

State of Utah
Administrative Rule Analysis
Revised June 2022

OUR FILE NO. 65210
DATE FILED 1-26-2023

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment x; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-24b

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

Physical Therapy Practice Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division, in collaboration with the Physical Therapist Licensing Board, is filing these proposed amendments to clarify and update the rule and to eliminate unnecessary regulation and reduce barriers to licensure in accordance with Executive Order 2021-1, Executive Order 2021-12, and S.B. 23 passed in the 2020 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The proposed amendments to Section R156-24b-303b update and better define and clarify the continuing education requirements for renewal of a Physical Therapist or Physical Therapist Assistant license, and will allow continuing education credit for hours worked as a licensed Physical Therapist or Physical Therapist Assistant. The proposed deletion of Section R156-24b-308 moves that content to Section R156-24b-303a to clarify the qualifications for licensure and reinstatement of an expired license. The proposed amendments to Section R156-24b-502 update this unprofessional conduct section to reference the most current editions of the American Physical Therapy Association's Code of Ethics for the Physical Therapist, Guide for Professional Conduct for the Physical Therapist, Standards of Ethical Conduct for the Physical Therapist Assistant, and Guide for Conduct of the Physical Therapist Assistant. The proposed amendments to Section R156-24b-505 provide clarification for submission of proof of supervised patient treatment sessions for Trigger Point Dry Needling. Lastly, the remaining amendments streamline and update the rule and eliminate unnecessary language and duplications.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The Division estimates that the proposed amendments to Sections R156-24b-303b and R156-24b-505 may indirectly benefit state government agencies who employ physical therapists or physical therapist assistants, if these licensees are able to more easily renew their license to practice in Utah. The full fiscal and non-fiscal impacts cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that each state agency may experience from any resulting increased ability to employ qualified physical therapists or physical therapist assistants will vary widely depending on the requirements of each entity and the individual characteristics of each licensee. The remainder of these proposed amendments are expected to have no measurable impact on state revenues or expenditures as they merely streamline and update the rule.

B) Local governments:

The proposed amendments may indirectly benefit local governments that employ physical therapists or physical therapist assistants, if these licensees are able to more easily renew their license to practice in Utah. The full fiscal and non-fiscal impacts on local government cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that local governments may experience from any resulting increased ability to employ qualified physical therapists or physical therapists assistants candidates will vary widely depending on the requirements of each local government entity and the individual characteristics of each physical therapist or physical therapist assistant. The remainder of these proposed amendments are expected to have no measurable impact on local government revenues or expenditure as they merely streamline and update the rule.

C) Small businesses ("small business" means a business employing 1-49 persons):

The proposed amendments to Sections R156-24b-303b and R156-24b-505 may indirectly benefit the estimated 8,633 small businesses in Utah comprising establishments employing physical therapists or physical therapist assistants such as Home Health Services, Nursing Care Facilities, Other hospitals, Individual and Family Services, Public Administration – State and Elementary and Secondary Schools (NAICS 6213, 9991,6111,9992,6241,6223,6231,6216), as the amendments are expected to facilitate license renewal to practice in Utah; however, the full fiscal and non-fiscal impacts on small businesses cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a small business may experience from any resulting increased ability to employ qualified physical therapists or physical therapist assistant candidates will vary widely depending on the requirements of the small business and the individual characteristics of each physical therapist or physical therapist assistant.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

As described in Box 5.C for small businesses, non-small businesses may indirectly benefit from the proposed amendments to Sections R156-24b-303b and R156-24b-505, but the exact impacts cannot be estimated.

E) Persons other than small businesses, non-small businesses, state, 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):

The proposed amendments to Sections R156-24b-303b and R156-24b-505 are expected to benefit the approximately 2,856 licensed physical therapists and 1,053 licensed physical therapist assistants via the continuing education renewal process. The full fiscal and non-fiscal impacts on these licensees cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that each licensee may experience from any resulting increased ability to become employed will vary widely depending on the requirements of the employer and the individual characteristics of each physical therapist or physical therapist assistant. The remainder of these proposed amendments are expected to have no measurable impact on these persons as they merely streamline and update the rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described in Box 5.E for other persons, no compliance costs are expected for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

The Division of Professional Licensing ("Division"), in concert with American Physical Therapy Association, propose amendments to Rule R156-24b to update the rule. The rule will allow continuing education credit for hours worked as a licensed Physical Therapist or Physical Therapist Assistant and clarify the qualifications as a whole. Also, the Division has made formatting conformities throughout the rule to align with the Office of Administrative Rules' Formatting Manual in accordance with Executive Orders 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

