

**Title 17. Professions, Occupations, and Businesses**

**Chapter XXXIII. Arkansas State Board of Physical Therapy, Department of Health**

**Subchapter A. Generally**

**Part 175. Arkansas State Board of Physical Therapy Rules**

**Subpart 1. Generally**

**17 CAR § 175-101. Definitions.**

For purposes of the Arkansas Physical Therapy Act, Arkansas Code § 17-93-101 et seq., and this part, the following terms shall mean:

(1) "FSBPT" means the Federation of State Boards of Physical Therapy;

(2)(A) "Mobilization" means a passive movement accomplished within the normal range of motion of the joint.

(B) 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;

(3) "Readily available for consultation" means the ability to be reached in person or by telecommunications within thirty (30) minutes; and

(4) "Spinal manipulation and adjustment" means movement of the spinal joints beyond the normal range of motion.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-102. Officers and meetings.**

(a) Officers shall:

(1) Consist of a chairperson and a secretary/treasurer, each of whom shall have the privilege of reelection; and

(2) Be elected annually in July, unless otherwise determined by the Arkansas State Board of Physical Therapy.

**(b) Duties of officers.**

(1) The chairperson shall:

(A)(i) Call and preside at all meetings.

(ii) In the absence of the chairperson, he or 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; and

(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; and

(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 (2) members of the board, provided that all members are adequately notified.

(2) All meetings shall be conducted pursuant to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., and disciplinary proceedings shall be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

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

(4) A majority vote of a quorum carries.

**(e) Information for public guidance.**

(1)(A) The board makes available a list of persons holding certain responsibilities for handling Freedom of Information Act of 1967 requests, licensing questions, and complaints against licensees so that the public may obtain information about the board or make submissions or requests.

(B) The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the board's website at [www.arptb.org](http://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.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-103. Requirements 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) The board shall receive an official transcript transmitted from the Office of the Registrar, or its designee, of a professional physical therapy/physical therapist assistant education program accredited by a national accreditation agency approved by the board;

(2) The applicant shall submit an official board application that is completed in full and the contents sworn under oath as being true and correct; and

(3) Application requirements must be completed and received by the board before an applicant is approved to take the examination described in 17 CAR § 175-104(b), except that, in lieu of the official transcript described in subdivision (b)(1) of this section, an applicant may take the examination if the board can confirm through FSBPT (or another board-approved entity) that the applicant has completed all requirements for graduation.

(c) All applicants shall pay the required fees.

(d) All applicants must pass a jurisprudence exam approved by the board.

(e) The board shall require each initial applicant to submit to a background check in accordance with:

(1) Arkansas Code § 17-93-303 for physical therapist applicants; or

(2) Arkansas Code § 17-93-304 for physical therapist assistant applicants.

**(f) Prelicensure criminal background check.**

(1) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

(2) The individual must obtain the prelicensure criminal background check petition form from the board.

(3) The board will respond with a decision in writing to a completed petition within a reasonable time.

(4) The board's response will state the reason or reasons for the decision.

(5) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(6) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(7) The board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

**(g) Waiver request.**

(1) If an individual has been convicted of a felony offense, the board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

(A) Affected applicant for a license; or

(B) Individual holding a license subject to revocation.

(2) The board may grant a waiver upon consideration of the following, without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license; and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(3) A request for a waiver, if made by an applicant, must:

(A) Be in writing; and

(B) Accompany the completed application and fees.

(4) The board will:

(A) Respond with a decision in writing; and

(B) State the reasons for the decision.

(5) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(h) The board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit”.

**Authority.** Arkansas Code §§ 17-93-202, 17-93-303, 17-93-304.

### **17 CAR § 175-104. Methods of licensure.**

#### **(a) Licensure by reciprocity.**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold a substantially similar license in another United States jurisdiction.

(ii) A license from another state is substantially similar to an Arkansas physical therapist/physical therapist assistant license if the other state’s licensure qualifications require a licensee to graduate from a physical therapist/physical therapist assistant education program accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy.

(iii) The applicant shall hold his or her occupational licensure in good standing.

