

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY EXAMINERS

PREAMBLE

1. **Sections Affected**

	<u>Rulemaking Action</u>
R4-24-101	Amend
R4-24-201	Repeal
R4-24-201	New Section
R4-24-205	Repeal
R4-24-205	New Section
R4-24-206	Amend
R4-24-207	New Section
Table I	New Table
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-2003
Implementing statutes: A.R.S. §§ 32-2022, 32-2023, 32-2024, 32-2025, 32-2026
3. **A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 2551, September 11, 1998.
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Janice Stille, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, Arizona 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The proposed rules amend the definitions, set forth the application requirements for licenses, certificates, and permits issued by the Board, and establish the Board's time-frames for granting or denying approvals for examinations, licenses, certificates, and permits as required by A.R.S. § 41-1072 through § 41-1078.
6. **A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of a political subdivision of the state:**

Not applicable.
7. **A reference to any study the agency proposes to rely on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material.**

None.
8. **The preliminary summary of the economic, small business, and consumer impact:**

The Board will incur moderate costs to promulgate the rules and to notify interested parties of the new rules after the rules are

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approved. The Board should incur minimal costs for notification of completeness. All applicants and the Board should benefit because of the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, physical therapists, or the public.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Janice Stille, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, Arizona 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings are scheduled. Contact Janice Stille in writing to request that an oral proceeding be held. The Board will hold an oral proceeding if it receives 1 written request within 30 days following publication of the proposed rulemaking. Written comments on the proposed rules may be submitted to the Board office no later than 5 p.m., April 5, 1999.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

12. Incorporations by reference and their location in the rules:

None.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

R4-24-101. Definitions

ARTICLE 2. LICENSING PROVISIONS

R4-24-201. Applications

R4-24-201. Application for a Physical Therapist's License

R4-24-205. Temporary License

R4-24-205. Application for a Physical Therapist Assistant's Certificate

R4-24-206. Probationary Interim Permits for foreign-trained applicants

R4-24-207. Time-frames for Board Approvals

Table 1. Time-frames (in days)

ARTICLE 1. GENERAL PROVISIONS

R4-24-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Accredited physical therapy education program" or "accredited physical therapy assistant education program" means a program that, at the time of the applicant's graduation, was approved by an agency recognized as qualified to accredit physical therapy or physical therapy assistant programs by either the U. S. Department of Education or the Council on Post-Secondary Accreditation for Higher Education Accreditation.
2. "Applicant" means an individual seeking a license, certificate, or permit from the Board.
3. "Application packet" means the forms and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.

4. "Credentials evaluation report" means a written appraisal by International Consultants of Delaware (ICD), International Credentialing Associates (ICA), or an appraisal equivalent to ICD's or ICA's done by another credentialing agency, a credentialing agency approved by the Board under A.R.S. § 32-2022(B), following review of documentary evidence of a foreign-educated applicant's education to determine whether the applicant's education is substantially equivalent to that of an applicant graduated from an accredited physical therapy education program, pursuant to A.R.S. § 32-2027(A).

5. "Criterion-referenced passing point" means the minimum acceptable score, calculated using the method determined by the Professional Examination Service, that an applicant must obtain on the national physical therapist licensure examination.

6. "Days" means calendar days.

7. "Endorsement" means the procedure for granting an Arizona license to an applicant who is already licensed as a physical therapist in another jurisdiction of the United States.

"Federation of State Boards of Physical Therapy" means the national organization that comprises physical therapy credentialing boards throughout the United States and that developed the national physical therapy examination.

"Good moral character" means of a nature that conforms to accepted behavioral standards as shown by no conviction for a felony or a misdemeanor relating to the practice of physical therapy or involving moral turpitude.

8. "Initial evaluation" means an assessment of a patient's physical condition, complaint, and objective findings regarding the patient's diagnosis, if any, to ascertain the

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patient's need for physical therapy and whether consultation with the referring practitioner or other health care practitioner is necessary before a physical therapy plan of treatment is devised and implemented.

