

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
ARM 24.177.2105 continuing)
education)

TO: All Concerned Persons

1. On May 22, 2014, the Board of Physical Therapy Examiners (board) published MAR Notice No. 24-177-31 regarding the public hearing on the proposed amendment of the above-stated rule, at page 1057 of the 2014 Montana Administrative Register, Issue No. 10.

2. On June 12, 2014, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the June 20, 2014, deadline.

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

COMMENT 1: One commenter generally supported the amendments, and particularly the increase in continuing education (CE) from 20 to 30 hours. The commenter proclaimed it is more critical than ever to ensure physical therapists consistently obtain high quality continuing education, as patients and the practice suffer from professionals who fail to actively enhance professional skills through education. It is counterproductive to require more hours, if the hours do not actually enhance a physical therapist's (PT) clinical knowledge.

The commenter requested the board clarify the actual beginning date for the 30-hour requirement and whether the board audits will begin in 2015 or 2017.

The commenter also asked the board to link the CE rules to similar Montana statutes and standards set by the American Physical Therapy Association (APTA) and Federation of State Boards of Physical Therapy (FSBPT).

RESPONSE 1: To protect public safety, Montana licensing boards may require CE under 37-1-131(4)(d), MCA, as a condition of license renewal, as long as it is flexible, cost-efficient, effective, and geographically accessible, per 37-1-306, MCA. The board initiated this rule proposal to clarify CE requirements in response to multiple licensees expressing confusion.

After balancing the costs of compliance against the benefits of public safety, the board decided to update this rule to eliminate confusion and more closely follow national CE trends. The amended rule will more closely align Montana physical therapist licenses with others around the nation, thereby standardizing PT education and making PT licenses more portable. Additionally, to effectively communicate the updates and clarify requirements, the board will create a question and answer

section on its web site to further explain the changes. The board will continue working with licensees to clarify its intent and expectations.

After considering the comments, the board is amending (2)(b) to clarify the new requirements and timelines.

COMMENT 2: Several commenters opposed the proposed amendments, particularly the increase in required CE hours, stating they do not believe sheer volume protects public safety. The commenters asserted that, without ensuring quality, ten more hours of continuing education will not necessarily provide better care. Commenters suggested the board require applicable, relevant, quality CE over simply quantity.

The commenters were concerned about the additional requirement resulting in more costs and a greater burden on small, rural Montana businesses. Montana lacks CE options for the various specialties within the practice, forcing Montana PTs to travel to fulfill their CE requirements. And even if employers do reimburse for actual CE courses, very few employers reimburse for the associated costs of airfare, lodging, meals, and other conference expenses.

Commenters asserted that Montana PTs are generally small, independent businesses or work on-contract, and small communities often do not generate enough business to justify training budgets. Additional CE will require providers to lose treatment days and their clients will lose access to needed treatment. The amendment will require full-time, part-time, and presently unemployed but licensed Montana PTs to divert already-limited time and money away from their patients, businesses, and families to "cram" an additional ten hours that may only marginally improve their practice or public safety. Lastly, commenters questioned if the board is "impeding a free market."

RESPONSE 2: The board notes that a variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 3: One commenter opposed the proposed increase to the number of CE hours required, stating the additional burden will be particularly hard on those working part-time due to prolonged illness. The commenter further stated that the field of PT does not change quickly enough to warrant this new, expensive requirement for those who have been practicing for decades.

RESPONSE 3: Noting that earning a professional degree is the beginning, not the end of professional education, the board believes that rapid advancements in medical technology require ongoing learning. A variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 4: One commenter opposed the increase in CE hours, stating that PT salaries in Montana are already lower than average. The commenter opined that raising the CE requirement without a corresponding increase in pay will disproportionately impact Montanans, making healthcare less accessible and more expensive.

RESPONSE 4: The board notes that rapid advancements in medical technology require ongoing learning. A variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 5: One commenter opposed the increase in required CE, because there is no evidence Montana PTs need more. The commenter asserted that just because other states are doing it does not mean their PTs are more skilled or knowledgeable. The commenter stated the board should instead focus on bringing good quality CE to Montana on a more frequent basis.

RESPONSE 5: See Response 3.

COMMENT 6: Two commenters opposed the increase in required CE, because employers are reducing reimbursements to PTs for CE, because of uncertainty surrounding the Affordable Care Act.

RESPONSE 6: See Response 3.

COMMENT 7: Two commenters opposed the increase in required CE, because of the amount of debt new graduates face, particularly now with the new doctorate program adding three years of debt.

RESPONSE 7: See Response 3.

COMMENT 8: One commenter opposed the increase in required CE, stating that the board cannot legitimately claim the amendments will make obtaining CE more affordable, when the primary cost of good quality CE is necessary travel costs.

RESPONSE 8: See Response 3.

COMMENT 9: One commenter opposed the increase in required CE, because good quality CE is not available locally. Simply requiring more of the same CE only benefits the national vendors and does not actually alleviate the problem. The commenter suggested the board instead address the cumbersome endorsement process, where the time it takes to gain approval and the cost make it extremely difficult to use local experts in rural venues for local, small audience coursework.

RESPONSE 9: See Response 2.

COMMENT 10: Two commenters opposed the increase in required CE, stating that according to many metrics, Montana is doing better than the rest of the country in terms of government, economy, etc. The commenter suggested the rest of the country should look at our policies, and asked the board to resist the national trend of progressive government.

RESPONSE 10: See Response 1.

COMMENT 11: One commenter opposed the increase in required CE, asserting that the board did not supply any research results that demonstrate a need for the increase.

RESPONSE 11: See Response 3. To effectively communicate the updates and clarify requirements, the board will create a question and answer section on its web site to further explain the changes. The board will continue working with licensees to clarify its intent and expectations.

COMMENT 12: One commenter opposed the increase in required CE, and stated that each additional requirement makes PTs less motivated to attend. The commenter asserted that previously, PTs looked forward to obtaining CE, but now it feels forced down their throats.

RESPONSE 12: See Response 3. Although the board has nothing to gain financially, the rules (both current and proposed) enable licensees to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 13: One commenter opposed the increase in required CE, because the costs associated with fulfilling the requirement are out of line with the low salary of part-time PTs. The commenter suggested allowing PTs to earn all 15 hours of part B CE online.

RESPONSE 13: See Response 12.

COMMENT 14: One commenter opposed the increase in required CE, because it is disingenuous for the board to say the amendments are necessary to align Montana with a "national, competency-based system." Neither the APTA nor the FSBPT suggests or recommends 30, 20, or any number of required CE hours. These entities simply require PTs to self-regulate, self-assess, and use a personal lesson plan to obtain the necessary knowledge, skills, and abilities.

RESPONSE 14: See Response 1.

4. 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 (2)(a) remain as proposed.

(b) ~~Licensees with shall obtain a minimum of 30~~ All licensees, regardless of license number, shall now obtain 30 hours/units of continuing education hours/credits earned within the 24 months in each 24-month period prior to the renewal date set by the department beginning in odd-numbered years. The first reporting period will be from April 1, 2015 to March 31, 2017;

(c) through (6) remain as proposed.

BOARD OF PHYSICAL THERAPY
EXAMINERS
BRIAN MILLER, PRESIDING OFFICER

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 10, 2014