

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 844

4  
5 By: Senator G. Baker  
6 By: Representatives Tyler, Cash, Cheatham, L. Cowling, Gaskill, Hawkins, Kidd, Saunders, B. Wilkins

## For An Act To Be Entitled

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8  
9  
10 AN ACT TO MAKE VARIOUS REVISIONS TO THE ARKANSAS  
11 PHYSICAL THERAPY ACT; AND FOR OTHER PURPOSES.

### Subtitle

12  
13  
14 TO MAKE VARIOUS REVISIONS TO THE  
15 ARKANSAS PHYSICAL THERAPY ACT.

16  
17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Legislative Intent. It is the intent of the General  
21 Assembly to protect the public health, safety, and welfare and provide for  
22 state administrative control, supervision, licensure, and regulation of the  
23 practice of physical therapy. It is the intent of the General Assembly that  
24 only individuals who meet and maintain prescribed standards of competence and  
25 conduct may engage in the practice of physical therapy as authorized by this  
26 chapter. This act shall be liberally construed to promote the public interest  
27 and to accomplish the purpose stated herein.

28  
29 SECTION 2. Arkansas Code § 17-93-102 is amended to read as follows:  
30 17-93-102. Definitions.

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

32 (1)(A) ~~“Board” means the Arkansas State Board of Physical~~  
33 ~~Therapy~~ “Consultation by means of telecommunication” means the rendering of a  
34 professional opinion, expert opinion, or advice by a physical therapist to  
35 another physical therapist or health care provider through telecommunication  
36 technology.



1                    (B) "Consultation by means of telecommunication"  
2 includes the review or transfer of patient records or related information  
3 through telecommunication technology;

4                    (2) "Direct supervision" means that the supervising therapist is  
5 on-site and available for consultation;

6                    (3) "Physical therapist" means a person who practices physical  
7 therapy as defined in this chapter ~~having~~ after he or she has:

8                    (A) successfully Successfully completed a curriculum  
9 of physical therapy ~~as~~ accredited by a national accreditation agency approved  
10 by the ~~board~~ Arkansas State Board of Physical Therapy; and

11                    (B) having passed Passed a nationally recognized  
12 licensing examination;

13                    (4)~~(A)~~ "Physical therapist assistant" means a person who is  
14 licensed under this chapter and who assists the physical therapist in  
15 selected components of the physical therapy treatment intervention

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

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

21                    ~~(iii) Has passed a nationally recognized licensing~~  
22 ~~examination.~~

23                    ~~(B) The physical therapist assistant's function is to:~~

24                    ~~(i) Assist the physical therapist in the patient-~~  
25 ~~related activities;~~

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

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

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

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

1 (5) "Physical therapy" means the care and services provided by  
2 or under the direction and supervision of a physical therapist who is  
3 licensed under this chapter;

4 (6) "Physical therapy aide" means an unlicensed member of  
5 the physical therapy team who may perform treatments under the direct  
6 supervision of a physical therapist or physical therapist assistant;

7 ~~(6)~~(7) "Practice of physical therapy" means:

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

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

15 (a) Therapeutic exercise;

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

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

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

25 (e) Physical agents;

26 (f) Mechanical and electrotherapeutic  
27 modalities; and

28 (g) Patient-related instruction.

29 (ii) The therapeutic intervention of  
30 bronchopulmonary hygiene, and debridement ~~of and wound care~~ wounds requires  
31 require a physician referral ~~prior to~~ before initiation of treatment.

32 (iii) Physical therapy ~~shall~~ does not include  
33 radiology or electrosurgery;

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

1 (D) Engaging in consultation, testing, education, and  
 2 research; ~~and~~

3 ~~(7)~~(8)(A) "Supervision" means that the supervising therapist  
 4 retains moral, ethical, and legal responsibility for patient care and is  
 5 readily available for consultation.

6 (B) The supervising therapist is not required to be on-  
 7 site but must be at least available by telecommunication; ~~and~~

8 (9) "Telecommunication" means the electronic transmission,  
 9 conveyance, or routing of voice, data, audio, video, or any other information  
 10 or signals to a point or between or among points.

11  
 12 SECTION 3. Arkansas Code §§ 17-93-202 through 17-93-203 are amended to  
 13 read as follows:

14 17-93-202. Powers and duties.

