

Dear Senators MARTIN, Souza, Jordan, and
Representatives WOOD, Wagoner, 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 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 24-1301-1900F).

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 07/24/2019. 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 08/21/2019.

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 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead
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: Legislative Drafting Attorney - Matt Drake
DATE: July 05, 2019
SUBJECT: Bureau of Occupational Licenses - Physical Therapy Licensure Board

IDAPA 24.13.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-1301-1900F)

The Idaho Bureau of Occupational Licenses - Physical Therapy Licensure Board - submits notice of temporary and proposed rules at IDAPA 24.13.01, Rules Governing the Physical Therapy Licensure Board. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up and simplification. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - Physical Therapy Licensure Board
Kelley Packer

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2206, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.13.01, rules of the Idaho Physical Therapy Licensure Board:

IDAPA 24

- 24.13.01, *Rules governing the Physical Therapy Licensure Board*—All rules *except Subsections 010.01, 010.02, and 010.03.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications for physical therapists and physical therapist assistants and define the ethical standards to which licensees must adhere. Allowing these rules to expire would harm the public health, safety, and welfare since these rules help ensure the competence and appropriate conduct of physical therapists and physical therapist assistants.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the Physical Therapy Licensure Board would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 65-2207, Idaho Code, as follows: initial licensure and annual renewal fee of a physical therapist: \$25; initial licensure and annual renewal fee of a physical therapist assistant: \$20; examination fee: \$20; and application fee: \$25.

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: This rulemaking is not anticipated to have any fiscal impact on the state General Fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade 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 within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer
Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**IDAPA 24
TITLE 13
CHAPTER 01**

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Physical Therapy Licensure Board by the provisions of Section 54-2206, Idaho Code. (3-19-07)

001. TITLE AND SCOPE (RULE 1).

The rules are titled IDAPA 24.13.01, "Rules Governing the Physical Therapy Licensure Board." (3-19-07)

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-19-07)

003. ADMINISTRATIVE APPEAL (RULE 3).

Administrative appeals will be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-19-07)

004. INCORPORATION BY REFERENCE (RULE 4).

There are no documents incorporated by reference into this rule. (3-19-07)

005. ADDRESS OF THE PHYSICAL THERAPY LICENSURE BOARD (RULE 5).

The office of the Physical Therapy Licensure Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is pht@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-19-07)

006. PUBLIC RECORD ACT COMPLIANCE (RULE 6).

The records associated with The Physical Therapy Licensure Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-19-07)

007. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. 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)

02. 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)

03. 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)

04. 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)

05. 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)

06. Functional Mobility Training. Includes gait training, locomotion training, and posture training. (3-19-07)

07. 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)
- 08. Dry Needling.** A skilled intervention performed by a physical therapist that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the evaluation and management of neuromusculoskeletal conditions, pain and movement impairments. (4-11-19)
- 09. Physical Agents or Modalities.** Thermal, acoustic, radiant, mechanical, or electrical energy used to produce physiologic changes in tissues. (3-19-07)
- 10. 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)
- 11. 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)
- 12. 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)
- 13. 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)
- 14. 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. Department of Education, the Council on Postsecondary Accreditation, or a successor entity, or both. (4-7-11)
- 15. Examination.** The examination is 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)
- 011. -- 015. (RESERVED)**
- 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)
 - h. Performance of dry needling. (4-11-19)
- 02. Supervision of Physical Therapist Assistants.** A physical therapist assistant must be supervised by a physical therapist by no less standard than general supervision. (3-19-07)
- a. A physical therapist assistant must 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. The supervising physical therapist must provide direct personal contact with the patient and assess the plan of care on or before every ten (10) 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 must be documented in the patient record. (3-20-14)
 - 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 is not 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 requires 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 requires direct supervision. (3-19-07)
- a. A physical therapy student is only supervised by the direct supervision of a physical therapist.

