

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  
35 ~~musculoskeletal~~ imaging ~~consisting of plain film radiographs~~.

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

38           (i) Therapeutic exercise.

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

41           (iii) Manual therapy techniques.

42           (iv) Therapeutic massage.

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

45           (vi) Pulmonary hygiene.

- 1 (vii) Debridement and wound care.
- 2 (viii) Physical agents or modalities.
- 3 (ix) Mechanical and electrotherapeutic modalities.
- 4 (x) Patient related instruction.
- 5 (c) Reducing the risk of injury, impairments, functional
- 6 limitations and disability by means that include promoting and maintaining
- 7 a person's fitness, health and quality of life.
- 8 (d) Engaging in administration, consultation, education and
- 9 research.

10 ~~14. "Restricted certificate" means a certificate on which the board~~

11 ~~places any restrictions as the result of a disciplinary action.~~

12 ~~15.~~ 14. "Restricted license" means a license on which the board

13 places restrictions or conditions, or both, as to the scope of practice,

14 place of practice, supervision of practice, duration of licensed status or

15 type or condition of a patient to whom the licensee may provide services.

16 ~~16.~~ 15. "Restricted registration" means a registration on which

17 the board places any restrictions as the result of disciplinary action.

18 16. "STUDENT PHYSICAL THERAPIST" MEANS A PERSON WHO IS ENROLLED IN

19 A DOCTOR OF PHYSICAL THERAPY PROGRAM THAT IS ACCREDITED BY OR HAS

20 CANDIDATE STATUS BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY

21 EDUCATION.

22 17. "STUDENT PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS

23 ENROLLED IN AN ACADEMIC PHYSICAL THERAPIST ASSISTANT PROGRAM THAT IS

24 ACCREDITED BY OR HAS CANDIDATE STATUS BY THE COMMISSION ON ACCREDITATION

25 IN PHYSICAL THERAPY EDUCATION.

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

27 read:

28 32-2002. Board of physical therapy; membership; appointment;

29 qualifications; terms; removal; reimbursement;

30 immunity

31 A. The board of physical therapy is established consisting of

32 members appointed by the governor pursuant to section 38-211. Four

33 members shall be physical therapists who are residents of this state,

34 possess an unrestricted license to practice physical therapy in this state

35 and have been practicing in this state for at least five years before

36 their appointment. One member shall be a physical therapist assistant who

37 is a resident of this state, possesses an unrestricted ~~certificate~~ LICENSE

38 issued pursuant to this chapter and has been performing selected

39 interventions in this state for at least five years before the person's

40 appointment. The governor shall also appoint two public members who are

41 residents of this state and who are not affiliated with, and do not have a

42 financial interest in, any health care profession but who have an interest

43 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.

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

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

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

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

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

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

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

17. Establish and collect fees.

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

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

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

32-2022. Qualifications for licensure; fingerprint clearance card

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

1. Complete the application process.

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

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

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

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

B. An applicant for a license as a physical therapist who has been 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~~  
23 ~~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~~  
14 ~~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  
23 ~~or certificate~~ OR REGISTRATION.

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

26 4. Revoke a license, ~~certificate~~ or registration.

27 5. Refuse to issue or renew a license, ~~certificate~~ or registration.

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

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

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

37 32-2050. Substance abuse recovery program

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

42 1. The board has evidence that the licensee ~~or certificate holder~~  
43 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.