

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 220
SENATE BILL 1154

AN ACT

AMENDING SECTIONS 32-2001 AND 32-2044, ARIZONA REVISED STATUTES; RELATING TO
THE REGULATION OF PHYSICAL THERAPY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2001, Arizona Revised Statutes, is amended to
3 read:

4 32-2001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Assistive personnel" includes physical therapist assistants and
7 physical therapy aides and other assistive personnel who are trained or
8 educated health care providers and who are not physical therapist assistants
9 or physical therapy aides but who perform specific designated tasks related
10 to physical therapy under the supervision of a physical therapist. At the
11 discretion of the supervising physical therapist, and if properly
12 credentialed and not prohibited by any other law, other assistive personnel
13 may be identified by the title specific to their training or education. This
14 paragraph does not apply to personnel assisting other health care
15 professionals licensed pursuant to this title in the performance of delegable
16 treatment responsibilities within their scope of practice.

17 2. "Board" means the board of physical therapy.

18 3. "Business entity" means a business organization that has an
19 ownership that includes any persons who are not licensed or certified to
20 provide physical therapy services in this state, that offers to the public
21 professional services regulated by the board and that is established pursuant
22 to the laws of any state or foreign country.

23 4. "DRY NEEDLING" MEANS A SKILLED INTERVENTION PERFORMED BY A PHYSICAL
24 THERAPIST THAT USES A THIN FILIFORM NEEDLE TO PENETRATE THE SKIN AND
25 STIMULATE UNDERLYING NEURAL, MUSCULAR AND CONNECTIVE TISSUES FOR THE
26 EVALUATION AND MANAGEMENT OF NEUROMUSCULOSKELETAL CONDITIONS, PAIN AND
27 MOVEMENT IMPAIRMENTS.

28 ~~4.~~ 5. "General supervision" means that the supervising physical
29 therapist is on call and is readily available via telecommunications when the
30 physical therapist assistant is providing treatment interventions.

31 ~~5.~~ 6. "Interim permit" means a permit issued by the board that allows
32 a person to practice as a physical therapist in this state or to work as a
33 physical therapist assistant for a specific period of time and under
34 conditions prescribed by the board before that person is issued a license or
35 certificate.

36 ~~6.~~ 7. "Manual therapy techniques" means a broad group of passive
37 interventions in which physical therapists use their hands to administer
38 skilled movements designed to modulate pain, increase joint range of motion,
39 reduce or eliminate soft tissue swelling, inflammation, or restriction,
40 induce relaxation, improve contractile and noncontractile tissue
41 extensibility, and improve pulmonary function. These interventions involve a
42 variety of techniques, such as the application of graded forces.

43 ~~7.~~ 8. "On-site supervision" means that the supervising physical
44 therapist is on site and is present in the facility or on the campus where
45 assistive personnel or a holder of an interim permit is performing services,

1 is immediately available to assist the person being supervised in the
2 services being performed and maintains continued involvement in appropriate
3 aspects of each treatment session in which a component of treatment is
4 delegated.

5 ~~8-~~ 9. "Physical therapist" means a person who is licensed pursuant to
6 this chapter.

7 ~~9-~~ 10. "Physical therapist assistant" means a person who meets the
8 requirements of this chapter for certification and who performs physical
9 therapy procedures and related tasks that have been selected and delegated by
10 the supervising physical therapist.

11 ~~10-~~ 11. "Physical therapy" means the care and services provided by or
12 under the direction and supervision of a physical therapist who is licensed
13 pursuant to this chapter.

14 ~~11-~~ 12. "Physical therapy aide" means a person who is trained under
15 the direction of a physical therapist and who performs designated and
16 supervised routine physical therapy tasks.

17 ~~12-~~ 13. "Practice of physical therapy" means:

18 (a) Examining, evaluating and testing persons who have mechanical,
19 physiological and developmental impairments, functional limitations and
20 disabilities or other health and movement related conditions in order to
21 determine a diagnosis, a prognosis and a plan of therapeutic intervention and
22 to assess the ongoing effects of intervention.

23 (b) Alleviating impairments and functional limitations by managing,
24 designing, implementing and modifying therapeutic interventions including:

25 (i) Therapeutic exercise.

26 (ii) Functional training in self-care and in home, community or work
27 reintegration.

28 (iii) Manual therapy techniques.

29 (iv) Therapeutic massage.

30 (v) Assistive and adaptive orthotic, prosthetic, protective and
31 supportive devices and equipment.

32 (vi) Pulmonary hygiene.

33 (vii) Debridement and wound care.

34 (viii) Physical agents or modalities.

35 (ix) Mechanical and electrotherapeutic modalities.

36 (x) Patient related instruction.

37 (c) Reducing the risk of injury, impairments, functional limitations
38 and disability by means that include promoting and maintaining a person's
39 fitness, health and quality of life.

40 (d) Engaging in administration, consultation, education and research.

41 ~~13-~~ 14. "Restricted certificate" means a certificate on which the
42 board has placed any restrictions as the result of a disciplinary action.

43 ~~14-~~ 15. "Restricted license" means a license on which the board places
44 restrictions or conditions, or both, as to the scope of practice, place of

1 practice, supervision of practice, duration of licensed status or type or
2 condition of a patient to whom the licensee may provide services.

3 ~~15-~~ 16. "Restricted registration" means a registration the board has
4 placed any restrictions on as the result of disciplinary action.

5 Sec. 2. Section 32-2044, Arizona Revised Statutes, is amended to read:

6 32-2044. Grounds for disciplinary action

7 The following are grounds for disciplinary action:

8 1. Violating this chapter, board rules or a written board order.