There are approximately 2,856 licensed physical therapists and 1,053 licensed physical therapist assistants in Utah. The amendments will likely benefit the estimated 8,633 small businesses in Utah comprising employed as physical therapists or physical therapist assistants in home health services, nursing care facilities, hospitals, individual and family Services, public administration, and in state elementary and secondary Schools (NAICS 6213, 9991,6111,9992,6241,6223,6231,6216). Further, the Division does not foresee any negative impact on small businesses from the grammar since the new rule was drafted to comport to the Office of Administrative Rules *Rule Writing Manual*.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed changes for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 58-24b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) 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 Office of Administrative Rules; if none, leave blank):

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Code of Ethics for the Physical Therapist
Publisher	American Physical Therapy Association
Issue Date	August 12, 2020
Issue or Version	

B) 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 Office of Administrative Rules; if none, leave blank):

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Guide for Professional Conduct
Publisher	American Physical Therapy Association
Issue Date	March 2019
Issue or Version	

C) 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 Office of Administrative Rules; if none, leave blank):

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant
Publisher	American Physical Therapy Association
Issue Date	August 12, 2020
Issue or Version	

D) incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank:

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Guide for Conduct of the Physical Therapist Assistant
Publisher	American Physical Therapy Association
Issue Date	March 2019
Issue or Version	

Public Notice Information

8. 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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2023

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
02/16/2023	9:00 AM	160 East 300 South - Conference Room 402 - Salt Lake City, Utah and also electronically via Google Meet: Google Meet : Meeting link meet.google.com/eke-jzdq-oig Join by phone (US) +1 575-425-0148 PIN: 281873899

9. This rule change MAY become effective on: 03/24/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

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 head or designee and title:	Mark B. Steinagel, Division Director	Date:	01/26/2023
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-24b. Physical Therapy Practice Act Rule.

R156-24b-101. Title - Authority - Relationship to Rule R156-1.

(1) This rule is known as the "Physical Therapy Practice Act Rule." [-]

(2) This rule is adopted by the Division under Subsection 58-1-106(1)(a), to enable the Division to administer Title 58, Chapter 24b, Physical Therapy Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

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] The following definitions supplement the definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 24b, Physical Therapy Practice Act:

(1) ["An education program that is accredited by a recognized accreditation agency", as used in Subsections 58-24b-302(1)(c) and (d), (2)(c) and (d), and (3)(c), means an education program that is, at the time of an applicant's graduation:

— (a) accredited by CAPTE; or

— (b) a foreign education program which is equivalent to a CAPTE accredited program as determined by the FCCPT.

(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] when 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.

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

(6) "Joint mobilization" [-,] as used in Subsection 58-24b-102(15)(d), means a manual therapy technique comprising a continuum of skilled passive movements to the joints [and/] or related soft tissues that are applied at varying speeds and amplitudes, including a small-amplitude [-] high velocity therapeutic movement.

(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.

(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.

([9]8) "Unprofessional conduct" as defined in Title 58, Chapter[s] 1, Division of Professional Licensing Act, and Title 58, Chapter 24b, Physical Therapy Practice Act, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-24b-502. [

~~R156-24b-103. Authority Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 24b.~~

~~R156-24b-104. Organization Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

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

(1) An education program that is accredited by a recognized accreditation agency under Subsections 58-24b-302(1)(b), 58-24-302(1)(c)(ii), 58-24b-302(2)(b), 58-24b-302(2)(c)(ii) and 58-24b-302(3)(b)(i), if at the time of the applicant's graduation:

(a) the education program is CAPTE accredited; or

(b) the education program is in a jurisdiction outside the United States, and the FCCPT determines that the education program is equivalent to a CAPTE accredited program.

([1]2) ~~[In accordance with]~~ Under Subsections 58-24b-302(1) and (2), an applicant for licensure as a physical therapist or physical therapist assistant who completed their physical therapy education in a state, district, or territory of the United States shall document their education by providing:

(a) a transcript sent directly to the Division from the degree-granting institution showing completion of the accredited education program ~~[-as defined in Subsection R156-24b-102(1)(a)]~~; or

(b) a statement signed by the program director or other authorized school official with the school seal affixed, stating that the applicant has successfully completed the accredited education program ~~[-as defined in Subsection R156-24b-102(1)(a)]~~.

