

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Bureau of Occupational Licenses:

IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board

(Docket No. 24-1301-1001 – Temporary and Proposed Rule)

IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board

(Docket No. 24-1301-1002).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the co-chairmen 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 10-21-10. 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 11-19-10.

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 334-4845, or send a written request to the
address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

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

FROM: Brooke Murdoch *BM*

DATE: October 1, 2010

SUBJECT: Bureau of Occupational Licenses

**IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board
(Docket No. 24-1301-1001 – Temporary and Proposed Rule)**

**IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board
(Docket No. 24-1301-1002)**

1. IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board (Docket No. 24-1301-1001 – Temporary and Proposed Rule)

The Bureau of Occupational Licenses submits notice of temporary and proposed rulemaking at IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board. This rulemaking is prompted by House Bill No. 470 that was passed by the 2010 Legislature. House Bill No. 470 amended Section 54-2212, Idaho Code, to require that any applicant for licensure as a physical therapist or physical therapist assistant who has been educated outside of the United States provide proof of passing scores on a standardized English proficiency examination as approved by the Board if English is not the applicant's native language. The temporary and proposed rule identifies the Board-approved English proficiency examinations.

Negotiated rulemaking was not conducted because the temporary and proposed rule changes are prompted by statutory amendment and were discussed in an open, noticed meeting. There is no negative fiscal impact as a result of this rulemaking.

The temporary and proposed rule is within the authority granted to the Board in Section 54-2206, Idaho Code.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

**2. IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board
(Docket No. 24-1301-1002)**

The Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.13.01 – Rules of the Physical Therapy Licensure Board. The proposed rule provides that where an applicant has failed to respond to a Board request or the application has lacked activity for twelve consecutive months, the application will be deemed denied and terminated upon written notice to the applicant. The proposed rule also allows licensees to receive four hours of continuing education credit per year for the supervision of a physical therapist student or physical therapist assistant student in an accredited college program.

Negotiated rulemaking was not conducted because the rule changes were discussed in a public meeting. There is no negative fiscal impact as a result of this rulemaking.

The proposed rule is within the authority granted to the Board in Sections 54-2206 and 54-2214, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief
Cherie Simpson

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.13.01 - RULES OF THE PHYSICAL THERAPY LICENSURE BOARD
DOCKET NO. 24-1301-1001
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 16, 2010.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 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 20, 2010.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2010 legislature passed House Bill 470 which amended Section 54-2212, Idaho Code, to require that foreign education physical therapists pass an English proficiency examination to qualify for a license if English is not the applicant's native language. This rule identifies the standardized examinations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)a, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To comply with a new law which passed last session.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes are due to amendment in statute and were discussed in an open, noticed meeting..

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 temporary and proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 20th day of August, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT FOR DOCKET NO. 24-1301-1001

175. REQUIREMENTS FOR LICENSURE (RULE 175).

An individual shall be entitled to a license upon meeting the following requirements: (4-2-08)

01. Application. Submission of a complete application establishing that the individual has met the qualifications as set forth in these rules. (4-2-08)

02. Examination. Submission of proof that the individual has successfully passed the NPTE with a scaled score of at least six hundred (600) and the jurisprudence examination with a score of at least seventy-five percent (75%). Foreign educated individuals whose native language is not English shall submit proof of successfully passing one (1) of the following English proficiency exams: ~~(4-2-08)~~(7-16-10)T

a. Test of English as a Foreign Language (TOEFL) with minimum passing scores of two hundred twenty (220) for computer test and five hundred sixty (560) for paper test; (7-16-10)T

b. Test of English as a Foreign Language - internet based test (TOEFL IBT) with minimum passing scores of twenty-four (24) in writing; twenty-six (26) in speaking, twenty-one (21) in reading, and eighteen (18) in listening; or (7-16-10)T

c. As otherwise approved by the Board. (7-16-10)T

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.13.01 - RULES OF THE PHYSICAL THERAPY LICENSURE BOARD
DOCKET NO. 24-1301-1002
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 Section 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 20, 2010.

