

## Notice of Rulemaking Hearing

### Board of Physical Therapy

There will be a hearing before the Tennessee Board of Physical Therapy to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-13-318, and Public Chapter 115 of the Public Acts of 2007. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 30th day of October, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

## Substance of Proposed Rules

### Amendments

#### Chapter 1150-01

#### General Rules Governing the Practice of Physical Therapy

Rule 1150-01-.02, Scope of Practice and Supervision, is amended by deleting part (2) (b) 1. in its entirety and substituting instead the following language, so that as amended, the new part (2) (b) 1. shall read:

- (2) (b) 1. A physical therapist may use physical therapy aides for designated tasks that do not require clinical decision making by the licensed physical therapist or clinical problem solving by the licensed physical therapist assistant. Direct supervision must apply to physical therapy aides and is interpreted to mean that services are provided under the supervision of an on-site physical therapist or physical therapist assistant licensed and practicing in Tennessee.

Authority: T.C.A. §§ 63-13-103, 63-13-311, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.03, Necessity of Licensure, is amended by adding the following language as new paragraph (5):

- (5) Licensee Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Physical

Therapist” or “Physical Therapist Assistant” as applicable, and to use the acronyms “P.T.” or “P.T.A.” as applicable, and to practice physical therapy, as defined in T.C.A. § 63-13-103. Any person to whom this rule applies must use one of the titles authorized by this rule in every “advertisement” [as that term is defined in rule 1150-01-.13 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action pursuant to T.C.A. § 63-13-312 (3) and (14).

Authority: T.C.A. §§ 63-1-145, 63-13-103, 63-13-312, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.04, Qualifications for Licensure is amended by deleting subparagraph (1) (b), subparagraph (1) (c) and part (2) (b) 2. in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (b) and (1) (c) shall read:

- (1) (b) Be a graduate of a school of physical therapy accredited by CAPTE or a school for physical therapist assistants accredited by CAPTE; and
- (1) (c) Pass to the satisfaction of the Board an examination conducted by it to determine fitness for practice as a physical therapist or physical therapist assistant.
- (2) (b) 2. Graduate from a physical therapist or physical therapist assistant program accredited by CAPTE and approved by the Board of Physical Therapy;

Authority: T.C.A. §§ 63-13-103, 63-13-306, 63-13-307, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.08, Examinations, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) The Board adopts as its examination for physical therapists and physical therapist assistants the National Physical Therapy Examinations endorsed by the Federation of State Boards of Physical Therapy or successor examinations.

Authority: T.C.A. §§ 63-13-306, 63-13-307, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.10, Provisional License, is amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new paragraph (6) shall read:

- (6) A physical therapist assistant with a provisional license must work under the direct on-site supervision of a physical therapist or physical therapist assistant who possesses an active, unencumbered license to practice as a physical therapist or as a physical therapist assistant in Tennessee and who has completed a minimum of one (1) year of licensed clinical experience.

Authority: T.C.A. §§ 63-13-307, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.12, Continuing Competence, is amended by deleting part (4) (a) 9., subparagraph (9) (a) and part (9) (b) 1. in their entirety and substituting instead the following language, so that as amended, the new part (4) (a) 9., the new subparagraph (9) (a) and the new part (9) (b) 1. shall read:

- (4) (a) 9. Supervision of Physical Therapist Assistants;

(9) (a) Expired or retired for three (3) years or less– An individual whose license has expired or has been retired for three (3) years or less shall submit the appropriate application and documentation of continuing competence which must be initiated and completed within two (2) years prior to submitting, as provided in paragraph (8), the application for the two (2) year period that precedes the expiration or retirement year.

(9) (b) 1. An individual whose license has expired or has been retired for more than three (3) years shall submit the appropriate application and documentation of continuing competence which must be initiated and completed within two (2) years prior to submitting a reinstatement or reactivation application, as provided in paragraph (8); and

Authority: T.C.A. §§ 63-13-308, 63-13-309, 63-13-311, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

Rule 1150-01-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by adding the following language as new subparagraph (1) (f):

(1) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:

1. During any period of probation, suspension; or
2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-13-312, 63-13-318, and Public Chapter 115 of the Public Acts of 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of August, 2007. (FS 08-29-07; DBID 713)