

House Engrossed Senate Bill

physical therapy assistants; students; supervision

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1267

AN ACT

AMENDING SECTIONS 32-2001, 32-2002, 32-2003, 32-2022, 32-2023, 32-2024, 32-2026, 32-2027, 32-2028, 32-2029, 32-2030, 32-2031, 32-2032, 32-2042, 32-2043, 32-2044, 32-2046, 32-2047, 32-2050 AND 32-2051, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF PHYSICAL THERAPY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-2001, Arizona Revised Statutes, is amended to
3 read:

4 **32-2001. Definitions**

5 In this chapter, unless the context otherwise requires:

6 1. "Assistive personnel":

7 (a) Includes:

8 (i) Physical therapist assistants.

9 (ii) Physical therapy aides.

10 (iii) Other assistive personnel who are trained or educated health
11 care providers and who are not physical therapist assistants or physical
12 therapy aides but who perform specific designated tasks related to
13 physical therapy under the supervision of a physical therapist. At the
14 discretion of the supervising physical therapist, and if properly
15 credentialed and not prohibited by any other law, other assistive
16 personnel may be identified by the title specific to their training or
17 education.

18 (b) Does not include **EITHER:**

19 (i) Personnel assisting other health care professionals licensed
20 pursuant to this title in performing delegable treatment responsibilities
21 within their scope of practice.

22 (ii) **STUDENT PHYSICAL THERAPISTS AND STUDENT PHYSICAL THERAPIST
23 ASSISTANTS.**

24 2. "Board" means the board of physical therapy.

25 3. "Business entity" means a business organization that has an
26 ownership that includes any persons who are not licensed or certified to
27 provide physical therapy services in this state, that offers to the public
28 professional services regulated by the board and that is established
29 pursuant to the laws of any state or foreign country.

30 4. "Dry needling" means a skilled intervention performed by a
31 physical therapist that uses a thin filiform needle to penetrate the skin
32 and stimulate underlying neural, muscular and connective tissues to
33 evaluate and manage neuromusculoskeletal conditions, pain and movement
34 impairments.

35 5. "General supervision":

36 (a) Means that the supervising physical therapist is on call and is
37 readily available via telecommunications when the physical therapist
38 assistant is providing treatment interventions.

39 (b) **INCLUDES SUPERVISION PROVIDED THROUGH TELEHEALTH AS DEFINED IN
40 SECTION 36-3601.**

41 6. "Interim permit" means a permit issued by the board that allows
42 a person to practice as a physical therapist in this state or to work as a
43 physical therapist assistant for a specific period of time and under
44 conditions prescribed by the board before that person is issued a license
45 **or certificate.**

1 7. "Manual therapy techniques" means a broad group of passive
2 interventions in which physical therapists use their hands to administer
3 skilled movements designed to modulate pain, increase joint range of
4 motion, reduce or eliminate soft tissue swelling, inflammation or
5 restriction, induce relaxation, improve contractile and noncontractile
6 tissue extensibility, and improve pulmonary function. These interventions
7 involve a variety of techniques, such as the application of graded forces.

8 8. "On-site supervision" means that the supervising physical
9 therapist is ~~on-site~~ **ON-SITE** and is present in the facility or on the
10 campus where assistive personnel, ~~or~~ a holder of an interim permit, **A**
11 **STUDENT PHYSICAL THERAPIST OR A STUDENT PHYSICAL THERAPIST ASSISTANT** is
12 performing services, is immediately available to assist the person being
13 supervised in the services being performed and maintains continued
14 involvement in appropriate aspects of each treatment session in which a
15 component of treatment is delegated.

16 9. "Physical therapist" means a person who is licensed pursuant to
17 this chapter.

18 10. "Physical therapist assistant" means a person who meets the
19 requirements of this chapter for ~~certification~~ **LICENSURE** and who performs
20 physical therapy procedures ~~and related tasks that have been selected and~~
21 ~~delegated by~~ **ACCORDING TO THE PHYSICAL THERAPY PLAN OF CARE OF** the
22 supervising physical therapist.

23 11. "Physical therapy" means the care and services provided by or
24 under the direction and supervision of a physical therapist who is
25 licensed pursuant to this chapter.

26 12. "Physical therapy aide" means a person who is trained under the
27 direction of a physical therapist and who performs designated and
28 supervised routine physical therapy tasks.

29 13. "Practice of physical therapy" means:

30 (a) Examining, evaluating and testing persons who have mechanical,
31 physiological and developmental impairments, functional limitations and
32 disabilities or other health and movement related conditions in order to
33 determine a diagnosis, a prognosis and a plan of therapeutic intervention
34 and to assess the ongoing effects of intervention, including ordering
~~musculoskeletal~~ imaging ~~consisting of plain film radiographs~~.

35 (b) Alleviating impairments and functional limitations by managing,
36 designing, implementing and modifying therapeutic interventions including:

37 (i) Therapeutic exercise.

38 (ii) Functional training in self-care and in home, community or
39 work reintegration.

40 (iii) Manual therapy techniques.

41 (iv) Therapeutic massage.

42 (v) Assistive and adaptive orthotic, prosthetic, protective and
43 supportive devices and equipment.

44 (vi) Pulmonary hygiene.

(vii) Debridement and wound care.

(viii) Physical agents or modalities.

(ix) Mechanical and electrotherapeutic modalities.

(x) Patient related instruction.

(c) Reducing the risk of injury, impairments, functional limitations and disability by means that include promoting and maintaining person's fitness, health and quality of life.

(d) Engaging in administration, consultation, education and research.

14. "Restricted certificate" means a certificate on which the board places any restrictions as the result of a disciplinary action.

14. "Restricted license" means a license on which the board places restrictions or conditions, or both, as to the scope of practice, place of practice, supervision of practice, duration of licensed status or type or condition of a patient to whom the licensee may provide services.

16. 15. "Restricted registration" means a registration on which the board places any restrictions as the result of disciplinary action.

