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Sequence Number: 12-05-14
 Rule ID(s): 5842
 File Date: 12/2/14
 Effective Date: 3/2/15

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Tennessee Board of Physical Therapy
Division:	Department of Health
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1150-01	General Rules Governing the Practice of Physical Therapy
Rule Number	Rule Title
1150-01-.04	Qualifications for Licensure
1150-01-.07	Application Review, Approval and Denial
1150-01-.12	Continuing Competence

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendments

Rule 1150-01-.04 Qualifications for Licensure is amended by deleting subparagraph (1)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(b) shall read:

- (b) If sitting for the physical therapist examination, be a graduate of a school of physical therapy accredited by CAPTE; or, if sitting for the physical therapist assistant examination, be a graduate of a school for physical therapist assistants accredited by CAPTE; and

Authority: T.C.A. §§ 63-13-103, 63-13-304, 63-13-306, and 63-13-307.

Rule 1150-01-.07 Application Review, Approval and Denial is amended by deleting subparagraph (9)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (9)(b) shall read:

- (b) Whenever the applicant fails to complete the application process as stated in (a) above, written notification will be mailed to the applicant notifying him that the file has been closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

Authority: T.C.A. §§ 63-13-304, 63-13-306, 63-13-307, and 63-13-312.

Rule 1150-01-.12 Continuing Competence is amended by deleting subparagraphs (4)(a) and (4)(b) in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (4)(c), so that as amended, the new subparagraphs (4)(a) and (4)(b) shall read:

- (a) Ethics and Jurisprudence – The Tennessee Physical Therapy Association (TPTA) is the sole approval entity for ethics and jurisprudence courses. All ethics and jurisprudence courses approved by the TPTA shall be deemed approved by the Board. Any ethics and jurisprudence course not approved by the TPTA will fail to meet the requirements of this rule. The TPTA shall only approve courses that are a minimum of two (2) hours each in duration. They shall be Class I continuing competence as provided in paragraph (5), and shall as a minimum include education in:

1. Ethics:

- (i) APTA Code of Ethics;
- (ii) APTA Guide for Professional Conduct;
- (iii) APTA Standards for Ethical Conduct for the Physical Therapist Assistant;
- (iv) APTA Guide for Conduct of the Physical Therapist Assistant;
- (v) Model for ethical decision making; and
- (vi) Case analysis.

2. Jurisprudence:

- (i) The Occupational and Physical Therapy Practice Act (Tennessee Code Annotated, Title 63, Chapter 13, Parts 1 and 3);
- (ii) General Rules Governing the Practice of Physical Therapy (Official Compilation, Rules and Regulations, Chapter 1150-01);
- (iii) Board of Physical Therapy Policy Statements;

- (iv) Licensure process;
 - (v) Scope of practice;
 - (vi) Licensure renewal;
 - (vii) Disclosures to patients;
 - (viii) Offenses that may lead to disciplinary action;
 - (ix) Supervision of Physical Therapist Assistants;
 - (x) Supervision of Physical Therapy assistive personnel; and
 - (xi) Supervision of others (students, volunteers).
- (b) Course approval – Aside from ethics and jurisprudence courses approved under subparagraph (a) above, the Board does not pre-approve Class I and Class II continuing competence courses, programs, and activities required by paragraphs (3), (5) and (6) of this rule. It is the licensee's responsibility, using his/her professional judgment, to determine if the courses being taken are applicable, appropriate, and meet the requirements of this rule. However, TPTA must seek the Board's approval for offering ethics and jurisprudence courses by submitting the following information to the Board's office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course:
1. Course description or outline;
 2. Names of all lecturers;
 3. Brief resume of all lecturers; and
 4. How certification of attendance is to be documented.

Each course approved by TPTA must be approved every twelve (12) months.

Authority: T.C.A. §§ 63-13-304, 63-13-308, and 63-13-309.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Brigina T. Wilkerson	X				
Brandon K. Hollis	X				
David Harris				X	
David Finch	X				
Minty R. Ballard				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Physical Therapy (board/commission/ other authority) on 02/07/2014 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/01/13 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 02/07/14 (mm/dd/yy)

Date: 11/7/14

Signature: [Handwritten Signature]

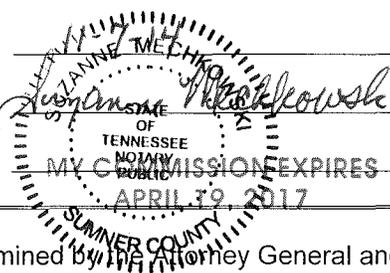
Name of Officer: Grant Mullins
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: _____

Notary Public Signature: [Handwritten Signature]

My commission expires on: _____



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]
Herbert H. Slatery III
Attorney General and Reporter
November 24, 2014
Date

Department of State Use Only

Filed with the Department of State on: 12/2/14

Effective on: 3/2/15

[Handwritten Signature]
Tre Hargett
Secretary of State

2014 DEC -2 PM 3:50
 SECRETARY OF STATE

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Scott Newton, a representative of the Tennessee Physical Therapy Association, addressed the Board with support for the rule amendments. He also requested the Board to combine ethics and jurisprudence in its amendments to continuing education.

