ARKANSAS STATE BOARD OF PHYSICAL THERAPY
RULES AND REGULATIONS

I. Officers and Meetings

A. Officers shall:

1. Consist of a chairperson and a secretary/treasurer, each of whom shall have the privilege of re-election.

2. Officers shall be elected annually in July, unless otherwise determined by the Board.

B. Duties of Officers:

1. The chairperson shall:

   a. Call and preside at all meetings. In the absence of the chairperson, he/she shall designate a member to preside.

   b. Be custodian of all records or designate a custodian of all records.

   c. Delegate duties to Board members.

   d. Vote on all issues.

2. The secretary/treasurer shall:

   a. Ensure that accurate minutes of each meeting are kept and distributed to each Board member.

   b. Supervise disbursement of Board funds.

C. The location of the office of the Board shall be designated by the Board.

D. Meetings:

1. Special meetings may be called at the discretion of the chairperson, or by two members of the Board, provided that all members are adequately notified.

2. All meetings shall be conducted pursuant to the Arkansas Freedom of Information Act and disciplinary proceedings shall be conducted in accordance with the Arkansas Administrative Procedures Act.

3. Three (3) members shall constitute a quorum.

4. A majority vote of a quorum carries.

E. Information for Public Guidance:

1. The Board makes available a list of persons holding certain responsibilities for handling FOIA requests, licensing questions, and complaints against licensees so

that the public may obtain information about the Board or make submissions or requests. The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the Board's website at www.arptb.org.

2. The Board has a list of official forms used by the Board and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions and opinions resulting from adjudications, which may be obtained from the Board's office or website.

II. Definitions

For purposes of Arkansas Code 17-93-101 – 17-93-312 and these Rules and Regulations, the following terms shall mean:

1. Mobilization is a passive movement accomplished within the normal range of motion of the joint. It is a manual therapy technique comprising a continuum of skilled passive movements to the joints and/or related soft tissues that are applied at varying speeds and amplitudes, including a small-amplitude/high-velocity therapeutic movement.

2. Readily available for consultation is the ability to be reached in person or by telecommunications within 30 minutes.

3. Spinal manipulation and adjustment is movement of the spinal joints beyond the normal range of motion.

III. Application for Licensure

A. An individual who plans to practice as a Physical Therapist or Physical Therapist Assistant must secure a license prior to practicing in the state.

B. Credentials required for application for initial licensure are to be submitted to the Arkansas State Board of Physical Therapy as follows:

   1. An official transcript mailed from the Office of the Registrar of a professional physical therapy /physical therapist assistant education program accredited by a national accreditation agency approved by the Board is required. An official certification of graduation from a professional physical therapy program shall be sufficient to allow the applicant to take the licensure exam.

   2. Official application from the Arkansas State Board of Physical Therapy filled out by the applicant and notarized.

   3. Application requirements must be completed and received by the Board prior to being approved to take the examinations.

C. Applicants who are currently licensed in another state or territory, and are requesting same in Arkansas by endorsement, shall submit:

   1. Official application from the Arkansas State Board of Physical Therapy filled out by the applicant and notarized.

   2. Previous test scores sent directly by the official reporting agency.

   3. Verification of licensure from each state or territory where currently licensed.

4. Official transcript mailed from Office of the Registrar of a physical therapy /physical therapist assistant education program accredited by a national accreditation agency approved by the Board.

D. All applicants shall pay the required fees. Refer to attached fee schedule.

E. All applicants must pass a jurisprudence exam approved by the Arkansas State Board of Physical Therapy.

F. In addition to any other requirements established by regulation, the Board may require an applicant, as a condition for eligibility for initial licensure in Arkansas:

1. to submit a full set of fingerprints, in a form and manner prescribed by the Board;
2. to authorize the board to obtain state and national criminal history record information on the applicant.