16. "STUDENT PHYSICAL THERAPIST" MEANS A PERSON WHO IS ENROLLED IN A DOCTOR OF PHYSICAL THERAPY PROGRAM THAT IS ACCREDITED BY OR HAS CANDIDATE STATUS BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION.

17. "STUDENT PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS ENROLLED IN AN ACADEMIC PHYSICAL THERAPIST ASSISTANT PROGRAM THAT IS ACCREDITED BY OR HAS CANDIDATE STATUS BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION.

Sec. 2. Section 32-2002, Arizona Revised Statutes, is amended to read:

32-2002. Board of physical therapy: membership; appointment; qualifications; terms; removal; reimbursement; immunity

A. The board of physical therapy is established consisting of members appointed by the governor pursuant to section 38-211. Four members shall be physical therapists who are residents of this state, possess an unrestricted license to practice physical therapy in this state and have been practicing in this state for at least five years before their appointment. One member shall be a physical therapist assistant who is a resident of this state, possesses an unrestricted ~~certificate~~ LICENSE issued pursuant to this chapter and has been performing selected interventions in this state for at least five years before the person's appointment. The governor shall also appoint two public members who are residents of this state and who are not affiliated with, and do not have a financial interest in, any health care profession but who have an interest in consumer rights.

1 B. Board members serve staggered ~~four-year~~ FOUR-YEAR terms. Board
2 members shall not serve for more than two successive ~~four-year~~ FOUR-YEAR
3 terms or for more than ten consecutive years. By approval of a majority
4 of the board, a member's service may extend at the completion of a ~~four~~
5 ~~year~~ FOUR-YEAR term until a new member is appointed or the current member
6 is reappointed.

7 C. If requested by the board the governor may remove a board member
8 for misconduct, incompetence or neglect of duty.

9 D. Board members are eligible for reimbursement of expenses
10 pursuant to title 38, chapter 4, article 2 to cover necessary expenses for
11 attending each board meeting or for representing the board in an official
12 board approved activity.

13 E. A board member who acts within the scope of board duties,
14 without malice and in the reasonable belief that the person's action is
15 warranted by law is immune from civil liability.

16 Sec. 3. Section 32-2003, Arizona Revised Statutes, is amended to
17 read:

18 32-2003. Board: powers and duties

19 A. The board shall:

20 1. Evaluate the qualifications of applicants for licensure ~~and~~
21 ~~certification~~.

22 2. Provide for national examinations for physical therapists and
23 physical therapist assistants and adopt passing scores for these
24 examinations.

25 3. Issue licenses, ~~— AND~~ permits ~~and certificates~~ to persons who
26 meet the requirements of this chapter.

27 4. Regulate the practice of physical therapy by interpreting and
28 enforcing this chapter.

29 5. Adopt and revise rules to enforce this chapter.

30 6. Meet at least once each quarter in compliance with the open
31 meeting requirements of title 38, chapter 3, article 3.1 and keep an
32 official record of these meetings.

33 7. Establish the mechanisms for assessing continuing professional
34 competence of physical therapists to engage in the practice of physical
35 therapy and the competence of physical therapist assistants to work in the
36 field of physical therapy.

37 8. At its first regular meeting after the start of each calendar
38 year, elect officers from among its members and as necessary to accomplish
39 board business.

40 9. Provide for the timely orientation and training of new
41 professional and public appointees to the board regarding board licensing
42 and disciplinary procedures, this chapter, board rules and board
43 procedures.

1 10. Maintain a current list of all persons regulated under this
2 chapter. This list shall include the person's name, current business and
3 residential addresses, telephone numbers and license ~~or certificate~~
4 number.

5 11. Subject to title 41, chapter 4, article 4, employ necessary
6 personnel to carry out the administrative work of the board. Board
7 personnel are eligible to receive compensation pursuant to section 38-611.

8 12. Enter into contracts for services necessary for adequate
9 enforcement of this chapter.

10 13. Report final disciplinary action taken against a licensee ~~or a~~
11 ~~certificate holder~~ to a national disciplinary database recognized by the
12 board.

13 14. Publish, at least annually, final disciplinary actions taken
14 against a licensee ~~or a certificate holder~~.

15 15. Publish, at least annually, board rulings, opinions and
16 interpretations of statutes or rules in order to guide persons **WHO ARE**
17 regulated pursuant to this chapter.

18 16. Not later than December 31 of each year, submit a written report
19 of its actions and proceedings to the governor.

20 17. Establish and collect fees.

21 18. Provide information to the public regarding the board, its
22 processes and consumer rights.

23 B. The board may establish a committee or committees to assist it
24 in carrying out its duties for a time prescribed by the board. The board
25 may require a committee appointed pursuant to this subsection to make
26 regular reports to the board.

27 Sec. 4. Section 32-2022, Arizona Revised Statutes, is amended to
28 read:

29 32-2022. Qualifications for licensure; fingerprint clearance
30 card

31 A. An applicant for a license as a physical therapist who has been
32 educated in the United States shall:

33 1. Complete the application process.

34 2. Be a graduate of a professional physical therapy education
35 program that is accredited by a national accreditation agency approved by
36 the board.

37 3. Have successfully passed the national examination approved by
38 the board.

39 4. Have successfully passed a jurisprudence examination that tests
40 the applicant's knowledge of board statutes and rules.

41 5. Obtain a valid fingerprint clearance card issued pursuant to
42 section 41-1758.03.