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

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

18 (2) ~~Oversee~~ Provide for all the examinations of physical  
 19 therapists and physical therapist assistants;

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

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

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

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

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

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

34 (4)(A) Compile and maintain a list of all licensed physical  
 35 therapists and physical therapist assistants in the State of Arkansas. ~~The~~  
 36 ~~list shall be printed annually.~~

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

4 (c) In addition to other powers and duties set forth in this chapter,  
5 the board may:

6 (1) Establish mechanisms for assessing the continuing competence  
7 of physical therapists and physical therapist assistants to practice physical  
8 therapy;

9 (2) Report final disciplinary action taken against a licensee to  
10 a national disciplinary database recognized by the board if required by law;

11 (3) Report information of alleged unlawful conduct by licensees,  
12 unlicensed individuals, and other health care providers and entities to the  
13 appropriate county, state, or federal authority; and

14 (4) Publish a report at least annually of all final disciplinary  
15 actions taken against licensees of the board.

16  
17 17-93-203. Disposition of funds.

18 (a)(1) All fees and other moneys received by the Arkansas State Board  
19 of Physical Therapy ~~pursuant to the provisions of~~ under this chapter shall be  
20 deposited in a financial institution in this state and expended solely for  
21 the purposes of this chapter.

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

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

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

28 (c) The board shall file an annual report of its activities with the  
29 ~~Governor~~ Department of Finance and Administration, and the report shall  
30 include a statement of all receipts and disbursements.

31  
32 SECTION 4. Arkansas Code § 17-93-301 is amended to read as follows:

33 17-93-301. License required – Exceptions.

34 (a)(1) Unless physical therapy services are provided by or under the  
35 direction of a person licensed by the Arkansas State Board of Physical  
36 Therapy under this chapter, ~~It shall be~~ it is unlawful for ~~any~~ a person to:

1                   (A) ~~practice~~ Practice physical therapy or  
2 physiotherapy;

3                   (B) ~~or to profess~~ Profess to be a physical  
4 therapist, physiotherapist, or physical therapy technician; or

5                   (C) ~~to use~~ Use:

6                   (i) ~~the~~ The words “physical therapy”, “physical therapist”,  
7 “physiotherapist”, “registered physical therapist”, or “doctor of physical  
8 therapy”;

9                   (ii) The initials “P.T.”, “P.H.T.” “D.P.T.”,  
10 “L.P.T.”, or “R.P.T.”; or

11                   (iii) ~~any other~~ Other letters, words,  
12 abbreviations, or insignia indicating or implying that ~~he or she is a~~  
13 ~~physical therapist, or to practice or to assume the duties incident to~~  
14 ~~physical therapy without first obtaining from the Arkansas State Board of~~  
15 ~~Physical Therapy a license authorizing the person to practice physical~~  
16 ~~therapy in this state~~ the person is providing physical therapy services.

17                   (2) A person or entity shall not advertise or otherwise promote  
18 a person as being a physical therapist or physiotherapist unless the person  
19 being advertised or promoted is licensed under this chapter.

20                   (3) A person or entity that offers, provides, or bills an  
21 individual for services shall not characterize the services provided as  
22 physical therapy or physiotherapy unless the person performing the services  
23 is licensed as a physical therapist under this chapter.

24                   (b) ~~It shall be unlawful for any person to practice as a physical~~  
25 ~~therapist assistant, to profess to be a physical therapist assistant,~~  
26 ~~physiotherapist, or physical therapy technician, or to use the initials~~  
27 ~~“P.T.A.” or any other letters, words, abbreviations, or insignia indicating~~  
28 ~~that he or she is a physical therapist assistant without first obtaining from~~  
29 ~~the board a license or temporary permit authorizing the person to practice as~~  
30 ~~a physical therapist assistant in this state~~ A person shall not use the title  
31 “physical therapist assistant”, the letters “P.T.A”, or any other words,  
32 abbreviations, or insignia in connection with the person’s name to indicate  
33 or imply that the person is a physical therapist assistant unless the person  
34 is licensed as a physical therapist assistant under this chapter.

35                   (c)(1) ~~Nothing in this chapter shall be deemed to~~ This chapter does  
36 not limit the authority of or prohibit any a person licensed under any other

1 act in this state from engaging in the practice for which he or she is  
2 licensed nor ~~to~~ prevent students who are enrolled in accredited physical  
3 therapy or physical therapist assistant education programs from performing  
4 acts of physical therapy incidental to their courses of study.