(iv) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(v) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(B) The applicant shall be sufficiently competent in the field of physical therapy as described in subdivision (a)(2)(D) of this section; and

(C) The applicant shall meet the Arkansas State Board of Physical Therapy's least restrictive requirements, which are described in subdivision (a)(2)(E) of this section.

**(2) Required documentation.**

(A) An applicant shall submit:

(i) A fully executed application;

(ii) The required fee; and

(iii) The documentation described below.

(B) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(i)(a) Evidence of current and active licensure in that state.

(b) The Arkansas State Board of Physical Therapy may verify this information:

(1) Online, if the jurisdiction at issue provides primary source verification on its website;

(2) By telephone to the other state's licensing board; or

(3) From FSBPT (or another Arkansas State Board of Physical Therapy-approved entity); and

(ii)(a) Evidence that the other state's licensure requirements match those listed in subdivision (a)(1)(A)(ii) of this section.

(b) The Arkansas State Board of Physical Therapy may verify this information:

(1) Online;

- (2) By telephone to the other state's licensing board; or
- (3) From FSBPT (or another Arkansas State Board of

Physical Therapy-approved entity).

(C) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(A)(iii) – (v) of this section, the applicant shall provide the Arkansas State Board of Physical Therapy with:

(i) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(ii)(a) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(A)(iv) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(A)(v) of this section.

(b) The Arkansas State Board of Physical Therapy may verify this information:

(1) Online, if the jurisdiction at issue provides primary source verification on its website; or

(2) By telephone to the other state's licensing board.

(D) As evidence that the applicant is sufficiently competent in the field of physical therapy, an applicant shall provide the Arkansas State Board of Physical Therapy with evidence from FSBPT (or another Arkansas State Board of Physical Therapy-approved entity) that a physical therapy applicant has passed the National Physical Therapy Examination (NPTE) or that a physical therapist assistant applicant has passed the NPTE-PTA.

(E) As evidence that the applicant meets the Arkansas State Board of Physical Therapy's least restrictive requirements, an applicant shall:

(i) Take and pass an Arkansas jurisprudence exam; and

(ii) Submit to a background check in accordance with:

(a) Arkansas Code § 17-93-303 for physical therapist applicants;

or

(b) Arkansas Code § 17-93-304 for physical therapist assistant applicants.

**(3) Temporary and provisional licensure.**

(A) The Arkansas State Board of Physical Therapy shall issue a temporary and provisional license upon request immediately upon receipt of the:

(i) Required fee; and

(ii) Documentation required to show that the applicant has a license from another jurisdiction that is:

(a) In good standing; and

(b) Substantially similar to an Arkansas physical therapist/physical therapist assistant license.

(B) An applicant shall submit a completed application with all required remaining documentation in order to receive a license.

(C) The temporary license shall be effective for ninety (90) days or until the Arkansas State Board of Physical Therapy makes a decision on the application, whichever occurs first.

**(b) Licensure by examination.**

(1) Applicants who comply with qualifications in accordance with the Arkansas Physical Therapy Act, Arkansas Code § 17-93-101 et seq., shall be permitted to sit for examination.

**(2) Form of examination.**

(A) The Arkansas State Board of Physical Therapy selects and approves the National Physical Therapy Examination (NPTE) for Arkansas physical therapist applicants and the NPTE-PTA for Arkansas physical therapist assistant applicants.

(B)(i) The examination will be administered by Prometric or another Arkansas State Board of Physical Therapy-approved examination administrator.

(ii) Written guidelines and procedures will be provided at the time of application.

(C) The examination must be completed by the date provided by FSBPT (or another Arkansas State Board of Physical Therapy-approved entity) or a portion of the fee will be forfeited.

(3) **Passing level.** For each examination given on or after March 1996, a passing score will be established by the FSBPT.

(4) **Scoring and reporting of examinations.**

(A) Results of the examinations will be kept on file by the Arkansas State Board of Physical Therapy.

(B) Examination scores will be reported directly to each candidate by the Arkansas State Board of Physical Therapy.

(5) **Failure to pass examination.**

(A)(i) A candidate who fails to pass the examination will be notified.

(ii) The candidate is ineligible for a license in Arkansas as a physical therapist or a physical therapist assistant until the examination is passed.

(B)(i) Upon payment of an appropriate fee, applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure.

