

BOARD OF PHYSICAL THERAPY

Five-year-review Report: A.A.C. Title 4, Chapter 24, Articles 1-5

October 2014

Five-year-review Report

A.A.C. Title 4, Chapter 24, Articles 1 through 5

INTRODUCTION

The purpose of the Board is to protect the public health and safety by promoting the safe and professional practice of physical therapy. The Arizona Physical Therapy Practice Act establishes the standards for the practice of physical therapy, continuing competence and testing, and defines the scope and limitations of practice. The Board licenses and certifies qualified applicants as physical therapists and physical therapist assistants; and receives, investigates and adjudicates complaints against licensees and certificate holders. The Board currently licenses 4,442 physical therapists and certifies 1,308 physical therapist assistants. The Board collected \$148,206 in licensing fees from 748 applicants for initial licensure. FY2014 was not a year during which licenses were renewed. The Board was appropriated \$432,600 during FY2014. The Board received 48 complaints last year and disciplined 29 licensees or certificate holders.

There are currently five accredited physical therapy programs in Arizona and seven physical therapist assistant programs. The number of licensees and certificate holders has increased every year for which the Board has data.

Statute that generally authorizes the agency to make rules: A.R.S. § 32-2003(A)(5)

1. Specific statute authorizing the rule:

- R4-24-101. Definitions: A.R.S. § 32-2003(A)(5)
- R4-24-103. Board Officers: A.R.S. § 32-2003(A)(8)
- R4-24-104. Confidential Information and Records: A.R.S. §§ 32-2045(E) and 32-2051
- R4-24-107. Fees: A.R.S. § 32-2029
- R4-24-201. Application for a Physical Therapist License: §§ 32-2022 and 32-2026

- R4-24-202. Reinstatement of License or Certificate: A.R.S. § 32-2028
- R4-24-203. Foreign-educated Applicant Requirements: A.R.S. § 32-2022(B) and (E)
- R4-24-204. Supervised Clinical Practice: A.R.S. §§ 32-2001(4), 32-2022(B)(7), and 32-2025
- R4-24-205. Examination Scores: A.R.S. §§ 32-2003(A)(2), 32-2022, and 32-2024
- R4-24-207. Application for a Physical Therapist Assistant Certificate: A.R.S. §§ 32-2022(D) and 32-2026
- R4-24-208. License or Certificate Renewal; Address Change: A.R.S. §§ 32-2027 and 32-2044(23)
- R4-24-209. Time-frames for Board Approvals: A.R.S. §§ 41-1072 through 41-1079
- Table 1. Time-frames (in days): A.R.S. §§ 41-1072 through 41-1079
- R4-24-210. Business Entity Registration; Display of Registration Certificate: A.R.S. § 32-2030
- R4-24-211. Renewal of Business Entity Registration: A.R.S. §§ 32-2030(D) and 32-2051(G)
- R4-24-212. Regulation of a Business Entity: A.R.S. §§ 32-2030 and 32-2045(D)
- R4-24-213. Business Entity Participation: A.R.S. § 32-2030(K)
- R4-24-301. Lawful Practice: A.R.S. § 32-2041
- R4-24-302. Use of Titles: A.R.S. § 32-2042
- R4-24-303. Patient Care Management: A.R.S. §§ 32-2043 and 32-2044
- R4-24-304. Adequate Patient Records: A.R.S. §§ 32-2043 and 32-2044
- R4-24-305. Complaints and Investigations: A.R.S. § 32-2045
- R4-24-306. Hearings: A.R.S. § 32-2046
- R4-24-307. Subpoenas: A.R.S. § 32-2045(A)(3)
- R4-24-308. Rehearing or Review of Board Decisions: A.R.S. § 41-1092.09
- R4-24-309. Disciplinary Actions: A.R.S. § 32-2047
- R4-24-310. Substance Abuse Recovery Program: A.R.S. § 32-2050
- R4-24-311. Display of License; Disclosure: A.R.S. § 31-2051
- R4-24-312. Mandatory Reporting Requirement: A.R.S. § 32-3208
- R4-24-401. Continuing Competence Requirements for Renewal: A.R.S. § 32-2003(A)(7)
- R4-24-402. Continuing Competence Activities: A.R.S. § 32-2003(A)(7)

