

BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.177.401 fees, 24.177.501	)	REPEAL
examinations, 24.177.504 temporary	)	
licenses, 24.177.507 licensure of out-	)	
of-state applicants, 24.177.510	)	
foreign-trained physical therapy	)	
applicants, 24.177.2105 continuing	)	
education, 24.177.2301	)	
unprofessional conduct, and the	)	
repeal of ARM 24.177.2405	)	
screening panel	)	

TO: All Concerned Persons

1. On May 10, 2012, the Board of Physical Therapy Examiners (board) published MAR notice no. 24-177-28 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 939 of the 2012 Montana Administrative Register, issue no. 9.

2. On May 31, 2012, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the June 8, 2012, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

ARM 24.177.501 and 24.177.507

COMMENT 1: One commenter agreed with the board's dissatisfaction with letters of good moral character received from friends, but disagrees that the application questions about criminal record or licensing jurisdiction discipline provide sufficient proof of good moral character. The commenter asked that the board delete the last sentence in the reason statement for both of these rule amendments.

RESPONSE 1: The board notes that the rules, and not the reasons, are proposed for amendment. Because good moral character means many things to different people, a criminal record or discipline by a licensing board may well show that moral character is flawed. The board notes that repeated DUIs, insurance fraud, sexual misconduct would all tend to be evidence of moral character.

ARM 24.177.504

COMMENT 2: One commenter supported allowing PTAs to practice on a temporary license for 120 days, and provided a current example of a qualified student who would suffer hardship if that person were not allowed to practice for this length of time while awaiting examination.

RESPONSE 2: The board appreciates all comments made during the rulemaking process.

ARM 24.177.2105

COMMENT 3: One commenter was in complete support of the changes and thanked the board for finally "seeing the light."

RESPONSE 3: The board appreciates all comments made during the rulemaking process.

COMMENT 4: One comment was received prior to the comment period, but the commenter requested that it be resubmitted as a public comment to be included in the public comment period. The commenter asked the board whether 20 hours of continuing education every two years was sufficient, noting that the Montana (Chapter of the) American Physical Therapy Association (MAPTA) had voted to endorse a requirement of 30 hours every two years to ensure continuing competency. This commenter also requested information about the percentage of licensees audited every year and the number of licensees delinquent in their CEUs.

RESPONSE 4: The board notes that the majority of licensees believe that 20 hours of continuing education is burdensome enough and that continuing education competency can be met without increasing CEUs to 30 hours. The board researched other states' continuing education requirements prior to amending the rule and determined that 20 hours is comparable to most of the other states. Board staff will provide the additional information that was requested.

COMMENT 5: A commenter asked that the Category A continuing education activities include courses approved by other states' physical therapy boards. The commenter recognized that the Montana board does not preapprove or approve courses, but noted that many states do, and believed it would be very restrictive not to allow state board and state association-approved courses.

RESPONSE 5: The board agrees with the commenter and is amending this rule accordingly.

4. The board has amended ARM 24.177.401, 24.177.501, 24.177.504, 24.177.507, 24.177.510, and 24.177.2301 exactly as proposed.

5. The board has repealed ARM 24.177.2405 exactly as proposed.

6. The board has amended ARM 24.177.2105 with the following changes, stricken matter interlined, new matter underlined:

24.177.2105 CONTINUING EDUCATION (1) through (4)(a)(i) remain as proposed.

(ii) a national or state medical, physical therapy, or healthcare board or association, or a component of that board or association; or

(iii) through (6) remain as proposed.

BOARD OF PHYSICAL THERAPY EXAMINERS  
PATTIE JO LANE, PT, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 16, 2012