9 2. Practicing or offering to practice beyond the scope of the practice
10 of physical therapy.

11 3. Obtaining or attempting to obtain a license or certificate by fraud
12 or misrepresentation.

13 4. Engaging in the performance of substandard care by a physical
14 therapist due to a deliberate or negligent act or failure to act regardless
15 of whether actual injury to the patient is established.

16 5. Engaging in the performance of substandard care by a physical
17 therapist assistant, including exceeding the authority to perform tasks
18 selected and delegated by the supervising licensee regardless of whether
19 actual injury to the patient is established.

20 6. Failing to supervise assistive personnel, physical therapy students
21 or interim permit holders in accordance with this chapter and rules adopted
22 pursuant to this chapter.

23 7. Conviction of a felony, whether or not involving moral turpitude,
24 or a misdemeanor involving moral turpitude. In either case conviction by a
25 court of competent jurisdiction is conclusive evidence of the commission and
26 the board may take disciplinary action when the time for appeal has lapsed,
27 when the judgment of conviction has been affirmed on appeal or when an order
28 granting probation is made suspending the imposition of sentence,
29 irrespective of a subsequent order. For the purposes of this paragraph,
30 "conviction" means a plea or verdict of guilty or a conviction following a
31 plea of nolo contendere.

32 8. Practicing as a physical therapist or working as a physical
33 therapist assistant when physical or mental abilities are impaired by disease
34 or trauma, by the use of controlled substances or other habit-forming drugs,
35 chemicals or alcohol or by other causes.

36 9. Having had a license or certificate revoked or suspended or other
37 disciplinary action taken or an application for licensure or certification
38 refused, revoked or suspended by the proper authorities of another state,
39 territory or country.

40 10. Engaging in sexual misconduct. For the purposes of this paragraph,
41 "sexual misconduct" includes:

42 (a) Engaging in or soliciting sexual relationships, whether consensual
43 or nonconsensual, while a provider-patient relationship exists.

44 (b) Making sexual advances, requesting sexual favors or engaging in
45 other verbal conduct or physical contact of a sexual nature with patients.

1 (c) Intentionally viewing a completely or partially disrobed patient
2 in the course of treatment if the viewing is not related to patient diagnosis
3 or treatment under current practice standards.

4 11. Directly or indirectly requesting, receiving or participating in
5 the dividing, transferring, assigning, rebating or refunding of an unearned
6 fee or profiting by means of any credit or other valuable consideration such
7 as an unearned commission, discount or gratuity in connection with the
8 furnishing of physical therapy services. This paragraph does not prohibit
9 the members of any regularly and properly organized business entity
10 recognized by law and composed of physical therapists from dividing fees
11 received for professional services among themselves as they determine
12 necessary to defray their joint operating expense.

13 12. Failing to adhere to the recognized standards of ethics of the
14 physical therapy profession.

15 13. Charging unreasonable or fraudulent fees for services performed or
16 not performed.

17 14. Making misleading, deceptive, untrue or fraudulent representations
18 in violation of this chapter or in the practice of the profession.

19 15. Having been adjudged mentally incompetent by a court of competent
20 jurisdiction.

21 16. Aiding or abetting a person who is not licensed or certified in
22 this state and who directly or indirectly performs activities requiring a
23 license or certificate.

24 17. Failing to report to the board any direct knowledge of an
25 unprofessional, incompetent or illegal act that appears to be in violation of
26 this chapter or board rules.

27 18. Interfering with an investigation or disciplinary proceeding by
28 failing to cooperate, by wilful misrepresentation of facts or by the use of
29 threats or harassment against any patient or witness to prevent the patient
30 or witness from providing evidence in a disciplinary proceeding or any legal
31 action.

32 19. Failing to maintain patient confidentiality without prior written
33 consent of the patient or unless otherwise required by law.

34 20. Failing to maintain adequate patient records. For the purposes of
35 this paragraph, "adequate patient records" means legible records that comply
36 with board rules and that contain at a minimum an evaluation of objective
37 findings, a diagnosis, the plan of care, the treatment record, a discharge
38 summary and sufficient information to identify the patient.

39 21. Promoting an unnecessary device, treatment intervention or service
40 for the financial gain of the practitioner or of a third party.

41 22. Providing treatment intervention unwarranted by the condition of
42 the patient or treatment beyond the point of reasonable benefit.

43 23. Failing to report to the board a name change or a change in
44 business or home address within thirty days after that change.

1 24. Failing to complete continuing competence requirements as
2 established by the board by rule.

3 25. FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND TRAINING
4 AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD BY RULE, IN THE
5 PERFORMANCE OF DRY NEEDLING WHEN PROVIDED AS A THERAPEUTIC MODALITY.

6 Sec. 3. Board of physical therapy; dry needling standards;
7 rules; exemption

8 A. On or before July 1, 2015, the board of physical therapy shall
9 establish by rule professional standards of care and training and education
10 qualifications for the performance of dry needling for therapeutic purposes.
11 A physical therapist who was performing dry needling as a therapeutic
12 modality before January 1, 2014 may continue to perform dry needling until
13 the board adopts standards of care and training and education qualifications
14 pursuant to this section and then is required to meet the standards and
15 qualifications adopted by the board.

16 B. For the purposes of this section, the board of physical therapy is
17 exempt from the rulemaking requirements of title 41, chapter 6, Arizona
18 Revised Statutes, for one year after the effective date of this act.

19 Sec. 4. Effective date

20 Section 32-2044, Arizona Revised Statutes, as amended by this act, is
21 effective from and after June 30, 2015.

APPROVED BY THE GOVERNOR APRIL 24, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.