- R4-24-403. Activities Not Eligible for Continuing Competence Credit: A.R.S. § 32-2003(A)(7)
- R4-24-502. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to a Section Based Upon Economic, Small Business, or Consumer Impact: A.R.S. §§ 41-1003, 41-1033, and 41-1056.01
- R4-24-506. Written Criticism of Rule: A.R.S. §§ 41-1003 and 41-1056(A)(2)

2. Objective of the rule including the purpose for the existence of the rule:

R4-24-101. Definitions: The objective of the rule is to define terms used in the rules in a manner that is not explained adequately by a dictionary definition. The definitions are designed to facilitate understanding by those who use the rules.

R4-24-103. Board Officers: The objective of this rule is to specify the officers that the Board will elect and the primary duty of the president and vice-president. This enables the Board to fulfill the statutory requirement at A.R.S. § 32-2003(A)(8).

R4-24-104. Confidential Information and Records: The objective of this rule is to specify that both the information regarding an applicant, licensee, or certificate holder and diagnosis and treatment records are confidential. This increases Board efficiency by avoiding requests for confidential information and records and assures applicants, licensee, and certificate holders that their personal information and records are protected.

R4-24-107. Fees: The objective of the rule is to specify the fees that the Board charges for its licensing activities. This increases efficiency in the licensing process by enabling an applicant to submit the correct amount.

R4-24-201. Application for a Physical Therapist License: The objective of this rule is to specify the content of an application for a physical therapist license including information required to be submitted directly to the Board by third parties. This increases efficiency in the licensing process by enabling applicants to submit an administratively complete application.

R4-24-202. Reinstatement of License or Certificate: The objective of this rule is to specify applicable conditions and the procedure for applying to have a license or certificate reinstated after the license or certificate has lapsed. This enables the Board to protect the public by ensuring that those with a lapsed license or certificate are reinstated only if they remain qualified.

R4-24-203. Foreign-educated Applicant Requirements: The objective of this rule is to specify the special requirements applicable to a foreign-educated applicant. This enables the Board to protect the public by ensuring that the foreign-educated applicant is qualified to be licensed by the state.

R4-24-204. Supervised Clinical Practice: The objective of this rule is to specify the conditions under which the Board will issue an interim permit, the responsibilities of the licensee who supervises an interim-permit holder, and the requirements for an interim-permit holder to become licensed or certified. This enables the Board to protect the public by ensuring that only a qualified individual is licensed or certified.

R4-24-205. Examination Scores: The objective of this rule is to specify the scores an applicant must obtain on a national examination and a jurisprudence examination before the Board will license or certify the applicant. This provides transparency in the licensing process for applicants.

R4-24-207. Application for a Physical Therapist Assistant Certificate: The objective of this rule is to outline the procedure for applying for a certificate as a physical therapist assistant. This increases efficiency in certification process by enabling applicants to submit an administratively complete application.

R4-24-208. License or Certificate Renewal; Address Change: The objective of this rule is to specify the procedure for biennial renewal of a license or certificate and to reiterate the statutory requirement that the Board have current information regarding a licensee's or certificate holder's name and home and business address. This increases efficiency in the

licensing process by enabling licensees and certificate holders to submit a timely and administratively complete renewal application and avoid having a license expire. It also increases office efficiency and reduces costs by ensuring the Board is able to communicate with licensees and certificate holders.

R4-24-209. Time-frames for Board Approvals: The objective of this rule is to specify the time-frames within which the Board will review and act on an application for licensure, certification, or registration. This enables an applicant to anticipate when the Board-approval process will be completed.

Table 1. Time-frames (in days): The objective of this rule is to specify in table form the time-frames within which the Board will act on a license, certificate, or registration application. This enables an applicant to anticipate when the Board-approval process will be completed.

R4-24-210. Business Entity Registration; Display of Registration Certificate: The objective of this rule is to specify the content of an application for a business entity that offers physical therapy services to register with the Board and to provide notice that a registered business entity is required to publicly display the registration certificate. This protects the public by ensuring that all business entities offering physical therapy services are having the services provided by a licensee or certificate holder and increases efficiency in the licensing process by enabling a business entity to submit an administratively complete application.

