
 - *Items should be submitted on BlackBoard before the assigned. Late assignments will be penalized with a 10 % deduction for every 24 hrs late.*
 - i. *0:01 – 23:59 hrs late (-10%)*
 - ii. *24:00 – 47:59 hrs late (-20%)*
 - iii. *48:00 – 71:59 hrs late (-30%)*
- **Skills Check Policy:**
 - Not applicable.
- **Practical Exam Policy:**
 - Not applicable

Course Content and Schedule: (Note: Students will be notified of changes via Blackboard or email. Additional details may be available in supporting course documents provided by the course instructor).

Student course description: During this course you will learn the bases of legal and ethical decision making in physical therapy and the wider medical field. We will explore the core documents of the APTA, the Texas State Practice Act and Rules, and key pieces of legislation that apply to the practice of physical therapy at a federal level.

Date	Topic	Readings	Objectives
June 2	<ul style="list-style-type: none"> • Review of Syllabus • Explanation of assignments and deadlines • Professional conduct 	See Blackboard	
June 4	<ul style="list-style-type: none"> • Medicare • Medicare & Student Supervision • Review of the U.S. governmental system 	Blackboard CMS website (https://www.cms.gov/)	<ol style="list-style-type: none"> 1. Explain the “Parts” of Medicare and the health care services they each cover. 2. Explain the CMS required supervision of students in different health care settings. 3. Discuss the impact of CMS on the delivery of healthcare in the USA.
June 9 June 11	<i>Texas PT Practice Act</i> <i>Texas PT Rules</i> Physical Therapist Assistants	www.ptot.texas.gov for the current Texas PT Practice Act and Rules Blackboard Video lecture to be viewed prior to class.	<ol style="list-style-type: none"> 1. Define the rules for direct access to PT in TX. 2. Explain behaviors defined as “Detrimental to the Public Health and Welfare” and how they apply to the practice of PT. 3. Explain the process to get an initial license, a license by endorsement, and how to renew a PT license in TX. 4. List at least 5 activities that can be used for continuing competency. 5. Explain the use and limitations of a temporary license. 6. Explain the structure of the ECPTOTE. 7. Explain why the PT Act has a Sunset date. 8. Define supervision requirements by a PT. 9. Identify the elements of documentation and when

			documentation/re-evaluations/discharge summaries are required. 10. Explain the role of PTA in the delivery of PT.
June 16	HIPAA and FERPA	See Blackboard	1. Define HIPAA and FERPA. 2. Explain the application and limits of these Acts. 3. Explain the consequences for failing to abide by these statutes. 4. Differentiate between HIPAA and HITECH. 5. Identify the appropriate agency and method of reporting violations of HIPAA and FERPA. 6. List possible consequences of violating HIPAA.
June 18	Patient Rights/Disability Rights Patient Self-determination Act; DNR; Living will; POA	Patient's Bill of Rights (link on Blackboard) A Guide to Disability Rights Laws (on Blackboard)	1. Explain the purpose of the Patient's Bill of Rights. 2. Differentiate between a DNR, living will, and POA in terms of health care decisions. 3. Explain the Patient Self-determination Act and its implications on PT services. 4. Discuss the impact of ADA on communities and health care. 4. Discuss IDEA and how this relates to the ADA. 5. Discuss the role of the ethics panel in hospitals.
June 23	Documentation	Blackboard	1. Explain elements of proper documentation. 2. Explain the purpose and documentation of informed consent.
June 25	Physician Owned Physical Therapy Services Stark Laws	Video lecture on POPTS	
June 30	Exam #1	Covers materials covered June 2 – June 25, 2021.	

