

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.177.2105 continuing) PROPOSED AMENDMENT
education)

TO: All Concerned Persons

1. On June 12, 2014, at 9:00 a.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Physical Therapy Examiners (board) no later than 5:00 p.m., on June 6, 2014, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdtpt@mt.gov (board's e-mail).

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.177.2105 CONTINUING EDUCATION (1) through (2)(a) remain the same.

(b) Licensees with ~~even-numbered licenses shall submit at least 20~~ obtain a minimum of 30 continuing education hours/credits earned within the 24 months prior to the renewal date set by the department ~~in each even-numbered year. Licensees in this category will not report continuing education on the odd-numbered years, but must renew their license each year beginning April 1, 2015;~~

(c) Licensees with ~~odd-numbered licenses shall submit at least 20~~ continuing education hours/credits earned within the 24 months prior to the renewal date set by the department ~~in each odd-numbered year. Licensees in this category will not report continuing education on the even-numbered years, but must renew their license each year;~~

(d) through (f) remain the same.

(g) The board will randomly audit continuing education hours/credits in each odd year.

(3) and (3)(a) remain the same.

(b) The board/staff does not preapprove any activities or sponsors for continuing education credits. All accepted continuing education hours/credits in category A, or B, or C must meet the ~~Standards of Continuing Competence (SCC)~~ standards set forth by the American Physical Therapy Association (APTA) or the

Federation of State Boards of Physical Therapy (FSBPT). ~~A licensee can determine the acceptability of a course or activity by referencing the current SCC activities set forth by the FSBPT.~~ It is the responsibility of the licensee to select programs that contribute to their knowledge and competence in the physical therapy field, and which meet the qualifications specified in these rules;

(c) through (4) remain the same.

(a) Category A activities: ~~A total of 20~~ minimum of 15 of the 30 continuing education hours/credits ~~may~~ must be obtained in this category in each two-year cycle. Category A includes: continuing education courses, physical therapy clinical specialty certification coursework, physical therapy clinical residency coursework, and postgraduate physical therapy education, including, but not limited to, postdoctor of physical therapy course work. The Postgraduate physical therapy course work must be passed with a grade of "C" or higher or "pass" if a "pass/fail" course. Category A activities are distinguished from category B ~~and C~~ activities in that they are approved ~~for~~ or offered continuing education hours/credits by one of the following, regardless of whether the course is classroom-based, online, or home study:

(i) through (iii) remain the same.

(b) Category B Activities: ~~A total of ten out of 20~~ Up to 15 of the 30 continuing education credits may be obtained in this category in each two-year cycle. ~~Category B activities must meet the Standards of Continuing Competence (SCC) activities set forth by the FSBPT. Some Category B activities may not have not been approved for continuing education hours by any of the Category A approval organizations.~~ Category B includes:

(i) any course that pertains to physical therapy, but which is not approved or offered through an accredited medical, physical therapy, and/or healthcare education program as identified in (4)(a).

~~(c) Category C Activities: A total of ten out of 20 continuing education credits may be obtained in this category in each two-year cycle. Category C activities must meet the SCC activities set forth by the FSBPT. Some Category C activities may not have been approved for continuing education hours by any of the Category A approval organizations. Category C includes:~~

(i) through (iii) remain the same, but are renumbered (ii) through (iv).

(v) performing clinical mentoring in a credential clinical residency or fellowship program. Max hour/credit five;

(iv) and (v) remain the same, but are renumbered (vi) and (vii).

~~(vi)~~ (viii) taking and passing the jurisprudence exam in each two-year cycle.

Max hour/credit one; and

(vii) remains the same, but is renumbered (xiv).

(5) Activities excluded from continuing education hours/credits include: Staff staff meetings; teaching of physical therapy-related courses, ~~or if that is the licensee's primary occupation is teaching;~~ regularly scheduled institutional activities such as rounds or case conferences; ~~and repeating or retaking an activity and/or coursework.~~

(6) remains the same.

AUTH: 37-1-131, 37-1-319, 37-11-201, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: The board determined it is reasonably necessary to amend this rule by reorganizing and reformatting the rule text to address questions and confusion among licensees. The board concluded these amendments will clarify the variety of acceptable continuing education (CE) formats and subject matter.

The board notes that the purpose of requiring CE is to ensure that licensees remain up-to-date on current trends and changes in health care, in addition to increasing public protection. Additionally, on a national level, CE is moving toward a competency-based system. Therefore, the board is amending this rule to increase the required amount of CE from 20 to 30 hours, beginning April 1, 2015, to align CE requirements with national standards of continuing competencies. Further amendments throughout this rule will address and clarify technical constraints of the department CE audit process, and make obtaining CE more affordable, accessible, and less restrictive for licensees than current requirements.

Authority citations are being amended to accurately reflect the complete sources of the board's rulemaking authority.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdp@mt.gov, and must be received no later than 5:00 p.m., June 20, 2014.

5. An electronic copy of this notice of public hearing is available at www.pt.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-

2305; e-mailed to dlibsdptp@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.177.2105 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdptp@mt.gov.

9. Mark Jette, attorney, has been designated to preside over and conduct this hearing.

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 May 12, 2014