In accordance with the provisions and procedures prescribed by this section, the Board may request and obtain state and national criminal history record information from the Arkansas State Police and the FBI relative to any applicant for licensure whose fingerprints the Board has obtained pursuant to this section for the purpose of determining the applicant's suitability and eligibility for licensure. The applicant is responsible for all fees required for the criminal history records check.

IV. Methods of Licensure

A. Licensure by Endorsement

1. Each applicant shall be considered on individual qualifications.

2. Requirements of the jurisdiction in which currently licensed must be at least equal to Arkansas requirements, including test scores.

3. Each applicant must pass a jurisprudence examination approved by the Arkansas State Board of Physical Therapy.

4. The applicant may be required to be interviewed by the Board if his/her credentials, requirements of licensure in another jurisdiction, or current professional capabilities are in question.

5. An applicant to whom the Board refused endorsement may request a hearing before the Board.

6. Applicants who have taken the national licensure examination prior to February, 1991, will be required to have achieved a minimum score of 1.5 standard deviations below the national average on the raw score of individual parts as well as the total. Applicants who have taken the national licensure examination on or after February, 1991 and prior to March of 1996 will be required to have achieved a minimum score of 1.5 standard deviations below the national average on the total raw score. For each examination given on or after March, 1996, a passing score will be established by the Board using criterion referenced scoring.

B. Licensure by Examination

1. Applicants who comply with qualifications in accordance with the Arkansas Physical Therapy Practice Act shall be permitted to sit for examination. (See Ark. Code Ann. §17-93-303)

2. Form of Examination

    a. The examination for the Physical Therapist or Physical Therapist Assistant shall be the appropriate level examination procured from an examination service approved by the Arkansas State Board of Physical Therapy.

    b. The examination will be administered at an approved agency. Written guidelines and procedures will be provided at time of application.

    c. The examination must be completed by the date provided by the testing entity or the fee will be forfeited.

3. Passing Level

    a. For each examination given on or after March, 1996, a passing score will be established by the Board using criterion referenced scoring.

4. Scoring and Reporting of Examinations

    a. Results of the examinations will be kept on file by the Board.

    b. Examination scores will be reported directly to each candidate by the Board.

5. Failure to Pass Examination

    a. A candidate who fails to pass the Examination will be notified. The candidate is ineligible to practice in Arkansas as a Physical Therapist or a Physical Therapist Assistant until the examination is passed.

    b. Upon payment of an appropriate fee, applicants who do not pass the examination after the first attempt may re-take the examination one (1) additional time without re-application for licensure. This must occur within six (6) months from the first failure.

    c. Prior to being approved by the Board for each subsequent test beyond two (2) attempts, individuals shall re-apply and demonstrate evidence satisfactory to the Board of having successfully completed additional education. The amount of education is set forth in the attached chart. To be eligible to register for the exam again, the applicant must submit a letter that identifies the area(s) of weakness and describes the plan that addresses the weakness(s). The letter must be accompanied by proof that the additional education has been successfully completed. Additional education may be one or more of the following:

        1. A commercial review course.

        2. An individual tutorial. The completed tutorial must be signed by the tutor and include the tutor's curriculum vitae. If the applicant is applying for a PT license, the tutor must be a licensed PT. If the

applicant is applying for a PTA license, the tutor must be a licensed PT, or a licensed PTA.

ADDITIONAL EDUCATION REQUIREMENTS
FOR LICENSURE APPLICANTS WHO FAIL THE NATIONAL EXAMINATION

Requirements based on: 1) number of failures AND 2) exam score (passing =600)		Additional Education Requirement Hours
A. Applicants who fail the exam 2 or 3 times		
PT…..599 – 586 PT…..585 – 566 PT…..565 & below	PTA…..599 – 584 PTA…..583 – 560 PTA…..560 & below	25 hours 40 hours 80 hours
B. Applicants who fail the exam 4 or more times		
PT…..599 – 586 PT…..585 – 566 PT…..565 & below	PTA…..599 – 584 PTA…..583 – 560 PTA…..560 & below	50 hours 80 hours 160 hours

d. Limits on the number of times an applicant may sit for the exam may be determined by the examination service approved by the Board.