July 2	APTA core documents	APTA Core documents:	<ol style="list-style-type: none"> 1. Explain the content, usage, and purpose of the APTA “Core Documents”. 2. Apply these documents to case scenarios using the APTA RIPS model. 3. Differentiate between malpractice and negligence. 4. Describe the different levels of Professional Behaviors described in the Professional Behaviors Document. 5. Rate your current behaviors using the Professional Behaviors Document. 6. Compare and contrast the APTA Core Documents with the Medical Ethics presented in Chapter 13. 7. Use the RIPS model to complete ethical decision making in a given case scenario. 8. Explain the structure of the US government and how it applies to the passage of legislation. 9. Explain the 3 types of laws that exist in the US. 10. Explain the hierarchy of federal, state, and local regulations and laws.
July 7	APTA Core Documents	<ul style="list-style-type: none"> • <i>Guide for Professional Conduct</i> • <i>Standards of Practice for Physical Therapy</i> • <i>Guide to Physical Therapist Practice</i> • <i>Code of Ethics for the Physical Therapist</i> • <i>Professionalism and Core Values</i> <p>Professional Behaviors Document</p> <p>RIPS Model (on Blackboard)</p> <ul style="list-style-type: none"> • Curtis pp. 71-75 • Chapter 13 of the <i>Understanding Health Policy: A Clinical Approach</i> text. 	
July 9	RIPS Decision making model Medical Ethics		
July 14	<ul style="list-style-type: none"> • Sexual harassment • Inappropriate Patient Sexual Behavior • Harassment legislation 	Discussion Board -IPSB article	<ol style="list-style-type: none"> 1. Define “sexual harassment.” 2. Explain common methods to deter sexual harassment from patients and co-workers. 3. List common medical or mental health diagnoses that may be at more risk for IPSB. 4. Identify the “protected classes” for harassment and disability legislation.

July 16	Abuse: Domestic, child, elder	Blackboard	<ol style="list-style-type: none"> 1. List signs of abuse in children, adults, elders, and disability populations. 2. Explain the legal reporting process, including agency and mode, of reporting abuse/suspected abuse. 3. Explain the ethical implications of reporting abuse/suspected abuse of patients.
July 21	Risk Management in Health care – Intro, Basic Concepts, and Role of Compliance programs	RIPS Model (on Blackboard) <ul style="list-style-type: none"> • Curtis pp. 71-75 • Chapter 13 of the <i>Understanding Health Policy: A Clinical Approach text.</i> 	<ol style="list-style-type: none"> 1. Define common risks that are encountered in health care environments. 2. Explain the role of compliance programs in risk management. 3. Explain the role of Policies and Procedures in risk management.
July 23	Liability insurance Incident Reports OSHA	Blackboard	<ol style="list-style-type: none"> 1. Explain how OSHA applies to the health care environment. 2. Explain the purpose of incident reports in risk management. 3. Explain the difference between health insurance, general liability insurance, and professional liability insurance.
July 28	Other legal and ethical issues you need to be aware of.	Blackboard	Wrap up and discussion prior to Final Exam.
July 30	EXAM #2		

Health Care Policy and Ethics Paper (100 pts)**Due 7/28/2021 end of day**

You will need to research a health care policy that is either legislative or administrative law. You will use this as the basis for this ethics paper.

1. Outline the law that you are discussing. This should include the type of law it is, history of the law, who enforces it, and what penalties accompany violations of this law.
2. The impact of this law on the law on the provision of health care in the US. Focus should be placed primarily on the affect to physical therapy and rehabilitation services. Impacts on disparities in healthcare and social determinants of health should also be addressed.
3. An analysis of the policy using the RIPS model. Additional ethical texts or decision making models may be used in addition to the RIPS model if you feel it adds to the discussion.
4. A discussion of any changes you would recommend to this law including the methods required to make this change.
5. A minimum of 5 sources documented in AMA format.

Checklist for this assignment:

- DPT student writing guidelines were followed
- Spelling and grammar with less than 5 errors
- Name and type of law is clearly identified.
- Enforcement and penalties of violation identified
- Effects of this law:
 - PT
 - Rehabilitation
 - Social determinants of health
 - Disparities in healthcare
- RIPS analysis
- Any additional analysis deemed appropriate
- Recommendations for changes
- Impact of changes to this law
- Discussion of how you would try to change this law
- AMA documentation for a minimum of 5 sources

Advocacy letters

CMS and agency letters due 6/13/21 end of day

State legislature letter due 6/23/2021 end of day

Congressional letters due 7/16/2021 end of day

You will need to write **5** letters of advocacy to the following agencies: Centers for Medicare and Medicaid Services (CMS), Tx legislature (may be state senator or house member), U.S. Senator, U.S. House Representative, another healthcare agency of your choice (AMA, APTA, TX Medicaid, etc.)

In each of these letters you will identify a policy or regulation that you would like to endorse or advocate against. You will state why you are for/against this policy or regulation. You will then provide the email address, phone number, and physical address for the person/agency you are contacting. The letter will be submitted on BlackBoard for this assignment. I urge you to submit these to the agency/office for whom the letter was written. I will provide extra credit on this assignment for any communication you receive as a result of this contact.