R4-24-211. Renewal of Business Entity Registration: The objective of this rule is to specify the procedure for biennial renewal of a business entity registration and the consequences of failing to renew timely. This increases efficiency in the registration process by enabling a business entity to submit a timely and administratively complete renewal application and avoid having a license expire.

R4-24-212. Regulation of a Business Entity: The objective of this rule is to provide notice that a business entity is subject to the same complaint, investigation, and discipline process as any other licensee. This protects the public and provides transparency to business entities.

R4-24-213. Business Entity Participation: The objective of this rule is to provide notice to business entities that procedures in the Arizona Administrative Procedure Act apply to them. This facilitates participation in the various procedures by a business entity.

R4-24-301. Lawful Practice: The objective of this rule is to specify the information that a licensee is required to provide to a referring practitioner, requirements regarding patient records, and patients' rights. This enables the Board to protect users of physical therapy services.

R4-24-302. Use of Titles: The objective of this rule is to specify the manner in which a licensee or certificate holder is required to denote licensure or certification, to indicate the manner in which a licensee may denote academic degrees or professional specialty certification, and to indicate the manner in which a licensee or certificate holder is required to denote retired status. This enables the Board to protect the public by ensuring members of the public have accurate information regarding the licensure of the individual providing physical therapy services. This also assists licensees to avoid engaging in unprofessional conduct.

R4-24-303. Patient Care Management: The objective of this rule is to identify the patient care management responsibilities of a physical therapist, supervision of assistive personnel, qualification of a physical therapist assistant to perform selected treatment interventions, the requirements for a physical therapist to provide general supervision of a physical therapist assistant, and the recordkeeping responsibilities of a physical therapist assistant working under general supervision. This enables the Board to protect the public by ensuring that patient care is provided by an individual qualified and supervised to provide the care.

R4-24-304. Adequate Patient Records: The objective of this rule is to specify the general manner in which a licensee is to maintain a patient record and provide detail regarding the information that must be in the patient record at various points in the licensee-patient

relationship. This enables the Board to protect users of physical therapy services by ensuring there is an accurate record of the services provided.

R4-24-305. Complaints and Investigations: The objective of this rule is to clarify against whom a complaint may be made, the form in which a complaint is to be made, and the manner in which the Board responds to a complaint. This provides efficiency in the regulatory process by ensuring that complaints submitted meet the minimum standards for Board action and avoids surprise by enabling a licensee to know what to expect from the Board if a complaint is made against the licensee.

R4-24-306. Hearings: The objective of this rule is to inform an individual against whom a complaint has been filed what to expect at an informal hearing before the Board. This avoids surprise by enabling a licensee against whom a complaint is made to know what to expect from the Board in an informal hearing.

R4-24-307. Subpoenas: The objective of this rule is to specify the procedure for obtaining and serving or objecting to a subpoena and the circumstances under which the Board will quash or modify a subpoena. This facilitates due process by enabling a licensee against whom a complaint is made to obtain information necessary to address the complaint allegations.

R4-24-308. Rehearing or Review of Board Decisions: The objective of this rule is to specify the procedures and standards for requesting a rehearing or review of a Board decision. This enables a licensee to know how to exhaust the licensee's administrative remedies before making application for judicial review under A.R.S. § 12-901.

R4-24-309. Disciplinary Actions: The objective of this rule is to reiterate that Board records regarding disciplinary actions are public records and to provide guidance regarding working under a restricted license or certificate. The rule also indicates that an applicant whose previous license or certificate was revoked must appear before the Board before the Board acts on the application. This enables the Board to protect the public by ensuring that

information regarding discipline of a licensee or certificate holder is available for review and that a licensee or certificate holder is qualified before disciplinary restrictions are removed.

R4-24-310. Substance Abuse Recovery Program: The objective of this rule is to specify the circumstances under which the Board will allow a licensee or certificate holder to enter into a substance abuse recovery program rather than taking disciplinary action against the licensee or certificate holder. This protects the public from mentally or physically impaired licensees or certificate holders while providing the impaired individual with an opportunity to recover.

R4-24-311. Display of License; Disclosure: The objective of this rule is to require that a licensee or certificate holder display or make available to the public evidence of the license or certificate. It also specifies information that must be disclosed to the public or a patient. This protects the health and safety of the public by enabling users of physical therapy services to choose to receive those services from a qualified individual. It also increases transparency in the relationship between a licensee or certificate holder and a patient.