The Board accepted this request and included the amended language into the proposed rules.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

REGULATORY FLEXIBILITY ANALYSIS

- (1) **The extent to which the rule or rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.**

These rules do not overlap, duplicate, or conflict with other federal, state, local or governmental rules.

- (2) **Clarity, conciseness, and lack of ambiguity in the rule or rules.**

These rules exhibit clarity, conciseness and lack of ambiguity.

- (3) **The establishment of flexible compliance and/or reporting requirements for small businesses.**

The rules do establish flexible compliance and/or reporting requirements for small business. The only change affecting the reporting requirements of physical therapists regards the approval process for the therapist's continuing education hours in ethics. This amendment alleviates the need of the Board to approve those hours, thus eliminating one step for therapists seeking approval for continuing education hours.

- (4) **The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.**

These rules do not establish schedules or deadlines for compliance.

- (5) **The consolidation or simplification of compliance or reporting requirements for small businesses.**

The rules simplify the reporting requirements for small business by removing one step in the approval process for continuing education classes.

- (6) **The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.**

These rules do not establish performance standards or design or operational standards for small businesses.

- (7) **The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.**

These rules do not create any barriers that stifle entrepreneurial activity, curb innovation, or increase costs.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Board of Physical Therapy

Rulemaking hearing date: TBD

- 1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

Those engaging in the practice of physical therapy are subject to these rule amendments. Those businesses will bear the cost of, and/or directly benefit from the proposed rule.

- 2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

These rule amendments do not require any additional reporting, recordkeeping, or any other administrative costs for compliance. In fact, these rule amendments will reduce the recordkeeping duties of the Board as it will be removed from the approval process for closing abandoned licenses, which will now automatically be deemed closed.

- 3. Statement of the probable effect on impacted small businesses and consumers:**

The rules may have an economic impact by prohibiting those who have graduated from physical therapy school and failed the physical therapy exam from entering the profession by becoming physical therapist assistants as an alternative. However, given the small number of people who fall into this category, the department anticipates any such impact to be minimal.

- 4. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

There is no less burdensome, less intrusive or less costly alternative methods of achieving the purposes of these rules.

- 5. Comparison of the proposed rule with any federal or state counterparts:**

Federal: None

State: These rule amendments would follow the application closing policies and continuing education policies of the other various health-related boards.

- 6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule:**

These rule amendments do not provide exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. § 4-5-228(a), "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected financial impact on local governments."

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The first two rule amendments seek to clarify the intent of rules already in place. The first clarifies who may sit for a physical therapy or a physical therapy assistant examination. The second removes a procedural inconsistency in the closure of incomplete applications. The final rule addresses the approval process for ethics continuing education as well as a second conforming amendment.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The rules affect those engaged in the practice of physical therapy and the Board of Physical Therapy.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules should not result in any increases or decreases in state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Grant Mullins, Assistant General Counsel, Department of Health, possess substantial knowledge and understanding of the rule.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Grant Mullins, Assistant General Counsel, Department of Health, will explain the rule at a meeting of the committees.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

665 Mainstream Drive, Nashville, Tennessee 37243, (615) 741-1611, Grant.Mullins@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

(Rule 1150-01-.03, continued)

practice of physical therapy without being credentialed or expressly exempted by the laws are in violation of T.C.A. §63-1-123.

- (4) No other person shall hold himself out to the public by a title or description of services incorporating the words "physical therapist" or "physical therapist assistant" nor shall state or imply that he is licensed as such unless that person is licensed or expressly exempted pursuant to T.C.A. §§63-13-301, et seq.
- (5) Licensee Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Physical Therapist" or "Physical Therapist Assistant" as applicable, and to use the acronyms "P.T." or "P.T.A." as applicable, and to practice physical therapy, as defined in T.C.A. § 63-13-103. Any person to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1150-01-.13 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action pursuant to T.C.A. § 63-13-312 (3) and (14).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-123, 63-1-145, 63-1-146, 63-13-102, 63-13-103, 63-13-108, 63-13-301, 63-13-302, 63-13-304, 63-13-306, 63-13-307, 63-13-308, 63-13-310, 63-13-312 and 63-13-315. **Administrative History:** Original rule filed September 29, 1981; effective December 29, 1981. Amendment filed April 28, 1983; effective May 31, 1983. Repeal rule filed September 30, 1987; effective November 14, 1987. Amendment filed March 26, 1991; effective May 10, 1991. Repeal and new rule filed February 21, 1996; effective May 6, 1996. Repeal and new rule filed March 16, 2000; effective May 30, 2000. Amendment filed September 24, 2009; effective December 23, 2009.

