

Senate Engrossed

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 220

# **SENATE BILL 1154**

AN ACT

AMENDING SECTIONS 32-2001 AND 32-2044, ARIZONA REVISED STATUTES; RELATING TO  
THE REGULATION 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. Section 32-2001, Arizona Revised Statutes, is amended to  
3 read:

4 32-2001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Assistive personnel" includes physical therapist assistants and  
7 physical therapy aides and other assistive personnel who are trained or  
8 educated health care providers and who are not physical therapist assistants  
9 or physical therapy aides but who perform specific designated tasks related  
10 to physical therapy under the supervision of a physical therapist. At the  
11 discretion of the supervising physical therapist, and if properly  
12 credentialed and not prohibited by any other law, other assistive personnel  
13 may be identified by the title specific to their training or education. This  
14 paragraph does not apply to personnel assisting other health care  
15 professionals licensed pursuant to this title in the performance of delegable  
16 treatment responsibilities within their scope of practice.

17 2. "Board" means the board of physical therapy.

18 3. "Business entity" means a business organization that has an  
19 ownership that includes any persons who are not licensed or certified to  
20 provide physical therapy services in this state, that offers to the public  
21 professional services regulated by the board and that is established pursuant  
22 to the laws of any state or foreign country.

23 4. "DRY NEEDLING" MEANS A SKILLED INTERVENTION PERFORMED BY A PHYSICAL  
24 THERAPIST THAT USES A THIN FILIFORM NEEDLE TO PENETRATE THE SKIN AND  
25 STIMULATE UNDERLYING NEURAL, MUSCULAR AND CONNECTIVE TISSUES FOR THE  
26 EVALUATION AND MANAGEMENT OF NEUROMUSCULOSKELETAL CONDITIONS, PAIN AND  
27 MOVEMENT IMPAIRMENTS.

28 ~~4.~~ 5. "General supervision" means that the supervising physical  
29 therapist is on call and is readily available via telecommunications when the  
30 physical therapist assistant is providing treatment interventions.

31 ~~5.~~ 6. "Interim permit" means a permit issued by the board that allows  
32 a person to practice as a physical therapist in this state or to work as a  
33 physical therapist assistant for a specific period of time and under  
34 conditions prescribed by the board before that person is issued a license or  
35 certificate.

36 ~~6.~~ 7. "Manual therapy techniques" means a broad group of passive  
37 interventions in which physical therapists use their hands to administer  
38 skilled movements designed to modulate pain, increase joint range of motion,  
39 reduce or eliminate soft tissue swelling, inflammation, or restriction,  
40 induce relaxation, improve contractile and noncontractile tissue  
41 extensibility, and improve pulmonary function. These interventions involve a  
42 variety of techniques, such as the application of graded forces.

43 ~~7.~~ 8. "On-site supervision" means that the supervising physical  
44 therapist is on site and is present in the facility or on the campus where

1 assistive personnel or a holder of an interim permit is performing services,  
2 is immediately available to assist the person being supervised in the  
3 services being performed and maintains continued involvement in appropriate  
4 aspects of each treatment session in which a component of treatment is  
5 delegated.

6 ~~8-~~ 9. "Physical therapist" means a person who is licensed pursuant to  
7 this chapter.

8 ~~9-~~ 10. "Physical therapist assistant" means a person who meets the  
9 requirements of this chapter for certification and who performs physical  
10 therapy procedures and related tasks that have been selected and delegated by  
11 the supervising physical therapist.

12 ~~10-~~ 11. "Physical therapy" means the care and services provided by or  
13 under the direction and supervision of a physical therapist who is licensed  
14 pursuant to this chapter.

15 ~~11-~~ 12. "Physical therapy aide" means a person who is trained under  
16 the direction of a physical therapist and who performs designated and  
17 supervised routine physical therapy tasks.

18 ~~12-~~ 13. "Practice of physical therapy" means:

19 (a) Examining, evaluating and testing persons who have mechanical,  
20 physiological and developmental impairments, functional limitations and  
21 disabilities or other health and movement related conditions in order to  
22 determine a diagnosis, a prognosis and a plan of therapeutic intervention and  
23 to assess the ongoing effects of intervention.

