

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 24.177.503 military training or) PROPOSED AMENDMENT AND
experience, 24.177.510 foreign-) REPEAL
trained physical therapist applicants,)
and 24.177.2105 continuing)
education, and the repeal of ARM)
24.177.410 list of licensed physical)
therapists)

TO: All Concerned Persons

1. On November 7, 2017, at 10:00 a.m., a public hearing will be held in Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

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 31, 2017, 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 rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.177.503 MILITARY TRAINING OR EXPERIENCE (1) and (2) remain the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a physical therapist or physical therapist assistant. ~~At a minimum, satisfactory Satisfactory evidence shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: Since adopting this rule, the board has become aware that certain military personnel (reservists and national guardsmen who have never been

activated) in fact do not receive a DD 214 form upon discharge from the military. Because the current rule may be interpreted to require a DD 214 from all applicants who submit evidence of relevant military training, service, or education as part of the licensure process, the board is amending the rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

24.177.510 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANTS

(1) Foreign-trained physical therapist applicants shall be subject to the following requirements:

(a) compliance with educational standards equivalent to the national standards of the Commission on Accreditation of Physical Therapy Education of the American Physical Therapy Association by using an evaluation of educational background performed by the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), ~~P.O. Box 258227, Alexandria, VA 22313-9998~~ as listed on the board's web site.

(b) through (d) remain the same.

(e) if from a non-English speaking culture, the applicant shall display competency in the English language by passing the national examination test of English as foreign language (TOEFL) with a passing score as designated by the Federation of State Boards of Physical Therapy (FSBPT). The applicant would contact TOEFL ~~by writing: as listed on the board's web site.~~

TOEFL
Box 899
Princeton, NJ 08541, USA

A fee is required by TOEFL and must be paid by the applicant.

(f) through (2) remain the same.

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

IMP: 37-1-131, 37-11-310, MCA

REASON: Both the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT) and the national examination test of English as foreign language (TOEFL) have changed contact information. The board is amending this rule to ensure the correct contact information for the FCCPT and TOEFL is immediately available to applicants. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.177.2105 CONTINUING EDUCATION (1) through (4)(b)(viii) remain the same.

(ix) taking and satisfactorily completing the FSBPT's ~~Practice Review Tool~~ current competency evaluation tool(s). Max hour/credit one.

(5) and (6) remain 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 and update this rule as the Federation of State Boards of Physical Therapy (FSBPT) no longer administers the Practice Review Tool and has replaced this continuing education option with various competency evaluation tools. Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority and remove an erroneous citation.

4. The board proposes to repeal the following rule:

24.177.410 LIST OF LICENSED PHYSICAL THERAPISTS

AUTH: 37-1-134, 37-11-201, MCA

IMP: 37-11-201, MCA

REASON: Following the 2015 revision of Montana's public records laws by House Bill 123, the board is repealing this rule as unnecessary. To comply with the provisions of 2-6-1017, MCA, the department now administers a standardized process to address requests for licensee lists for all professional and occupational licensure boards.

5. 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., November 13, 2017.

6. An electronic copy of this notice of public hearing is available at 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.

7. 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; or made by completing a request form at any rules hearing held by the agency.

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

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.177.503, 24.177.510, and 24.177.2105 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.177.410 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations 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 dlibsdtpt@mt.gov.

10. Mark Jette, legal counsel, has been designated to preside over and conduct this hearing.

BOARD OF PHYSICAL THERAPY
EXAMINERS
KELSEY WADSWORTH, PT, DPT, OCS
PRESIDING OFFICER

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH

Galen Hollenbaugh, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 2, 2017.