1150-01-.04 QUALIFICATIONS FOR LICENSURE.

- (1) To qualify for licensure by examination, a Physical Therapist or a Physical Therapist Assistant must:
 - (a) Be of good moral character; and
 - ~~(b) Be a graduate of a school of physical therapy accredited by CAPTE or a school for physical therapist assistants accredited by CAPTE; and~~
 - (b) If sitting for the physical therapist examination, be a graduate of a school of physical therapy accredited by CAPTE; or, if sitting for the physical therapist assistant examination, be a graduate of a school for physical therapist assistants accredited by CAPTE; and
 - (c) Pass to the satisfaction of the Board an examination conducted by it to determine fitness for practice as a physical therapist or physical therapist assistant.
- (2) To qualify for licensure by reciprocity a physical therapist or physical therapist assistant must possess a current and unrestricted license from another U.S. jurisdiction and comply with either (a), (b) or (c) below.
 - (a) Credentials required for individuals who attained certification, registration or licensure in another state or country from July, 1995, to date:
 1. Be of good moral character;
 2. Graduate from a physical therapist or physical therapist assistant program accredited by CAPTE and approved by the Board of Physical Therapy;

(Rule 1150-01-.04, continued)

3. Pursuant to Rule 1150-01-.07, obtain verification of licensure status from all states in which he holds or has held a license; and
 4. Candidates qualifying for licensure by reciprocity must have passed the licensing examination with a criterion referenced passing point.
- (b) Credentials required for applicants who attained certification, registration, or licensure in another state or country from December 29, 1981 to July, 1995.
1. Be of good moral character;
 2. Graduate from a physical therapist or physical therapist assistant program accredited by CAPTE and approved by the Board of Physical Therapy;
 3. Pursuant to Rule 1150-01-.07, obtain verification of licensure status from all states in which he holds or has held a license; and
 4. Candidates qualifying for licensure by reciprocity must have passed the licensing examination with a minimum converted score of seventy-five (75), based on one point five (1.5) sigma below the national mean for the examination. This applies to the score of each individual part as well as the total score.
- (c) Credentials required for applicants who attained certification, registration or licensure in another state or country from July 1, 1976 to December 28, 1981:
1. Be of good moral character;
 2. Graduate from a physical therapist or physical therapist assistant program accredited by CAPTE or a physical therapist or physical therapist assistant program approved by the American Medical Association;
 3. Pursuant to Rule 1150-01-.07, obtain verification of licensure status from all states in which he holds or has held a license; and
 4. Candidates qualifying for licensure by reciprocity must have passed the licensing examination with a minimum converted score of seventy-five (75), based on one point five (1.5) sigma below the national mean for the examination. This applies to the score of each individual part as well as the total score.
- (d) Credentials required for applicants who were registered, certified or licensed as a PT or PTA in another state or country prior to July 1, 1976, must comply with the applicable provisions of T.C.A. §63-13-307(c).
- (3) Internationally Educated. In addition to meeting the requirements outlined either in Rule 1150-01-.04(1) except 1150-01-.04(1)(b), or 1150-01-.04(2) except 1150-01-.04(2)(b)2, international graduates must:
- (a) Have submitted directly to the Board's administrative office a validly issued and error-free "Comprehensive Credential Evaluation Certificate for the Physical Therapist" (Type 1 Certificate) from the Foreign Credentialing Commission on Physical Therapy (FCCPT) for the purpose of evaluating and verifying that the applicant's education is substantially equivalent to a curriculum approved by CAPTE.
 1. Submitting the "Visa Credential Verification Certificate," also issued by the FCCPT, will not constitute meeting this requirement.

(Rule 1150-01-.04, continued)

2. Applicants who cannot obtain a Type 1 Certificate from the FCCPT based on their ineligibility to sit for the Test of English as a Foreign Language internet Based Test (TOEFL iBT) must submit all other components of the Type 1 Certificate directly to the Board's administrative office, for the purpose of evaluating and verifying that the applicant's education is substantially equivalent to a curriculum approved by CAPTE; or
- (b) Have submitted directly to the Board's administrative office a validly issued and error-free certification from any agency verifying that the applicant's education is substantially equivalent to a curriculum approved by CAPTE.
 1. The agency must evaluate the curriculum in a manner similar to the FCCPT educational credentials review.
 2. The result or outcome of the evaluation is the issuance of certification that the Board considers to be equivalent to the "Comprehensive Credential Evaluation Certificate for the Physical Therapist" (Type 1 Certificate) from the FCCPT.
 - (c) Submit proof of United States or Canada citizenship or evidence of being legally entitled to live and work in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers or current visa status.
 - (d) Have credentials that comply with the applicable provisions of T.C.A. § 63-13-307 (d) if the applicant was registered, certified, or licensed as a physical therapist or physical therapist assistant in another state or country prior to July 1, 1976.
 - (e) After receiving written approval from the Board regarding the credentials in subparagraph (a), have participated in and successfully completed a Board-approved supervised clinical practice period to provide a broad exposure to general physical therapy skills, pursuant to guidelines approved and issued by the Board.
 1. The supervised clinical practice period shall be four hundred and eighty (480) hours and shall be accomplished at a rate of no more than forty (40) hours or no less than ten (10) hours per week.
 2. The supervising licensed physical therapist shall submit the evaluation form contained in the guidelines supplied by the Board to the Board's administrative office upon completion of the supervisory period.
 3. If the Board determines the supervised clinical period has not been successfully completed, the Board may require additional time in supervised clinical practice, additional coursework, and/or and oral examination.
 4. Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, employees, present or former physical therapist, present or former romantic partner, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payments for the actual supervisory hours.
- (4) Electrophysiologic studies

