

201 KAR 22:150. Impaired Practitioners Alternative Program.

RELATES TO: KRS 327.040, 327.045

STATUTORY AUTHORITY: KRS 327.040(14), 327.045

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(14) authorize the board to promulgate administrative regulations regarding the physical and mental examinations of physical therapists, physical therapist assistants, or applicants, who may be impaired by reason of a mental, physical, or other condition that impedes their ability to practice competently, KRS 327.045 authorizes the board to establish an impaired physical therapy practitioners committee to promote early identification, intervention, treatment, and rehabilitation of physical therapists and physical therapist assistants who may be impaired by reason of illness, alcohol or drug abuse, or as a result of any physical or mental condition. This administrative regulation provides procedures for the implementation of an alternative program.

Section 1. Definitions. (1) "Approved treatment provider" means an alcohol or drug treatment provider that meets the standards as set out in Section 6 of this administrative regulation.

(2) "Chemically-dependent individual" means a credential holder or applicant for a credential issued by the board whose ability to practice according to acceptable and prevailing standards of care is or may be impaired by reason of alcohol or drug abuse.

(3) "Participant" means a chemically-dependent individual who has been accepted into the program.

(4) "Program" means the Practitioners Alternative Care Effort (PACE) which is the alternative program operated by the board for credential holders or applicants for a credential issued by the board.

Section 2. Admission and Denial to the Program. (1) In order to gain admission to the program, an individual shall:

(a) Be a credential holder in the Commonwealth of Kentucky or an applicant for a credential issued by the board;

(b) Request participation in the program regardless of whether referred by the board, self, or another person;

(c) Be a credential holder currently enrolled in a state-approved alternative program, if requesting licensure by endorsement from another state;

(d) Admit in writing to being a chemically-dependent individual;

(e) Agree in writing to the terms set forth in the program agreement;

(f) Obtain a current chemical dependency assessment, which includes a complete physical and psychosocial evaluation performed by a licensed or certified medical, mental health, or psychological specialist in the field of drug, alcohol, or other chemical dependency;

(g) Provide any evaluation and treatment information, disclosure authorizations, and releases of liability as may be requested by the program staff;

(h) Agree to not be employed in any capacity in a patient care setting or one which requires licensure until approved to do so by the program staff; and

(i) Have attended an approved treatment provider program.

(2) Admission to the program shall be denied if the applicant:

(a) Does not meet the eligibility requirements for admission as set by subsection (1) of this section;

(b) Is not eligible for a credential from the board in Kentucky;

(c) Diverted any prescription drug for other than self-administration;

(d) In the opinion of the program staff, will not substantially benefit from participation in the

program;

(e) Has a criminal conviction related to the sale or distribution of scheduled substances or legend prescription drugs; or

(f) Has been terminated from alternative program participation in Kentucky or any other state.

Section 3. Requirements for Participation in the Program. (1) A participant shall:

(a) Enter into a program agreement; and

(b) Comply with all of the terms and conditions of the program agreement for the time period specified in the agreement.

(2) The program agreement shall be updated and modified as needed to address the participant's progress in recovery and may include any of the following:

(a) A requirement that the participant undergo and successfully complete chemical dependency treatment by an approved treatment provider;

(b) A requirement that the participant agree not to practice in any capacity in a patient care setting or one (1) which requires licensure until approved to do so by the program;

(c) A requirement that the participant undergo and successfully complete the continuing care program recommended by the approved treatment provider and designated in the program agreement. The continuing care program may include individual or group counseling or psychotherapy;

(d) A requirement that the participant remain free of alcohol, over-the-counter medications containing alcohol, or mood-altering substances including herbal preparations and any other medication except for substances prescribed by a practitioner authorized by law to prescribe for a specific medical condition;

(e) A requirement that the participant inform all treating health care practitioners of the participant's chemical dependency and recovery status prior to receiving a prescription for any medication, mood-altering substance, or herbal preparation;

(f) A requirement, if a participant is required to take any substance prescribed or recommended by a practitioner, that the participant provide the program written documentation from the practitioner that the use of the substance shall not impair the participant's ability to practice physical therapy in a safe and effective manner and shall not interfere with the participant's recovery program provided the substance is used in accordance with the prescription or recommendation;

