

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:

40696

Date filed:

10-18-2016

State Admin Rule Filing Id:

Time filed:

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

- 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)

- Title of rule or section (catchline):**

Physical Therapy Practice Act Rule

- Type of notice:**

New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_

- Purpose of the rule or reason for the change:**

The Division and Physical Therapy Licensing Board reviewed this rule and determined proposed amendments should be filed. The purpose of this filing is to: (1) revise the requirements for review of foreign credentials; (2) update definitions related to review of foreign credentials; (3) revise the required continuing education hours of ethics/laws to be more consistent with professional course offerings; (4) revise which approval bodies the Board will accept for the approval of trigger point dry needling courses; and (5) eliminate a redundant requirement for general supervision for trigger point dry needling courses.

- This change is a response to comments from the Administrative Rules Review Committee.**

No XXXX Yes \_\_\_\_\_

**6. Summary of the rule or change:**

Subsection R156-24b-102: The proper name of the approved credential evaluations agency was updated and the abbreviation included in the definitions. Subsection R156-24b-302a: The credential evaluation completed by the Foreign Credentialing Commission on Physical Therapy (FCCPT) was changed to a Type I review. The currently required FCCPT credentials evaluation did not include verification of English proficiency. The Type I review includes verification of English proficiency. The Board determined that the rule needed to be changed to be consistent with Subsection 58-24b-302(1)(e), that the applicant must be able to read, write, speak, understand, and be understood in the English language. Subsection R156-24b-303b(1)(a) and (b): The number of hours required for continuing education in ethics/law is decreased from a minimum of three hours to a minimum of two hours. Physical therapists have identified for the Division that many ethics/law continuing education offerings are two hour courses. The Board concurred that a two hour requirement is more consistent with current continuing education offerings. The Board also determined that completion of two hours of ethics/law continuing education is sufficient for the profession. Subsection R156-24b-505(1)(a): The approval bodies for trigger point dry needling courses was expanded to include any of the sections or local chapters of the American Physical Therapy Association (APTA). The Board determined that any of the sections or local chapters for the APTA would require similar rigor and would ensure the consistency and quality of the offerings. Subsection R156-24b-505(2): The level of supervision and the requirements for the licensure requirements of the supervisor were determined to be redundant. Approved trigger point dry needling courses meet industry standards and the requirement for supervision and licensure status is redundant and unnecessary.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No \_\_\_\_\_; Yes XXX

The only identified copy for the state budget and to the Division is a minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. The simplification of rule requirements for trigger point dry needling courses may decrease the time needed to process applications and may, therefore, increase efficiency for the Division.

**B) Local government:**

**Affected:** No XXX; Yes \_\_\_\_\_

The proposed amendments apply only to licensed physical therapists and physical therapist assistants and applicants for licensure in those classifications. 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 XXXX; Yes \_\_\_\_\_

The proposed amendments apply only to licensed physical therapists and physical therapist assistants and applicants for licensure in those classifications. Licensees and 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 XXXX; Yes \_\_\_\_\_

The proposed amendments apply only to licensed physical therapists and physical therapist assistants and applicants for licensure in those classifications. There are no identified costs or savings for other persons.

**8. Compliance costs for affected persons:**

The proposed change to the FCCPT Type I review will increase costs for the applicant from \$525.00 to \$810.00. These costs are consistent with other national organizations that evaluate foreign credentials and English proficiency for licensure. An added benefit is that the FCCPT will maintain the English proficiency results indefinitely and the applicant will be able to access the results should the need arise. No additional costs for affected persons are anticipated for the proposed changes to the continuing education requirements or dry needling. The licensed physical therapist and physical therapy assistant will have more options for completion of the decreased number of required ethics/law continuing education hours. The additional continuing education options could actually decrease the individual costs for completion of the required continuing education hours. Licensed physical therapists seeking registration for trigger point dry needling will have more options for completion of the required coursework. Adding the option of any trigger point dry needling coursework approved by the American Physical Therapy Association or any of its sections or local chapters will provide the physical therapist with more options and opportunities, without decreasing quality.

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

The rule changes address: (1) requirements and definitions relating to the review of foreign credentials, and (2) requirements relating to trigger point dry needling courses. Any fiscal impact is negligible.

**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)

Subsection 58-1-202(1)(a)

**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
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		
(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):** 12/21/2016

**B) A public hearing (optional) will be held:**

**On (mm/dd/yyyy):**

**At (hh:mm AM/PM):**

**At (place):**

12/20/2016

9:00 AM

160 East 300 South, Conference Room 402 (4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 12/28/2016

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:

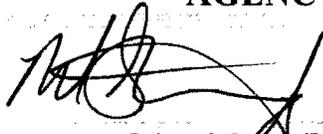
licensing physical therapy  
physical therapist physical therapist assistant

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 *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or designee, and title:



Date (mm/dd/yyyy): 10/18/2016

**R156. Commerce, Occupational and Professional Licensing.**

**R156-24b. Physical Therapy Practice Act Rule.**

**R156-24b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 24b, as used in Title 58, Chapters 1 and 24b or this rule:

(1) "A recognized accreditation agency", as used in Subsections 58-24b-302(1)(c) and (2)(c), means a college or university:

(a) accredited by CAPTE; or

(b) a foreign education program which is equivalent to a CAPTE accredited program as determined by the FCCPT [~~FSBPT's Foreign Credentialing Commission on Physical Therapy~~].