(Rule 1150-01-.04, continued)

- (a) Applicants for licensure as a Physical Therapist who seek to conduct diagnostic electromyography (invasive needle study of multiple muscles for diagnosis of muscle and nerve disease), pursuant to rule 1150-01-.02 (See Practice of Physical Therapy), while practicing must submit to the Board's administrative office documented evidence of possessing current ECS certification from the American Board of Physical Therapy Specialties.
 - (b) Applicants for licensure as a Physical Therapist who seek to conduct surface electrophysiological studies (motor and sensory conduction, and somatosensory evoked potentials), and kinesiological studies (invasive needle study of the muscles to determine the degree and character of a muscle during certain movements) pursuant to rule 1150-01-.02 (See Practice of Physical Therapy), while practicing must submit to the Board's administrative office documented evidence of possessing the theoretical background and technical skills for safe and competent performance of such studies.
 - (c) Supervision - The supervision of applicants who seek to conduct diagnostic electromyography, surface electrophysiological studies, and kinesiological studies shall be consistent with sound medical practice.
- (5) In determining the qualifications of applicants for licensure as a physical therapist or physical therapist assistant, only a majority vote of the Board of Physical Therapy shall be required.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-13-103, 63-13-108, 63-13-304, 63-13-306 and 63-13-307.

Administrative History: Original rule filed September 29, 1981; effective December 29, 1981. Repeal and new rule filed September 30, 1987; effective November 14, 1987. Repeal and new rule filed February 21, 1996; effective May 6, 1996. Amendment filed September 24, 1998; effective December 8, 1998. Amendment filed January 31, 2000; effective April 15, 2000. Repeal and new rule filed March 16, 2000; effective May 30, 2000. Amendment filed April 10, 2002; effective June 24, 2002. Amendment filed June 3, 2004; effective August 17, 2004. Amendment filed December 29, 2004; effective March 14, 2005. Amendment filed September 22, 2005; effective December 6, 2005. Amendment filed February 2, 2007; effective April 18, 2007. Amendment filed May 18, 2007; effective August 1, 2007. Amendment filed September 24, 2009; effective December 23, 2009. Amendments filed August 19, 2010; effective November 17, 2010.

1150-01-.05 PROCEDURES FOR LICENSURE.

- (1) Procedures for all applicants. To become licensed as a physical therapist or physical therapist assistant in Tennessee, a person must comply with the following procedures and requirements.
 - (a) An application packet shall be requested from the Board's administrative office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Board's administrative office. It is the intent of these rules that all steps necessary to accomplish the filing of the required documentation be completed prior to filing either the application for licensure or the application for examination.
 - (c) Applications will be accepted throughout the year.
 - (d) An applicant shall pay the nonrefundable application fee, the State regulatory fee and, if applicable, the reciprocity fee as provided in Rule 1150-01-.06 when submitting the application.

(Rule 1150-01-.06, continued)

April 8, 2003; effective June 22, 2003. Amendment filed May 18, 2007; effective August 1, 2007. Amendment filed December 27, 2011; effective March 26, 2012.

1150-01-.07 APPLICATION REVIEW, APPROVAL AND DENIAL.

- (1) An application packet shall be requested from the Board's administrative office.
- (2) Applications for licensure will be accepted throughout the year.
- (3) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director. The Board will ratify licensure action taken by the Unit Director or designated Board member.
- (4) If an application for licensure is incomplete when received in the Board's administrative office, the applicant will be notified of such deficiency. The individual will not be deemed eligible to take the examination until the application is judged to be complete and accurate by the administrative office.
- (5) The Board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Board wishes additional information.
- (6) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing if the licensure denial was based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if licensure denial is based on objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal may be requested. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial.
- (7) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination or if the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (8) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from date of receipt of the notification.
- (9) Abandonment of Application

(Rule 1150-01-.07, continued)