5 (2) This subchapter does not apply to physicians licensed by the  
6 Arkansas State Medical Board or the Arkansas Board of Podiatric Medicine when  
7 physical medicine and rehabilitation services are delivered by the physician.

8 (d) The following persons are exempt from the licensure requirements  
9 of this chapter when engaged in the following activities:

10 (1) A person in an entry-level professional education program  
11 approved by the board who is:

12 (A) Satisfying supervised clinical education  
13 requirements related to the person's physical therapist education; and

14 (B) Under on-site supervision of a licensed physical  
15 therapist;

16 (2) A physical therapist who is practicing in the United States  
17 Armed Services, United States Public Health Service, or Veterans  
18 Administration under federal regulations for state licensure of health care  
19 professionals;

20 (3) A physical therapist who is licensed in another jurisdiction  
21 of the United States or credentialed to practice physical therapy in another  
22 country if the physical therapist is:

23 (A) Teaching, demonstrating, or providing physical therapy  
24 services in connection with teaching; or

25 (B) Participating in an education seminar of no more  
26 than sixty (60) days in a calendar year;

27 (4) A physical therapist who is licensed in another jurisdiction  
28 of the United States if the physical therapist is providing consultation by  
29 means of telecommunication to a physical therapist licensed by the board  
30 under this chapter;

31 (5) A physical therapist who is licensed in a jurisdiction of  
32 the United States or credentialed in another country, if the physical  
33 therapist is providing physical therapy by contract or employment to  
34 individuals affiliated with or employed by an established athletic team,  
35 athletic organization, or performing arts company that is temporarily  
36 practicing, competing, or performing in the state for no more than sixty (60)

1 days in a calendar year;

2 (6)(A) A physical therapist who is licensed in a jurisdiction of  
 3 the United States and who enters this state to provide physical therapy  
 4 during a declared local, state, or national disaster or emergency.

5 (B) The exemption under subdivision (d)(6)(A) of this  
 6 section is applicable for only sixty (60) days following the declaration of  
 7 the disaster or emergency.

8 (C) In order to be eligible for this exemption, the  
 9 physical therapist shall notify the board of his or her intent to practice  
 10 physical therapy in this state under subdivision (d)(6)(A) of this section;

11 (7)(A) A physical therapist licensed in a jurisdiction of the  
 12 United States who seeks to practice physical therapy in this state because he  
 13 or she is forced to leave his or her residence or place of employment due to  
 14 a declared local, state, or national disaster or emergency.

15 (B) The exemption under (d)(7)(A) of this section is  
 16 applicable for only sixty (60) days following the declaration of the disaster  
 17 or emergency.

18 (C) In order to be eligible for this exemption, the  
 19 physical therapist shall notify the board of his or her intent to practice  
 20 physical therapy in this state under subdivision (d)(7)(A) of this section;  
 21 and

22 (8) A physical therapist assistant who is licensed in a  
 23 jurisdiction of the United States and is assisting a physical therapist  
 24 engaged in physical therapy services under the exemption in subdivisions  
 25 (d)(2), (d)(3), (d)(5), (d)(6), and (d)(7) of this section.

26  
 27 SECTION 5. Arkansas Code §§ 17-93-303 through 17-93-304 are amended to  
 28 read as follows:

29 17-93-303. Physical therapists.

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

34 ~~The board shall issue a license to each person registered.~~  
 35 This The license shall be prima facie evidence of the right of that person to  
 36 practice physical therapy subject to the conditions and limitations of this



1 chapter.

2 (b) Each physical therapist applicant ~~must~~ shall:

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

4 (2) Be of good moral character;

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

7 (4) Have passed ~~a written examination~~ examinations selected and  
8 approved by the board; and

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

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

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

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

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

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

30 (d)(1)(A) A license fee or ~~registration~~ renewal fee in an amount to be  
31 determined by the board shall be paid annually by each physical therapist who  
32 holds a license to practice physical therapy in the State of Arkansas.

33 (B) The ~~registration~~ renewal fee shall be paid no  
34 later than March 1 of each year.