24 (b) Alleviating impairments and functional limitations by managing,  
25 designing, implementing and modifying therapeutic interventions including:

26 (i) Therapeutic exercise.

27 (ii) Functional training in self-care and in home, community or work  
28 reintegration.

29 (iii) Manual therapy techniques.

30 (iv) Therapeutic massage.

31 (v) Assistive and adaptive orthotic, prosthetic, protective and  
32 supportive devices and equipment.

33 (vi) Pulmonary hygiene.

34 (vii) Debridement and wound care.

35 (viii) Physical agents or modalities.

36 (ix) Mechanical and electrotherapeutic modalities.

37 (x) Patient related instruction.

38 (c) Reducing the risk of injury, impairments, functional limitations  
39 and disability by means that include promoting and maintaining a person's  
40 fitness, health and quality of life.

41 (d) Engaging in administration, consultation, education and research.

42 ~~13-~~ 14. "Restricted certificate" means a certificate on which the  
43 board has placed any restrictions as the result of a disciplinary action.

1       ~~14.~~ 15. "Restricted license" means a license on which the board places  
2 restrictions or conditions, or both, as to the scope of practice, place of  
3 practice, supervision of practice, duration of licensed status or type or  
4 condition of a patient to whom the licensee may provide services.

5       ~~15.~~ 16. "Restricted registration" means a registration the board has  
6 placed any restrictions on as the result of disciplinary action.

7       Sec. 2. Section 32-2044, Arizona Revised Statutes, is amended to read:  
8       32-2044. Grounds for disciplinary action

9       The following are grounds for disciplinary action:

- 10       1. Violating this chapter, board rules or a written board order.
- 11       2. Practicing or offering to practice beyond the scope of the practice  
12 of physical therapy.
- 13       3. Obtaining or attempting to obtain a license or certificate by fraud  
14 or misrepresentation.
- 15       4. Engaging in the performance of substandard care by a physical  
16 therapist due to a deliberate or negligent act or failure to act regardless  
17 of whether actual injury to the patient is established.
- 18       5. Engaging in the performance of substandard care by a physical  
19 therapist assistant, including exceeding the authority to perform tasks  
20 selected and delegated by the supervising licensee regardless of whether  
21 actual injury to the patient is established.
- 22       6. Failing to supervise assistive personnel, physical therapy students  
23 or interim permit holders in accordance with this chapter and rules adopted  
24 pursuant to this chapter.
- 25       7. Conviction of a felony, whether or not involving moral turpitude,  
26 or a misdemeanor involving moral turpitude. In either case conviction by a  
27 court of competent jurisdiction is conclusive evidence of the commission and  
28 the board may take disciplinary action when the time for appeal has lapsed,  
29 when the judgment of conviction has been affirmed on appeal or when an order  
30 granting probation is made suspending the imposition of sentence,  
31 irrespective of a subsequent order. For the purposes of this paragraph,  
32 "conviction" means a plea or verdict of guilty or a conviction following a  
33 plea of nolo contendere.
- 34       8. Practicing as a physical therapist or working as a physical  
35 therapist assistant when physical or mental abilities are impaired by disease  
36 or trauma, by the use of controlled substances or other habit-forming drugs,  
37 chemicals or alcohol or by other causes.
- 38       9. Having had a license or certificate revoked or suspended or other  
39 disciplinary action taken or an application for licensure or certification  
40 refused, revoked or suspended by the proper authorities of another state,  
41 territory or country.
- 42       10. Engaging in sexual misconduct. For the purposes of this paragraph,  
43 "sexual misconduct" includes:

1 (a) Engaging in or soliciting sexual relationships, whether consensual  
2 or nonconsensual, while a provider-patient relationship exists.

3 (b) Making sexual advances, requesting sexual favors or engaging in  
4 other verbal conduct or physical contact of a sexual nature with patients.

5 (c) Intentionally viewing a completely or partially disrobed patient  
6 in the course of treatment if the viewing is not related to patient diagnosis  
7 or treatment under current practice standards.