- (a) An application shall be deemed abandoned and closed if:
1. The application has not been completed by the applicant within twelve (12) months after it was initially reviewed by the Board; or
 2. The applicant fails to sit for the written exam, if applicable, within six (6) months after being notified of eligibility.
- ~~(b) Whenever the applicant fails to complete the application process as stated in (a) above, written notification will be mailed to the applicant notifying him that the file has been closed. The determination of abandonment must be ratified by the Board. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.~~
- (b) Whenever the applicant fails to complete the application process as stated in (a) above, written notification will be mailed to the applicant notifying him that the file has been closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.
- (10) If an applicant requests an entrance for licensure and, after Board review, wishes to change that application to a different type of entrance, a new application with supporting documents and an additional application fee must be submitted, e.g., reciprocity to examination.
- (11) An applicant shall submit an original letter of recommendation from a physical therapist or physical therapist assistant licensed in the United States that attests to the applicant's good moral character. The letter cannot be from a relative of the applicant.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-5-301, 63-13-108, 63-13-301, 63-13-304, 63-13-306, 63-13-307, and 63-13-312. **Administrative History:** Original rule filed September 30, 1987; effective November 14, 1987. Amendment filed March 26, 1991; effective May 10, 1991. Repeal and new rule filed February 21, 1996; effective May 6, 1996. Amendment filed September 24, 1998; effective December 8, 1998. Repeal and new rule filed March 16, 2000; effective May 30, 2000. Amendment filed July 31, 2000; effective October 14, 2000.

1150-01-.08 EXAMINATIONS. In addition to having filed an application, an individual seeking licensure shall be required to pass an examination.

- (1) The Board adopts as its examination for physical therapists and physical therapist assistants the National Physical Therapy Examinations endorsed by the Federation of State Boards of Physical Therapy or successor examinations.
- (2) Examination Application
 - (a) All applicants for examination shall apply for admission directly with the Federation of State Boards of Physical Therapy (FSBPT) by contacting:

Federation of State Boards of Physical Therapy	Telephone	(703) 299-3100
509 Wythe Street	Fax	(703) 299-3110
Alexandria, VA 22314	Internet	www.fsbpt.org

Application forms and instructions will be provided by the Board's administrative office.
 - (b) All educational requirements must be completed prior to filing an application for licensure or examination.

(Rule 1150-01-.11, continued)

or use within Tennessee any words, letters, titles, or figures which indicate or imply that he is a licensed physical therapist or physical therapist assistant; or

- (c) Submit a letter, which has been signed and notarized, requesting his license to be placed in retirement. Such letter must contain a statement indicating that the licensee understands that he can not practice or in any way indicate or imply that he holds an active Tennessee license or use within Tennessee any words, letters, titles, or figures which indicate or imply that he is a licensed PT or PTA.
- (3) License holders whose licenses have been retired may reactivate their licenses in the following manner:
 - (a) Submit a written request for licensure reactivation to the Board's administrative office including a statement describing all relevant experiences education during the period of retirement or inactivity; and
 - (b) Pay the current licensure renewal fees and State regulatory fee as provided in Rule 1150-01-.06. If retirement reactivation is requested prior to the expiration of one (1) year from the date of retirement, the Board will additionally require payment of the reinstatement fee as prescribed in Rule 1150-01-.06.
 - (c) Complete the continuing competence requirements, as provided in Rule 1150-01-.12.
 - (4) Licensure reactivation applications shall be treated as licensure applications and review and decisions shall be governed by Rule 1150-01-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-13-104, 63-13-108, 63-13-301, 63-13-304, 63-13-306, 63-13-308, and 63-13-309. **Administrative History:** Original rule filed February 21, 1996; effective May 6, 1996. Repeal and new rule filed March 16, 2000; effective May 30, 2000. Amendment filed January 16, 2003; effective April 1, 2003.

1150-01-.12 CONTINUING COMPETENCE. Continuing Competence. On January 1, 2003, the Board shall begin to notify applicants for renewal of continuing competence requirements as provided in T.C.A. §63-13-304(6). The Board shall require each licensed physical therapist and physical therapist assistant to participate in a minimum number of experiences to promote continuing competence for the twenty – four (24) months that precede the licensure renewal month. Beginning January 1, 2005, all applicants for licensure, renewal of license, reactivation of license, or reinstatement of license must demonstrate competency.

- (1) The requirements for continuing competence are defined as planned learning experiences which occur beyond the entry level educational requirements for physical therapists and physical therapist assistants. Content of the experience must relate to physical therapy whether the subject is intervention, examination, research, documentation, education, management, or some other content area. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Tennessee.
- (2) For applicants approved for initial licensure by examination, successfully completing the requirements of Rules 1150-01-.04, .05, and .08, as applicable, shall be considered proof of sufficient competence to constitute compliance with this rule for the initial period of licensure except for the ethics and jurisprudence education requirements of paragraph (4). Applicants approved for initial licensure by examination must successfully complete four (4) hours of ethics and jurisprudence education during their initial period of licensure
- (3) Twenty-four (24) Month Requirement – Continuing competence credit is awarded for the clock hours spent in an activity as provided in paragraphs (5) and (6). Except as provided in

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paragraph (4), all required hours may be met through Class I activities. Except as provided in paragraph (4), any Class I activity without a stated maximum number of hours may be used to accrue all required hours.