35 (2) Failure to ~~reregister~~ renew the license and pay the fee by  
36 March 1 shall cause the license of any person ~~so failing~~ who fails to

1 ~~reregister~~ renew to expire automatically.

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

5 (e) An applicant for a license as a physical therapist who has been  
 6 educated outside the United States shall:

7 (1) Complete the application process, including payment of fees;

8 (2) Provide written proof that the applicant's school of  
 9 physical therapy is recognized by its own ministry of education or equivalent  
 10 agency;

11 (3) Undergo a credentials evaluation as directed by the board to  
 12 determine that the applicant has met uniform criteria for educational  
 13 requirements as further established by rules of the board;

14 (4) Complete any additional education required by the board;

15 (5) Pass the board-approved English proficiency examination if  
 16 the applicant's native language is not English;

17 (6) Pass all examinations required by the board under this  
 18 chapter; and

19 (7) Comply with all requirements in rules promulgated by the  
 20 board.

21  
 22 17-93-304. Physical therapist assistants.

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

26 (1) Satisfactorily passes the ~~examination~~ examinations provided  
 27 for in this chapter and otherwise meets the requirements for qualification  
 28 ~~contained in~~ under this chapter and pays the ~~fee~~ fees as determined by the  
 29 board; or

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

32 (b) Each physical therapist assistant applicant ~~must~~ shall:

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

34 (2) Be of good moral character;

35 (3) Have ~~been~~ graduated ~~by~~ from a school of physical therapy  
 36 accredited by a national accreditation agency approved by the Arkansas State

1 Board of Physical Therapy;

2 (4) Have passed ~~a written examination~~ examinations selected and  
3 approved by the Arkansas State Board of Physical Therapy; and

4 (5) Submit ~~a fee~~ fees as determined by the Arkansas State Board  
5 of Physical Therapy.

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

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

11 (2) Before being approved by the Arkansas State Board of  
12 Physical Therapy for subsequent testing beyond two (2) attempts, the  
13 applicant shall reapply and demonstrate evidence satisfactory to the Arkansas  
14 State Board of Physical Therapy of having successfully completed additional  
15 clinical training or course work, or both, as determined by the Arkansas  
16 State Board of Physical Therapy.

17 (d)(1) A physical therapist assistant who is licensed under this  
18 chapter shall pay a license fee and annual renewal fee in an amount to be  
19 determined by the Arkansas State Board of Physical Therapy.

20 (2) The renewal fee shall be paid no later than March 1 of each  
21 year.

22 (3)(A) A failure to renew and pay the renewal fee by March 1  
23 shall cause the license to expire automatically.

24 (B) A licensee whose license has expired for failure to  
25 meet the renewal date may be reinstated by paying all delinquent fees and a  
26 penalty in an amount to be determined by the Arkansas State Board of Physical  
27 Therapy for each year or part of a year that he or she has failed to renew.

28  
29 SECTION 6. Arkansas Code § 17-93-305 is repealed.

30 ~~17-93-305. Temporary permits.~~

31 ~~(a) Under special circumstances, the Arkansas State Board of Physical~~  
32 ~~Therapy may issue a temporary permit without examination to practice as a~~  
33 ~~physical therapist or as a physical therapist assistant to persons who are~~  
34 ~~licensed in other states or otherwise meet the qualifications for licensure~~  
35 ~~set forth in this chapter.~~

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

1 ~~the board.~~

2  
3 SECTION 7. Arkansas Code § 17-93-306 is amended to read as follows:  
4 17-93-306. Reciprocity Endorsement.

5 (a) ~~A legally licensed physical therapist or physical therapist~~  
6 ~~assistant who has been issued a license to practice as a physical therapist~~  
7 ~~or as a physical therapist assistant in another state or territory whose~~  
8 ~~requirements for registration and licensure were equal, at the time of his or~~  
9 ~~her registration or licensure, to the requirements contained in this chapter~~  
10 ~~may be registered and issued a license by the Arkansas State Board of~~  
11 ~~Physical Therapy, provided the state or territory from which the applicant~~  
12 ~~comes accords a similar privilege of registration and licensure to persons~~  
13 ~~registered and licensed in the State of Arkansas by the board~~ The Arkansas  
14 State Board of Physical Therapy shall issue a license to an applicant who is  
15 a physical therapist or a physical therapist assistant and who has a current  
16 unrestricted license from another jurisdiction of the United States if the  
17 applicant has met all the qualifications for a license under this chapter at  
18 the time of the applicant's initial licensure.