V. Foreign-educated Physical Therapists & Physical Therapist Assistants

A. The foreign-educated Physical Therapist or Physical Therapist Assistant is required to be eligible for licensure or authorized to practice without limitation in their home country. The applicant must provide written proof that the applicant's school of physical therapy is recognized by its own ministry of education or equivalent agency.

B. Any foreign-educated Physical Therapist or Physical Therapist Assistant who plans to practice in Arkansas shall submit all credentials set forth in Section III of these regulations.

C. The foreign-educated Physical Therapist or Physical Therapist Assistant must also submit the following:

1. Credentials evaluation statement from a credentials evaluation agency approved by the Board.

2. Results from an English proficiency examination. Both the examination and acceptable score on examination must be approved by the Board. The test must include both written and oral sections.

VI. Recording and Renewals

A. Licenses must be renewed annually by March 1. Physical Therapists and Physical Therapist Assistants who have not paid annual renewal fees by March 1 are in violation of the Practice Act and shall not engage in practice. (Reference 17-93-311). Practice without a valid license is subject to a fine of up to $1,000 per day. Late renewals are allowed by paying a late fee as determined by the Board.

B. It is the responsibility of the individual to notify the Board of an address change in writing. The licensee is required to provide written notice to the Board of any change of address within ten working days of the change.

C. Unrenewed licenses lapse after March 1. To return to regular status, the previous year's continuing education requirements must be met and a reinstatement fee must be paid. Licenses reactivated after lapsing will be assessed a late charge in addition to the renewal fee.

D. Individuals wishing to be placed on inactive status must submit a written request to the Board. To return to regular status, the previous year's continuing education requirements must be met and a reinstatement fee must be paid. Licenses reactivated after being placed on inactive status will be assessed a late charge in addition to the renewal fee.

1. A Physical Therapist or Physical Therapist Assistant on inactive status may not engage in the provision of physical therapy services.

2. To return to active status, the applicant must demonstrate completion of delinquent continuing education requirements up to four (4) units (40 contact hours) for a Physical Therapist and up to two (2) units (20 contact hours for a Physical Therapist Assistant, and pay the annual license fee, and a reinstatement fee as outlined in Section VII.

E. Physical Therapists and Physical Therapist Assistants will be required to complete appropriate continuing education, which includes passing a jurisprudence examination approved by the Arkansas State Board of Physical Therapy for renewal in odd numbered years.

VII. Fees and Penalties (Current Fee Schedule Attached)

A. Physical Therapists shall be required to pay fees not to exceed the following:
Examination Fee - determined by and paid directly to approved agency/ies.
Application Fee - $100
Endorsement- $250
Annual Renewals - $150
Late Fee - $100 per month
Jurisprudence Examination Fee - $50.00
Reinstatement Fee - $75
Criminal Background Check – determined by and paid directly to approved agency/ies.

B. Physical Therapist Assistants shall be required to pay fees not to exceed the following
Examination Fee - determined by and paid directly to approved agency/ies.
Application Fee - $100
Endorsement - $200
Annual Renewals - $125
Late Fee - $100 per month

Jurisprudence Examination Fee - $25.00
Reinstatement Fee - $50
Criminal Background Check – determined by and paid directly to approved agency/ies.

C. Physical Therapists or Physical Therapist Assistants who have not paid annual renewal fees by March 1 will be allowed to renew by paying a late fee of $100 per month.

