

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Physical Therapy Licensure Board:  
IDAPA 24.13.01 - Rules Governing the Physical Therapy Licensure Board - Proposed Rule (Docket No. 24-1301-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11/07/2017. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Senior Legislative Research Analyst - Kristin Ford

**DATE:** October 19, 2017

**SUBJECT:** Bureau of Occupational Licenses - Physical Therapy Licensure Board

IDAPA 24.13.01 - Rules Governing the Physical Therapy Licensure Board - Proposed Rule (Docket No. 24-1301-1701)

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules Governing the Physical Therapy Licensure Board. The proposed rule sets forth the Continuing Education credits required for a person to have their physical therapy license reinstated. The Bureau states that negotiated rulemaking was not conducted because the changes were discussed during noticed, open meetings of the Board. The proposed rule appears to be within the statutory authority of the Board pursuant to sections 54-2206(4) and 67-2614(6), Idaho Code.

cc: Bureau of Occupational Licenses - Physical Therapy Licensure Board  
Tana Cory

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD**

**DOCKET NO. 24-1301-1701**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2206, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule outlines the number of hours of continuing education (“CE”) required for reinstatement of a physical therapy license. This proposed rule requires 1 year of CE (or 16 hours) for licenses expired for one year or less; 2 years of CE (or 32 hours) for licenses expired for more than a year and up to 2 years; and 3 years of CE (or 48 hours) for licenses expired for more than 2 years.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dicsie Gullick at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State St.  
P.O. Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1301-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**250. CONTINUING EDUCATION REQUIREMENT (RULE 250).**

**01. Renewal of License.** ~~On and after January 1, 2008, e~~Every person holding a license issued by the Board must annually complete sixteen (16) contact hours of continuing education prior to license renewal. (3-19-07)( )

**02. Reinstatement of License.** Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the applicant shall submit proof of having met the following continuing education requirement: ( )

**a. For licenses expired for one (1) year or less, one (1) year of continuing education;** ( )

**b. For licenses expired for more than one (1) year and up to two (2) years, two (2) years of continuing education;** ( )

**c. For licenses expired for more than two (2) years, three (3) years of continuing education.** ( )

**043. Contact Hours.** The contact hours of continuing education shall be obtained in areas of study germane to the practice for which the license is issued as approved by the board. (3-19-07)

**024. Documentation of Attendance.** It shall be necessary for the applicant to provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided to the board upon request by the board or its agent. (3-19-07)

**035. Excess Hours.** Continuing education hours accumulated during the twelve (12) months immediately preceding the license expiration date may be applied toward meeting the continuing education requirement for the next license renewal. Hours in excess of the required hours may be carried forward. Excess hours may be used only during the next renewal period and may not be carried forward more than one (1) time. (3-19-07)

**046. Compliance Audit.** The board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the board of meeting the continuing education requirement be submitted to the bureau. Failure to provide proof of meeting the continuing education upon request of the board shall be grounds for disciplinary action. (3-19-07)

**057. Special Exemption.** The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must provide any information requested by the board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the board. (3-19-07)

**068. Continuing Education Credit Hours.** Hours of continuing education credit may be obtained by attending and participating in a continuing education activity approved by the Board. (3-19-07)

**a. General Criteria.** A continuing education activity which meets all of the following criteria is appropriate for continuing education credit: (3-19-07)

**i. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;** (3-19-07)

**ii. Pertains to subject matters integrally related and germane to the practice of the profession;**

- (3-19-07)
- iii. Conducted by individuals who have specialized education, training and experience to be considered qualified to present the subject matter of the program. The Board may request documentation of the qualifications of presenters; (3-19-07)
  - iv. Application for Board approval is accompanied by a paper, manual or outline which describes the specific offering and includes the program schedule, goals and objectives; and (3-19-07)
  - v. Provides proof of attendance to licensees in attendance including: Date, location, course title, presenter(s); Number of program contact hours (One (1) contact hour equals one (1) hour of continuing education credit.); and the official signature or verification of the program sponsor. (3-19-07)
- b. Specific Criteria.** Continuing education hours of credit may be obtained by: (3-19-07)
- i. Presenting professional programs which meet the criteria listed in these rules. Two (2) hours of credit will be awarded for each hour of presentation by the licensee. A course schedule or brochure must be maintained for audit; (3-19-07)
  - ii. Providing official transcripts indicating successful completion of academic courses which apply to the field of physical therapy in order to receive the following continuing education credits: (3-19-07)
    - (1) One (1) academic semester hour = fifteen (15) continuing education hours of credit; (3-19-07)
    - (2) One (1) academic trimester hour = twelve (12) continuing education hours of credit; (3-19-07)
    - (3) One (1) academic quarter hour = ten (10) continuing education hours of credit. (3-19-07)
  - iii. Attending workshops, conferences, symposiums or electronically transmitted, live interactive conferences which relate directly to the professional competency of the licensee; (3-19-07)
  - iv. Authoring research or other activities which are published in a recognized professional publication. The licensee shall receive five (5) hours of credit per page; (3-19-07)
  - v. Viewing videotaped presentations if the following criteria are met: (3-19-07)
    - (1) There is a sponsoring group or agency; (3-19-07)
    - (2) There is a facilitator or program official present; (3-19-07)
    - (3) The program official may not be the only attendee; and (3-19-07)
    - (4) The program meets all the criteria specified in these rules; (3-19-07)
  - vi. Participating in home study courses that have a certificate of completion; (3-19-07)
  - vii. Participating in courses that have business-related topics: marketing, time management, government regulations, and other like topics; (3-19-07)
  - viii. Participating in courses that have personal skills topics: career burnout, communication skills, human relations, and other like topics; (4-7-11)
  - ix. Participating in courses that have general health topics: clinical research, CPR, child abuse reporting, and other like topics; (3-29-12)
  - x. Supervision of a physical therapist student or physical therapist assistant student in an accredited college program. The licensee shall receive four (4) hours of credit per year; and (3-29-12)

xi. Completion and awarding of Board Certification or recertification by American Board of Physical Therapy Specialists (ABPTS). The licensee shall receive sixteen (16) hours for the year the certification or recertification was received. (3-29-12)

**079. Course Approval.** Courses of study relevant to physical therapy and sponsored or provided by the following entities or organizations shall be approved for continuing education credits: (3-29-12)

- a. The American Physical Therapy Association (APTA) or any of its sections or local chapters; or (3-29-12)
- b. The Federation of State Boards of Physical Therapy (FSBPT); or (3-29-12)
- c. Commission on Accreditation in Physical Therapy Education (CAPTE); or (3-29-12)
- d. National Athletic Trainers Association (NATA); or (3-29-12)
- e. A College or University which is accredited or a candidate for accreditation by the Northwest Association of Secondary and Higher Schools or any similar accrediting body; or (3-29-12)
- f. Otherwise approved by the Board. (3-29-12)

**0810. Submitting False Reports or Failure to Comply.** The Board may condition, limit, suspend, or refuse to renew the license of any individual whom the Board determines submitted a false report of continuing education or failed to comply with the continuing education requirements. (3-19-07)

**0911. Failure to Receive the Renewal Application.** Failure to receive the renewal application shall not relieve the licensee of the responsibility of meeting the continuing education requirements and submitting the renewal application and renewal fee. (3-19-07)