

Arkansas State Board of Physical Therapy Practice Act

17-93-101. Short title.

This chapter shall be cited as the “Arkansas Physical Therapy Act”.

17-93-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) “Board” means the Arkansas State Board of Physical Therapy;

(2) “Direct supervision” means that the supervising therapist is on-site and available for consultation;

(3) “Physical therapist” means a person who practices physical therapy as defined in this chapter having successfully completed a curriculum of physical therapy as accredited by a national accreditation agency approved by the board and having passed a nationally recognized licensing examination;

(4)(A) “Physical therapist assistant” means a person who:

(i) Assists in the practice of physical therapy under the supervision of a physical therapist;

(ii) Has successfully completed a physical therapist assistant curriculum accredited by a national accreditation agency approved by the board; and

(iii) Has passed a nationally recognized licensing examination.

(B) The physical therapist assistant’s function is to:

(i) Assist “the physical therapist in the patient-related activities;

(ii) Perform procedures delegated to him or her by the licensed physical therapists that are commensurate with his or her education and training;

(iii) Function as a participating team member who contributes to total patient care and assists the physical therapist in carrying out complete procedures and programs; and

(iv) Observe and report to his or her supervisor conditions, reactions, and responses related to his or her assigned duties.

(C) The physical therapist assistant shall not interpret the orders, perform evaluation procedures, or assume responsibility for planning patient care;

(5) “Physical therapy aide” means an unlicensed member of the physical therapy team who may

perform treatments under the direct supervision of a physical therapist or physical therapist assistant;

(6) “Practice of physical therapy” means:

(A) Examining and evaluating patients with mechanical, physiological and developmental impairments, functional limitations, and disability or other health-related conditions in order to determine a physical therapy diagnosis, prognosis, and planned therapeutic intervention;

(B)(i) Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include:

(a) Therapeutic exercise;

(b) Functional training in self-care as it relates to patient mobility and community access;

(c) Manual therapy techniques, including soft tissue massage, manual traction, connective tissue massage, therapeutic massage, and mobilization, i.e., passive movement accomplished within normal range of motion of the joint, but excluding spinal manipulation and adjustment;

(d) Assistive and adaptive devices and equipment as they relate to patient mobility and community access;

(e) Physical agents;

(f) Mechanical and electrotherapeutic modalities; and

(g) Patient-related instruction.

(ii) The therapeutic intervention of bronchopulmonary hygiene, and debridement and wound care requires a physician referral prior to initiation of treatment.

(iii) Physical therapy shall not include radiology or electrosurgery;

(C) Preventing injury, impairments, functional limitations, and disability, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(D) Engaging in consultation, testing, education, and research.

(7)(A) “Supervision” means that the supervising therapist retains moral, ethical, and legal responsibility for patient care and is readily available for consultation.

(B) The supervising therapist is not required to be on-site, but must be at least available by telecommunication.

17-93-103. Penalties.

(a) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five

hundred dollars (\$500) or by imprisonment in the county jail for a period of not less than one (1) month nor more than six (6) months, or by both fine and imprisonment.

(b) Each day of violation shall constitute a separate offense.

17-93-201. Creation - Members.

(a)(1) There is created the Arkansas State Board of Physical Therapy which shall consist of five (5) members to be appointed by the Governor for terms of three (3) years.

(2) Four (4) members shall be physical therapists licensed to practice in Arkansas with at least five (5) years experience as a physical therapist. The Governor shall appoint one (1) physical therapist from each congressional district in order to provide statewide representation of physical therapists.

(3) One (1) member shall not be actively engaged in or retired from the practice of physical therapy and shall serve as the representative of the public interest.

(b) A member shall hold his office until his successor has been appointed and qualified.

(c) The board shall meet at least twice a year and may hold additional meetings whenever necessary to discharge its duties.

(d) The board shall elect annually from its membership a chairman and a secretary.

(e) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

17-93-202. Powers and duties.

(a) The Arkansas State Board of Physical Therapy shall:

(1) Pass upon the qualifications of applicants for licensure of physical therapists and physical therapist assistants;

(2) Oversee all examinations;

(3) Determine the applicants who successfully pass the examinations; and

(4) License applicants who meet the qualifications provided in this chapter.

(b) In addition to other powers and duties set forth in this chapter, the board shall:

(1) Adopt reasonable rules and regulations and require the payment of license fees adequate to carry out the purposes of this chapter;

(2) Investigate reported violations of this chapter and take such steps as may be necessary to enforce this chapter;

(3) Keep a record of its proceedings and a record of all persons registered by it. The register shall show the name of every registrant, his or her last known place of business, his or her last known place of residence, and the date and number of his or her license; and

(4)(A) Compile a list of all licensed physical therapists and physical therapist assistants in the State of Arkansas, which list shall be printed annually.

(B) It shall furnish a copy of the list to all persons requesting it upon the payment of such fee as may be fixed by the board to compensate for the cost of printing the list.

17-93-203. Disposition of funds.

(a)(1) All fees and other moneys received by the board pursuant to the provisions of this chapter shall be deposited in a financial institution in this state and expended solely for the purposes of this chapter.