- (a) Physical Therapist – Thirty (30) hours are required for the twenty-four (24) months that precede the licensure renewal month.
 1. At least twenty (20) hours of the thirty (30) hour requirement must be from Class I activities as provided in paragraph (5).
 2. Up to ten (10) of the thirty (30) hour requirement may be from Class II activities as provided in paragraph (6).
- (b) Physical Therapist Assistant – Twenty (20) hours are required for the twenty-four (24) months that precede the licensure renewal month.
 1. At least ten (10) hours of the twenty (20) hour requirement must be from Class I activities as provided in paragraph (5).
 2. Up to ten (10) hours of the twenty (20) hour requirement may be from Class II activities as provided in paragraph (6).
- (4) Four (4) of the hours required in parts (3) (a) 1. and (3) (b) 1. consist of ethics and jurisprudence education courses. These four (4) hours are required every other twenty-four (24) month period.
 - (a) ~~Jurisprudence – This course shall be a minimum of two (2) hours, shall be Class I continuing competence as provided in paragraph (5), and shall as a minimum include education in:~~
 1. ~~The Occupational and Physical Therapy Practice Act (Tennessee Code Annotated, Title 63, Chapter 13, Parts 1 and 3);~~
 2. ~~General Rules Governing the Practice of Physical Therapy (Official Compilation, Rules and Regulations, Chapter 1150-01);~~
 3. ~~Board of Physical Therapy Policy Statements;~~
 4. ~~Licensure process;~~
 5. ~~Scope of practice;~~
 6. ~~Licensure renewal;~~
 7. ~~Disclosures to patients;~~
 8. ~~Offenses that may lead to disciplinary action;~~
 9. ~~Supervision of Physical Therapist Assistants;~~
 10. ~~Supervision of Physical Therapy assistive personnel; and~~
 11. ~~Supervision of others (students, volunteers).~~

(Rule 1150-01-.12, continued)

(a) Ethics and Jurisprudence – The Tennessee Physical Therapy Association (TPTA) is the sole approval entity for ethics and jurisprudence courses. All ethics and jurisprudence courses approved by the TPTA shall be deemed approved by the Board. Any ethics and jurisprudence course not approved by the TPTA will fail to meet the requirements of this rule. The TPTA shall only approve courses that are a minimum of two (2) hours each in duration. They shall be Class I continuing competence as provided in paragraph (5), and shall as a minimum include education in:

1. Ethics:

- (i) APTA Code of Ethics;
- (ii) APTA Guide for Professional Conduct;
- (iii) APTA Standards for Ethical Conduct for the Physical Therapist Assistant;
- (iv) APTA Guide for Conduct of the Physical Therapist Assistant;
- (v) Model for ethical decision making; and
- (vi) Case analysis.

2. Jurisprudence:

- (i) The Occupational and Physical Therapy Practice Act (Tennessee Code Annotated, Title 63, Chapter 13, Parts 1 and 3);
- (ii) General Rules Governing the Practice of Physical Therapy (Official Compilation, Rules and Regulations, Chapter 1150-01);
- (iii) Board of Physical Therapy Policy Statements;
- (iv) Licensure process;
- (v) Scope of practice;
- (vi) Licensure renewal;
- (vii) Disclosures to patients;
- (viii) Offenses that may lead to disciplinary action;
- (ix) Supervision of Physical Therapist Assistants;
- (x) Supervision of Physical Therapy assistive personnel; and
- (xi) Supervision of others (students, volunteers).

~~(b) Ethics – This course shall be a minimum of two (2) hours, shall be Class I continuing competence as provided in paragraph (5), and shall as a minimum include education in:~~

- ~~1. APTA Code of Ethics;~~

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- ~~2. APTA Guide for Professional Conduct;~~
- ~~3. APTA Standards of Ethical Conduct for the Physical Therapist Assistant;~~
- ~~4. APTA Guide for Conduct of the Physical Therapist Assistant;~~
- ~~5. Model for ethical decision making; and~~
- ~~6. Case analysis.~~

(b) Course approval – Aside from ethics and jurisprudence courses approved under subparagraph (a) above, the Board does not pre-approve Class I and Class II continuing competence courses, programs, and activities required by paragraphs (3), (5) and (6) of this rule. It is the licensee's responsibility, using his/her professional judgment, to determine if the courses being taken are applicable, appropriate, and meet the requirements of this rule. However, TPTA must seek the Board's approval for offering ethics and jurisprudence courses by submitting the following information to the Board's office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course:

1. Course description or outline;
2. Names of all lecturers;
3. Brief resume of all lecturers; and
4. How certification of attendance is to be documented.