(3-19-07)

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

c. A physical therapist assistant student is required to sign all treatment notes with the designation “SPTA” after their name, and all such signatures 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 may 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 may 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 may 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 may 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 may 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)

017. -- 099. (RESERVED)

100. MEETINGS AND ORGANIZATION (RULE 100).

01. Meetings. The Board meets at least once annually at such time and place as designated by the Board or the Chairman of the Board. Special meetings may be held at the call of the Chairman or any two (2) members, and all members shall be notified in writing. (3-19-07)

02. Voting. A quorum is three (3) Board members. A majority vote of Board members present is considered the action of the Board as a whole. Any motion before the Board fails on a tie vote. (3-19-07)

101. -- 149. (RESERVED)

150. APPLICATION (RULE 150).

Each applicant must submit a completed written application on forms provided by the Board together with applicable fees. The application must be verified under oath and requires 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 will not review incomplete applications and will 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 is deemed denied and will be terminated upon thirty (30) days written notice unless good cause is established to the Board. (4-7-11)

151. -- 174. (RESERVED)

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 must submit proof of successfully passing one (1) of the following English proficiency exams: (4-7-11)
- 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; (4-7-11)
- 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 (4-7-11)
- c.** As otherwise approved by the Board. (4-7-11)

176. -- 179. (RESERVED)

180. REQUIREMENTS TO PRACTICE DRY NEEDLING (RULE 180).

A physical therapist, with at least one (1) year of practice as a licensed physical therapist, may perform dry needling upon successful completion of education and training in dry needling that meets the following requirements:

(4-11-19)

01. Length of Course. The education and training consists of a minimum of twenty-seven (27) hours of in-person instruction of which no less than sixteen (16) hours must be hands-on application of dry needling techniques by the physical therapist; (4-11-19)

02. Safety Training. The education and training includes instruction and training on indications/contraindications for dry needling, safe needling technique, and blood borne pathogens; (4-11-19)

03. Course Approval. Each course is approved by the Federation of State Boards of Physical Therapy (FSBPT) or another nationally recognized accrediting body of physical therapy that is approved by the Board; and (4-11-19)

04. Proficiency Assessment. Each course requires successful completion of an assessment of proficiency in dry needling, which includes a practical demonstration of the physical therapist's dry needling skills. (4-11-19)

05. Course Completion. Completion of this education and training may have occurred prior to the effective date of these rules. (4-11-19)

181. PRACTICE OF DRY NEEDLING (RULE 181).

A physical therapist who practices dry needling must maintain documentation of having satisfied the requirements of Section 180 of these rules and must obtain and maintain documentation of written informed consent from patients. (4-11-19)

01. Documentation of Training. Upon request by the Board, a physical therapist must produce documentation of having satisfied the education and training requirements in Section 180 of these rules. (4-11-19)

02. Written Informed Consent. Prior to performing dry needling on a patient, the physical therapist must provide the patient with information that includes a definition and description of the practice of dry needling and a description of the risks, benefits, and potential side effects of dry needling and obtain the patient's written consent to treatment, which documentation must be maintained as part of the patient record. (4-11-19)

182. -- 199. (RESERVED)

200. FEES (RULE 200).

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

a. The physical therapist initial licensure fee and annual renewal fee is twenty-five dollars (\$25). (3-20-14)

b. The physical therapist assistant initial licensure fee and the annual renewal fee is twenty dollars (\$20). (3-20-14)

02. Examination Fee. The examination fee is set by the examination entity approved by the Board and includes an additional administrative fee of twenty dollars (\$20). (3-20-14)

03. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-24-16)

04. Application Fee. The application fee is twenty-five dollars (\$25) and must accompany all applications. Fees are not be refundable. (3-20-14)

201. -- 249. (RESERVED)

250. CONTINUING EDUCATION REQUIREMENT (RULE 250).

01. Renewal of License. Every person holding a license issued by the Board must annually complete sixteen (16) contact hours of continuing education prior to license renewal. (3-28-18)

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 must submit proof of having met the following continuing education requirement: (3-28-18)

- a.** For licenses expired for one (1) year or less, one (1) year of continuing education; (3-28-18)
- b.** For licenses expired for more than one (1) year and up to two (2) years, two (2) years of continuing education; (3-28-18)
- c.** For licenses expired for more than two (2) years, three (3) years of continuing education. (3-28-18)