43 B. An applicant for a license as a physical therapist who has been
44 educated outside of the United States shall:

- 1 1. Complete the application process.
- 2 2. Provide satisfactory evidence that the applicant's education is
- 3 substantially equivalent to the requirements of physical therapists
- 4 educated in accredited educational programs as determined by the board.
- 5 If the board determines that a foreign-educated applicant's education is
- 6 not substantially equivalent, it may require the person to complete
- 7 additional coursework before it proceeds with the application process. It
- 8 is not necessary that coursework completed by the applicant be identical
- 9 in all respects to that required by an education program in the United
- 10 States for an entry-level physical therapy degree, but all required
- 11 content areas must be evident as required by board rules. Deficiencies
- 12 may occur only in coursework and not in essential areas of professional
- 13 education and shall not be of a magnitude that would cause the education
- 14 to be deemed below entry-level preparation for practice in this state.
- 15 3. Provide written proof of legal authorization to practice as a
- 16 physical therapist without limitation in the country where the
- 17 professional education occurred. The board may waive this requirement on
- 18 receipt of written proof that the applicant cannot demonstrate legal
- 19 authorization based on the citizenship requirements of the country where
- 20 the professional education occurred.
- 21 4. Provide proof of legal authorization to reside and seek
- 22 employment in the United States or its territories.
- 23 5. Have passed the board-approved English proficiency examinations
- 24 if the applicant's native language is not English.
- 25 6. Have participated in an interim supervised clinical practice
- 26 period before licensure as approved by the board or shall have already met
- 27 this requirement to the board's satisfaction by virtue of the applicant's
- 28 clinical practice in another jurisdiction of the United States.
- 29 7. Have successfully passed the national examination approved by
- 30 the board.
- 31 8. Have successfully passed a jurisprudence examination that tests
- 32 the applicant's knowledge of board statutes and rules.
- 33 9. Obtain a valid fingerprint clearance card issued pursuant to
- 34 section 41-1758.03.

35 C. Notwithstanding the requirements of subsection B of this

36 section, if the foreign-educated physical therapist applicant is a

37 graduate of an accredited educational program as determined by the board,

38 the board may waive the requirements of subsection B, paragraphs 2 and 6

39 of this section.

40 D. An applicant for **certification** **LICENSURE** as a physical therapist

41 assistant shall meet the following requirements:

- 42 1. Complete the application process.
- 43 2. Be a graduate of a physical therapist assistant education
- 44 program accredited by an agency approved by the board.

1 3. Have successfully passed the national examination approved by
2 the board.

3 4. Have successfully passed a jurisprudence examination that tests
4 the applicant's knowledge of board statutes and rules.

5 5. Obtain a valid fingerprint clearance card issued pursuant to
6 section 41-1758.03.

7 E. For the purposes of subsection B, paragraph 2 of this section,
8 "substantially equivalent" means that the applicant provides documentation
9 satisfactory to the board that:

10 1. The applicant graduated from a physical therapist education
11 program that prepares the applicant to engage without restriction in the
12 practice of physical therapy.

13 2. The applicant's school of physical therapy education is
14 recognized by its own ministry of education. The board may waive this
15 requirement for good cause shown.

16 3. The applicant has undergone a credentials evaluation as directed
17 by the board that determines that the applicant has met uniform criteria
18 for educational requirements pursuant to board rules.

19 4. The applicant has completed any additional education required by
20 the board.

21 Sec. 5. Section 32-2023, Arizona Revised Statutes, is amended to
22 read:

23 32-2023. Application; denial; hearing

24 A. An applicant for licensure ~~or certification~~ shall file a
25 completed application as required by the board. The applicant shall
26 include the application fee prescribed in section 32-2029.

27 B. The board may deny a license ~~or certificate~~ to an applicant, OR
28 a licensee ~~or a certificate holder~~ for any of the following:

29 1. Knowingly making a false statement of fact required to be
30 revealed in the initial application, renewal application or reinstatement
31 application for a license ~~or certificate~~.

32 2. Committing fraud in the procurement of a license ~~or certificate~~.

33 3. Committing a felony, whether or not involving moral turpitude,
34 or a misdemeanor involving moral turpitude. In either case conviction by
35 a court of competent jurisdiction is conclusive evidence of the
36 commission.

37 4. Attempting to engage in conduct that subverts or undermines the
38 integrity of the examination or the examination process, including using
39 in any manner recalled or memorized examination questions from or with a
40 person or entity, failing to comply with all test center security
41 procedures, communicating or attempting to communicate with other
42 examinees during the examination or copying or sharing examination
43 questions or portions ~~or~~ OF questions.

44 5. Engaging in any conduct that would be considered a violation of
45 section 32-2044.

1 C. If the board denies an application because of deficiencies **OR**
2 **REASONS** in an application or for a reason prescribed in subsection B of
3 this section, the board must inform an applicant of those specific
4 deficiencies. On receipt of a written request by an applicant who
5 disagrees with the board's decision to deny an application, the board
6 shall hold a hearing pursuant to title 41, chapter 6, article 10.

7 Sec. 6. Section 32-2024, Arizona Revised Statutes, is amended to
8 read:

9 **32-2024. Examinations**

10 A. The board shall prescribe examinations for licensure **and**
11 **certification** and determine the passing score.

12 B. An applicant may take the examinations for licensure if either
13 of the following applies:

14 1. The applicant has met all of the requirements of section
15 32-2022, subsection A, paragraphs 1 and 2 and has paid the fees prescribed
16 by this chapter.

17 2. The applicant has:

18 (a) Met all of the requirements of section 32-2022, subsection A,
19 paragraph 1.

20 (b) Paid the fees prescribed by this chapter.

21 (c) Submitted with the application a letter on the official
22 letterhead of the accredited educational institution where the applicant
23 is completing an accredited educational program that includes the
24 signature of the program director, the department chairperson or a
25 similarly authorized person of the university or college and that states
26 that:

27 (i) The applicant is a candidate for a degree as a physical
28 therapist at the next scheduled graduation date.

29 (ii) The date the national examination for licensure is to be taken
30 by the applicant is the one nearest to and before the applicant's expected
31 graduation date and is not more than one hundred twenty days before the
32 date of the applicant's expected graduation date.

33 (iii) The applicant meets any other established requirements of the
34 accredited educational program, if applicable.

35 C. An applicant may take the examinations for licensure if the
36 applicant has met all of the requirements of section 32-2022, subsection
37 B, paragraphs 1 through 5 and has paid the fees prescribed by this
38 chapter.

39 D. An applicant may take the examinations for **certification**
40 **LICENSURE** if either of the following applies:

41 1. The applicant has met all of the requirements of section
42 32-2022, subsection D, paragraphs 1 and 2 and has paid the fees prescribed
43 by this chapter.

