

House Engrossed

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 138

# **HOUSE BILL 2194**

AN ACT

AMENDING TITLE 32, CHAPTER 19, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-2031 AND 32-2032; AMENDING SECTION 32-2042, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF PHYSICAL THERAPY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 19, article 2, Arizona Revised Statutes,  
3 is amended by adding sections 32-2031 and 32-2032, to read:

4 32-2031. Retired license or certificate; reinstatement to  
5 active status

6 A. THE BOARD SHALL PLACE A LICENSEE OR CERTIFICATE HOLDER ON RETIRED  
7 STATUS AND WAIVE THE RENEWAL FEE AND CONTINUING COMPETENCE REQUIREMENTS IF A  
8 LICENSEE OR CERTIFICATE HOLDER PRESENTS A WRITTEN AFFIDAVIT TO THE BOARD THAT  
9 THE LICENSEE OR CERTIFICATE HOLDER HAS RETIRED FROM THE PRACTICE OF PHYSICAL  
10 THERAPY OR FROM WORK AS A PHYSICAL THERAPIST ASSISTANT, IS IN GOOD STANDING  
11 WITH THE BOARD AND HAS PAID ALL FEES REQUIRED BY THIS CHAPTER BEFORE THE  
12 WAIVER.

13 B. DURING THE PERIOD OF WAIVER PURSUANT TO SUBSECTION A, THE RETIRED  
14 LICENSEE OR CERTIFICATE HOLDER MAY NOT ENGAGE IN THE PRACTICE OF PHYSICAL  
15 THERAPY OR WORK AS A PHYSICAL THERAPIST ASSISTANT.

16 C. A RETIRED LICENSEE OR CERTIFICATE HOLDER MUST RENEW THE RETIRED  
17 LICENSE OR CERTIFICATE EVERY TWO YEARS BY VERIFYING THE PERSON'S CONTACT  
18 INFORMATION AND USING THE SAME SCHEDULE FOR RENEWAL OF AN ACTIVE LICENSE OR  
19 CERTIFICATE. THE BOARD MAY NOT CHARGE A FEE FOR RENEWAL OF A RETIRED LICENSE  
20 OR CERTIFICATE.

21 D. IF A LICENSEE OR CERTIFICATE HOLDER FAILS TO RENEW THE RETIRED  
22 STATUS OF THE LICENSE OR CERTIFICATE ON OR BEFORE ITS EXPIRATION DATE, THE  
23 RETIRED LICENSE OR CERTIFICATE EXPIRES. IF THE PERSON SEEKS TO REINSTATE THE  
24 PERSON'S RETIRED STATUS AFTER THE RETIRED LICENSE OR CERTIFICATE HAS EXPIRED,  
25 THE PERSON MUST MAKE A REQUEST FOR RETIRED STATUS PURSUANT TO SUBSECTION A.

26 E. THE BOARD MAY REINSTATE A RETIRED LICENSEE OR CERTIFICATE HOLDER TO  
27 ACTIVE PRACTICE OR WORK ON PAYMENT OF THE RENEWAL FEE AND PRESENTATION OF  
28 EVIDENCE SATISFACTORY TO THE BOARD THAT THE RETIRED LICENSEE OR CERTIFICATE  
29 HOLDER IS PROFESSIONALLY ABLE TO ENGAGE IN THE PRACTICE OF PHYSICAL THERAPY  
30 OR WORK AS A PHYSICAL THERAPIST ASSISTANT AND STILL POSSESSES THE  
31 PROFESSIONAL KNOWLEDGE REQUIRED. IF THE RETIRED LICENSEE OR CERTIFICATE  
32 HOLDER HAS HELD A RETIRED LICENSE OR CERTIFICATE FOR MORE THAN THREE  
33 CONSECUTIVE YEARS, THE PERSON MUST ALSO DEMONSTRATE COMPETENCY TO THE BOARD'S  
34 SATISFACTION BY SATISFYING ONE OR MORE OF THE FOLLOWING AS PRESCRIBED BY THE  
35 BOARD:

- 36 1. PRACTICING OR WORKING FOR A SPECIFIED TIME UNDER AN INTERIM PERMIT.
- 37 2. COMPLETING REMEDIAL COURSES.
- 38 3. COMPLETING CONTINUING COMPETENCE REQUIREMENTS FOR THE PERIOD OF THE  
39 RETIRED LICENSE OR CERTIFICATE.
- 40 4. PASSING AN EXAMINATION AS PRESCRIBED BY THE BOARD.

41 32-2032. Inactive license or certificate; reinstatement to  
42 active status

43 A. THE BOARD SHALL PLACE A LICENSEE OR CERTIFICATE HOLDER ON INACTIVE  
44 STATUS AND WAIVE THE CONTINUING COMPETENCE REQUIREMENTS IF A LICENSEE OR  
45 CERTIFICATE HOLDER PRESENTS A WRITTEN AFFIDAVIT TO THE BOARD THAT THE

1 LICENSEE OR CERTIFICATE HOLDER IS NOT CURRENTLY ENGAGED IN THE PRACTICE OF  
2 PHYSICAL THERAPY OR WORKING AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE,  
3 IS IN GOOD STANDING WITH THE BOARD AND HAS PAID ALL FEES REQUIRED BY THIS  
4 CHAPTER.

5 B. DURING THE PERIOD OF INACTIVE STATUS PURSUANT TO SUBSECTION A, THE  
6 INACTIVE LICENSEE OR CERTIFICATE HOLDER MAY NOT ENGAGE IN THE PRACTICE OF  
7 PHYSICAL THERAPY OR WORK AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE.