R4-24-312. Mandatory Reporting Requirement: The objective of the rule is to protect the public by requiring that a licensee or certificate holder notify the Board within 10 days after being charged with certain crimes. This enables the Board to fulfill its obligation to protect the public by ensuring it receives notice of a licensee or certificate holder who is alleged to have behaved in a manner that may affect patient safety.

R4-24-401. Continuing Competence Requirements for Renewal: The objective of this rule is to establish the continuing competence requirements for license renewal. The rule also provides information regarding waiver and audit of compliance with the requirement. This enables the Board to fulfill its obligation to protect the public by ensuring that a licensee remains competent to practice physical therapy.

R4-24-402. Continuing Competence Activities: The objective of this rule is to categorize activities that may be used to satisfy the continuing competence requirement and establish

limits regarding use of the various categories of activities. This enables the Board to fulfill its obligation to protect the public by ensuring that a licensee participates in activities that maximize continuing competence. It also enhances efficiency in the licensing process by providing notice to licensees of continuing competence activities that are acceptable for license renewal.

R4-24-403. Activities Not Eligible for Continuing Competence Credit: The objective of this rule is to specify activities that may not be used to satisfy the continuing competence requirement. This enhances efficiency in the licensing process by providing notice to licensees of continuing competence activities that are not acceptable for license renewal.

R4-24-502. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to a Section Based Upon Economic, Small Business, or Consumer Impact: The objective of this rule is to specify the manner in which an individual may petition the Board to make, amend, or repeal a rule, review an existing practice or substantive policy statement, or object to a rule based on its economic impact. This enables licensees, certificate holders, applicants, and members of the public to participate fully in the rulemaking process.

R4-24-506. Written Criticism of Rule: The objective of this rule is to specify the manner in which an individual may criticize an existing rule and the grounds on which the criticism may be based. This enables licensees, certificate holders, applicants, and members of the public to participate in the rulemaking process.

3. Effectiveness of the rule in achieving the objective including a summary of any available data supporting the conclusion:

The Board concluded that the rules are effective in achieving their objectives. The Board bases this conclusion on the fact that it is able to process applications and issue licenses, certificates, and registrations efficiently and within its time-frames, no criticism of the rules has been received in the last five years, and no action taken under the rules has ever been overturned on appeal.

The Board believes the rules will be more effective in protecting the health and safety of the public if changes are made to the rules regarding continuing competence. The Board has been working with the Arizona Physical Therapy Association to identify ways to enhance the rules regarding continuing competence. The Board plans to add a requirement for physical therapist assistants to complete continuing competence activities and to expand the competence activities available for physical therapists and assistants.

4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency:

In Laws 2014, Chapter 220, the legislature added a requirement that the Board make rules by July 1, 2015, regarding professional standards and care and training qualifications for a physical therapist who engages in dry needling. The Board has not made these rules. Otherwise, the Board's rules are consistent with A.R.S. Title 32, Chapter 19 and are internally consistent. There is no federal statute uniquely applicable to licensing physical therapists or physical therapist assistants or to their work.

5. Agency enforcement policy including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement:

The Board currently enforces the rules as they are written.

6. Clarity, conciseness, and understandability of the rule:

The rules are generally clear, concise, and understandable and consistent with current rule writing standards.

7. Summary of written criticisms of the rule received by the agency with the past five years, including letters, memoranda, reports, written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods, and, written allegations made in litigation or administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear,

inconsistent with statute or beyond the authority of the agency to enact, and the result of the litigation of administrative proceedings:

The Board received no written criticisms of the rules during the last five years, including analyses regarding whether the rules are based on valid scientific or reliable principles or methods.

8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule:

2000 Rulemaking

Of the rules amended in the 2000 rulemaking, only R4-24-401, R4-24-402, R4-24-403, and R4-24-506 have not been amended again. The EIS prepared in 2000 is not available.