1 2. The applicant has:

2 (a) Met all of the requirements of section 32-2022, subsection D,
3 paragraph 1.

4 (b) Paid the fees prescribed by this chapter.

5 (c) Submitted with the application a letter on the official
6 letterhead of the accredited educational institution where the applicant
7 is completing an accredited educational program that includes the
8 signature of the program director, the department chairperson or a
9 similarly authorized person of the university, school or college and that
10 states that:

11 (i) The applicant is a candidate for a certificate or degree as a
12 physical therapist assistant at the next scheduled graduation date.

13 (ii) The date the national examination for ~~certification~~ LICENSURE
14 is to be taken by the applicant is the one nearest to and before the
15 applicant's expected graduation date and is not more than one hundred
16 twenty days before the date of the applicant's expected graduation date.

17 (iii) The applicant meets any other established requirements of the
18 accredited educational program, if applicable.

19 E. An applicant for licensure ~~or certification~~ who does not pass
20 the national examination after the first attempt may retake the
21 examination one additional time within six months after the first failure
22 without reapplication for licensure ~~or certification~~. An applicant may
23 retake the examinations as prescribed by the organization that administers
24 the examinations.

25 F. The board shall not issue a license ~~or certificate~~ to a person
26 who passes an examination through fraud.

27 G. The national examination for licensure as a physical therapist
28 shall test entry-level competence related to physical therapy theory,
29 examination and evaluation, diagnosis, prognosis, treatment intervention,
30 prevention and consultation. The national examination for ~~certification~~
31 LICENSURE as a physical therapist assistant shall test for requisite
32 knowledge and skills in the technical application of physical therapy
33 services.

34 Sec. 7. Section 32-2026, Arizona Revised Statutes, is amended to
35 read:

36 32-2026. Licensure by endorsement

37 A. The board shall issue a license to a physical therapist who has
38 a valid unrestricted license from another jurisdiction of the United
39 States if that person, when granted the license, met all of the
40 requirements prescribed in section 32-2022, subsection A or B and any
41 applicable board rules.

42 B. The board shall issue a ~~certificate~~ LICENSE to a physical
43 therapist assistant who has a valid unrestricted license or certificate
44 from another jurisdiction of the United States if that person, when
45 granted the license or certificate, ~~meets~~ MET all of the requirements

1 prescribed in section 32-2022, subsection D and any applicable board
2 rules.

3 Sec. 8. Section 32-2027, Arizona Revised Statutes, is amended to
4 read:

5 32-2027. License renewal; suspension

6 A. A licensee ~~or certificate holder~~ shall renew the license ~~or~~
7 ~~certificate~~ pursuant to board rules. Except as provided in section
8 32-4301, a licensee ~~or certificate holder~~ who fails to renew the license
9 ~~or certificate~~ on or before its expiration date shall not practice as a
10 physical therapist or work as a physical therapist assistant in this
11 state.

12 B. The board shall administratively suspend a license ~~or~~
13 ~~certificate~~ if the licensee ~~or certificate holder~~ does not submit a
14 complete application for renewal and pay the renewal fee pursuant to board
15 rules.

16 Sec. 9. Section 32-2028, Arizona Revised Statutes, is amended to
17 read:

18 32-2028. Reinstatement of license

19 A. The board may reinstate a license ~~or certificate~~ that it
20 suspended pursuant to section 32-2027, subsection B on payment of a
21 renewal fee and reinstatement fee and completion of the application
22 process as prescribed by the board.

23 B. If a person's license ~~or certificate~~ has been suspended pursuant
24 to section 32-2027, subsection B for more than three consecutive years,
25 the license ~~or certificate~~ expires and that person shall reapply for a
26 license ~~or certificate~~ pursuant to section 32-2022 or 32-2026 and pay all
27 applicable fees. The person must also demonstrate to the board's
28 satisfaction competency by satisfying one or more of the following as
29 prescribed by the board:

- 30 1. Practicing for a specified time under an interim permit.
- 31 2. Completing remedial courses.
- 32 3. Completing continuing competence requirements for the period of
33 the lapsed license.
- 34 4. Passing an examination.

35 Sec. 10. Section 32-2029, Arizona Revised Statutes, is amended to
36 read:

37 32-2029. Fees

38 The board shall establish and collect fees of not more than:

- 39 1. ~~Three hundred dollars~~ \$300 for an application for an original
40 license ~~or certificate~~. This fee is nonrefundable.
- 41 2. ~~Three hundred dollars~~ \$300 for a certificate of renewal of a
42 license ~~or certificate~~.
- 43 3. ~~Three hundred dollars~~ \$300 for an application for reinstatement
44 of licensure.
- 45 4. ~~Fifty dollars~~ \$50 for each duplicate license ~~or certificate~~.

1 Sec. 11. Section 32-2030, Arizona Revised Statutes, is amended to
2 read:

3 32-2030. Business entities; patient records; protocol;
4 exemptions; rules

5 A. ~~Beginning September 1, 2011,~~ A business entity shall not offer
6 physical therapy services pursuant to this chapter unless:

7 1. The business entity is registered with the board pursuant to
8 this section.

9 2. The physical therapy services are conducted by a licensee ~~or~~
10 ~~certificate holder~~ pursuant to this chapter.

11 B. The business entity must file a registration application on a
12 form prescribed by the board. The application shall include:

13 1. A description of the entity's services offered to the public.

14 2. The name of the manager who is authorized and who is responsible
15 for managing the physical therapy services offered at each office.

16 3. The names and addresses of the officers and directors of the
17 business entity.

18 4. A registration fee prescribed by the board by rule.

19 C. A business entity must file a separate registration application
20 and pay a fee for each branch office in this state.

21 D. A registration expires on August 31 of ~~odd-numbered~~ ODD-NUMBERED
22 years in accordance with the physical therapist professional licensing
23 schedule. A business entity that wishes to renew a registration must
24 submit an application for renewal as prescribed by the board on a biennial
25 basis on a form prescribed by the board before the expiration date. An
26 entity that fails to renew the registration before the expiration date is
27 subject to a late fee as prescribed by the board by rule.

