

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

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 License Board (Docket No. 24-1301-1301)  
- Proposed Rule;

IDAPA 24.13.01 - Rules Governing the Physical Therapy License Board (Docket No. 24-1301-1302)  
- Fee Rule.

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 08/26/2013. 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 09/24/2013.

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 on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Principal Legislative Research Analyst - Brooke Brouman  
**DATE:** August 07, 2013  
**SUBJECT:** Bureau of Occupational Licenses - Physical Therapy Licensure Board

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

IDAPA 24.13.01 - Rules Governing the Physical Therapy License Board (Docket No. 24-1301-1302) - Fee Rule

### **(1) IDAPA 24.13.01 - Rules Governing the Physical Therapy License Board (Docket No. 24-1301-1301) - Proposed Rule**

The Bureau of Occupational Licenses submits this proposed rule, which revises the Physical Therapy Licensure Board's rule regarding the supervision of physical therapist assistants. Currently, a supervising physical therapist is required to reevaluate a patient every five visits or once a week if treatment is performed more than once per day. The changes proposed by this rulemaking would require that the supervising physical therapist provide direct personal contact with the patient and assess and document the plan of care on or before every ten visits, but no less often than once every 60 days.

The Bureau states that negotiated rulemaking was not conducted because the Board desires to revise its supervision rule to provide more flexibility when supervising assistants.

The Board's proposed rule is authorized pursuant to the provisions of Section 54-2206, Idaho Code, and is consistent with the provisions of Section 54-2218, Idaho Code.

### **(2) IDAPA 24.13.01 - Rules Governing the Physical Therapy License Board (Docket No. 24-1301-1302) - Fee Rule**

The Bureau of Occupational Licenses submits this proposed fee rule, which eliminates a provision providing for extraordinary expenses and decreases several of the Physical Therapy Licensure Board's fees as follows:

- (a) Initial licensure and annual renewal of a physical therapist from \$40 to \$25;
- (b) Initial licensure and annual renewal of a physical therapist assistant from \$35 to \$20;

(c) Administrative fee that is added to the examination fee from \$40 to \$20; and

(d) Application fee from \$50 to \$25.

The Bureau states that negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature, confer a benefit to licensees and applicants and it is anticipated that there will not be opposition to the fee reductions.

It is anticipated that this rulemaking will reduce the amount of dedicated fund fees that the Board collects by approximately \$27,510.00. There is no fiscal impact on the state general fund as a result of this rulemaking.

The provisions of the Board's proposed rule decreasing fees for licensure and annual renewal of physical therapists and physical therapist assistants are authorized pursuant to Section 54-2214, Idaho Code. The provisions of the Board's proposed rule decreasing an administrative fee and an application fee are authorized pursuant to Section 54-2207, Idaho Code.

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

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

### **24.13.01 - RULES GOVERNING THE PHYSICAL THERAPY LICENSE BOARD**

#### **DOCKET NO. 24-1301-1301**

#### **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 August 21, 2013.

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 Licensure Board is revising the supervision rule to increase the number of patient visits or the amount of time before the supervisor must re-evaluate the patient and the plan of care being provided by a Physical Therapy Assistant. This added flexibility in the supervision of assistants will especially benefit those patients and physical therapists practicing in rural areas.

**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 Board desires to revise its supervision rule to provide more flexibility when supervising assistants. The Board has worked with the state association on this rule.

**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 August 28, 2013.

DATED this 24th day of June, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
208 334-3233 phone 208 334-3945 fax

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**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 24-1301-1301**

**016. SUPERVISION (RULE 16).**

A physical therapist shall supervise and be responsible for patient care given by physical therapist assistants, supportive personnel, physical therapy students, and physical therapist assistant students. (3-19-07)

**01. Procedures and Interventions Performed Exclusively by Physical Therapist.** The following procedures and interventions shall be performed exclusively by a physical therapist: (3-19-07)

**a.** Interpretation of a referral for physical therapy if a referral has been received. (3-19-07)

**b.** Performance of the initial patient evaluation and problem identification including a diagnosis for physical therapy and a prognosis for physical therapy. (3-19-07)