(2) No part of these funds shall revert to the general funds of this state.

(b)(1) The compensation provided by this chapter and all expenses incurred under this chapter shall be paid from these funds.

(2) No compensation or expenses incurred under this chapter shall be a charge against the general funds of this state.

(c) The board shall file an annual report of its activities with the Governor, and the report shall include a statement of all receipts and disbursements.

17-93-301. License required - Exceptions.

(a) It shall be unlawful for any person to practice physical therapy or to profess to be a physical therapist, physiotherapist, physical therapy technician, to use the initials "P.T.", "P.H.T.", "R.P.T." or any other letters, words, abbreviations, or insignia indicating that he or she is a physical therapist, or to practice or to assume the duties incident to physical therapy without first obtaining from the Arkansas State Board of Physical Therapy a license authorizing the person to practice physical therapy in this state.

(b) It shall be unlawful for any person to practice as a physical therapist assistant, to profess to be a physical therapist assistant, physiotherapist, or physical therapy technician, or to use the initials "P.T.A." or any other letters, words, abbreviations, or insignia indicating that he or she is a physical therapist assistant without first obtaining from the board a license or temporary permit authorizing the person to practice as a physical therapist assistant in this state.

(c) Nothing in this chapter shall be deemed to limit the authority of or prohibit any person licensed under any other act in this state from engaging in the practice for which he or she is licensed nor to prevent students who are enrolled in accredited physical therapy or physical therapist assistant education programs, from performing acts of physical therapy incidental to their courses of study.

17-93-302. Unlawful practice - Injunction.

The courts of record in this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of physical therapy in the county in which the alleged unlawful practice occurred or in which the defendant resides. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of this chapter, but the remedy of injunction shall be in addition to liability for criminal prosecution.

17-93-303. Physical therapists.

(a)(1) The Arkansas State Board of Physical Therapy shall register as a physical therapist each applicant who proves to the satisfaction of the board his or her fitness for licensure under the terms of this chapter.

(2) The board shall issue a license to each person registered. This license shall be prima facie evidence of the right of that person to practice physical therapy subject to the conditions and limitations of this chapter.

(b) Each physical therapist applicant must:

(1) Be at least twenty-one (21) years of age;

(2) Be of good moral character;

(3) Have been graduated by a school of physical therapy accredited by a national accreditation agency approved by the board;

(4) Have passed a written examination selected and approved by the board; and

(5) Submit a fee as determined by the board.

(c)(1) Upon payment of a fee, applicants shall be given examinations on the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology pathology, psychology, physics, neurology, orthopedics, pediatrics, surgery, medical ethics, and technical procedures in the practice of physical therapy as defined in this chapter, and any other subjects the board may determine to be necessary or desirable.

(2) The national examination shall test entry-level competency related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation.

(3)(A)(i) Upon payment of an appropriate fee, applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure.

(ii) The reexamination must take place within six (6) months after the first failure.

(B) Before being approved by the board for subsequent testing beyond two (2) attempts, the applicant shall reapply and demonstrate evidence satisfactory to the board of having successfully completed additional clinical training or course work or both as determined by the board.

(d)(1) A license or registration fee in an amount to be determined by the board shall be paid by each physical therapist who holds a license to practice physical therapy in the State of Arkansas. The registration fee shall be paid no later than March 1 of each year.

(2) Failure to reregister and pay the fee by March 1 shall cause the license of any person so failing to reregister to expire automatically.

(3) Any delinquent licensee may be reinstated by paying all delinquent fees and a penalty in an amount to be determined by the board for each year or part of a year he or she has been delinquent.

17-93-304. Physical therapist assistants.

(a) The Arkansas State Board of Physical Therapy shall register as a physical therapist assistant and shall issue a license to a person who:

(1) Satisfactorily passes the examination provided for in this chapter and otherwise meets the requirements for qualification contained in this chapter and pays the fee as determined by the board; or

(2) Was licensed under the rules of the Arkansas State Medical Board as a physical therapist assistant prior to March 28, 1979.

(b) Each physical therapist assistant applicant must:

(1) Be at least eighteen (18) years of age;

(2) Be of good moral character;

(3) Have been graduated by a school of physical therapy accredited by a national accreditation agency approved by the board;

(4) Have passed a written examination selected and approved by the board; and

(5) Submit a fee as determined by the board.

(c)(1)(A) Upon payment of an appropriate fee, applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure.

(B) The reexamination must take place within six (6) months after the first failure.

(2) Before being approved by the board for subsequent testing beyond two (2) attempts, the applicant shall reapply and demonstrate evidence satisfactory to the board of having successfully completed additional clinical training or course work, or both, as determined by the board.

17-93-305. Temporary permits.

(a) Under special circumstances, the Arkansas State Board of Physical Therapy may issue a temporary permit without examination to practice as a physical therapist or as a physical therapist assistant to

persons who are licensed in other states or otherwise meet the qualifications for licensure set forth in this chapter.

(b) The fee for the permit shall be in an amount to be determined by the board.

17-93-306. Reciprocity.