28 E. The business entity must notify the board in writing within
29 thirty days after any change:

30 1. In the business entity's name, address or telephone number.

31 2. In the officers or directors of the business entity.

32 3. In the name of the manager who is authorized and who is
33 responsible for managing the physical therapy services in any facility.

34 F. The business entity must establish and implement a written
35 protocol for the secure storage, transfer and access of the physical
36 therapy records of the business entity's patients. This protocol must
37 include, at a minimum, procedures for:

38 1. Notifying patients of the future locations of their records if
39 the business entity terminates or sells the practice.

40 2. Disposing of unclaimed physical therapy records.

41 3. The timely response to requests by patients for copies of their
42 records.

43 G. The business entity must notify the board within thirty days
44 after the dissolution of any registered business entity or the closing or

1 relocation of any facility and must disclose to the board the entity's
2 procedure by which its patients may obtain their records.

3 H. This section does not apply to:

4 1. A sole proprietorship or partnership that consists exclusively
5 of persons who are licensed by a health profession regulatory board as
6 defined in section 32-3201.

7 2. A facility regulated by the federal government or a state,
8 district or territory of the United States.

9 3. An administrator or executor of the estate of a deceased
10 physical therapist or a person who is legally authorized to act for a
11 physical therapist who has been adjudicated to be mentally incompetent for
12 not more than one year from the date the board receives notice of the
13 physical therapist's death or incapacitation.

14 4. A health care institution that is licensed pursuant to title 36.

15 I. A facility that offers physical therapy services to the public
16 by persons licensed under this chapter must be registered by the board
17 unless the facility is any of the following:

18 1. Owned by a licensee.

19 2. Regulated by the federal government or a state, district or
20 territory of the United States.

21 J. Except for issues relating to insurance coding and billing that
22 require the name, signature and license number of the physical therapist
23 providing treatment, this section does not:

24 1. Authorize a licensee in the course of providing physical therapy
25 services for an entity registered pursuant to this section to disregard or
26 interfere with a policy or practice established by the entity for the
27 operation and management of the business.

28 2. Authorize a business entity registered pursuant to this section
29 to establish or enforce a business policy or practice that may interfere
30 with the professional judgment of the licensee in providing physical
31 therapy services for the business entity or may compromise a licensee's
32 ability to comply with this chapter.

33 K. The board shall adopt rules that provide a method for the board
34 to receive the assistance and advice of business entities registered
35 pursuant to this section in all matters relating to the regulation of
36 business entities.

37 L. The board shall adopt rules necessary to enforce this chapter in
38 the practice settings of its licensees, ~~certificate holders~~ and
39 registrants if the practice settings are not regulated by the department
40 of health services.

41 Sec. 12. Section 32-2031, Arizona Revised Statutes, is amended to
42 read:

43 32-2031. Retired status; reinstatement to active status

44 A. The board shall place a licensee ~~or certificate holder~~ on
45 retired status and waive the renewal fee and continuing competence

1 requirements if a licensee ~~or certificate holder~~ presents a written
2 affidavit to the board that the licensee ~~or certificate holder~~ has retired
3 from the practice of physical therapy or from work as a physical therapist
4 assistant, is in good standing with the board and has paid all fees
5 required by this chapter before the waiver.

6 B. During the period of waiver pursuant to subsection A **OF THIS**
7 **SECTION**, the retired licensee ~~or certificate holder~~ may not engage in the
8 practice of physical therapy or work as a physical therapist assistant.

9 C. A retired licensee ~~or certificate holder~~ must renew the retired
10 license ~~or certificate~~ every two years by verifying the person's contact
11 information and using the same schedule for renewal of an active license
12 ~~or certificate~~. The board may not charge a fee for renewal of a retired
13 license ~~or certificate~~.

14 D. If a licensee ~~or certificate holder~~ fails to renew the retired
15 status of the license ~~or certificate~~ on or before its expiration date, the
16 retired license ~~or certificate~~ expires. If the person seeks to reinstate
17 the person's retired status after the retired license ~~or certificate~~ has
18 expired, the person must make a request for retired status pursuant to
19 subsection A **OF THIS SECTION**.

20 E. The board may reinstate a retired licensee ~~or certificate holder~~
21 to active practice or work on payment of the renewal fee and presentation
22 of evidence satisfactory to the board that the retired licensee ~~or~~
~~certificate holder~~ is professionally able to engage in the practice of
24 physical therapy or work as a physical therapist assistant and still
25 possesses the professional knowledge required. If the retired licensee
26 ~~or certificate holder~~ has held a retired license ~~or certificate~~ for more
27 than three consecutive years, the person must also demonstrate competency
28 to the board's satisfaction by satisfying one or more of the following as
29 prescribed by the board:

30 1. Practicing or working for a specified time under an interim
31 permit.

32 2. Completing remedial courses.

33 3. Completing continuing competence requirements for the period of
34 the retired license ~~or certificate~~.

35 4. Passing an examination as prescribed by the board.

36 Sec. 13. Section 32-2032, Arizona Revised Statutes, is amended to
37 read:

38 32-2032. Inactive status; reinstatement to active status

39 A. The board shall place a licensee ~~or certificate holder~~ on
40 inactive status and waive the continuing competence requirements if a
41 licensee ~~or certificate holder~~ presents a written affidavit to the board
42 that the licensee ~~or certificate holder~~ is not currently engaged in the
43 practice of physical therapy or working as a physical therapist assistant
44 in this state, is in good standing with the board and has paid all fees
45 required by this chapter.

1 B. During the period of inactive status pursuant to subsection A ~~OF~~
2 ~~THIS SECTION~~, the inactive licensee ~~or certificate holder~~ may not engage
3 in the practice of physical therapy or work as a physical therapist
4 assistant in this state.

5 C. A licensee ~~or certificate holder~~ on inactive status must renew
6 the inactive license ~~or certificate~~ every two years using the same
7 schedule for renewal of an active license ~~or certificate~~. The board by
8 rule shall prescribe the fee for the renewal of an inactive license ~~or~~
9 ~~certificate~~.