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

04. Documentation of Attendance. The applicant must 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)

05. 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)

06. 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 are grounds for disciplinary action. (3-19-07)

07. Special Exemption. The board has 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)

08. 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 that are published in a recognized professional publication. The licensee will 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 will 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 will receive sixteen (16) hours for the year the certification or recertification was received. (3-29-12)

09. Course Approval. Courses of study relevant to physical therapy and sponsored or provided by the following entities or organizations are 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)

10. 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)

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

251. -- 274. (RESERVED)

275. DISCIPLINARY PENALTY (RULE 275).

01. Disciplinary Procedures. The disciplinary procedures of the Bureau are the disciplinary procedures of the Board. (3-19-07)

02. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) for each violation upon anyone licensed under Title 54, Chapter 22, Idaho Code who is found by the Board to be in violation of Section 54-2219, Idaho Code. (3-19-07)

03. Costs and Fees. The Board may order anyone licensed under Title 54, Chapter 22, Idaho Code, who is found by the Board to be in violation of the provisions of Title 54, Chapter 22, Idaho Code, to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee. (3-19-07)

276. -- 299. (RESERVED)

300. CODE OF ETHICS (RULE 300).

Physical therapists and physical therapist assistants are responsible for maintaining and promoting ethical practice in accordance with the ethical principles set forth in Appendix A and Appendix B to these rules. (3-19-07)

301. -- 999. (RESERVED)

APPENDIX A - PHYSICAL THERAPIST CODE OF ETHICS

Preamble

This Code of Ethics of the American Physical Therapy Association sets forth principles for the ethical practice of physical therapy. All physical therapists are responsible for maintaining and promoting ethical practice. To this end, the physical therapist shall act in the best interest of the patient/client. This Code of Ethics shall be binding on all physical therapists.

Principle 1

A physical therapist shall respect the rights and dignity of all individuals and shall provide compassionate care.

Principle 2

A physical therapist shall act in a trustworthy manner toward patients/clients and in all other aspects of physical therapy practice.

Principle 3

A physical therapist shall comply with laws and regulations governing physical therapy and shall strive to effect changes that benefit patients/clients.

Principle 4

A physical therapist shall exercise sound professional judgment.

Principle 5

A physical therapist shall achieve and maintain professional competence.

Principle 6

A physical therapist shall maintain and promote high standards for physical therapy practice, education, and research.

Principle 7

A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services.

Principle 8

A physical therapist shall provide and make available accurate and relevant information to patients/clients about their care and to the public about physical therapy services.

Principle 9

A physical therapist shall protect the public and the profession from unethical, incompetent, and illegal acts.

Principle 10

A physical therapist shall endeavor to address the health needs of society.

Principle 11

A physical therapist shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

APPENDIX B - PHYSICAL THERAPIST ASSISTANT CODE OF ETHICS

Preamble

This document of the American Physical Therapy Association sets forth standards for the ethical conduct of the physical therapist assistant. All physical therapist assistants are responsible for maintaining high standards of conduct while assisting physical therapists. The physical therapist assistant shall act in the best interest of the patient/client. These standards of conduct shall be binding on all physical therapist assistants.

Standard 1

A physical therapist assistant shall respect the rights and dignity of all individuals and shall provide compassionate care.

Standard 2

A physical therapist assistant shall act in a trustworthy manner toward patients/clients.

Standard 3

A physical therapist assistant shall provide selected physical therapy interventions only under the supervision and direction of a physical therapist.

Standard 4

A physical therapy assistant shall comply with laws and regulations governing physical therapy.

Standard 5

A physical therapist assistant shall achieve and maintain competence in the provision of selected physical therapy interventions.

Standard 6

A physical therapist assistant shall make judgments that are commensurate with his or her educational and legal qualifications as a physical therapist assistant.

Standard 7

A physical therapist assistant shall protect the public and the profession from unethical, incompetent, and illegal acts.