(a) A legally licensed physical therapist or physical therapist assistant who has been issued a license to practice as a physical therapist or as a physical therapist assistant in another state or territory whose requirements for registration and licensure were equal, at the time of his registration or licensure, to the requirements contained in this chapter may be registered and issued a license by the board, provided the state or territory from which the applicant comes accords a similar privilege of registration and licensure to persons registered and licensed in the State of Arkansas by the board.

(b) The issuance of a license by reciprocity by the board shall be at the sole discretion of the board, and the board may provide such rules and regulations governing admission as it may deem necessary or desirable.

17-93-307. Display of license.

Each licensee shall display his license and renewal certification in a conspicuous place in the principal office where he practices as a physical therapist or practices as a physical therapist assistant.

17-93-308. Revocation, suspension, or denial - Grounds.

(a) After due notice and hearing, the board may suspend, revoke, or refuse to renew the license of any person licensed under this chapter, or take other appropriate action against any person licensed under this chapter, who:

- (1) Is habitually drunk or who is addicted to the use of narcotic drugs;
- (2) Has been convicted of violating any state or federal narcotics law;
- (3) Is, in the judgment of the board, guilty of immoral or unprofessional conduct;
- (4) Has been convicted of any crime involving moral turpitude;
- (5) Is guilty, in the judgment of the board, of gross negligence in his or her practice;
- (6) Has obtained, or attempted to obtain, registration by fraud or material misrepresentation;
- (7) Has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane;
- (8) Has treated, or undertaken to treat, ailments of human beings otherwise than by physical therapy and as authorized by this chapter;

(9)(A) Engages, directly or indirectly, in the division, transferring, assigning, rebating, or refunding of fees received for professional services or gratuity with any physician or health care practitioner who referred a patient, or with any relative or business associate of the referring person, without appropriate disclosure to the patient so referred.

(B) Nothing in this subdivision (a)(9) shall be construed as prohibiting the members of any regularly and properly organized business entity recognized by Arkansas law and composed of physical therapists from making any division of their total fees among themselves as they determine by contract necessary to defray their joint operating costs.

(C) This subdivision (a)(9) shall not apply to any physical therapist employed by a licensed physician on July 15, 1991, during the term of such employment, nor shall it apply to physical therapy positions on the premises of Arkansas licensed hospitals and nursing homes; or

(10) Is in violation of any provisions of this chapter or any regulation promulgated by the board.

(b) The procedure in all disciplinary actions shall be as prescribed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and shall include the power to subpoena documents and people.

17-93-309. Revocation, suspension, or denial - Proceedings.

(a)(1) Any person may file a complaint with the Arkansas State Board of Physical Therapy against any person having a license to practice as a physical therapist or as a physical therapist assistant in this state charging that person with having violated the provisions of § 17-93-308.

(2) Once a complaint has been received in the board office, the board shall first send an advisory notice to the person allegedly committing the violation informing the person of the complaint and a statement notifying the person that the person must reply to the board.

(3) If the board determines that there is a reasonable belief that the accused may have been guilty of a violation of this chapter or the rules and regulations promulgated thereunder, or both, the board shall prepare an order and notice of hearing advising the person of the date for the hearing to be held by the board.

(b) All hearings and appeals shall be conducted in accordance with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

17-93-310. Fee sharing prohibited.

(a) It is unlawful for a physical therapist or any of his business associates to engage, directly or indirectly, in the division, transferring, assigning, rebating, or refunding of gratuities or fees received for professional services with any person who referred a patient or with any relative or business associate of the referring person.

(b) This section shall not apply to any physical therapist employed by a licensed physician or a group

physician practice when the physical therapy services are performed within the same office, building, clinic, or physical facility as the referring physician's services are performed, nor shall it apply to physical therapy positions on the premises of Arkansas-licensed hospitals and nursing homes.

17-93-311. Civil penalties.

(a) After due notice and hearing, the board is also authorized to levy a civil penalty against any person licensed under the provisions of this chapter after a finding that the person has violated any of the provisions of this chapter or any regulations promulgated by the board.

(b) Civil penalties assessed by the board shall be no more than one thousand dollars (\$1,000) per incident.

(c) In addition to any other sanctions authorized by this chapter, the board may impose a civil penalty as provided in this section against any unlicensed person practicing or offering to practice any actions requiring licensure pursuant to the provisions of this chapter.

17-93-312. Continuing education requirements.

(a)(1) A licensed physical therapist shall complete two (2) continuing education units (CEUs), equivalent to twenty (20) contact hours, in each biennium.

(2) A licensed physical therapist assistant shall complete one (1) continuing education unit (CEU), equivalent to ten (10) contact hours, in each biennium.

(b) The Arkansas State Board of Physical Therapy shall approve continuing education units (CEUs) and their program content.

17-93-313. Notice of malpractice claim or suit.

(a) Every physical therapist and physical therapist assistant, within ten (10) days after receipt of notification of a claim or a filing of a lawsuit against him for malpractice, shall notify the Arkansas State Board of Physical Therapy of the claim or lawsuit.

(b) The board shall prepare and adopt regulations as are necessary and proper to assure compliance with this section.