([2]3) ~~[In accordance with]~~ Under Subsection[s] 58-24b-302 ~~[(2) and](4)~~, an applicant who holds a current unrestricted physical therapist license or physical therapist assistant license issued by another state, district, or territory of the United States, other than Utah, may document their education by providing either:

(a) the documentation under Subsection ([1]2); or

(b) a score transfer from FSBPT sent directly to the Division ~~[-from the provider]~~.

([3]4) ~~[In accordance with Subsection]~~ Under Subsections 58-24b-302(3)(b)(ii) and 58-24b-302(3)(d), an applicant for licensure as a physical therapist who is educated outside the United States shall document that the applicant's education is equal to a CAPTE accredited degree and that the applicant ~~[is able to]~~ can read, write, speak, understand, and be understood in the English language by submitting to the Division a Type I review from the FCCPT showing:

(a) no deficiencies; or

(b) [-

~~(a) Only] only educational deficiencies in one or more of the following pre-professional subject areas, that the applicant has [-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[-~~

~~(b) Pre-professional subject areas include the following]:~~

~~(i) humanities;~~

~~(ii) social sciences;~~

~~(iii) liberal arts;~~

~~(iv) physical sciences;~~

~~(v) biological sciences;~~

~~(vi) behavioral sciences;~~

~~(vii) mathematics; or~~

~~(viii) advanced first aid for health care workers.~~

~~([4]5) [In accordance with] Under Subsection 58-24b-302(2) ([e]b), an applicant for licensure as a physical therapist assistant shall:~~

~~(a) have received an associate's, bachelor's, or master's degree from a CAPTE accredited physical [therapy] therapist assistant education program; or~~

~~(b) [in accordance with] under Subsection (1)(b) and 58-24b-302(2)(d) and Section 58-1-302, if the applicant has been licensed or educated in a [foreign country] jurisdiction outside the United States but received a degree not accredited by CAPTE, document that the applicant's education is substantially [equal] similar to a CAPTE accredited degree by submitting to the Division a credential evaluation from the FCCPT showing:~~

~~(i) no deficiencies; or~~

~~(ii) educational deficiencies only in pre-professional subject areas that the applicant has corrected, as described in Subsection (3)(b). [~~

~~(i) 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.~~

~~(ii) Pre-professional subject areas include the subject areas listed in Subsection (3)(b).]~~

~~([5]6) 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-302b. Qualifications for Licensure - Examination Requirements.

(1)(a) ~~[In accordance with] Under Subsection 58-24b-302(1) ([d]c) an applicant for licensure as a physical therapist who is educated in the United States shall pass the FSBPT's National Physical Therapy Examination - Physical Therapist (NPTE-PT) with a passing score as established by the FSBPT, after submitting proof that the applicant is in the final term of, or has graduated from, a professional physical therapist education program accredited by CAPTE.~~

(b) ~~[In accordance with] Under Subsections 58-24b-302(3) ([d]c) and ([g]f), an applicant for licensure as a physical therapist who is educated outside the United States shall pass the FSBPT's National Physical~~

Therapy Examination - Physical Therapist (NPTE-PT) with a passing score as established by the FSBPT, after submitting proof of compliance with Subsection 58-24b-302(3) ([e]b).

(2) ~~[In accordance with]~~ Under Subsection 58-24b-302(2) ([d]c), an applicant for licensure as a physical therapist assistant shall pass the FSBPT's National Physical Therapy Examination - Physical Therapist Assistant (NPTE-PTA), with a passing score as established by the FSBPT, after submitting proof that the applicant is in the final term of, or has graduated from, an accredited physical therapist assistant education program ~~[-as defined in Subsection R156-24b-102(1)(a)]~~.

(3)(a) A passing score on the FSBPT's National Physical Therapy Examination shall be verified through FSBPT.

(b) An applicant for licensure by endorsement may verify the applicant's score by providing a score transfer from FSBPT sent directly to the Division ~~[-from the provider]~~.

(4) An applicant for licensure as a physical therapist who fails the FSBPT's NPTE-PT is eligible to sit for the FSBPT's NPTE-PTA after registering with FSBPT.

R156-24b-303a. ~~[Renewal Cycle — Procedures]~~ Term, Expiration, Renewal, and Reinstatement of License.