8 11. Directly or indirectly requesting, receiving or participating in  
9 the dividing, transferring, assigning, rebating or refunding of an unearned  
10 fee or profiting by means of any credit or other valuable consideration such  
11 as an unearned commission, discount or gratuity in connection with the  
12 furnishing of physical therapy services. This paragraph does not prohibit  
13 the members of any regularly and properly organized business entity  
14 recognized by law and composed of physical therapists from dividing fees  
15 received for professional services among themselves as they determine  
16 necessary to defray their joint operating expense.

17 12. Failing to adhere to the recognized standards of ethics of the  
18 physical therapy profession.

19 13. Charging unreasonable or fraudulent fees for services performed or  
20 not performed.

21 14. Making misleading, deceptive, untrue or fraudulent representations  
22 in violation of this chapter or in the practice of the profession.

23 15. Having been adjudged mentally incompetent by a court of competent  
24 jurisdiction.

25 16. Aiding or abetting a person who is not licensed or certified in  
26 this state and who directly or indirectly performs activities requiring a  
27 license or certificate.

28 17. Failing to report to the board any direct knowledge of an  
29 unprofessional, incompetent or illegal act that appears to be in violation of  
30 this chapter or board rules.

31 18. Interfering with an investigation or disciplinary proceeding by  
32 failing to cooperate, by wilful misrepresentation of facts or by the use of  
33 threats or harassment against any patient or witness to prevent the patient  
34 or witness from providing evidence in a disciplinary proceeding or any legal  
35 action.

36 19. Failing to maintain patient confidentiality without prior written  
37 consent of the patient or unless otherwise required by law.

38 20. Failing to maintain adequate patient records. For the purposes of  
39 this paragraph, "adequate patient records" means legible records that comply  
40 with board rules and that contain at a minimum an evaluation of objective  
41 findings, a diagnosis, the plan of care, the treatment record, a discharge  
42 summary and sufficient information to identify the patient.

43 21. Promoting an unnecessary device, treatment intervention or service  
44 for the financial gain of the practitioner or of a third party.

1           22. Providing treatment intervention unwarranted by the condition of  
2 the patient or treatment beyond the point of reasonable benefit.

3           23. Failing to report to the board a name change or a change in  
4 business or home address within thirty days after that change.

5           24. Failing to complete continuing competence requirements as  
6 established by the board by rule.

7           25. FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND TRAINING  
8 AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD BY RULE, IN THE  
9 PERFORMANCE OF DRY NEEDLING WHEN PROVIDED AS A THERAPEUTIC MODALITY.

10           Sec. 3. Board of physical therapy; dry needling standards;  
11                           rules; exemption

12           A. On or before July 1, 2015, the board of physical therapy shall  
13 establish by rule professional standards of care and training and education  
14 qualifications for the performance of dry needling for therapeutic purposes.  
15 A physical therapist who was performing dry needling as a therapeutic  
16 modality before January 1, 2014 may continue to perform dry needling until  
17 the board adopts standards of care and training and education qualifications  
18 pursuant to this section and then is required to meet the standards and  
19 qualifications adopted by the board.

20           B. For the purposes of this section, the board of physical therapy is  
21 exempt from the rulemaking requirements of title 41, chapter 6, Arizona  
22 Revised Statutes, for one year after the effective date of this act.

23           Sec. 4. Effective date

24           Section 32-2044, Arizona Revised Statutes, as amended by this act, is  
25 effective from and after June 30, 2015.

APPROVED BY THE GOVERNOR APRIL 24, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.

Passed the House April 22, 2014,

by the following vote: 48 Ayes,

11 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate March 3, 2014,

by the following vote: 21 Ayes,

6 Nays, 3 Not Voting

[Signature]  
President of the Senate

[Signature]  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23<sup>rd</sup> day of April, 2014,

at 12:45 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 24<sup>th</sup> day of

April, 2014,

at 2:51 o'clock P M.

[Signature]  
Governor of Arizona

S.B. 1154

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24<sup>th</sup> day of April, 2014,

at 5:31 o'clock P M.

[Signature]  
Secretary of State