(ii) This must occur within six (6) months from the first failure.

(C)(i) Prior to being approved by the Arkansas State Board of Physical Therapy for each subsequent test beyond two (2) attempts, individuals shall reapply and demonstrate evidence satisfactory to the Arkansas State Board of Physical Therapy of having successfully completed additional education.

(ii) Additional education may be one (1) or more of the following:

(a) A commercial review course; or

(b)(1) An individual tutorial.

(2) The completed tutorial must be signed by the tutor and include the tutor's curriculum vitae.

(3) If the applicant is applying for a PT license, the tutor must be a licensed PT.

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

(D) An applicant may not sit for the exam more than six (6) times without approval from both the:

- (i) Arkansas State Board of Physical Therapy; and
- (ii) FSBPT (or another Arkansas State Board of Physical Therapy-approved entity).

**(c) Licensure of active duty service members, returning military veterans, and spouses.**

(1) As used in this subsection:

(A) "Uniformed service member" means:

(i) An active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;

(ii) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(iii) An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(B) "Uniformed service veteran" means a former member of the United States uniformed services discharged under circumstances other than dishonorable.

(2) The Arkansas State Board of Physical Therapy shall grant expedited licensure to an individual who is:

(A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in Arkansas; or

(C) The spouse of:

(i) A person under subdivisions (c)(2)(A) or (c)(2)(B) of this section;

(ii) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(iii) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(3) The Arkansas State Board of Physical Therapy shall grant such expedited licensure upon receipt of all the below:

(A) Payment of the initial licensure fee;

(B) An application showing the applicant meets the licensure requirements, including passing the required examinations, in the Arkansas State Board of Physical Therapy's statutes and rules;

(C) Evidence that the applicant is a qualified applicant under subdivision (c)(2) of this section; and

(D) Results of a background check in accordance with Arkansas Code § 17-93-303 for physical therapist applicants or Arkansas Code § 17-93-304 for physical therapist assistant applicants, if the background check does not reveal a felony conviction.

**(4) Military temporary.**

(A) The Director of the Arkansas State Board of Physical Therapy shall issue a temporary license immediately upon receipt of the documentation required under subdivisions (c)(3)(A) – (C) of this section.

(B) The temporary license shall be effective for ninety (90) days or until the Arkansas State Board of Physical Therapy receives the results of the background check described in subdivision (c)(3)(D) of this section.

(5) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(6) A full exemption from continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(7) The Arkansas State Board of Physical Therapy shall accept relevant and applicable uniformed service education, training, national certification, or service-issued

credential toward licensure qualifications or requirements when considering an application for initial licensure of an individual listed in subdivision (c)(2) of this section.

(d) **Licensure under Physical Therapy Licensure Compact.** Any person who desires to exercise the privilege to practice under the Physical Therapy Licensure Compact must complete the terms and provisions of the compact as prescribed in Arkansas Code § 17-93-501 et seq.

**Authority.** Arkansas Code §§ 17-93-202, 17-93-303, 17-93-304.

**Codification Notes.** "NPTE-PTA" means National Physical Therapy Exam for physical therapist assistants.

**17 CAR § 175-105. Foreign-educated physical therapists and physical therapist assistants.**

(a)(1) 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.

(2) 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 17 CAR § 175-103.

(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 Arkansas State Board of Physical Therapy; and

(2)(A) Results from an English proficiency examination if the applicant's native language is not English.

(B) Both the examination and acceptable score on examination must be approved by the board.

(C) The test must include both written and oral sections.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-106. Renewals and reinstatement.**

(a)(1) Licenses must be renewed annually by March 1.

(2) Physical therapists and physical therapist assistants who have not paid annual renewal fees by March 1 are in violation of the Arkansas Physical Therapy Act, Arkansas Code § 17-93-101 et seq., and shall not engage in practice.

(3) Practice without a valid license is subject to a fine of up to one thousand dollars (\$1,000) per day.

(b)(1) It is the responsibility of the individual to notify the Arkansas State Board of Physical Therapy of an address change in writing.

(2) The licensee is required to provide written notice to the board of any change of address within ten (10) working days of the change.

(c)(1) Unrenewed licenses lapse after March 1.

