

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Physical Therapist Licensing Board	Chapter 848	
Agency and Division	Administrative Rules Chapter Number	
James D. Heider	800 NE Oregon Street Ste. 407, Portland, Oregon 97232	971.673.0203
Rules Coordinator	Address	Telephone

RULE CAPTION

Definitions: Therapy Interventions, Screenings, Foreign Credentialing; **Rule Clarifications:** Reassessments, Pain CE Requirements, Compliance, Aides Role.

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

November 14, 2008	8:30 AM	Portland State Office Building 800 NE Oregon Street Room 1-C	James D. Heider
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 848-010-0022; 848-035-0035; 848-040-0175

AMEND: 848-010-0015; 848-010-0020; 848-010-0026; 848-010-0044; 848-015-0030; 848-020-0030; 848-020-0060; 848-035-0020; 848-035-0030; 848-035-0040; 848-040-0100; 848-040-0117; 848-040-0145; 848-040-0160; 848-045-0020

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 688.160

Other Auth.:

Stats. Implemented: ORS 688.160(6)(c); ORS 688.132(1)(b); ORS 409.520(1)(a)(Q)

RULE SUMMARY

Adopt rules that will define: CE Pain Management requirements for PTs; the endorsement process of Foreign Educated PTs working in the US; and, PT Screenings. Amend rules to define or further clarify: the term physical therapy interventions; documentation requirements of a PT reassessment; requirement for PT to refer a direct access patient; qualifications of examination application candidates; historical exam passing score criterion used by the Board when considering endorsement licensure; grounds for refusal of a license applicant; supervision and use of Aides, prohibited acts for Aides; prohibited acts for PTAs; use of CE credits taken by PT/PTA students while still in PT programs, records retention for CE documentation; adding "Failure to comply with an Advisory Letter from the Board" to Grounds for Discipline.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Written comments must be received by 10:00 AM, Friday, November 14, 2008.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature	James D. Heider	Printed name	Date
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*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Physical Therapist Licensing Board

Chapter 848

Agency and Division

Administrative Rules Chapter Number

Definitions: Therapy Interventions, Screenings, Foreign Credentialing; **Rule Clarifications:** Aides Role, Reassessments, Pain CE Requirements, Compliance

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adoption of OAR 848-010-0022; 848-035-0035; 848-040-0175 and Amendment of OAR 848-010-0015; 848-010-0020; 848-010-0026; 848-010-0044; 848-015-0030; 848-020-0030; 848-020-0060; 848-035-0020; 848-035-0030; 848-035-0040; 848-040-0100; 848-040-0117; 848-040-0145; 848-040-0160; 848-045-0020

Statutory Authority: **ORS 688.160**

Other Authority:

Stats. Implemented: **ORS 688.160(6)(c); ORS 688.132(1)(b); ORS 409.520(1)(a)(Q)**

Need for the Rule(s): The adoption of 848-035-0035 and amendments to 848-010-0040 are directly related to the passage of SB 879 and HB 2386 in the 2007 legislative session. The adoption of 848-010-0022 was a directive from the Board after careful consideration of unsolicited input from several Oregon employers unable to find enough qualified therapists and from foreign educated therapists themselves seeking licensure in the State of Oregon. The intent of the new rule is to remove road blocks to endorsement licensure of qualified foreign educated therapists as set by previous rule. The review, adoption and amendments to the remaining rules were as a result of the Board Administrative Rules Advisory Committee's review and recommendations. The review included new definitions and further clarification of existing rule language with no impact to the original intent of the existing rules.

Documents Relied Upon, and where they are available: SB 879 and HB 2386 available online Secretary of States Office Archives Division; current Board Statute and Administrative Rules and 4/4/08, 6/6/08/ 8/1/08 Board Meeting Minutes, available on Board website; 12/12/07, 1/29/08, 3/5/08, 4/29/08 Administrative Rules Advisory Committee Meeting Minutes available by contacting Board office; APTA Guide to Physical Therapy Practice copy available for viewing in Board office.

Fiscal and Economic Impact: The Board has analyzed the proposed administrative rule changes and finds that there should be no significant fiscal or economical impact to the Board, any other local government units, state agencies, schools, the public or the business community.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Board has analyzed the proposed administrative rule changes and finds that there should be no cost of compliance to any local government units, state agencies, schools, the public or the business community.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The Board has analyzed the proposed administrative rule changes and finds that there should be no significant fiscal or economical impact to the Board, any other local government units, state agencies, schools, the public or the business community.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Not applicable

c. Equipment, supplies, labor and increased administration required for compliance: Not applicable

How were small businesses involved in the development of this rule? The Legal Counsel representing Oregon Physical Therapists in Independent Practice (OPTIP) sat on both the Advisory Committee and the Drafting Committee. OPTIP represents 125 small independent PT Clinics throughout the State of Oregon.

Administrative Rule Advisory Committee consulted?:

If not, why?: Yes, an Administrative Rules Advisory Committee was formed and consisted of 23 members: 17 PTs; 2 PTAs; 1 Attorney; the Executive Director; the Board Clinical Advisor/Investigator, also a PT; and a Board Member, also a PT. Meetings were held on 12/12/07, 1/29/08, 3/5/08, 4/29/08 and 7/22/08. Additionally, a public Board meeting was held on 8/1/08 to review and approve the proposed rule adoption and amendments of the Administrative Rules Committee; this meeting was posted with notice sent to all interested parties.

James D. Heider

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007