**c.** Development or modification of a treatment plan of care which is based on the initial evaluation and which includes long-term and short-term physical therapy treatment goals. (3-19-07)

**d.** Assessment of the competence of physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel to perform assigned procedures, interventions and routine tasks. (3-19-07)

**e.** Selection and delegation of appropriate portions of treatment procedures, interventions and routine physical therapy tasks to the physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel. (3-19-07)

**f.** Performance of a re-evaluation when any change in a patient's condition occurs that is not consistent with the physical therapy treatment plan of care, patient's anticipated progress, and physical therapy treatment goals. (3-19-07)

**g.** Performance and documentation of a discharge evaluation and summary of the physical therapy treatment plan. (3-19-07)

**02. Supervision of Physical Therapist Assistants.** A physical therapist assistant shall be supervised by a physical therapist by no less standard than general supervision. (3-19-07)

**a.** A physical therapist assistant shall not change a procedure or intervention unless such change of procedure or intervention has been included within the treatment plan of care as set forth by a physical therapist. (3-19-07)

**b.** A physical therapist assistant may not continue to provide treatment as specified under a treatment plan of care if a patient's condition changes such that further treatment necessitates a change in the established treatment plan of care unless the physical therapist assistant has consulted with the supervising physical therapist prior to the patient's next appointment for physical therapy, and a re-evaluation is completed by the supervising physical therapist. (3-19-07)

**c.** ~~A patient re-evaluation must be performed and documented by the~~ The supervising physical therapist ~~a minimum of~~ shall provide direct personal contact with the patient and assess the plan of care on or before every ~~five~~ ten (510) visits ~~or once a week if treatment is performed more than once per day~~ but no less often than once every sixty (60) days. The supervising therapist's assessment shall be documented in the patient record. ~~(3-19-07)~~ ( )

**d.** A physical therapist assistant may refuse to perform any procedure, intervention, or task delegated by a physical therapist when such procedure, intervention, or task is beyond the physical therapist assistant's skill level or scope of practice standards. (3-19-07)

**e.** A physical therapist shall not be required to co-sign any treatment related documents prepared by a physical therapist assistant, unless required to do so in accordance with law, or by a third-party. (3-19-07)

**03. Supervision of Supportive Personnel.** Any routine physical therapy tasks performed by

supportive personnel shall require direct personal supervision. (3-19-07)

**04. Supervision of Physical Therapy and Physical Therapist Assistant Students.** Supervision of physical therapy students and physical therapist assistant students shall require direct supervision. (3-19-07)

**a.** A physical therapy student shall only be supervised by the direct supervision of a physical therapist. (3-19-07)

**b.** A physical therapy student shall be required to sign all treatment notes with the designation “SPT” after their name, and all such signatures shall require the co-signature of the supervising physical therapist. (3-19-07)

**c.** A physical therapist assistant student shall be required to sign all treatment notes with the designation “SPTA” after their name, and all such signatures shall require the co-signature of the supervising physical therapist or supervising physical therapist assistant. (3-19-07)

**05. Supervision Ratios.** (3-19-07)

**a.** At no time during the treatment of a patient or patients for physical therapy shall the number of physical therapist assistants providing such treatment be more than twice in number of such supervising physical therapist(s) providing physical therapy treatment at any physical therapy practice or site. (3-19-07)

**b.** At no time during the treatment of a patient or patients for physical therapy shall the number of supportive personnel performing routine physical therapy tasks be more than twice in number of such supervising physical therapist(s) or supervising physical therapist assistant(s) providing physical therapy treatment at any physical therapy practice or site. (3-19-07)

**c.** At no time during the treatment of a patient or patients for physical therapy shall the number of physical therapy students performing delegated supervised physical therapy tasks be more than twice in number of such supervising physical therapist(s) providing physical therapy treatment at any physical therapy practice or site. (3-19-07)

