

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first 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. 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 making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 24. BOARD OF PHYSICAL THERAPY EXAMINERS

##### PREAMBLE

- 1. Sections Affected**

|           |       |
|-----------|-------|
| R4-24-101 | Amend |
| R4-24-204 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 32-2003(2) and 32-2003(5)

Implementing statutes: A.R.S. §§ 32-2022(B)(10) and 32-2024
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 3257, August 2, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Heidi Herbst Paakkonen, Executive Director

Address: 1400 W. Washington, Suite 230  
Phoenix, AZ 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

E-mail: heidi.herbst-paakkonen@ptboard.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

Currently R4-24-204 permits only those applicants who took a national examination after March 14, 1996 to be licensed or certified by the Board. This has caused the Board to turn away many qualified applicants who have taken a national examination before March 14, 1996 and are practicing in other states. Thus, the Board is amending the definition of national examination to include an examination produced by the American Physical Therapy Association in addition to an examination produced by the Federation of State Boards of Physical Therapy. R4-24-204 is being amended to set the standards for examination scores that must be obtained by applicants who have taken either of the national examinations.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

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**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

The rulemaking impacts applicants, consumers seeking physical therapy, and the Board.

**Cost Bearers**

The Board will bear minimal costs to promulgate the rules and provide copies of the new rules to applicants. Applicants should not bear additional costs because of the rules. Costs should not increase to consumers because of the rules.

**Beneficiaries**

An applicant who has taken a national physical therapy examination before March 14, 1996 will benefit substantially by the proposed rules because, if otherwise qualified, the applicant will be able to practice as a physical therapist or physical therapist assistant in Arizona.

Consumers, particularly in rural areas, will benefit because of the increased availability of care by physical therapists and physical therapist assistants.

**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: Heidi Herbst Paakkonen, Executive Director

Address: 1400 W. Washington, Suite 230  
Phoenix, AZ 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

E-mail: heidi.herbst-paakkonen@ptboard.state.az.us

**10. The time, place, and nature of the proceedings for the adoption, 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:**

An oral proceeding will be conducted by the Board at the following location in the state for the purpose of taking oral and written testimony on the proposed rules from members of the public.

Date: October 29, 2002

Time: 9:00 a.m.

Location: 1400 W. Washington, Room B1  
Phoenix, AZ 85007

The public record on the proposed rulemaking will close at 5:00 p.m. on October 29, 2002.

**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 AND EXAMINATION PROVISIONS**

Section  
R4-24-204. Examination Scores

**ARTICLE 1. GENERAL PROVISIONS**

**R4-24-101. Definitions**

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. "National Examination" means an examination produced by the Federation of State Boards of Physical Therapy ~~and used by the Board to test an applicant for physical therapist licensing or physical therapist assistant certification~~ or an examination produced by the American Physical Therapy Association.
16. No change

**ARTICLE 2. LICENSING AND EXAMINATION PROVISIONS**

**R4-24-204. Examination Scores**

- A.** To be licensed ~~by examination~~ as a physical therapist, an applicant shall obtain:
1. ~~a A score on the a national examination for physical therapists that equals or exceeds the criterion-referenced passing point. The criterion-referenced passing point is equal to a scaled score of 600 based on a scale ranging from 200 to 800; if the applicant took the national examination on or after March 14, 1996; or~~
  2. A raw score on a national examination for physical therapists that is no lower than 1.50 standard deviation below the national average for the national examination, if the applicant took the national examination before March 14, 1996.
- B.** To be certified as physical therapist assistant, an applicant for certification ~~by examination~~ shall obtain:
1. ~~a A score on the national examination for physical therapist assistants that equals a criterion-referenced passing point a scaled score of 600, based on a scale ranging from 200 to 800; if the applicant took the national examination on or after March 14, 1996; or~~
  2. A raw score on a national examination for physical therapist assistants that is no lower than 1.50 standard deviation below the national average for the national examination, if the applicant took the national examination before March 14, 1996.