Each course approved by TPTA must be approved every twelve (12) months.

~~(c) Course approval – The Board does not pre-approve Class I and Class II continuing competence courses, programs, and activities required by paragraphs (3), (5) and (6). It is the licensee's responsibility, using his/her professional judgment, to determine if the courses being taken are applicable, appropriate, and meet the requirements of this rule. However, an ethics and jurisprudence course provider must seek the Board's course approval by submitting the following information to the Board's administrative office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course:~~

- ~~1. Course description or outline;~~
- ~~2. Names of all lecturers;~~
- ~~3. Brief resume of all lecturers;~~
- ~~4. Date of course; and~~
- ~~5. How certification of attendance is to be documented.~~

(5) Class I acceptable continuing competence evidence shall be any of the following:

- (a) External peer review of practice with verification of acceptable practice by a recognized entity, e.g., American Physical Therapy Association. Continuing competence credit is

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twenty (20) hours per review with a maximum of one (1) review each twenty-four (24) month period.

- (b) Internal peer review of practice with verification of acceptable practice. Continuing competence credit is two (2) hours per review with a maximum of two (2) reviews during each twenty-four (24) month period.
- (c) Courses, seminars, workshops, and symposia attended by the licensee which have been approved for continuing education units (CEUs) by appropriate CEU granting agencies.
- (d) Courses, seminars, workshops, and symposia attended by the licensee and approved by recognized health-related organizations (e.g., American Physical Therapy Association, Tennessee Physical Therapy Association, Arthritis Foundation, etc.) or accredited physical therapy educational institutions (e.g., Chattanooga State Technical Community College, East Tennessee State University, etc.).
- (e) Home study courses or courses offered through electronic media approved by recognized health-related organizations (e.g., American Physical Therapy Association, Tennessee Physical Therapy Association, Arthritis Foundation, etc.) or accredited physical therapy educational institutions (e.g., U.T. Center for the Health Sciences, Volunteer State Community College), and that include objectives and verification of satisfactory completion.
- (f) University credit courses - Continuing competence credit is twelve (12) hours per semester credit hour.
- (g) Participation as a presenter in continuing education courses, workshops, seminars or symposia which have been approved by recognized health-related organizations. Continuing competence credit is based on contact hours and may not exceed twenty (20) hours per topic.
- (h) Authorship of a presented scientific poster, scientific platform presentation or published article undergoing peer review. Continuing competence credit is ten (10) hours per event with a maximum of two (2) events each twenty-four (24) month period.
- (i) Teaching a physical therapy or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment. Continuing competence credit is based on contact hours not to exceed twenty (20) hours. If the same course is taught more than once, contact hours may only be counted once.
- (j) Certification of clinical specialization by the American Board of Physical Therapy Specialties (ABPTS). Continuing competence credit is twenty-six (26) hours and is recognized only in the twenty-four (24) month period in which certification or recertification is awarded.
- (k) Certification of clinical specialization by organizations other than the ABPTS (e.g. the McKenzie Institute, the Neuro Developmental Treatment Association, the Ola Grimsby Institute, etc.) may be recognized as continuing competence credit for up to twenty-six (26) hours, in the twenty-four (24) month period in which certification or recertification is awarded. The number of continuing competence credit hours awarded is determined by the Board.
- (l) Awarding of an advanced degree from an accredited University. Continuing competence credit is twenty-six (26) hours and is recognized only in the twenty-four (24) month period in which the advanced degree is awarded.

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- (m) Participating in a clinical residency program. Continuing competence credit is five (5) hours credit for each week of residency with a maximum of twenty-six (26) hours per program.
- (6) Class II acceptable continuing competence evidence shall be any of the following
- (a) Self-instruction from reading professional literature. Continuing competence credit is limited to a maximum of one (1) hour each twenty-four (24) month period.
 - (b) Attendance at a scientific poster session, lecture, panel or symposium that does not meet the criteria for Class I. Continuing competence credit is one (1) hour per hour of activity with a maximum of two (2) hours credit each twenty-four (24) month period.
 - (c) Serving as a clinical instructor for an accredited physical therapist or physical therapist assistant educational program. Continuing competence credit is one (1) hour per sixteen (16) contact hours with the student(s).
 - (d) Acting as a clinical instructor for physical therapist participating in a residency program or as a mentor for a learner for a formal, nonacademic mentorship. Continuing competence credit is one (1) hour per sixteen (16) contact hours.
 - (e) Participating in a physical therapy study group consisting of two (2) or more physical therapists or physical therapist assistants. Continuing competence credit is limited to a maximum of one (1) hour credit each twenty-four (24) month period.
 - (f) Attending and/or presenting in-service programs. Continuing competence credit is one (1) hour per eight (8) contact hours with a maximum of four (4) hours credit each twenty-four (24) month period.
 - (g) Serving the physical therapy profession as a delegate to the APTA House of Delegates, on a professional board, committee, or task force. Continuing competence credit is limited to a maximum of one (1) hour credit each twenty-four (24) month period.
- (7) Unacceptable activities for continuing competence include, but are not limited to:
- (a) Attending courses regarding:
 - 1. Regulations of the United States Department of Labor's Occupational Safety and Health Administration (OSHA);
 - 2. Regulations of the Tennessee Department of Labor and Workforce Development's Division of Occupational Safety and Health (TOSHA);
 - 3. Cardiopulmonary resuscitation (CPR); and
 - 4. Safety;
 - (b) Meetings for purposes of policy decisions;
 - (c) Non-educational meetings at annual association, chapter or organization meetings;
 - (d) Entertainment or recreational meetings or activities; and
 - (e) Visiting exhibits.