10 D. An inactive licensee ~~or certificate holder~~ who applies to the
11 board for reinstatement to active licensure ~~or certification~~ within three
12 years after the date the board issues a notice of inactive status must
13 submit the full annual ~~license~~ renewal fee and prove to the board's
14 satisfaction that the licensee ~~or certificate holder~~ has met continuing
15 competence requirements as prescribed by the board by rule.

16 E. An inactive licensee ~~or certificate holder~~ who applies to the
17 board for reinstatement to active licensure ~~or certification~~ and who has
18 not been actively engaged in the practice of physical therapy or working
19 as a physical therapist assistant in this state for more than three
20 consecutive years after the date the board issues a notice of inactive
21 status must submit the full annual ~~license~~ renewal fee and demonstrate
22 competency to the board's satisfaction by satisfying one or more of the
23 following as prescribed by the board:

24 1. Practicing or working for a specified time under an interim
25 permit.

26 2. Completing remedial courses.

27 3. Completing continuing competence requirements for the period of
28 the inactive license ~~or certificate~~.

29 4. Passing an examination.

30 Sec. 14. Section 32-2042, Arizona Revised Statutes, is amended to
31 read:

32 32-2042. Use of titles: restrictions: violation:
33 classification

34 A. A physical therapist shall use the letters "PT" in connection
35 with the physical therapist's name or place of business to denote
36 licensure under this chapter. A physical therapist on retired status
37 shall use "(retired)" or "(ret.)" after the letters "PT" in connection
38 with the physical therapist's name or place of business to denote the
39 physical therapist's retired status pursuant to section 32-2031.

40 B. A physical therapist assistant shall use the letters "PTA" in
41 connection with that person's name to denote ~~certification~~ LICENSURE
42 pursuant to this chapter. A physical therapist assistant on retired
43 status shall use "(retired)" or "(ret.)" after the letters "PTA" in
44 connection with the physical therapist assistant's name or place of

1 business to denote the physical therapist assistant's retired status
2 pursuant to section 32-2031.

3 C. A person or business entity or its employees, agents or
4 representatives shall not use in connection with that person's name or the
5 name or activity of the business the words "physical therapy", "physical
6 therapist", "physiotherapy", "physiotherapist" or "registered physical
7 therapist", the letters "PT", "LPT", "RPT", "MPT", "DScPT" or "DPT" or any
8 other words, abbreviations or insignia indicating or implying directly or
9 indirectly that physical therapy is provided or supplied, including the
10 billing of services labeled as physical therapy, unless these services are
11 provided by or under the direction of a physical therapist who is licensed
12 pursuant to this chapter. A person or entity that violates this
13 subsection is guilty of a class 1 misdemeanor.

14 D. A person or business entity shall not advertise, bill or
15 otherwise promote a person who is not licensed pursuant to this chapter as
16 being a physical therapist or offering physical therapy services.

17 E. A person shall not use the title "physical therapist assistant"
18 or use the letters "PTA" in connection with that person's name or any
19 other words, abbreviations or insignia indicating or implying directly or
20 indirectly that the person is a physical therapist assistant unless that
21 person is ~~certified~~ LICENSED as a physical therapist assistant pursuant to
22 this chapter. A person who violates this subsection is guilty of a
23 class 1 misdemeanor.

24 Sec. 15. Section 32-2043, Arizona Revised Statutes, is amended to
25 read:

26 32-2043. Supervision; patient care management

27 A. A physical therapist is responsible for patient care given by
28 assistive personnel, STUDENT PHYSICAL THERAPISTS AND STUDENT PHYSICAL
29 THERAPIST ASSISTANTS under the physical therapist's supervision. A
30 physical therapist may delegate to assistive personnel and supervise
31 selected acts, tasks or procedures that fall within the scope of physical
32 therapy practice but that do not exceed the education or training of the
33 assistive personnel.

34 B. A physical therapist assistant ~~certified WHO IS LICENSED~~
35 pursuant to this chapter may ~~perform selected interventions~~ PROVIDE
36 PHYSICAL THERAPY SERVICES under the general supervision of a physical
37 therapist WHO IS licensed pursuant to this chapter.

38 C. A physical therapy aide and other assistive personnel shall
39 perform designated routine tasks only under the on-site supervision of a
40 licensed physical therapist ~~who is present in the facility~~.

41 D. A licensed physical therapist must provide on-site supervision
42 of an interim permit holder.

43 E. A physical therapist student and a physical therapist assistant
44 student must practice under the on-site supervision of a licensed physical
45 therapist.

1 F. A physical therapist is responsible for managing all aspects of
2 the physical therapy care of each patient. A physical therapist must
3 provide:

- 4 1. The initial evaluation of and documentation for a patient.
- 5 2. Periodic reevaluation of and documentation for a patient.
- 6 3. The documented discharge of a patient, including the response to
7 therapeutic intervention at the time of discharge.

8 G. A physical therapist must verify the qualifications of physical
9 therapist assistants and other assistive personnel under the physical
10 therapist's direction and supervision.

11 H. For each patient on each date of service, a physical therapist
12 must provide and document all of the therapeutic intervention that
13 requires the expertise of a physical therapist ~~and must determine the use~~
~~of physical therapist assistants and other assistive personnel~~ to ensure
15 the delivery of care that is safe, effective and efficient. Documentation
16 for each date of service must be as prescribed by the board by rule.

17 I. A physical therapist assistant must document care provided but
18 may do so without the ~~co-signature~~ COSIGNATURE of the supervising physical
19 therapist if the physical therapist complies with the requirements of
20 subsections G and H **OF THIS SECTION**.

21 J. A physical therapist's responsibility for patient care
22 management includes accurate documentation and billing of the services
23 provided.