9. "License" means the written authorization issued by the Board to practice as a physical therapist in Arizona.

10. "Licensee" means an individual licensed by Arizona the Board as a physical therapist.

"On-site supervision" means a licensee directing the provision of direct patient care by a physical therapist assistant or aide on the premises and available within an amount of time that is reasonable considering the condition of the patient, experience of the assistant or aide, and type of therapy being provided.

"Physical therapy assistant or aide" means an individual who provides direct patient care, under on-site supervision, commensurate with the assistant's or aide's training.

"Remedial measures" means a program of study as recommended by the Board.

"Substantially similar" means for purposes of A.R.S. § 32-2023(A), the requirements for licensure by endorsement include graduating from an accredited physical therapy education program, passing the national licensing examination recognized by the Board with the criterion referenced passing point required by the Board at the time the examination was taken, and being in good standing in all states in which currently or previously licensed.

11. "Professional examination service" means the organization that prepares and provides the national board examination for physical therapy.

"Suspension" means removal of license for a period not to exceed 3 years.

ARTICLE 2. LICENSING PROVISIONS

R4-24-201. Applications

A. An applicant for licensure shall submit the following information to the Board:

1. An application;
2. The application fee set forth in R4-24-204;
3. An official transcript from an accredited program;
4. An examination application or endorsement form;
5. The completed questionnaire on state statutes and rules applicable to physical therapy; and
6. Official examination scores from the Professional Examination Service.

B. Foreign-educated applicants shall also submit a credentials evaluation.

C. Applications shall be made only on application forms obtained from the Board and shall contain the following information:

1. Name and address of applicant;
2. Date of birth;
3. Social security number (optional);
4. Post-high school education;
5. Professional experience;
6. List of states in which applicant has worked or been licensed as a physical therapist;
7. Date and location of professional examination, if previously taken;
8. History of any felony or misdemeanor conviction or violation of federal, state, or local law or rule, other than a minor traffic violation; and
9. Certification that the application is complete and accurate.

D. An applicant for licensure by examination shall submit to the Board an examination application and examination fee set forth in R4-24-204 at least 45 days before the examination date. Examination applications may be obtained from the Board office.

E. An applicant for licensure shall complete a questionnaire on the state statutes and rules applicable to physical therapy. The Board shall mail this questionnaire with each application requested.

F. Applicants shall notify the Board, in writing, within 10 days of a change of address to be used by the Board.

R4-24-201. Application for a Physical Therapist's License

A. An applicant for a regular physical therapist's license shall submit to the Board an application packet that contains:

1. A completed national physical therapy examination form for computerized testing available at the Board office;
2. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, address, telephone number, birth date, and social security number;
 - b. The name and address of each university or college attended by the applicant, the dates of attendance, and if applicable, the date of graduation and degree received;
 - c. The name and address of the university or college at which the applicant completed an accredited physical therapy education program, dates of attendance, and date of completion;
 - d. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude in any state or foreign country;
 - e. A statement of whether the applicant has ever had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied or rejected by any state or foreign country;
 - f. A statement of whether the applicant has ever had a professional or occupational license, certificate, or registration, other than a driver's license, suspended or revoked by any state or foreign country;
 - g. A statement of whether an award has ever been issued against the applicant for malpractice or whether a lawsuit for malpractice is currently pending;
 - h. A statement of whether the applicant has been found guilty of or has charges currently pending for immoral or unprofessional conduct by a professional licensing board in any state;
 - i. A statement whether the applicant is currently more than 30 days in arrears for payments required by a judgement and order for child support in Arizona or any other state; and
 - j. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
3. A passport photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than 6 months before the date of application;
4. A questionnaire covering Arizona statutes and rules pertaining to physical therapy that has been provided by the Board and completed by the applicant; and
5. The fee required in R4-24-204.