**d.** At no time during the treatment of a patient or patients for physical therapy shall the number of physical therapist assistant students performing delegated supervised physical therapy tasks be more than twice in number of such supervising physical therapist(s) or supervising physical therapist assistant(s) providing physical therapy treatment at any physical therapy practice or site. (3-19-07)

**e.** At no time during the treatment of a patient or patients for physical therapy shall the number of physical therapist assistants, physical therapy students, physical therapist assistants students, and supportive personnel, or a combination thereof, performing delegated supervised physical therapy or routine physical therapy tasks be more than three (3) times in number of such physical therapist(s) providing physical therapy treatment at any physical therapy practice or site; nor shall the number of physical therapist assistant students or supportive personnel, or a combination thereof, performing delegated and supervised physical therapy tasks or routine physical therapy tasks be more than twice in number of such physical therapist assistant(s) providing physical therapy treatment at any physical therapy practice or site. (3-19-07)

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Bureau of Occupational Licenses

Agency Contact: Cherie Simpson Phone: 208 334-3233

Date: July 24, 2013

IDAPA, Chapter and Title Number and Chapter Name:

Title 54, Chapter 22, Idaho Code – IDAPA 24-13-01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-1301-1302

### STATEMENT OF ECONOMIC IMPACT:

There is no impact on general funds. These changes will decrease the exam administrative fee, application fee, original license fee, and annual renewal fee for licensure in an effort to reduce the Board's dedicated fund balance and convey a benefit to licensees and applicants through lower fees. This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board of Physical Therapy by approximately \$27,510.00.

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

### **24.13.01 - RULES GOVERNING THE PHYSICAL THERAPY LICENSE BOARD**

#### **DOCKET NO. 24-1301-1302 (FEE RULE)**

#### **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 August 21, 2013.

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 Licensure Board operates on dedicated funds from fees paid by its licensees and applicants. This change would decrease the exam administrative fee, application fee, original license fee, and annual renewal fee for licensure in an effort to reduce the Board's dedicated fund balance and convey a benefit to licensees and applicants through lower fees.

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

Rule 200 is being amended to decrease the initial license and annual renewal fee for physical therapists from \$40 to \$25; decrease the initial license and annual renewal fee for physical therapist assistants from \$35 to \$20; decrease the exam administration fee from \$40 to \$20; and decrease the application fee from \$50 to \$25. Rule 200.05 concerning extraordinary expenses is being deleted in its entirety.

**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:

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Physical Therapy Licensure Board by approximately \$27,510.00.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature and confer a benefit to the licensees and applicants. No opposition to this proposed fee reduction is anticipated.

**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 August 28, 2013.

DATED this 24th day of June, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
208 334-3233 phone 208 334-3945 fax



**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR FEE DOCKET NO. 24-1301-1302**

**200. FEES (RULE 200).**

**01. License Fee.** (3-19-07)

**a.** The fee for the initial licensure and the annual renewal of a physical therapist shall be ~~forty~~ **twenty-five** dollars (~~\$40~~**25**). (~~4-9-09~~)(    )

**b.** The fee for the initial licensure and the annual renewal of a physical therapist assistant shall be ~~thirty five~~ **twenty** dollars (~~\$35~~**20**). (~~4-9-09~~)(    )

**02. Examination Fee.** The fee for examination shall be that set by the examination entity approved by the Board and shall include an additional administrative fee of ~~forty~~ **twenty** dollars (~~\$4~~**20**). (~~3-19-07~~)(    )

**03. Reinstatement Fee.** A reinstatement fee shall be twenty-five dollars (\$25) and satisfactory proof of successful completion of the continuing education requirement. (4-9-09)

**04. Application Fee.** The application fee shall be ~~fifty~~ **twenty-five** dollars (~~\$50~~**25**) and shall accompany all applications. Fees shall not be refundable. (~~3-19-07~~)(    )

~~**05. Extraordinary Expenses.** In those situations where the processing of an application requires extraordinary expenses, the Board may charge the applicant reasonable fees to cover all or part of the extraordinary expenses.~~ (~~3-19-07~~)