(1) ~~[In accordance with Subsection]~~ Under Subsections 58-1-308(1) and 58-24b-303(1), the renewal date for the two-year renewal cycle ~~[applicable to]~~ for licensees under Title 58, Chapter 24b, Physical Therapy Practice Act, is established [by rule] in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308[e]a through R156-1-308l, except as provided in Subsection (3).

(3) Under Subsection 58-1-308(5)(a)(ii)(B) and subject to Subsection 58-1-308(6)(b), an applicant whose license was active and in good standing at expiration may apply for reinstatement of licensure between two years and five years after the date of expiration, by:

(a) if not previously completed, submitting to and passing a criminal background check under Section 58-24b-302.1; and

(b) completing one or more of the following practice reentry requirements, if required by the Division in collaboration with the Board:

(i) meet with the Board to evaluate the applicant's ability to safely and competently practice physical therapy;

(ii) pass the NPTE examination of the FSBPT, if the Division in collaboration with the Board determines that examination or reexamination is necessary to verify the applicant's ability to safely and competently practice; or

(iii) complete a plan of supervision under a Board-approved supervisor, which may include up to 4,000 hours of physical therapy training under a temporary physical therapist or physical therapist assistant license before qualifying for full reinstatement of the license.

R156-24b-303b. Continuing Education.

(1) ~~[Required Hours. — In accordance with]~~ Under Subsection 58-24b-303(2), the continuing education requirement for a physical therapist or physical therapist assistant during each two-[-]year renewal cycle

commencing on June 1 of each odd numbered year are established in this section. [+

~~(a) A physical therapist shall be required to complete not fewer than 40 contact hours of continuing education of which a minimum of 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 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.]~~

(2) As used in this section:

(a) "Contact hour" means 50 continuous minutes of participation in a continuing education activity without a break period.

(b) "Continuing Education Unit" or "CEU" means the standard unit of measurement to signify a licensee's completion of participation in a continuing education activity.

(c) "Category I" CEU means:

(i) a fellowship, residency, specialty certification, degree awarding education program, or in-person attendance at a live educational program event in which participants can interact with the presenter in real time; and

(ii) one contact hour of Category I CEU equals two continuing education units.

(d) "Category II" CEU means:

(i) in-person attendance at live educational coursework or a live education program in a school setting, an electronic course with assessment, volunteer service, clinical instructor supervision, or teaching a physical therapy education course; and

(ii) one contact hour of Category II CEU equals 1 and 1/2 continuing education units.

(e) "Category III" CEU means:

(i) electronic physical therapy educational coursework without assessment or examination, in-service presentations, self-study, journal clubs, or ethics or law coursework; and

(ii) one contact hour of Category III CEU equals one continuing education unit.

(f) "Category IV" CEU means:

(i) licensed practice by a physical therapist or physical therapist assistant, up to a total of 500 hours; and

(ii) 50 practice hours of Category IV CEU equals one CEU.

(g) "Clinical instructor supervision" means the supervision of one or more:

(i) non-physical therapy students;

(ii) physical therapist assistants; or

(iii) physical therapy students.

(h) "Fellowship" means a post-professional program focused on a defined area of practice for professionals who have already completed a residency, or who are board-certified by the American Board of Physical Therapy Specialties (ABPTS) in a related area of specialty.

(i) "Group study" means a group of two or more licensed professionals that regularly meets to discuss shared areas or fields of learning, with topics that advance professional skill and experience.

(j) "Independent study" means structured learning experiences by an individual that take place outside of traditional learning environments.

(k) "Publication" means activities undertaken by an author or coauthor to design or implement, research, draft, edit, and submit material for publication.

(l) "Renewal educational coursework" means live, in-person, or electronic education with assessment undertaken in traditional learning environments, academic coursework, lectures, seminars, conferences, or workshops.

(m) "Research" means contribution to a research project through data collection, project development, or consultation.

(n) "Residency" means a post-professional program that focuses on a defined area of physical therapy practice.

(o) "Volunteer service" means services provided at no charge that rely on the skills and advance the professional competence of a physical therapist or physical therapist assistant, such as serving on a professional board or providing services at a health fair screening.

(3) During each two-year renewal cycle, a physical therapist shall complete at least 40 CEUs, of which at least two CEUs shall be in ethics or law. A physical therapist who completes more than the required number of CEUs during a two-year renewal cycle may carry over up to ten excess CEUs to the next two-year renewal cycle.

