

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	24b	-	302b
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Suzette Farmer	801-530-6789	801-530-6511	sfarmer@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Qualifications for Licensure - Examination Requirements			
3.	Type of notice:	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___			
4.	Purpose of the rule or reason for the change:	The Division and the Physical Therapy Licensing Board determined the rule needs to clarify that verification of a passing score on the National Physical Therapy Examination shall be verified through a score transfer from the Federation of State Boards of Physical Therapy (FSBPT).			
5.	This change is a response to comments from the Administrative Rules Review Committee.	NoXXXX; Yes ___			
6.	Summary of the rule or change:	An explicit statement requiring an FSBPT score transfer in order to verify that the applicant received a passing score on the National Physical Therapy Examination was added to paragraph (1).			
7.	Aggregate anticipated cost or savings to:				
	A) State budget:				
	Affected:	No ___; Yes XXX			

It is difficult to quantify the potential impact of the proposed change on the State/Division budget. With a score transfer, Division staff would not need to send letters and/or seek other verification that an applicant met minimum licensure requirements as established by the profession, which would result in a time savings. The Division will incur minimal costs of approximately \$25.00 to print and distribute the rule once the proposed amendments are made effective. Any printing/distribution costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No XXX; Yes ___

The proposed amendments apply only to applicants for licensure as a physical therapist or physical therapist assistant. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No XXX; Yes ___

The proposed amendment applies only to applicants for licensure as a physical therapist or physical therapist assistant. Applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ___; Yes XXX

The proposed amendment applies only to applicants for licensure as a physical therapist or physical therapist assistant. The FSBPT automatically completes a no cost score transfer to the jurisdiction in which the applicant has applied for licensure. If an individual is seeking licensure in another jurisdiction, the FSBPT currently charges \$80.00 for the first score transfer and \$55.00 for any subsequent score transfers. Many jurisdictions require FSBPT score transfers in order to verify that applicants for licensure have met professional standards as measured by the national examination. An FSBPT score transfer will decrease the length of time required to process an application for licensure by the Division.

8. Compliance costs for affected persons:

The proposed amendment applies only to applicants for licensure as a physical therapist or physical therapist assistant. The FSBPT automatically completes a no cost score transfer to the jurisdiction in which the applicant has applied for licensure. If an individual is seeking licensure in another jurisdiction, the FSBPT currently charges \$80.00 for the first score transfer and \$55.00 for any subsequent score transfers. Many jurisdictions require FSBPT score transfers in order to verify that applicants for licensure have met professional standards as measured by the national examination. An FSBPT score transfer will decrease the length of time required to process an application for licensure by the Division.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This filing requires an applicant for a physical therapist or physical therapist assistant license to arrange for the examination provider to transfer the applicant's examination score directly to the Division. The associated costs, which are not within the control of the Division, are anticipated to impact individual applicants rather than businesses.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 58-24b-101	Subsection 58-1-106(1)(a)
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Subsection 58-1-202(1)(a)	
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11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		

	Issue, or version		
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
	(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	03/17/2015	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
13.	This rule change may become effective on (mm/dd/yyyy):	03/24/2015	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	physical therapy	
	physical therapist	physical therapist assistant	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-24b.pro	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	01/26/2015

R156. Commerce, Occupational and Professional Licensing.

R156-24b. Physical Therapy Practice Act Rule.

R156-24b-302b. Qualifications for Licensure - Examination Requirements.

(1) In accordance with Subsections 58-24b-302(1)(e), (2)(e) and (3)(e), each applicant for licensure as a physical therapist or physical therapist assistant shall pass the FSBPT's National Physical Therapy Examination with a passing score as established by the FSBPT, after submitting proof of graduation from a professional physical therapist education program that is accredited by a recognized accreditation agency. A passing score on the FSBPT's National Physical Therapy Examination shall be verified through a score transfer from the FSBPT.

(2) An applicant for licensure as a physical therapist who fails the FSBPT National Physical Therapy Examination-Physical Therapist is eligible to sit for the FSBPT National Physical Therapy Examination-Physical Therapist Assistant after submitting an application for licensure as a Physical Therapist Assistant.

KEY: licensing, physical therapy, physical therapist, physical therapist assistant

Date of Enactment or Last Substantive Amendment: [~~August 21, 2014~~]2015

Notice of Continuation: November 15, 2011

Authorizing, and Implemented or Interpreted Law: 58-24b-101; 58-1-106(1)(a); 58-1-202(1)(a)