(2) To return to regular status:

(A) The previous year's continuing education requirements must be met; and

(B) A late fee and annual renewal fee must be paid.

(d)(1) Individuals wishing to be placed on inactive status must submit a written request to the board.

(2) To return to regular status, an individual must:

(A) Pay a reinstatement fee and an annual renewal fee; and

(B) Complete continuing education as described below.

(3) A physical therapist or physical therapist assistant on inactive status may not engage in the provision of physical therapy services.

(4) To return to active status, the applicant must demonstrate completion of continuing education requirements that were missed during the period that the person was inactive, up to a maximum of:

(A) Four (4) units (forty (40) contact hours) for a physical therapist; and

(B) Two (2) units (twenty (20) contact hours) for a physical therapist assistant.

(e) Physical therapists and physical therapist assistants will be required to complete appropriate continuing education, which includes passing a jurisprudence examination approved by the board for renewal in odd-numbered years.

**(f) Reinstatement under Arkansas Code § 17-1-107.**

(1) Pursuant to Arkansas Code § 17-1-107, as amended, the board shall not require a person who meets licensing requirements to participate in the education or training required as a prerequisite to licensing registration or certification of a new professional in the field.

(2) The board may reinstate the license of a person who demonstrates that he or she:

(A) Was previously licensed, registered, or certified to practice in the field of his or her profession at any time in the State of Arkansas;

(B) Held his or her license in good standing at the time of licensing;

(C) Did not have his or her license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics;

(D) Is not holding a suspended or probationary license in any state;

(E) Is sufficiently competent in his or her field;

(F) Has completed continuing education requirements that were missed during the period that the person was inactive, up to a maximum of:

(i) Four (4) units (forty (40) contact hours) for a physical therapist;

and

(ii) Two (2) units (twenty (20) contact hours) for a physical therapist assistant; and

(G) Pays any reinstatement fee required.

(3) A person shall not be required to comply with requirements to obtain reinstatement of his or her license if the person meets the requirements for reciprocity.

(4) If a criminal background check is required of a person currently holding a license, registration, or certification, then the board may require a person seeking reinstatement under this section to meet the same criminal background check requirements as the person currently holding a license.

**Authority.** Arkansas Code §§ 17-93-202, 17-93-311.

**17 CAR § 175-107. Fees.**

(a) The fees for various services of the Arkansas State Board of Physical Therapy are as follows:

(1) Physical therapists:

- (A) Application fee, fifty dollars (\$50.00);
- (B) Endorsement (reciprocity), one hundred dollars (\$100);
- (C) Annual renewals, seventy dollars (\$70.00);
- (D) Late fee, one hundred dollars (\$100);
- (E) Jurisprudence examination fee, ten dollars (\$10.00); and
- (F) Reinstatement fee, seventy-five dollars (\$75.00);

(2) Physical therapist assistants:

- (A) Application fee, fifty dollars (\$50.00);
- (B) Endorsement (reciprocity), one hundred dollars (\$100);
- (C) Annual renewals, forty-five dollars (\$45.00);
- (D) Late fee, one hundred dollars (\$100);
- (E) Jurisprudence examination fee, ten dollars (\$10.00); and
- (F) Reinstatement fee, fifty dollars (\$50.00); and

(3) Miscellaneous fees and penalties:

- (A) Penalty for late continuing education, fifty dollars (\$50.00) per month;

and

- (B) Compact privilege, fifty dollars (\$50.00).

(b) **Initial fee waiver for eligible applicants.**

(1) Pursuant to Acts 2021, No. 725, an eligible applicant may receive a waiver of the initial license fee.

(2) Eligible applicants are applicants who:

(A) Are receiving assistance through the:

(i) Arkansas, or current state of residence equivalent, Medicaid Program;

(ii) Supplemental Nutrition Assistance Program;

(iii) Special Supplemental Nutrition Program for Women, Infants, and Children;

(iv) Temporary Assistance for Needy Families Program; or

(v) Lifeline Assistance Program;

(B) Were approved for unemployment within the last twelve (12) months;

or

(C) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(3) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency:

(A) For Medicaid, Supplemental Nutrition Assistance Program, Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families Program, or Lifeline Assistance Program, documentation from the Department of Human Services, or current state of residence equivalent agency;

(B) For unemployment benefits approval in the last twelve (12) months, the Division of Workforce Services, or current state of residence equivalent agency; or

(C) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., "W2", "1099", etc.