(4) During each two-year renewal cycle, a physical therapist assistant shall complete at least 20 CEUs, of which at least two CEUs shall be in ethics or law. A physical therapist assistant who completes more than the required number of CEUs during a two-year renewal cycle may carry over up to five excess CEUs to the next two-year renewal cycle.

(5) If a licensee first becomes licensed during the two-year renewal period, the licensee's required number of CEUs shall be decreased proportionately according to the date of licensure.

(6) The Division may defer or waive CEU requirements under Section R156-1-308d.

(7) A licensee may not apply continuing education or coursework education, including professional upgrades, that the licensee received before being granted a license, to CEUs required after the license is granted.

(8) CEU credit shall be recognized as follows, during each two-year renewal cycle:

(a) for clinical instructor supervision CEUs, up to ten CEUs for a physical therapist and up to five CEUs for a physical therapist assistant;

(b) for lecturing or instructing a course at an accredited university or college, continuing education course, or as an invited guest lecturer, up to ten CEUs for a physical therapist and up to five CEUs for a physical therapist assistant, subject to the following:

(i) one CEU shall be awarded for each hour of instruction;

(ii) credit shall be awarded for lecturing or instructing the same course up to two times; and

(iii) documentation of completion shall include a certificate or record from the human resources department.

(c) for volunteer service CEUs, up to ten CEUs for a physical therapist and up to five CEUs for a physical therapist assistant; and

(d) for practice hours CEUs, up to ten CEUs for a physical therapist and up to five CEUs for a physical therapist assistant.

(9) A continuing education course for a physical therapist or physical therapist assistant shall meet the following requirements:

(a) have content relevant to the practice of physical therapy;

(b) have learning objectives that are clearly stated in course material;

(c) be prepared and presented by individuals who are qualified by education, training, and experience; and

(d) 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;

(e) may be completed as any of the following:

(i) department in-service;

(ii) seminar;

(iii) lecture;

(iv) conference;

(v) training session;

(vi) webinar;

(vii) internet course;

(viii) distance learning course;

(ix) journal club;

(x) authoring of a scholarly peer-reviewed journal article or textbook publication;

- (xi) poster platform presentation;
- (xii) specialty certification through the American Board of Physical Therapy Specialties;
- (xiii) post-professional clinical residency or fellowship approved by the American Physical Therapy Association;
- (xiv) post-professional doctorate from a CAPTE accredited program;
- (xv) lecturing or instructing a continuing education course; or
- (xvi) study of a scholarly peer-reviewed journal article; and
- (f) for an ethics or law continuing education course, include any of the following subjects:
 - (i) patient-physical therapist relationships;
 - (ii) confidentiality;
 - (iii) documentation;
 - (iv) charging and coding;
 - (v) compliance with state or federal laws that impact the practice of physical therapy; or
 - (vi) a subject in the American Physical Therapy Association Code of Ethics or Guide for Professional Conduct.

(10) A licensee shall maintain adequate documentation as proof of compliance with this section, such as certificate of compliance, school transcript, course description, or other course materials, for two years after the end of the renewal cycle for which the continuing education is due, as follows:

- (a) at minimum, CEU course documentation shall include:
 - (i) date of the course;
 - (ii) name of the course provider;
 - (iii) name of the instructor;
 - (iv) course title;
 - (v) course objectives; and
 - (vi) number of contact hours of continuing education credit; and
- (b) if the CEU is self-directed, such as independent study, group study, authoring, or in-service, documentation shall include:
 - (i) dates of study or research;
 - (ii) title and an abstract of an article, textbook chapter, poster, or platform presentation;
 - (iii) objectives of a self-study course; and
 - (iv) number of contact hours of continuing education credit.

R156-24b-305. Temporary Licensure.

(1) [~~In accordance with~~ Under Subsection 58-1-303(1), the Division may issue a temporary physical therapist or temporary physical therapist assistant license to a person who meets all qualifications for licensure as a physical therapist or physical therapist assistant except for the passing of the required examination, if the applicant:

- (a) submits a [u]Request for Authorization to Test[u] as a physical therapist or physical therapist assistant, and is authorized to sit for the NPTE examination;
- (b) is a graduate of a CAPTE accredited physical therapy school within three months immediately preceding application for licensure;
- (c) is under the direct, on-site supervision of a physical therapist with an active, non-temporary license if employed as a physical therapist; and

(d) has registered to take the required licensure examination.

(2) A temporary physical therapist or temporary physical therapist assistant license issued under Subsection (1) expires the earlier of:

(a) six months from the date of issuance;

(b) the date upon which the Division receives notice from the examination agency that the individual has failed the examination twice; or

(c) the date upon which the Division issues the individual full licensure.