8 C. A LICENSEE OR CERTIFICATE HOLDER ON INACTIVE STATUS MUST RENEW THE  
9 INACTIVE LICENSE OR CERTIFICATE EVERY TWO YEARS USING THE SAME SCHEDULE FOR  
10 RENEWAL OF AN ACTIVE LICENSE OR CERTIFICATE. THE BOARD BY RULE SHALL  
11 PRESCRIBE THE FEE FOR THE RENEWAL OF AN INACTIVE LICENSE OR CERTIFICATE.

12 D. AN INACTIVE LICENSEE OR CERTIFICATE HOLDER WHO APPLIES TO THE BOARD  
13 FOR REINSTATEMENT TO ACTIVE LICENSURE OR CERTIFICATION WITHIN THREE YEARS  
14 AFTER THE DATE THE BOARD ISSUES A NOTICE OF INACTIVE STATUS MUST SUBMIT THE  
15 FULL ANNUAL LICENSE RENEWAL FEE AND PROVE TO THE BOARD'S SATISFACTION THAT  
16 THE LICENSEE OR CERTIFICATE HOLDER HAS MET CONTINUING COMPETENCE REQUIREMENTS  
17 AS PRESCRIBED BY THE BOARD BY RULE.

18 E. AN INACTIVE LICENSEE OR CERTIFICATE HOLDER WHO APPLIES TO THE BOARD  
19 FOR REINSTATEMENT TO ACTIVE LICENSURE OR CERTIFICATION AND WHO HAS NOT BEEN  
20 ACTIVELY ENGAGED IN THE PRACTICE OF PHYSICAL THERAPY OR WORKING AS A PHYSICAL  
21 THERAPIST ASSISTANT IN THIS STATE FOR MORE THAN THREE CONSECUTIVE YEARS AFTER  
22 THE DATE THE BOARD ISSUES A NOTICE OF INACTIVE STATUS MUST SUBMIT THE FULL  
23 ANNUAL LICENSE RENEWAL FEE AND DEMONSTRATE COMPETENCY TO THE BOARD'S  
24 SATISFACTION BY SATISFYING ONE OR MORE OF THE FOLLOWING AS PRESCRIBED BY THE  
25 BOARD:

- 26 1. PRACTICING OR WORKING FOR A SPECIFIED TIME UNDER AN INTERIM PERMIT.
- 27 2. COMPLETING REMEDIAL COURSES.
- 28 3. COMPLETING CONTINUING COMPETENCE REQUIREMENTS FOR THE PERIOD OF THE  
29 INACTIVE LICENSE OR CERTIFICATE.
- 30 4. PASSING AN EXAMINATION.

31 Sec. 2. Section 32-2042, Arizona Revised Statutes, is amended to read:  
32 32-2042. Use of titles; restrictions; violation; classification

33 A. A physical therapist shall use the letters "PT" in connection with  
34 the physical therapist's name or place of business to denote licensure under  
35 this chapter. A PHYSICAL THERAPIST ON RETIRED STATUS SHALL USE "(RETIRED)"  
36 OR "(RET.)" AFTER THE LETTERS "PT" IN CONNECTION WITH THE PHYSICAL  
37 THERAPIST'S NAME OR PLACE OF BUSINESS TO DENOTE THE PHYSICAL THERAPIST'S  
38 RETIRED STATUS PURSUANT TO SECTION 32-2031.

39 B. A physical therapist assistant shall use the letters "PTA" in  
40 connection with that person's name to denote certification pursuant to this  
41 chapter. A PHYSICAL THERAPIST ASSISTANT ON RETIRED STATUS SHALL USE  
42 "(RETIRED)" OR "(RET.)" AFTER THE LETTERS "PTA" IN CONNECTION WITH THE  
43 PHYSICAL THERAPIST ASSISTANT'S NAME OR PLACE OF BUSINESS TO DENOTE THE  
44 PHYSICAL THERAPIST ASSISTANT'S RETIRED STATUS PURSUANT TO SECTION 32-2031.

1 C. A person or business entity or its employees, agents or  
2 representatives shall not use in connection with that person's name or the  
3 name or activity of the business the words "physical therapy", "physical  
4 therapist", "physiotherapy", "physiotherapist" or "registered physical  
5 therapist", the letters "PT", "LPT", "RPT", "MPT", "DScPT" or "DPT" or any  
6 other words, abbreviations or insignia indicating or implying directly or  
7 indirectly that physical therapy is provided or supplied, including the  
8 billing of services labeled as physical therapy, unless these services are  
9 provided by or under the direction of a physical therapist who is licensed  
10 pursuant to this chapter. A person or entity that violates this subsection  
11 is guilty of a class 1 misdemeanor.

12 D. A person or business entity shall not advertise, bill or otherwise  
13 promote a person who is not licensed pursuant to this chapter as being a  
14 physical therapist or offering physical therapy services.

15 E. A person shall not use the title "physical therapist assistant" or  
16 use the letters "PTA" in connection with that person's name or any other  
17 words, abbreviations or insignia indicating or implying directly or  
18 indirectly that the person is a physical therapist assistant unless that  
19 person is certified as a physical therapist assistant pursuant to this  
20 chapter. A person who violates this subsection is guilty of a class 1  
21 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House February 8, 2011

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 12, 2011

by the following vote: 18 Ayes,

10 Nays, 2 Not Voting

[Signature]  
President of the Senate

Charmion Bullington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

12 day of April, 2011

at 3:30 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

[Signature]

at 9:46 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18<sup>th</sup> day of April, 2011

at 12:19 o'clock  M.

[Signature]  
Secretary of State

H.B. 2194