The rules in Article 4 deal with continuing competence. These rules have some economic impact on licensees. A licensee must pay any fee associated with participating in a continuing competence activity and ensure that adequate records are maintained and submitted at the time of license renewal. These costs are estimated not to exceed \$600 in each two-year license-renewal period. These are costs of doing business that probably are passed to consumers of physical therapy services. During FY2013, the Board audited the continuing competence records of 359 licensees. Fourteen (.3% of licensees) of those audited were found not to be in compliance with the continuing competence requirement. The continuing competence requirement is important to protect the health and safety of the public and ensure the professionalism of licensees.

R4-24-506 specifies the manner in which an individual may submit a written criticism of a Board rule. This rule affects only those who wish to submit written criticisms. During the last five years, no written criticism of the rules has been submitted. The economic impact of the rule is minimal.

2006 Rulemaking

Of the rules amended in the 2006 rulemaking, only R4-24-103, R4-24-104, R4-24-205, and R4-24-209 have not been amended again. In R4-24-205, the Board added a requirement regarding a jurisprudence examination and in R4-24-209 it modified its time-frames.

The Board estimated that the economic impact of these changes would be minimal and believes that estimate was accurate. During the last four years, 96.36 percent of physical therapist applicants and 78.42 percent of physical therapist assistants passed the jurisprudence examination on first taking. The Board reports that it complies with its time-frames.

2007 Rulemaking

Only R4-24-303, Patient Care Management, remains un-amended since the 2007 rulemaking. The Section requires a physical therapist to ensure that a physical therapist assistant working under general supervision is qualified and to be on call and readily available to the physical therapist assistant. The Board reports there has been no difficulty obtaining physical therapists to supervise physical therapist assistants. The rule also requires the physical therapist assistant to maintain records of the work performed under general supervision. The Board estimated the rulemaking would have minimal economic impact. The Board believes the estimated economic impact was accurate.

2008 Rulemaking

R4-24-201, R4-24-204, R4-24-207, R4-24-304, R4-24-305, R4-24-306, R4-24-307, R4-24-309, R4-24-310, and R4-24-311 have not been amended again since this rulemaking. In this rulemaking, the Board added a rule regarding standards for adequate patient records and amended rules to address the statutory requirement that an individual be qualified to receive a public benefit before a license is issued to the individual. The Board also added requirements that an applicant whose first language is not English pass the English-proficiency examination within 18 months before the application is administratively complete and an

interim permit holder be evaluated twice rather than once during a supervised clinical practice.

Beginning January 1, 2016, the Federation of State Boards of Physical Therapy (FSBPT), which owns the examination required for licensure, will require foreign-educated applicants for whom English is not a first language to pass an English proficiency examination because the FSBPT has determined it is unlikely an applicant will pass the examination without English proficiency. In FY2014, the Board had 33 applicants who were foreign educated. Because of the new requirement, all of these applicants had passed the English proficiency examination within 18 months of application.

In FY2014, seven interim permits were issued. The Board reports that the mid-term evaluation of interim permit holders has not slowed the licensing process. But, on two occasions the mid-term evaluation identified deficiencies and allowed corrections to be made so the interim permit holder could achieve a passing recommendation. No interim permit holder has failed to achieve a passing recommendation on the supervised clinical practice.

Failure to maintain adequate patient records is a cause for discipline. The new rule clarified the minimum standards for adequate patient records. The standards adhere closely to the documentation standards that major insurance payers require of physical therapists and represent a best-practices approach to patient-care documentation. In FY2014 the Board received 11 complaints alleging inadequate patient records. The Board took 28 disciplinary actions for failure to maintain adequate patient records. The Board believes it correctly estimated that complying with the standards for adequate patient records would have minimal economic impact although failure to comply with the standards can have major economic repercussions.

2009 Rulemaking

Of the rules amended in the 2009 rulemaking, only R4-24-301, Lawful Practices, has not been amended again. This Section was amended to include information regarding patient consent to examination and treatment. The Board believes it correctly estimated that the cost

of communicating with patients and putting notes in a patient's record would be minimal and provides important protections for the physical therapist.

May 2012 Rulemaking

Of the rules amended or made in this rulemaking, R4-24-101, R4-24-202, R4-24-203, R4-24-210, R4-24-211, R4-24-212, R4-24-213, and Table 1 have not been amended again. Many of these changes resulted directly from legislative action requiring a business entity that offers physical therapy services to the public to register with the Board and to have a written protocol for the secure storage, transfer, and access of patient records. The economic impact on business entities, including the registration fee, results from legislative action. As of FY2014, there are 201 registered business entities, which is double the number that the Board anticipated. This means the amount collected by the Board for registering business entities is also double the initial estimate. However, the Board correctly estimated that the registration fee of \$50 every two years has minimal economic impact on the business entities.