(3) A temporary physical therapist or temporary physical therapist assistant license issued in accordance with this section ~~cannot~~ may not be renewed or extended. [

~~R156-24b-308. Reinstatement of a Physical Therapist or Physical Therapist Assistant License which has Expired Beyond Two Years.~~

~~— In addition to the requirements established in Section R156-1-308g and in accordance with Subsection 58-1-308(6), an applicant for reinstatement for licensure as a physical therapist or physical therapist assistant, whose license has been expired for two or more years, shall complete one or more of the following upon request of the Division in collaboration with the Board:~~

~~— (1) meet with the Board to evaluate the applicant's ability to safely and competently practice physical therapy;~~

~~— (2) pass the NPTE examination of the FSBPT if it is determined that examination or reexamination is necessary to verify the applicant's ability to safely and competently practice; and~~

~~— (3) establish and carry out a plan of supervision under an approved supervisor which may include up to 4,000 hours of physical therapy training under a temporary physical therapist or physical therapist assistant license before qualifying for full reinstatement of the license.]~~

R156-24b-502. Unprofessional Conduct.

~~[Unprofessional]~~ Under Subsection 58-24b-502(4), unprofessional conduct includes:

(1) ~~[violating,]~~ as a physical therapist, [any] violating ~~[provision of]~~ the American Physical Therapy Association's Code of Ethics for the Physical Therapist, last amended ~~[July 2010]~~ August 12, 2020, which is ~~[hereby adopted and]~~ incorporated by reference;

(2) ~~[violating,]~~ as a physical therapist, [any] violating ~~[provision of]~~ the American Physical Therapy Association's Guide for Professional Conduct, last amended ~~[November 2010]~~ March 2019, which is ~~[hereby adopted and]~~ incorporated by reference;

(3) ~~[not providing supervision,]~~ as a physical therapist, violating ~~[as set forth in]~~ Section R156-24b-503;

(4) ~~[violating,]~~ as a physical therapist assistant, [any] violating ~~[provision of]~~ the American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant, last amended ~~[November 2010]~~ August 12, 2020, which is ~~[hereby adopted and]~~ incorporated by reference; and

(5) ~~[violating,]~~ as a physical therapist assistant, [any] violating ~~[provision of]~~ the American Physical Therapy Association's Guide for

Conduct of the Physical Therapist Assistant, last amended [~~July 2010~~ March 2019], which is [~~hereby adopted and~~] incorporated by reference.

R156-24b-503. Physical Therapist Supervisory Authority and Responsibility.

~~[In accordance with]~~ Under Section 58-24b-404, a physical therapist's supervision of a physical therapist assistant or a physical therapy aide shall meet the following conditions:

(1) a full-time equivalent physical therapist ~~[can]~~ may supervise ~~[no more than]~~ up to three full-time equivalent supportive personnel, unless otherwise approved by the ~~[board and]~~ Division in collaboration with the Board; and

(2) a physical therapist shall provide treatment to a patient at least every tenth treatment but no longer than 30 days from the day of the physical therapist's last treatment day, whichever is less.

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

(1) ~~[A]~~ Under Subsection 58-24b-505(1)(b)(i), a trigger point dry needling course is approved by the Division if the course has been 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) the American Physical Therapy Association (APTA), or any of its sections or local chapters; or

(b) the Federation of State Boards of Physical Therapy (FSBPT).

(2) ~~[In accordance with Subsection]~~ Under Subsections 58-24b-505(1)(e) and 58-24b-505(2)(b), ~~[the]~~ an approved course, including the ~~[and]~~ supervised patient treatment sessions, shall be completed no later than three calendar years from the start of the course.

(3) Under Subsection 58-24b-505(1)(c) the filed certificate of completion for an approved course shall include:

(a) a certificate of completion issued by the approving organization under Subsection (1)(a) or (1)(b); and

(b) for the approved course's supervised patient treatment sessions:

(i) a log of 250 trigger point dry needling sessions; or

(ii) a signed letter on letterhead from the supervising physical therapist stating that the trigger point dry needling sessions have been completed.

(4) Under Subsections 58-24b-505(1)(a) and (1)(e), the physical therapist's license to practice physical therapy shall have been unrestricted and in good standing for at least two years immediately preceding the physical therapist's trigger point dry needling application.

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

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