(2) "Credential evaluation", as used in Subsections R156-24b-302a(2) and (3), means the appropriate Course Work Tool (CWT) adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist or physical therapist assistant graduated from the physical therapy program.

(3) "CAPTE" means Commission on Accreditation in Physical Therapy Education.

(4) "FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

(~~[4]~~5) "FSBPT" means the Federation of State Licensing Boards of Physical Therapy.

(~~[5]~~6) "Joint mobilization", as used in Subsection 58-24b-102(14)(d), means passive and active movements of the joints of a patient, including the spine, to increase the mobility of joint systems; but, does not include specific vertebral adjustment and manipulation of the articulation of the spine by those methods or techniques which are generally recognized as the classic practice of chiropractic.

(~~[6]~~7) "Routine assistance", as used in Subsections 58-24b-102(10) and 58-24b-401(3)(b) means:

(a) engaging in assembly and disassembly, maintenance and transportation, preparation and all other operational activities relevant to equipment and accessories necessary for treatment; and

(b) providing only that type of elementary and direct patient care which the patient and family members could reasonably be expected to learn and perform.

(~~[7]~~8) "Supportive personnel", as used in Subsection R156-24b-503(1), means a physical therapist assistant or a physical therapy aide and does not include a student in a physical therapist or physical therapist assistant program.

(~~[8]~~9) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 24b, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-24b-502.

**R156-24b-302a. Qualifications for Licensure - Education Requirements.**

(1) In accordance with Subsection 58-24b-302(1)(c), the accredited school of physical therapy for a physical therapist shall be accredited by CAPTE at the time of graduation.

(2) In accordance with Subsection 58-24b-302(3), an applicant for licensure as a physical therapist who is educated outside the United States

~~[whose degree was not accredited by CAPTE]~~ shall document that the applicant's education is equal to a CAPTE accredited degree and that the applicant is able to read, write, speak, understand, and be understood in the English language by submitting to the Division a ~~[credential evaluation]~~ Type I review from the FCCPT ~~[-from the Foreign Credentialing Commission on Physical Therapy]~~. Only educational deficiencies in pre-professional subject areas may be corrected by completing college level credits in the deficient areas or by passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient areas. Pre-professional subject areas include the following:

- (a) humanities;
- (b) social sciences;
- (c) liberal arts;
- (d) physical sciences;
- (e) biological sciences;
- (f) behavioral sciences;
- (g) mathematics; or
- (h) advanced first aid for health care workers.

(3) In accordance with Subsection 58-24b-302(2), a physical therapist assistant shall complete one of the following CAPTE accredited physical therapy education programs:

- (a) an associates, bachelors, or masters program; or

(b) in accordance with Section 58-1-302, an applicant for a license as a physical therapist assistant who has been licensed in a foreign country whose degree was not accredited by CAPTE shall document that the applicant's education is substantially equivalent to a CAPTE accredited degree by submitting to the Division a credential evaluation from the Foreign Credentialing Commission on Physical Therapy. Only educational deficiencies in pre-professional subject areas may be corrected by completing college level credits in the deficient areas or by passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient areas. Pre-professional subject areas include the following:

- (a) humanities;
- (b) social sciences;
- (c) liberal arts;
- (d) physical sciences;
- (e) biological sciences;
- (f) behavioral sciences;
- (g) mathematics; or
- (h) advanced first aid for health care workers.

(4) An applicant who has met all requirements for licensure as a physical therapist except passing the FSBPT National Physical Therapy Examination-Physical Therapist may apply for licensure as a physical therapist assistant.

#### **R156-24b-303b. Continuing Education.**

(1) Required Hours. In accordance with Subsection 58-24b-303(2), during each two year renewal cycle commencing on June 1 of each odd numbered year:

- (a) A physical therapist shall be required to complete not fewer than

40 contact hours of continuing education of which a minimum of [~~three~~ two contact hours must be completed in ethics/law.

(b) A physical therapist assistant shall be required to complete not fewer than 20 contact hours of continuing education of which a minimum of [~~three~~ two contact hours must be completed in ethics/law.

(c) Examples of subjects to be covered in an ethics/law course for physical therapists and physical therapist assistants include one or more of the following:

- (i) patient/physical therapist relationships;
- (ii) confidentiality;
- (iii) documentation;
- (iv) charging and coding;
- (v) compliance with state and/or federal laws that impact the practice of physical therapy; and
- (vi) any subject addressed in the American Physical Therapy Association Code of Ethics or Guide for Professional Conduct.

(d) The required number of contact hours of continuing education for an individual who first becomes licensed during the two year renewal cycle shall be decreased in a pro-rata amount.