July 2012 Rulemaking

Of the rules amended or made in this rulemaking, R4-24-107, R4-24-208, R4-24-302, R4-24-308, R4-24-312, and R4-24-502 have not been amended again. Most of these changes result from legislative action requiring the Board to place a license or certificate on retired or inactive status under certain specified conditions and to waive the renewal fee of a retired person and establish a reduced fee for renewal of an inactive license or certificate. The legislature also required the Board to waive the continuing competence requirement for a retired or inactive licensee. As of FY2014, there were 37 retired and 78 inactive physical therapists and two retired and two inactive physical therapist assistants. The Board was very accurate in its estimate of the number of licensees and certificate holders who would retire or go on inactive status. The Board believes it correctly estimated the economic impact of the rules would be minimal. Part of that economic impact is felt by the Board because retirees pay no fees for renewal and those on inactive status pay only half the usual fee.

9. Any analysis submitted to the agency by another person regarding the rule's impact on this state's business competitiveness as compared to the competitiveness of businesses in other states:

No analysis has been submitted.

10. Has the agency completed the course of action indicated in the agency's previous 5YRR:

In a 5YRR approved by the Council in 2009, the Board indicated it would amend R4-24-101, Table 1, R4-24-208, R4-24-301, R4-24-303, R4-24-312, and Article 4 (Continuing Competence). The Board completed three rulemakings since the 5YRR was approved in 2009 but did not complete action on R4-24-303 (Patient Care Management) and Article 4. A study committee of Board members reviewed the supervision standards in R4-24-303 and made recommendations to the full Board but the Board decided not to move ahead with any change to R4-24-303. The Board worked with the Arizona Physical Therapy Association regarding the rules in Article 4. The Board recently agreed on the changes it wants to make to these rules so a rulemaking to enact the changes is on the Board's regulatory agenda.

11. A determination after analysis that the probable benefits of the rule outweigh within this state the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

The Board believes the rules impose the least burden on persons regulated by them. By making application and complying with the rules, those who obtain licensure, certification, or registration as a physical therapist, physical therapist assistant, or business entity indicate they have personally determined that the benefits of being licensed outweigh the costs associated with the licensure and regulatory process. The rules establish minimum standards for being licensed by the Board and require that an application be submitted, fees paid, examinations taken, and continuing competence be maintained. To protect both the general and regulated public, the rules also establish minimum standards regarding lawful practice, patient care management, and adequate patient records. All of these requirements impose economic burdens on those who wish to provide physical therapy services. However, the

requirements are necessary to achieve the underlying regulatory objective, which is to protect the health and safety of the public that receives physical therapy.

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law:

There are federal laws that apply to the provision of medical care, confidentiality of medical records, and payment for medical care, including physical therapy. However, there is no federal law regarding licensure of physical therapists or physical therapist assistants and no federal law regarding the manner in which physical therapists and physical therapist assistants perform their work.

13. For a rule made after July 29, 2010, that require issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037:

The following rules were made after July 29, 2010, and deal with issuance of a regulatory permit, license, or agency authorization: R4-24-202, R4-24-203, R4-24-208, R4-24-210, and R4-24-211. The rules deal with a regulatory permit, license, or agency authorization issued to qualified business entities to conduct activities that are substantially similar in nature. The rules comply with A.R.S. § 41-1037.

14. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates submitting the rules to the Council if the agency determines it is necessary to amend or repeal an existing rule or to make a new rule. If no issues are identified for a rule in the report, the agency may indicate that no action is necessary for the rule:

The Board intends to complete the rulemaking regarding dry needling on or before July 1, 2015, the deadline established in statute. By December 31, 2015, the Board will complete a rulemaking regarding the three rules on continuing competence. When the FSBPT implements national standards for English proficiency to take the national licensing examination, the Board will assess how the national standards impact its rule on the same

subject. However, there is no current plan to amend the rule regarding English proficiency of foreign-educated applicants.