24 Sec. 16. Section 32-2044, Arizona Revised Statutes, is amended to
25 read:

26 32-2044. Grounds for disciplinary action

27 The following are grounds for disciplinary action:

- 28 1. Violating this chapter, board rules or a written board order.
- 29 2. Practicing or offering to practice beyond the scope of the
30 practice of physical therapy.
- 31 3. Obtaining or attempting to obtain a license ~~or certificate~~ by
32 fraud or misrepresentation.
- 33 4. Engaging in the performance of substandard care by a physical
34 therapist due to a deliberate or negligent act or failure to act
35 regardless of whether actual injury to the patient is established.
- 36 5. Engaging in the performance of substandard care by a physical
37 therapist assistant, including exceeding the authority to perform tasks
38 selected and delegated by the supervising licensee regardless of whether
39 actual injury to the patient is established.
- 40 6. Failing to supervise assistive personnel, physical therapy
41 students or interim permit holders in accordance with this chapter and
42 rules adopted pursuant to this chapter.
- 43 7. Conviction of a felony, whether or not involving moral
44 turpitude, or a misdemeanor involving moral turpitude. In either case
45 conviction by a court of competent jurisdiction is conclusive evidence of

1 the commission and the board may take disciplinary action when the time
2 for appeal has lapsed, when the judgment of conviction has been affirmed
3 on appeal or when an order granting probation is made suspending the
4 imposition of sentence, irrespective of a subsequent order. For the
5 purposes of this paragraph, "conviction" means a plea or verdict of guilty
6 or a conviction following a plea of nolo contendere.

7 8. Practicing as a physical therapist or working as a physical
8 therapist assistant when physical or mental abilities are impaired by
9 disease or trauma, by the use of controlled substances or other
10 habit-forming drugs, chemicals or alcohol or by other causes.

11 9. Having had a license or certificate revoked or suspended or
12 other disciplinary action taken or an application for licensure or
13 certification refused, revoked or suspended by the proper authorities of
14 another state, territory or country.

15 10. Engaging in sexual misconduct. For the purposes of this
16 paragraph, "sexual misconduct" includes:

17 (a) Engaging in or soliciting sexual relationships, whether
18 consensual or nonconsensual, while a provider-patient relationship exists.

19 (b) Making sexual advances, requesting sexual favors or engaging in
20 other verbal conduct or physical contact of a sexual nature with patients.

21 (c) Intentionally viewing a completely or partially disrobed
22 patient in the course of treatment if the viewing is not related to
23 patient diagnosis or treatment under current practice standards.

24 11. Directly or indirectly requesting, receiving or participating
25 in the dividing, transferring, assigning, rebating or refunding of an
26 unearned fee or profiting by means of any credit or other valuable
27 consideration such as an unearned commission, discount or gratuity in
28 connection with the furnishing of physical therapy services. This
29 paragraph does not prohibit the members of any regularly and properly
30 organized business entity recognized by law and composed of physical
31 therapists from dividing fees received for professional services among
32 themselves as they determine necessary to defray their joint operating
33 expense.

34 12. Failing to adhere to the recognized standards of ethics of the
35 physical therapy profession.

36 13. Charging unreasonable or fraudulent fees for services performed
37 or not performed.

38 14. Making misleading, deceptive, untrue or fraudulent
39 representations in violation of this chapter or in the practice of the
40 profession.

41 15. Having been adjudged mentally incompetent by a court of
42 competent jurisdiction.

43 16. Aiding or abetting a person who is not licensed ~~or certified~~ in
44 this state and who directly or indirectly performs activities requiring a
45 license ~~or certificate~~.

1 17. Failing to report to the board any direct knowledge of an
2 unprofessional, incompetent or illegal act that appears to be in violation
3 of this chapter or board rules.

4 18. Interfering with an investigation or disciplinary proceeding by
5 failing to cooperate, by wilful misrepresentation of facts or by the use
6 of threats or harassment against any patient or witness to prevent the
7 patient or witness from providing evidence in a disciplinary proceeding or
8 any legal action.

9 19. Failing to maintain patient confidentiality without prior
10 written consent of the patient or unless otherwise required by law.

11 20. Failing to maintain adequate patient records. For the purposes
12 of this paragraph, "adequate patient records" means legible records that
13 comply with board rules and that contain at a minimum an evaluation of
14 objective findings, a diagnosis, the plan of care, the treatment record, a
15 discharge summary and sufficient information to identify the patient.

16 21. Promoting an unnecessary device, treatment intervention or
17 service for the financial gain of the practitioner or of a third party.

18 22. Providing treatment intervention unwarranted by the condition
19 of the patient or treatment beyond the point of reasonable benefit.

20 23. Failing to report to the board a name change or a change in
21 business or home address within thirty days after that change.

22 24. Failing to complete continuing competence requirements as
23 established by the board by rule.

24 25. Failing to demonstrate professional standards of care and
25 training and education qualifications, as established by the board by
26 rule, in the performance of dry needling when provided as a therapeutic
27 modality.

28 Sec. 17. Section 32-2046, Arizona Revised Statutes, is amended to
29 read:

30 32-2046. *Informal and formal hearings*

31 A. The board may request an informal hearing with a licensee, ~~a~~
32 ~~certificate holder~~ or any unlicensed person in order to further its
33 investigation or to resolve a complaint.

34 B. If at an informal hearing the board finds a violation of this
35 chapter has occurred that constitutes grounds for disciplinary action, it
36 may take any disciplinary actions prescribed in section 32-2047, paragraph
37 1, 2 or 6, except that a civil penalty may not exceed ~~five hundred dollars~~
38 ~~\$500~~.

39 C. If the results of an informal hearing indicate that suspension,
40 revocation or a civil penalty might be in order, the board shall notify
41 the subject of the investigation of the time and place for a hearing
42 pursuant to title 41, chapter 6, article 10.

43 D. In lieu of or in addition to an informal hearing as provided in
44 subsection A of this section, the board may serve on a licensee ~~or a~~
45 ~~certificate holder~~ a summons and complaint setting forth the grounds for

1 disciplinary action and notice of a hearing to be held before the board at
2 least thirty days after the date of the notice. The notice shall state
3 the time and place of the hearing.