D. Continuing Education Approval Fee for Sponsors - $100.00
Continuing Education Approval Fee for Licensees - $20.00

VIII. Disciplinary Action

A. The Board may refuse to license, refuse to renew a license, revoke a license, and/or take other disciplinary action as provided by law regarding any Physical Therapist or Physical Therapist Assistant who is guilty of any of the acts as set forth in Section 17-93-308 of the Arkansas Physical Therapy Practice Act. Unprofessional conduct pursuant to Ark. Code Ann. Section 17-93-308(a) (3), shall include but not be limited to the following:

1. Engaging in any type of sexual conduct of a verbal or physical nature or engaging in a sexual/romantic relationship, including, but not limited to kissing, sexual contact, and sexual intercourse, with a current patient or with any person who was treated as a patient within the preceding six months. A patient's consent to, initiation of, or participation in the sexual contact or sexual/romantic relationship does not change the nature of the conduct nor the prohibition. This provision shall not prohibit a Physical Therapist or Physical Therapist Assistant from treating any person with whom there has been a preexisting sexual or romantic relationship.

2. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

3. Failing to adhere to the recognized standards of ethics of the physical therapy profession.

4. Charging unreasonable or fraudulent fees for services performed or not performed.

5. Failing to report to the Board any act or omission of a license holder, applicant or any other person who violates the provisions of the Arkansas Physical Therapy Act, as amended.

B. Each facility offering physical therapy services shall be required to publicly display the name and address of the Arkansas State Board of Physical Therapy.

C. Any person may file a complaint in writing to the Board against any licensed Physical Therapist or Physical Therapist Assistant or unlicensed person in this state, charging said person with having violated the provisions of any part of the Arkansas Physical Therapy Practice Act. The Board may act upon its own motion or upon written complaint. The person named in the complaint will be notified and a response from that individual will be requested.

D. Duty of a Sanctioned Professional
In every case in which a professional's license is revoked, suspended, or surrendered, the professional must immediately return his or her license and any pocket cards to the

Board's office. Additionally they shall, within thirty (30) days of the revocation, suspension or surrender, do the following:

1. Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;

2. Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;

3. Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

4. Refund any part of the fees paid in advance that have not been earned;

5. Keep and maintain a record of the steps taken to accomplish the foregoing;

6. File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the Board will notify those entitled of the revocation, suspension, or surrender; and

7. File an affidavit with the Board that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

E. Re-Licensure for Revoked or Surrendered License

1. No individual who has had his or her license revoked or who has surrendered his or her license will be re-licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least five years after the revocation or surrender of license took effect.

2. The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of his or her license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and that he or she is otherwise qualified for the license pursuant to Arkansas Code 17-93-101 – 17-93-312.

3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

4. The Board may require that the person seeking re-licensure take the licensing examination and/or jurisprudence examination.

IX. Physical Therapist Assistant Supervision

A. The practice of the Physical Therapist Assistant shall be performed only under the supervision of the licensed Physical Therapist who retains moral, ethical, and legal responsibility for patient care.

B. The supervising therapist must be readily available for consultation, evaluations, and establishment of each program.

C. In direct consultation with the (supervising) Physical Therapist, the Physical Therapist Assistant may:

1. Recommend changes in the treatment, plan of care or goals as appropriate.

2. Within the plan of care, recommend appropriate equipment, assistive devices or modification of architectural barriers.

3. Within the plan of care, perform appropriate examination procedures.

D. The Physical Therapist Assistant may alter treatment in response to adverse changes in the patient's physiological state.

X. Physical Therapy Aide Functions

A. The functions of the Physical Therapy Aide may be performed under the direct supervision of a Physical Therapist or Physical Therapist Assistant. However, the Physical Therapist shall retain moral, ethical and legal responsibility for patient care.

B. A Physical Therapy Aide must receive inservice training by a Physical Therapist or Physical Therapist Assistant. Once the aide is trained in treatments which can be completed within the realm of inservice as determined by a Physical Therapist, he/she may perform treatments only under direct on-site supervision by a Physical Therapist and/or Physical Therapist Assistant.

C. The Physical Therapy Aide may not:

1. change any treatment;

2. perform evaluative and assessment procedures;

3. alter a plan of care or goals.