(4) Applicants shall attest that the documentation provided under subdivision (b)(3) of this section is a true and correct copy, and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

**Authority.** Arkansas Code §§ 17-93-202, 17-93-303, 17-93-304.

**17 CAR § 175-108. Disciplinary action.**

(a)(1) The Arkansas State Board of Physical Therapy 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:

(A) A felony; or

(B) Any of the acts as set forth in Arkansas Code § 17-93-308.

(2) "Unprofessional conduct" pursuant to Arkansas Code § 17-93-308(a)(3) shall include, but not be limited to, the following:

(A)(i) 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 (6) months.

(ii) 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.

(iii) 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;

(B) 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;

(C) Failing to adhere to the recognized standards of ethics of the physical therapy profession;

(D) Charging unreasonable or fraudulent fees for services performed or not performed; and

(E) 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, Arkansas Code § 17-93-101 et seq., as amended.

(b) Each facility offering physical therapy services shall be required to publicly display the name and contact information of the board.

(c)(1) 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 Act.

(2) The board may act upon its own motion or upon written complaint.

(3) The person named in the complaint will be notified and a response from that individual will be requested.

**(d) Relicensure for revoked or surrendered license.**

(1)(A) No individual who has had his or her license revoked or who has surrendered his or her license while under investigation by the board will be relicensed, except on petition made to the board.

(B) The application for relicensure is not allowed until at least five (5) years after the revocation or surrender of license while under investigation took effect.

(2) Following license revocation or surrender of licensure while under investigation, the applicant bears the burden of proving that he or she:

(A) Is rehabilitated;

(B) Can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare; and

(C) Is otherwise qualified for the license pursuant to the Arkansas Physical Therapy Act.

(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 relicensure take the licensing examination and/or jurisprudence examination.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-109. 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:

(A) Equipment;

(B) Assistive devices; or

(C) Modification of architectural barriers; and

(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.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-110. Physical therapy aide functions.**

(a)(1) The functions of the physical therapy aide may be performed under the direct supervision of a physical therapist or physical therapist assistant.

(2) However, the physical therapist shall retain moral, ethical, and legal responsibility for patient care.

(b)(1) A physical therapy aide must receive inservice training by a physical therapist or physical therapist assistant.

(2) Once the aide is trained in treatments that can be completed within the realm of inservice as determined by a physical therapist, he or she may perform treatments only under direct 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; or
- (3) Alter a plan of care or goals.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-111. Continuing education requirements.**

(a)(1) The licensed physical therapist must complete, by December 31 in each biennium, two (2) CEUs.

(2) CEUs are required to be submitted prior to odd-numbered year renewals.

(3) Beginning January 1, 2023, for each odd-numbered year renewal, licensees are required to maintain continuing education and shall only submit such proof if so requested by the Arkansas State Board of Physical Therapy pursuant to the audit process.

(b)(1) The licensed physical therapist assistant must complete, by December 31 in each biennium, one (1) CEU.

(2) CEUs are required to be submitted prior to odd-numbered year renewals.

(3) Beginning January 1, 2023, for each odd-numbered year renewal, licensees are required to maintain continuing education and shall only submit such proof if so requested by the board pursuant to the audit process.

**(c) Qualifying continuing education units.**

(1)(A) One (1) CEU is defined as ten (10) contact hours of an accredited course or program.

(B) A contact hour is equal to sixty (60) minutes of in-person attendance at a seminar or workshop.

(C) Program content must be of:

- (i) Clinical application;
- (ii) Clinical management;
- (iii) Behavioral science; or
- (iv) Science.

(D) No more than fifty percent (50%) of continuing education can be taken through online courses.

(E)(i) Physical therapists and physical therapist assistants are required to pass a board-approved jurisprudence exam as part of the required continuing education.

(ii) The jurisprudence examination is counted as a one-hour online course.

(F) Webinars that are both live and interactive are considered to be in-person attendance.

(2)(A) Program content and CEU accreditation must be approved by the board or a board-approved entity.