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:

The Physical Therapy Board is updating its rules to correct the name of the Department of Education and to allow a successor entity; The Board is also adding a section to allow for termination of applications that have lacked activity for one year upon notification to the applicant. This will help reduce the number of files that need to be maintained. Finally, the Board would like to allow four (4) hours continuing education credit for the supervision of physical therapist students or physical therapist assistant students as this supervision is an important part of the training of future licensees.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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 discussion on the changes were noticed on an agenda and discussed in a public meeting.

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 Cherie Simpson 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 27, 2010.

DATED this 20th day of August, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-1301-1002

010. DEFINITIONS (RULE 10).

- 01. Board.** The Physical Therapy Licensure Board. (3-19-07)
- 02. Bureau.** Bureau means the Idaho Bureau of Occupational Licenses as created in section 67-2602, Idaho Code. (3-19-07)
- 03. Physical Therapist.** An individual who meets all the requirements of Title 54, Chapter 22, Idaho Code, holds an active license and who engages in the practice of physical therapy. (3-19-07)
- 04. Physical Therapist Assistant.** An individual who meets the requirements of Title 54, Chapter 22, Idaho Code, holds an active license, and who performs physical therapy procedures and related tasks that have been selected and delegated only by a supervising physical therapist. (3-19-07)
- 05. Supportive Personnel.** An individual, or individuals, who are neither a physical therapist or a physical therapist assistant, but who are employed by and/or trained under the direction of a licensed physical therapist to perform designated non-treatment patient related tasks and routine physical therapy tasks. (3-19-07)
- 06. Non-Treatment Patient Related Tasks.** Actions and procedures related to patient care that do not involve direct patient treatment or direct personal supervision, but do require a level of supervision not less than general supervision, including, but not limited to: treatment area preparation and clean-up, equipment set-up, heat and cold pack preparation, preparation of a patient for treatment by a physical therapist or physical therapist assistant, transportation of patients to and from treatment, and assistance to a physical therapist or physical therapist assistant when such assistance is requested by a physical therapist or physical therapist assistant when safety and effective treatment would so require. (3-19-07)
- 07. Routine Physical Therapy Tasks.** Actions and procedures within the scope of practice of physical therapy, which do not require the special skills or training of a physical therapist or physical therapist assistant, rendered directly to a patient by supportive personnel at the request of and under the direct personal supervision of a physical therapist or physical therapist assistant. (3-19-07)
- 08. Testing.** (3-19-07)
- a.** Standard methods and techniques used in the practice of physical therapy to gather data about individuals including: (3-19-07)
- i. Electrodiagnostic and electrophysiological measurements; (3-19-07)
 - ii. Assessment or evaluation of muscle strength, force, endurance and tone; (3-19-07)
 - iii. Reflexes; (3-19-07)
 - iv. Automatic reactions; (3-19-07)
 - v. Posture and body mechanics; (3-19-07)
 - vi. Movement skill and accuracy; (3-19-07)
 - vii. Joint range of motion and stability; (3-19-07)
 - viii. Sensation; (3-19-07)
 - ix. Perception; (3-19-07)
 - x. Peripheral nerve function integrity; (3-19-07)