B. In addition to the requirements in subsection (A), an applicant shall arrange to have directly submitted to the Board:

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1. An official transcript or letter stating that the applicant has completed all requirements for completion of a physical therapy education program that is signed by the registrar of the university or college at which the applicant completed the physical therapy education program.
 2. Verification of passing a national board examination in physical therapy as evidenced by an original notice of examination results issued by the professional examination service that prepared the examination.
- C.** In addition to the requirements in subsections (A)(2) through (A)(5) and (B), an applicant for a physical therapist's license by endorsement shall submit to the Board:
1. The name of the licensing agency of the jurisdiction in which the applicant is currently licensed;
 2. A verification of licensure, signed and dated by an official of the agency licensing the applicant that includes all of the following:
 - a. The name and address of the applicant;
 - b. The license number and date of issuance;
 - c. The current status of the license;
 - d. The expiration date of the license;
 - e. A statement of whether the applicant was ever denied a license by the agency; and
 - f. A statement of whether any disciplinary action is pending or has ever been taken against the applicant.
- D.** In addition to submitting the fee required by the Board and documents in subsections (A)(2) through (A)(5), a foreign educated applicant shall submit to the Board proof of legal authorization to reside and seek employment in the United States or its territories and arrange to have directly submitted to the Board:
1. A credentials evaluation report;
 2. If applicable, verification of passing a national Board examination in physical therapy as evidenced by an original notice of examination results issued by the professional examination service that prepared the examination; and
 3. Written documentation of authorization to practice as a physical therapist without limitation issued by the authorizing body.

R4-24-205. Temporary license

- A.** The Board shall issue a temporary license to each qualified applicant bearing:
1. Name of licensee
 2. Date of issue
 3. Date of expiration
- B.** Temporary licenses shall be numbered consecutively and shall indicate that the license is temporary.

R4-24-205. Application for a Physical Therapist Assistant's Certificate

- A.** An applicant for a physical therapist assistant certificate shall submit to the Board an application packet that contains:
1. A completed national physical therapist assistant examination form for computerized testing available at the Board office;
 2. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, business and residential addresses, telephone number, and social security number;
 - b. The name and address of each university or college attended by the applicant, the dates of attendance,

and if applicable, the date of graduation and degree received;

- c. The name and address of the university or college at which the applicant completed an accredited physical therapist assistant education program, dates of attendance, and date of completion;
 - d. A statement of whether the applicant has ever been licensed or certified as a physical therapist assistant in any other state or foreign country;
 - e. A statement of whether the applicant has ever been convicted of a felony or misdemeanor in any state or foreign country;
 - f. A statement of whether the applicant has ever had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied or rejected by any state or foreign country;
 - g. A statement of whether the applicant has ever had a professional or occupational license, certificate, or registration, other than a driver's license, suspended or revoked by any state or foreign country;
 - h. A statement of whether an award has ever been issued against the applicant for malpractice or whether a lawsuit for malpractice is currently pending;
 - i. A statement of whether the applicant has been found guilty of or has charges currently pending for immoral or unprofessional conduct by a professional licensing board in any state;
 - j. A statement whether the applicant is currently more than 30 days in arrears for payments required by a judgement and order for child support in Arizona or any other state; and
 - k. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
3. A passport photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than 6 months before the date of application;
 4. A questionnaire covering Arizona statutes and rules pertaining to physical therapist assistants that has been provided by the Board and completed by the applicant; and
 5. The fees required in R4-24-204.
- B.** In addition to the requirements in subsection (A), an applicant shall arrange to have directly submitted to the Board:
1. An official transcript or letter stating that the applicant has completed all requirements for completion of a physical therapist assistant education program that is signed by the registrar of the university or college at which the applicant completed the physical therapist assistant education program;
 2. Verification of passing a national board examination in physical therapy as evidenced by an original notice of examination results issued by the professional examination service that prepared the examination; and
 3. If applicable, a verification of licensure or certification, signed and dated by an official of the agency licensing or certifying the applicant that includes all of the following:
 - a. The name and address of the applicant;
 - b. The license or certificate number and date of issuance;
 - c. The current status of the license or certificate;
 - d. The expiration date of the license or certificate;

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- e. A statement of whether the applicant was ever denied a license or certificate by the agency; and
- f. A statement of whether any disciplinary action is pending or has ever been taken against the applicant.