4 E. A motion for rehearing or review of the board's decision in a
5 disciplinary action shall be filed pursuant to title 41, chapter 6,
6 article 10.

7 F. The service of a summons and complaint and the service of a
8 subpoena shall be as provided for service in civil cases.

9 G. If a person disobeys a subpoena, the board may petition the
10 superior court for an order requiring appearance or the production of
11 documents.

12 Sec. 18. Section 32-2047, Arizona Revised Statutes, is amended to
13 read:

14 **32-2047. Disciplinary actions: penalties**

15 On proof that any grounds prescribed in section 32-2044 have been
16 violated or that any requirements **PRESCRIBED** in section 32-2030 have been
17 violated, the board may take the following disciplinary actions singly or
18 in combination:

19 1. Issue a decree of censure.

20 2. Restrict a license, **certificate** or registration. The board may
21 require a licensee, **certificate holder** or registrant to report regularly
22 to the board on matters related to the grounds for the restricted license
or certificate OR REGISTRATION.

23 3. Suspend a license, **certificate** or registration for a period
24 prescribed by the board.

25 4. Revoke a license, **certificate** or registration.

26 5. Refuse to issue or renew a license, **certificate** or registration.

27 6. Impose a civil penalty of at least **two hundred fifty dollars**
28 **\$250** but not more than **ten thousand dollars** **\$10,000** for each violation of
29 this chapter. In addition, the board may assess and collect the
30 reasonable costs incurred in a disciplinary hearing when action is taken
31 against a person's license **or certificate**.

32 7. Accept a voluntary surrendering of a license, **certificate** or
33 registration pursuant to an order of consent by the board.

34 Sec. 19. Section 32-2050, Arizona Revised Statutes, is amended to
35 read:

36 **32-2050. Substance abuse recovery program**

37 In lieu of a disciplinary proceeding prescribed by this article, the
38 board may **permit ALLOW** a licensee **or certificate holder** to actively
39 participate in a **board approved BOARD-APPROVED** substance abuse recovery
40 program if:

41 1. The board has evidence that the licensee **or certificate holder**
42 is an impaired professional.

1 2. The licensee ~~or certificate holder~~ has not been convicted of a
2 felony relating to a controlled substance in a court of law of the United
3 States or any other territory or country.

4 3. The licensee ~~or certificate holder~~ enters into a written
5 agreement with the board for a restricted license and complies with all of
6 the terms of the agreement, including making satisfactory progress in the
7 program and adhering to any limitations on the licensee's practice imposed
8 by the board to protect the public. Failure to enter into such an
9 agreement shall activate an immediate investigation and disciplinary
10 proceedings by the board.

11 4. As part of the agreement established between the licensee ~~or~~
12 ~~certificate holder~~ and the board, the licensee ~~or certificate holder~~ signs
13 a waiver allowing the substance abuse program to release information to
14 the board if the licensee ~~or certificate holder~~ does not comply with the
15 requirements of this section or is unable to practice with reasonable
16 skill or safety.

17 Sec. 20. Section 32-2051, Arizona Revised Statutes, is amended to
18 read:

19 32-2051. Rights of consumers

20 A. The public has access to the following information:

21 1. A list of licensees and interim permit holders that includes the
22 licensee's and interim permit holder's place of practice, license or
23 interim permit number, date of license or interim permit expiration and
24 status of license or interim permit.

25 2. A list of physical therapist assistants ~~certified WHO ARE~~
26 LICENSED in this state, including place of employment, ~~certificate~~ LICENSE
27 number, date of ~~certificate~~ LICENSE expiration and status of ~~certificate~~
28 LICENSE.

29 3. Public records.

30 B. The home addresses and telephone numbers of physical therapists
31 and physical therapist assistants are not public records and shall be kept
32 confidential by the board unless they are the only addresses and telephone
33 numbers of record.

34 C. If a referring practitioner is deriving direct or indirect
35 compensation from the referral to physical therapy, the physical therapist
36 shall disclose this information in writing to the patient.

37 D. A physical therapist shall disclose in writing to a patient any
38 financial interest in products the physical therapist endorses and
39 recommends to the patient and shall document this disclosure in the
40 patient's record.

41 E. A physical therapist shall ensure that each patient understands
42 that the patient has freedom of choice in services and products.

43 F. Information relating to the physical therapist-patient
44 relationship is confidential and shall not be communicated to a third
45 party who is not involved in that patient's care without the prior written

1 consent of the patient. The physical therapist shall divulge to the board
2 information it requires in connection with any investigation, public
3 hearing or other proceeding. The physical therapist-patient privilege
4 does not extend to cases in which the physical therapist has a duty to
5 report information as required by law. The confidentiality requirements
6 and privileges of this subsection also apply to physical therapist
7 assistants.

8 G. Each licensee ~~and certificate holder~~ shall display a copy of the
9 license ~~or certificate~~ and current renewal verification in a location
10 accessible to public view at the licensee's place of practice. If the
11 licensee ~~or certificate holder~~ is unable to display the
12 license, ~~certificate~~ or current renewal verification, the licensee ~~or~~
13 ~~certificate holder~~ must produce that documentation on request.

14 H. The board shall keep all information relating to the receipt and
15 investigation of complaints filed against a licensee ~~or certificate holder~~
16 confidential unless the information is disclosed in the course of the
17 investigation or any subsequent proceeding or if that information is
18 required to be disclosed by law.

19 I. The following are confidential and are not available to the
20 public:

21 1. Patient records, including clinical records, ~~PATIENT~~ files, ~~— AND~~
22 any report or oral statement relating to a diagnostic finding or treatment
23 of a patient.

24 2. Any information from which a patient or a patient's family might
25 be identified.

26 3. Information received and records or reports kept by the board as
27 a result of an investigation made pursuant to this chapter.

28 Sec. 21. Physical therapist assistants: licensure

29 A physical therapist assistant who is certified pursuant to title
30 32, chapter 19, Arizona Revised Statutes, on the effective date of this
31 act may retain the certification until renewal, at which time the board of
32 physical therapy shall issue a license.