(B) Prior to the renewal due by March 1, 2023, proof of continuing education and a completed Continuing Education Units form must be submitted to the board for approval of a program for CEUs and should be submitted within sixty (60) days after course completion.

(C) Proof of CEUs may be copies of the original completion certificate.

(D) Beginning January 1, 2023, licensees are required to maintain continuing education and shall only submit such proof if so requested by the board pursuant to the audit process.

(3)(A) College or university courses in the area of clinical application, clinical management, behavioral science, science, or scientific research may be accepted.

(B) Courses will be credited one (1) CEU for each satisfactorily completed credit hour (grade C or higher).

(C) Prior to the renewal due by March 1, 2023, a Continuing Education Units form and transcript or grade report must be submitted to the board office.

(D) Beginning January 1, 2023, licensees are required to maintain continuing education and shall only submit such proof if so requested by the board pursuant to the audit process.

(4)(A) A licensee who has written an article or research that has been published may submit such work to the board for consideration of up to one-half (1/2) the biennium CEU requirement.

(B) This request, along with the publication, must be presented to the board office for board approval.

(5) The board will not accept as qualifying CEUs previously submitted credit hours.

**(d) Failure to comply.**

(1) Licensees failing to complete the CEU requirement by December 31, 2022, must pay a fifty-dollar per month penalty until continuing education is completed and accepted by the board.

(2) Licensees failing to comply with the CEU requirement by the March 1, 2023, license renewal deadline:

(A) Will not receive license renewal; and

(B) Shall not engage in the provision of physical therapy services.

(3)(A) Continuing education audits begin after the renewal due by March 1, 2025.

(B) A licensee who fails to comply with continuing education requirements, including the audit process, may be subject to disciplinary action.

**(e) Continuing education audits.**

(1) Beginning with the renewal due by March 1, 2025, all licensees shall certify by attestation, under oath and under penalty of perjury, that the:

(A) Licensee completed the required continuing education; and

(B) Continuing education obtained meets the acceptable continuing education criteria specified.

(2)(A) After each odd-numbered year renewal, the board office shall randomly select ten percent (10%) of licensees for an audit of continuing education requirements.

(B) Licensees that are selected for audit will be notified and given twenty (20) days to submit proof of continuing education for the previous biennium.

(3)(A) Each licensee is responsible for maintaining proof of continuing education courses for a minimum of four (4) years from the date of completion of the course.

(B) Copies of such proof shall be submitted to the board upon request.

(C) Such proof shall include:

(i) Date, place, course title, schedule, presenter or presenters, etc.;

(ii) Number of contact hours for the activity; and

(iii) Certificate of completion, transcript, or grade report.

**Authority.** Arkansas Code §§ 17-93-202, 17-93-312.

**Codification Notes.** "CEU" means continuing education unit.

### **17 CAR § 175-112. Declaratory orders.**

#### **(a) Purpose and use of declaratory orders.**

(1) 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.

(2) 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.

(3) A declaratory order is not the appropriate means for:

(A) Determining the conduct of another person; or

(B) Obtaining a policy statement of general applicability from the Arkansas State Board of Physical Therapy.

(4) 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 board 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 email address of the petitioner;

(3) The name, address, telephone number, and email address of the attorney of the petitioner, if the petitioner has an attorney;

(4) The statutory provision or provisions, board rule or rules, or board order or orders on which the declaratory order is sought;

(5) A description of:

(A) How the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances; and

(B) The question or issue on which the petitioner seeks a declaratory order;

(6) The signature of the petitioner or petitioner's attorney;

(7) The date; and

(8) Request for hearing, if desired.

(c) **Board disposition.**

(1)(A) The board may hold a hearing to consider a petition for declaratory statement.

(B) If a hearing is held, it shall be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2)(A) 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.

(B) 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.

**Authority.** Arkansas Code § 17-93-202.

**17 CAR § 175-113. Amendments.**

(a) Amendments to this part may be proposed by presenting the amendments in writing at any meeting of the Arkansas State Board of Physical Therapy.

(b) If the proposed amendment receives a majority vote of the board, then the procedures for adoption outlined in the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., shall be followed.

**Authority.** Arkansas Code § 17-93-202.