(e) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each contact hour of continuing education course credit shall consist of not fewer than 50 minutes of education. Licensees shall only receive credit for lecturing or instructing the same course up to two times. Licensees shall receive one contact hour of continuing education for every two hours of time spent:

- (i) lecturing or instructing a course;
- (ii) in a post-professional doctorate or transitional doctorate program; or
- (iii) in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association.

(b) Course Content and Type. The course shall be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the course.

(i) The content of the course shall be relevant to the practice of physical therapy and shall be completed in the form of any of the following course types:

- (A) department in-service;
- (B) seminar;
- (C) lecture;
- (D) conference;
- (E) training session;
- (F) webinar;
- (G) internet course;
- (H) distance learning course;
- (I) journal club;
- (J) authoring of an article or textbook publication;
- (K) poster platform presentation;
- (L) specialty certification through the American Board of Physical

Therapy Specialties;

(M) post-professional clinical residency or fellowship approved by the American Physical Therapy Association;

(N) post-professional doctorate from a CAPTE accredited program;

(O) lecturing or instructing a continuing education course; or

(P) study of a scholarly peer-reviewed journal article.

(ii) The following limits apply to the number of contact hours recognized in the following course types during a two year license renewal cycle:

(A) a maximum of 40 contact hours for initial specialty certification through the American Board of Physical Therapy Specialties (ABPTS);

(B) a maximum of 40 contact hours for hours spent in a post-professional doctorate or transitional doctorate CAPTE accredited program;

(C) a maximum of 40 contact hours for hours spent in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association;

(D) a maximum of half of the number of contact hours required for renewal for lecturing or instructing in courses meeting these requirements;

(E) a maximum of ten percent of the number of contact hours required for renewal for supervision of a physical therapist or physical therapist assistant student in an accredited college program and the licensee shall receive one contact hour of credit for every 80 hours of clinical instruction;

(F) a maximum of 15 contact hours required for renewal for serving as a clinical mentor for a physical therapy residency or fellowship training program at a credentialed program and the licensee shall receive one contact hour of credit for every ten hours of residency or fellowship;

(G) a maximum of half of the number of contact hours required for renewal for online or distance learning courses that include examination and issuance of a completion certificate;

(H) a maximum of 12 contact hours for authoring a published, peer-reviewed article;

(I) a maximum of 12 contact hours for authoring a textbook chapter;

(J) a maximum of ten contact hours for personal or group study of a scholarly peer-reviewed journal article;

(K) a maximum of six contact hours for authoring a non-peer reviewed article or abstract of published literature or book review; and

(L) a maximum of six contact hours for authoring a poster or platform presentation.

(c) Provider or Sponsor. The course shall be approved by, conducted by, or under the sponsorship of one of the following:

(i) a recognized accredited college or university;

(ii) a state or federal agency;

(iii) a professional association, organization, or facility involved in the practice of physical therapy; or

(iv) a commercial continuing education provider providing a course related to the practice of physical therapy.

(d) Objectives. The learning objectives of the course shall be clearly stated in course material.

(e) Faculty. The course shall be prepared and presented by

individuals who are qualified by education, training, and experience.

(f) Documentation. Each licensee shall maintain adequate documentation as proof of compliance with this Section, such as a certificate of completion, school transcript, course description, or other course materials. The licensee shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due.

(i) At a minimum, the documentation shall contain the following:

- (A) the date of the course;
- (B) the name of the course provider;
- (C) the name of the instructor;
- (D) the course title;
- (E) the number of contact hours of continuing education credit; and
- (F) the course objectives.

(ii) If the course is self-directed, such as personal or group study or authoring of a scholarly peer-reviewed journal article, the documentation shall contain the following:

- (A) the dates of study or research;
- (B) the title of the article, textbook chapter, poster, or platform presentation;
- (C) an abstract of the article, textbook chapter, poster, or platform presentation;
- (D) the number of contact hours of continuing education credit; and
- (E) the objectives of the self-study course.

(6) Extra Hours of Continuing Education. If a licensee completes more than the required number of contact hours of continuing education during the two-year renewal cycle specified in Subsection (1), up to ten contact hours of the excess may be carried over to the next two year renewal cycle. No education received prior to a license being granted may be carried forward to apply towards the continuing education required after the license is granted.

**R156-24b-505. Trigger Point Dry Needling - Education and Experience Required - Registration.**

(1) A course approved by one of the following organizations meets the standards of Section 58-24b-505 if it includes the hours and treatment sessions specified in Section 58-24b-505:

- (a) ~~[Utah Physical Therapy Association (UPTA),~~
- ~~(b)] American Physical Therapy Association (APTA) or any of its sections or local chapters; or~~
- ~~([c]b) Federation of State Boards of Physical Therapy (FSBPT). [~~

~~(2) The level of supervision required during the course established under Section 58-24b-505 is general supervision, as defined in R156-1-102a(4)(c).~~

~~(3) General supervision shall be provided by a licensed health care provider who:~~

- ~~(a) has a scope of practice that includes dry needling; and~~
- ~~(b) can demonstrate two years of dry needling practice techniques.]~~

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

Date of Enactment or Last Substantive Amendment: [~~March 24, 2015~~]2016

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)