- xi. Locomotor skills; (3-19-07)
 - xii. Fit, function and comfort of prosthetic, orthotic, and other assistive devices; (3-19-07)
 - xiii. Limb volume, symmetry, length and circumference; (3-19-07)
 - xiv. Clinical evaluation of cardiac and respiratory status to include adequacy of pulses, noninvasive assessment of peripheral circulation, thoracic excursion, vital capacity, and breathing patterns; (3-19-07)
 - xv. Vital signs such as pulse, respiratory rate, and blood pressure; (3-19-07)
 - xvi. Activities of daily living; and the physical environment of the home and work place; and (3-19-07)
 - xvii. Pain patterns, localization and modifying factors; and (3-19-07)
 - xviii. Photosensitivity. (3-19-07)
- b.** Specifically excluded are the ordering of electromyographic study, electrocardiography, thermography, invasive vascular study, selective injection tests, or complex cardiac or respiratory function studies without consultation and direction of a physician. (3-19-07)
- 09. Functional Mobility Training.** Includes gait training, locomotion training, and posture training. (3-19-07)
- 10. Manual Therapy.** Skilled hand movements to mobilize or manipulate soft tissues and joints for the purpose of: (3-19-07)
- a.** Modulating pain, increasing range of motion, reducing or eliminating soft tissue swelling, inflammation or restriction; (3-19-07)
 - b.** Inducing relaxation; (3-19-07)
 - c.** Improving contractile and non-contractile tissue extensibility; and (3-19-07)
 - d.** Improving pulmonary function. (3-19-07)
- 11. Physical Agents or Modalities.** Thermal, acoustic, radiant, mechanical, or electrical energy used to produce physiologic changes in tissues. (3-19-07)
- 12. General Supervision.** A physical therapist's availability at least by means of telecommunications, which does not require a physical therapist to be on the premises where physical therapy is being provided, for the direction of a physical therapist assistant. (3-19-07)
- 13. Direct Supervision.** A physical therapist's or physical therapist assistant's physical presence and availability to render direction in person and on the premises where physical therapy is being provided. (3-19-07)
- 14. Direct Personal Supervision.** A physical therapist's or physical therapist assistant's direct and continuous physical presence and availability to render direction, in person and on the premises where physical therapy is being provided. The physical therapist or physical therapist assistant must have direct contact with the patient during each session and assess patient response to delegated treatment. (3-19-07)
- 15. Supervising Physical Therapist.** A licensed physical therapist who developed and recorded the initial plan of care and/or who has maintained regular treatment sessions with a patient. Such physical therapist's designation of another licensed physical therapist if the physical therapist who developed and recorded the initial plan of care or maintained regular treatment sessions is not available to provide direction at least by means of telecommunications. (3-19-07)

16. Nationally Accredited School. A school or course of physical therapy or physical therapist assistant with a curriculum approved by: (3-19-07)

a. The American Physical Therapy Association (APTA) from 1926 to 1936; or the APTA Accreditation Commission; or (3-19-07)

b. The Council on Medical Education and Hospitals of the American Medical Association from 1936 to 1960; or (3-19-07)

c. An Accrediting agency recognized by the U.S. ~~Commissioner~~ Department of Education, the Council on Postsecondary Accreditation, or a successor entity, or both. (~~3-19-07~~)()

17. Examination. The examination shall be the National Physical Therapy Examination (NPTE) administered by Federation of State Boards of Physical Therapy. The examination may also include a jurisprudence examination adopted by the Board. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

150. APPLICATION (RULE 150).

Each applicant shall submit a completed written application on forms provided by the Board together with applicable fees. The application shall be verified under oath and shall require the following information: (3-19-07)

01. Education. The educational background of the applicant; (3-19-07)

02. Evidence of Graduation. Evidence of graduation from a nationally accredited school; (3-19-07)

03. Criminal Convictions. The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses; (3-19-07)

04. Disciplinary Action. The disclosure of any disciplinary action against the applicant by any professional regulatory agency; (3-19-07)

05. License or Registration Denial. The disclosure of the denial of registration or licensure by any state or district regulatory body; (3-19-07)

06. References. Two (2) references from individuals, other than relatives or individuals living with the applicant, who have at least two (2) years of personal knowledge of the applicant's character and ability to provide physical therapy; (3-19-07)

07. Photograph. An un-mounted passport type photograph of the applicant, taken not more than one (1) year prior to the date of application; and (3-19-07)

08. Other Information. Such other information as the Board deems necessary to identify and evaluate the applicant's credentials. (3-19-07)

09. Incomplete applications. The Board shall not review incomplete applications and shall not approve licensure for applicants who have failed to provide adequate proof of having met the licensure requirements. (3-19-07)

10. Lack of Activity. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. ()

(BREAK IN CONTINUITY OF SECTIONS)

250. CONTINUING EDUCATION REQUIREMENT (RULE 250).

On and after January 1, 2008, 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)

01. 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)

02. 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)

03. 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)

04. 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)

05. 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)

06. 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; ~~and~~ (3-19-07)(____)
- ix. Participating in courses that have general health topics: clinical research, CPR, child abuse reporting, and other like topics; and (3-19-07)(____)
- 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. (____)

07. 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)

08. 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)