R4-24-206. Probationary Interim permit Permits for foreign-trained applicants

- ~~A. The Board shall issue a probationary permit to each qualified foreign-trained applicant bearing:~~
 - 1. ~~Name of licensee~~
 - 2. ~~Date of issue~~
 - 3. ~~Date of expiration~~
- A. An applicant for an interim permit shall submit the application as required in R4-24-201.
- ~~B. Probationary permits shall be numbered consecutively and shall indicate that the permit is probationary.~~
- B. Under A.R.S. § 32-2025, the Board shall issue an interim permit to each qualified foreign-trained applicant bearing the:
 - 1. Name of the applicant.
 - 2. Date of issue, and
 - 3. Date of expiration.

R4-24-207. Time-frames for Board Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
 - 1. The administrative completeness review time-frame begins:
 - a. For approval to take the national physical therapy examination as required in A.R.S. §§ 32-2022 and 32-2024, when the Board receives an application packet;
 - b. For approval or denial of a regular license or a certificate, when an applicant takes a national physical therapy examination as required in A.R.S. §§ 32-2022 and 32-2024;
 - c. For a license by endorsement under A.R.S. § 32-2023(A), when the Board receives an application packet; or
 - d. For approval or denial of a license for a foreign graduate, when the applicant completes the interim supervised clinical practice required in A.R.S. § 32-2025.

- 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information.
 - a. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 - b. An applicant who disagrees with the Board's statement of deficiencies may request a hearing as provided in A.R.S. § 32-2023.
- 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
- 4. If the Board grants a license, certificate, or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 - 1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 - 2. The Board shall send a written notice of approval to an applicant to take an examination or granting a license to an applicant who meets the qualifications in A.R.S. §§ 32-2001 through 32-2027.
 - 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-2001 through 32-2027.
- D. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
 - 1. Supply the missing information under subsection (B)(2) or (C)(1); or
 - 2. Take the national physical therapist's examination.
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.
- G. An applicant shall send written notice to the Board within 10 days from the date of any change of applicant's address.

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Table 1. Time-frames

Table 1. Time-frames (in days)

<u>Type of Applicant</u>	<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Time-frame</u>	<u>Substantive Review Time-frame</u>
<u>Regular License, Foreign Applicant, Physical Therapist Assistant Certificate (R4-24-201, R4-24-205)</u>	<u>Approval to Take an Examination</u>	<u>A.R.S. § 32-2024</u>	<u>90</u>	<u>30</u>	<u>60</u>
<u>Regular License R4-24-201</u>	<u>License</u>	<u>A.R.S. §§ 32-2022; 32-2023</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>License by Endorsement (R4-24-201)</u>	<u>License by Endorsement</u>	<u>A.R.S. § 32-2026</u>	<u>60</u>	<u>15</u>	<u>45</u>
<u>Physical Therapist Assistant Certificate (R4-24-205)</u>	<u>Certificate</u>	<u>A.R.S. §§ 32-2022; 32-2023</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Foreign Graduate (R4-24-206)</u>	<u>Interim Permit</u>	<u>A.R.S. § 32-2025</u>	<u>30</u>	<u>15</u>	<u>15</u>
<u>Foreign Graduate (R4-24-201)</u>	<u>License</u>	<u>A.R.S. §§ 32-2022; 32-2025</u>	<u>60</u>	<u>15</u>	<u>45</u>