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- (8) Documentation of compliance
- (a) Each licensee must retain documentation of completion of all continuing competence requirements of this rule for a period of five (5) years from when the requirements were completed. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
 - (b) The licensee must, within thirty (30) days of a request from the Board, provide evidence of continuing competence activities.
 - (c) Any licensee who fails to complete the continuing competence activities or who falsely certifies completion of continuing competence activities may be subject to disciplinary action pursuant to T.C.A. §§ 63-13-304, 63-13-312, 63-13-313, and 63-13-315.
 - (d) Examples of documentation
 1. A signed peer review report or an official program or outline of the course attended or taught or copy of the publication which clearly shows that the objectives and content were related to physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship.
 2. A CEU certificate or verification of completion of home study which identifies the sponsoring entity, or a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable Class I or II activities, or documentation of self-instruction from reading professional literature.
- (9) Reinstatement/Reactivation of an Expired or Retired License
- (a) Expired or retired for three (3) years or less – An individual whose license has expired or has been retired for three (3) years or less shall submit the appropriate application for reinstatement or reactivation, along with documentation of continuing competence (see examples in paragraph (8)), which must have been initiated and completed within two (2) years prior to submission of the application for reinstatement or reactivation.
 - (b) Expired or retired more than three (3) years
 1. An individual whose license has expired or has been retired for more than three (3) years shall submit the appropriate application for reinstatement or reactivation, along with documentation of continuing competence (see examples in paragraph (8)), which must have been initiated and completed within two (2) years prior to submission of the application for reinstatement or reactivation.
 2. The Board may, at its discretion, require additional education, supervised clinical practice, successful passage of examinations, or issue a provisional license.
- (10) The Board, in cases of documented illness, disability, or other undue hardship, may waive the continuing competence requirements and/or extend the deadline to complete continuing competence requirements. To be considered for a waiver of continuing competence requirements, or for an extension of the deadline to complete the continuing competence requirements, a licensee must request such in writing with supporting documentation before the end of the twenty-four (24) month period in which the continuing competence requirements were not met.

(Rule 1150-01-.12, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-13-108, 63-13-304, 63-13-308, 63-13-309, and 63-13-311.

Administrative History: Original rule filed February 21, 1996; effective May 6, 1996. Repeal and new rule filed March 16, 2000; effective May 30, 2000. Amendment filed January 16, 2003; effective April 1, 2003. Amendment filed September 22, 2005; effective December 6, 2005. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed August 18, 2006; effective November 1, 2006. References to Board of occupational and Physical Therapy Examiners has been changed by The Secretary of State to the Applicable entity; Board of Occupational Therapy and/or Board of Physical Therapy pursuant to Public Chapter 115 of the 2007 session of the Tennessee General Assembly. Amendment filed May 18, 2007; effective August 1, 2007. Amendment filed September 24, 2009; effective December 23, 2009. Amendments filed August 19, 2010; effective November 17, 2010.

1150-01-.13 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning physical therapy services, the importance of the interests affected by the choice of a physical therapist and the foreseeable consequences of unrestricted advertising by physical therapists which is recognized to pose special possibilities for deception, require that special care be taken by physical therapists to avoid misleading the public. The physical therapist must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by physical therapists is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
 - (a) Advertisement. Informational communication to the public in any manner designed to attract public attention to the practice of a physical therapist who is licensed to practice in Tennessee.
 - (b) Licensee - Any person holding a license to practice physical therapy in the State of Tennessee. Where applicable this shall include partnerships and/or corporations.
 - (c) Material Fact - Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of physical therapists to serve his or her particular needs.
 - (d) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
 - (e) Discounted Fee - Shall mean a fee offered or charged by a person for a product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".
- (3) Advertising Fees and Services
 - (a) Fixed Fees. Fixed fees may be advertised for any service. It presumed unless otherwise stated in advertisement that a fixed fee for a service shall include the cost of all professional recognized components within generally accepted standards that are required to complete the service.