

NOTICES OF PETITION

Notices of Petition contain information required by statute to be published in the *Register*. Because of the variety of material that is contained in Notices of Petition, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PETITION BOARD OF PHYSICAL THERAPY

[M09-313]

1. **Agency name:** Board of Physical Therapy
2. **Title number and heading:** 4, Professions and Occupations
3. **Chapter number and heading:** 24, Board of Physical Therapy
4. **Article number and heading:** 2, Licensing Provisions
5. **Section:** R4-24-203(A)(4)
3. **Statute under which the petition was filed:**
A.R.S. § 41-1056.01
4. **Name of person filing petition:**
Adi Halili, P.T., D.P.T.
5. **List of previous notices appearing in the *Register* addressing the petition:**
Notice of Petition: 15 A.A.R. 1231, July 24, 2009
6. **Date on which comment period ended:**
August 21, 2009
7. **A summary of the comments made regarding the petition and the agency's response to them:**
The Board received no comments regarding the petition.
8. **The agency's final decision:**
On August 25, 2009, the Board discussed the petition at a meeting open to the public. The Board's final decision was not to amend R4-24-203(A)(4).

When R4-24-203(A)(4) was amended in August 2008, which is the only amendment relevant under A.R.S. § 41-1056.01(A), the Board added the requirement that foreign-educated applicants pass the English-proficiency examination within 18 months of the date on which their applications are administratively complete. The Board estimated that this 18-month requirement would have a minimal economic impact.

In the year before the 18-month requirement for passing the English-proficiency examination was added, 5.6% of foreign-educated applicants would have failed to meet the standard. As a result, these few applicants would incur the less than \$200 cost of retaking the examination. During FY2009, only one foreign-educated applicant was required to retake the English-proficiency examination because of the 18-month requirement. The Board concludes it was correct in estimating that the economic impact of the 18-month requirement would be minimal and that Mr. Halili failed to meet his burden of proving that the actual economic impact of the 18-month requirement exceeded the impact estimated.

The Board appreciates Mr. Halili's concern that foreign-educated applicants have difficulty becoming licensed. However, the results cited show that the 18-month requirement is not part of any difficulty. The Board's statutory responsibility is to protect the public. Reducing the standards for licensure so more people can be licensed is not consistent with protecting the public.
9. **The name, address, and telephone number of agency personnel to whom written statements, arguments, data, and views regarding the rule and its impacts may be submitted for 30 days after this notice is published:**
Name: Charles Brown, Executive Director
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