(g) A requirement that if the participant is prescribed, recommended, or dispensed any medication by a practitioner, the participant shall cause the practitioner to complete a medication report form provided by the program. The medication report form shall include the diagnosis and a copy of any prescription from any physician, and shall be submitted to the program within the time specified in the program agreement. Consultation with a physician addictionologist may be required by the program and the participant shall agree to abide by any determination made by the physician addictionologist;

(h) A requirement that the participant have all treatment providers and counselors provide any reports as may be required by the program at the intervals specified in the program agreement;

(i) A requirement that the participant submit to random alcohol and drug testing when requested by the program, and that the participant comply with all requirements of the program concerning random alcohol and drug testing;

(j) A requirement that the participant attend health professionals' support group and twelve (12) step group meetings as specified by the program agreement, and that the participant verify attendance at these meetings by signature of a group or meeting representative and submit

the signatures to the program;

(k) A requirement that the participant comply with the employment restrictions specified by the program agreement;

(l) A requirement that the participant sign a waiver which would allow the program to communicate with the participant's treatment providers, counselors, employers, work site monitors, law enforcement officials and health professionals' support group facilitators, if applicable;

(m) A requirement that the participant be responsible for paying the costs of the physical and psychosocial assessment, chemical dependency treatment, and random alcohol and drug testing, or any other costs incurred in complying with the program agreement;

(n) A requirement that the participant submit a written personal report to the program at the intervals specified by the program agreement;

(o) A requirement that the participant meet in person with a program representative at the intervals specified by the program agreement; or

(p) A requirement that the participant comply with all other terms and conditions specified in the program agreement which the program staff determines are necessary to ensure that the participant is able to practice physical therapy in accordance with acceptable and prevailing standards of safe patient care.

Section 4. Successful Completion of the Program. (1) A participant successfully completes the program if the participant fully complies with all of the terms of the program agreement for the period as specified in the agreement.

(2) If a participant successfully completes the program, the program shall notify the participant of the successful completion in writing. Once the participant receives this written notification of successful completion of the program, the participant shall no longer be required to comply with the program agreement.

(3) A participant who successfully completes the program shall not be reported to the Healthcare Integrity and Protection Data Bank (HIPDB).

Section 5. Causes for Termination from the Program. A participant shall be terminated from the program for the following causes:

(1) Noncompliance with any aspect of the program agreement;

(2) Receipt of information by the board, other than an administrative reprimand or a private admonishment which, after investigation, results in disciplinary action by the board; or

(3) Being unable to practice according to acceptable and prevailing standards of safe physical therapy.

Section 6. Standards for Approved Treatment Providers. In order to be an approved treatment provider, the treatment provider shall:

(1) Be accredited by the Joint Commission for the Accreditation of Healthcare Organizations or be state-certified and shall have operated as a chemical dependency treatment program for a minimum of one (1) year;

(2) Provide inpatient or outpatient care;

(3) Be based on a twelve (12) step program of Alcoholics Anonymous/Narcotics Anonymous or equivalent support group;

(4) Provide development of an individualized treatment and aftercare program to meet the specific needs of the participant and make recommendations regarding an ongoing rehabilitation plan;

(5) Be based on evaluation by a multidisciplinary team, which includes a psychiatrist, addictionologist, licensed counseling staff, and a core of referral specialists;

(6) Provide adequate detoxification services, including medical support and motivational support with no use of mood-altering drugs past detoxification period unless prescribed by a practitioner consistent with Section 3 of this administrative regulation;

(7) Provide clearly-stated costs and fees for services, and offer fee schedules and flexibility in payment plans to accommodate participants who are underinsured or experiencing financial difficulties;

(8) Demonstrate willingness to provide information to the alternative program regarding the status of the participant after appropriate consents to release information are obtained;

(9) Work closely with the alternative program staff to assure proper implementation and administration of policies and procedures related to the program;

(10) Maintain timely and accurate communication with program staff, including assessments, diagnosis, prognosis, discharge summary and follow-up recommendations as well as reports on significant events which occur in treatment that are related to impairment and the ability to practice safely; and

(11) Provide monthly written reports of progress. (28 Ky.R. 1008; 1358; eff. 12-19-2001; 31 Ky.R. 817; 1070; eff. 1-4-2005; Crt eff. 6-4-2018.)