XI. Continuing Education Requirements

A. The licensed Physical Therapist must complete, by December 31, in each biennium, two (2) CEUs. CEUs are required to be submitted prior to odd numbered year renewals.

B. The licensed Physical Therapist Assistant must complete, by December 31, in each biennium, one (1) CEU. CEUs are required to be submitted prior to odd numbered year renewals.

C. Qualifying Continuing Education Units

1. One CEU is defined as 10 contact hours of an accredited course or program. A contact hour is equal to 60 minutes actual time in a seminar or workshop. Program content must be of clinical application, clinical management, behavioral science, or science.

A. No more than 50% of continuing education can be taken through online courses.

B. PTs and PTAs will be required to pass a jurisprudence exam approved by the Board as part of the required continuing education. The jurisprudence examination is counted as an online course.

2. Program content and CEUs accreditation must be approved by the Board or a Board-approved entity. Proof of continuing education and a completed "Continuing Education Units" form must be submitted to the Board for approval of a program for CEUs within 60 days after course completion. Proof of CEUs may be copies of the original completion certificate. Proof of college courses completed for CEUs is a transcript or grade report.

3. College or university courses in the area of clinical application, clinical management, behavioral science, science, or scientific research may be accepted. Courses will be credited one (1) CEU for each satisfactorily completed credit hour (grade C or higher). A "Continuing Education Units" form and a transcript or grade report must be submitted to the Board office.

4. An article or research which has been published may be submitted to the Board for consideration of up to one-half the biennium CEU requirement. This request, along with the publication must be presented to the Board office. The article or research must be approved by the Board.

5. The Board will not accept as qualifying CEUs previously submitted credit hours.

D. Failure to Comply

A. Licensees failing to complete the CEU requirement by December 31 of the year prior to renewal must pay $50.00 per month penalty until continuing education is completed and accepted by the Board. Licensees failing to comply with the CEU requirement by license renewal deadline will not receive license renewal and may not engage in the provision of physical therapy services.

XII. Declaratory Orders

A. Purpose and Use of Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the Board. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

B. The Petition

The process to obtain a declaratory order is begun by filing with the Arkansas State Board of Physical Therapy a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order Before the Arkansas State Board of Physical Therapy.

2. The name, address, telephone number, and facsimile number of the petitioner.

3. The name, address, telephone number, and facsimile number of the attorney of the petitioner.

4. The statutory provision(s), Board rule(s), or Board order(s) on which the declaratory order is sought.

5. A description of how the statues, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue or which petitioner seeks a declaratory order.

6. The signature of the petitioner or petitioner's attorney.

7. The date.

8. Request for hearing, if desired.

C. Board Disposition

1. The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with A.C.A. §25-15-208, §25-15-213 and the Board's rules for adjudicatory hearings.

2. The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

XIII. **Amendments to these rules and regulations** may be proposed by presenting the amendments in writing at any meeting of the Board. If the proposed amendment receives a majority vote of the Board, then the procedures for adoption outlined in the Administrative Procedures Act shall be followed.

Current Fee Schedule

Examination Fee (paid to FSBPT)	$400.00 (beginning 01/01/15)	PT and PTA
Testing Center Fee	Determined by and paid to Prometric	
Initial Application Fee	$ 50.00	PT and PTA
Endorsement	$160.00	PT
Endorsement	$110.00	PTA
Annual Renewals	$75.00	PT
Annual Renewals	$50.00	PTA
Annual Renewals Completed Online	$70.00	PT
Annual Renewals Completed Online	$45.00	PTA
Late Fee	$100.00 per month	PT and PTA
Reinstatement Fee	$75.00	PT
Reinstatement Fee	$50.00	PTA
Jurisprudence Exam Fee	$10.00	PT and PTA
Late Continuing Education Penalty	$50.00 per month	PT and PTA
Criminal Background Checks	Determined by and paid directly to agency/ies	