

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 24.177.501 examinations and ) PROPOSED AMENDMENT  
24.177.2301 unprofessional conduct )

TO: All Concerned Persons

1. On November 2, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/83710820374>  
Meeting ID: 837 1082 0374, Passcode: 194011  
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 837 1082 0374, Passcode: 194011

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

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 no later than 5:00 p.m., on October 26, 2021, 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 [dlibsdp@mt.gov](mailto:dlibsdp@mt.gov) (board's e-mail).

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

24.177.501 EXAMINATIONS (1) and (2) remain the same.

~~(3) The board may request an applicant to meet with the board at a time designated by the board and prior to licensure, for the purpose of conducting an oral interview as per 37-11-303, MCA.~~

~~(4)~~ (3) Applicants for examination shall file with the board office an application which shall include the following:

- (a) application fee; and
- (b) ~~copy of their certificate of graduation or transcripts from a board-approved physical therapy school or physical therapist assistant curriculum.~~ either:
  - (i) a copy of the applicant's certificate of graduation or transcripts

demonstrating graduation from a board-approved physical therapy school or physical therapist assistant curriculum; or

(ii) a letter from and bearing the signature of the program director, department chairperson, or similarly authorized official in a board-approved physical therapy school or physical therapist assistant curriculum stating that the applicant is a student at the physical therapy school or physical therapist assistant curriculum, is in good standing, and is expected to graduate at the next scheduled graduation date.

(4) The earliest date on which an applicant for examination may take the examination is the examination date nearest to and before the applicant's expected graduation date.

(5) and (6) remain the same.

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

IMP: 37-1-131, 37-1-304, 37-11-303, 37-11-304, MCA

REASON: The 2021 Montana Legislature enacted Chapter 57, Laws of 2021 (Senate Bill 70), an act removing the oral interview requirement for physical therapist licensure and allowing applicants to take the licensure examination prior to graduation. The bill was signed by the Governor and became effective on March 8, 2021.

The board is amending this rule to align with the bill's changes to 37-11-303, MCA, by removing the oral interview requirement. The board is also amending (3) and (4) to implement the changes to 37-11-304, MCA, that allow students to take the licensure examination prior to graduation. The board determined it is reasonably necessary to establish guidelines to ensure that only students on track to graduate take the examination and not so early in their education that it interferes with their studies. Because physical therapy students are generally engaged in clinical work in the final semester, taking the examination nearest to their expected graduation date will cause minimal disruption.

24.177.2301 UNPROFESSIONAL CONDUCT (1) through (1)(j) remain the same.

(k) Fee-splitting and over utilization of services;

~~(l) Failure to comply with the continuing education requirement as per ARM 24.177.2105.~~

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

IMP: 37-1-316, 37-1-319, 37-11-321, MCA

REASON: The board is striking (1)(l) to align with the department's internal standardized procedures for renewals, continuing education (CE) audits, and administrative suspension. Because the department's administrative suspension statute and procedure address and cure most CE violations, it is unnecessary to include failure to comply with CE as unprofessional conduct. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

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](mailto:dlibsdp@mt.gov), and must be received no later than 5:00 p.m., November 5, 2021.

5. An electronic copy of this notice of public hearing is available at [www.pt.mt.gov](http://www.pt.mt.gov) (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site 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 [dlibsdp@mt.gov](mailto:dlibsdp@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, apply and have been fulfilled. The primary bill sponsor was contacted on August 16, 2021, by electronic mail; August 18, 2021, by regular mail; and September 16, 2021, by telephone.

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.177.501 and 24.177.2301 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; telephone (406) 841-2395; facsimile (406) 841-2305; or to [dlibsdp@mt.gov](mailto:dlibsdp@mt.gov).

9. Department staff has been designated to preside over and conduct this hearing.

BOARD OF PHYSICAL THERAPY  
EXAMINERS  
HOLLY CLAUSSEN, PT  
PRESIDING OFFICER

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

/s/ LAURIE ESAU  
Laurie Esau, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 28, 2021.