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

23  
24 SECTION 8. Arkansas Code § 17-93-308 is amended to read as follows:  
25 17-93-308. Revocation, suspension, or denial – Grounds.

26 (a) After due notice and hearing, the Arkansas State Board of Physical  
27 Therapy may suspend, revoke, or refuse to issue or renew the license of ~~any a~~  
28 person licensed under this chapter, or take other appropriate action against  
29 ~~any a~~ a person licensed under this chapter, who:

30 (1) ~~Is habitually drunk or who is addicted to the use of~~  
31 ~~narcotic drugs~~ Practices as a physical therapist or works as a physical  
32 therapist assistant when his or her physical or mental abilities are impaired  
33 by the use of a controlled substance or other habit-forming drugs, chemicals,  
34 alcohol, or any other causes;

35 (2) Has been convicted of violating any state or federal  
36 narcotics law;

1 (3) Is, in the judgment of the board, guilty of immoral or  
2 unprofessional conduct;

3 (4) Has been convicted of ~~any~~ a crime involving moral turpitude;

4 (5) Is guilty, in the judgment of the board, of gross negligence  
5 in his or her practice;

6 (6) Has obtained, or attempted to obtain, ~~registration~~ licensure  
7 by fraud or material misrepresentation;

8 (7) Has been declared insane by a court of competent  
9 jurisdiction and has not ~~thereafter~~ subsequently been lawfully declared sane;

10 (8) Has treated, or undertaken to treat, ailments of human  
11 beings otherwise than by physical therapy and as authorized by this chapter;

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

18 (B) ~~Nothing in this~~ This subdivision (a)-(9)-(8) ~~shall be~~  
19 ~~construed as prohibiting~~ does not prohibit the members of any regularly and  
20 properly organized business entity recognized by Arkansas law and composed of  
21 physical therapists from making ~~any~~ a division of their total fees among  
22 themselves as they determine by contract necessary to defray their joint  
23 operating costs.

24 (C) This subdivision (a)-(9)-(8) shall not apply to any  
25 physical therapist employed by a licensed physician on July 15, 1991, during  
26 the term of such employment, nor shall it apply to physical therapy positions  
27 on the premises of Arkansas-licensed hospitals and nursing homes; ~~or~~

28 (10) Attempts to engage in conduct that subverts or undermines  
29 the integrity of the examination or the examination process, including  
30 without limitation:

31 (A) Utilizing in any manner recalled or memorized  
32 examination questions from or with a person or entity;

33 (B) Failing to comply with all test center security  
34 procedures;

35 (C) Communicating or attempting to communicate with other  
36 examinees during the test; or

1 (D) Copying or sharing examination questions or portions  
2 of questions;

3 (11) Has had any of the following disciplinary actions taken  
4 against him or her by the proper authorities of another state, territory, or  
5 country:

6 (A) A license revoked or suspended; or

7 (B) An application for licensure refused, revoked, or  
8 suspended;

9 (12)(A) Has been convicted of or pleaded guilty or nolo  
10 contendere to a felony in the courts of this state or any other state,  
11 territory, or country.

12 (B) As used in subdivision (a)(12)(A) of this section,  
13 “convicted” includes a deferred conviction, deferred prosecution, deferred  
14 sentence, finding or verdict of guilt, and admission of guilt, an alford  
15 plea, or a plea of nolo contendere; and

16 ~~(10)-(13)~~ Is in violation of any provisions of this chapter or  
17 any regulation promulgated by the board.

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

21  
22 SECTION 9. Arkansas Code § 17-93-312 is amended to read as follows:  
23 17-93-312. Continuing education requirements.

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

26 ~~(2) A licensed physical therapist assistant shall complete one~~  
27 ~~(1) continuing education unit, equivalent to ten (10) contact hours, in each~~  
28 ~~biennium~~ All licensed physical therapists and licensed physical therapist  
29 assistants shall complete continuing education for licensure renewal as  
30 established in the rules of the Arkansas Physical Therapy Board.

31 ~~(b)(1) The Arkansas State Board of Physical Therapy board~~ shall  
32 approve continuing education units and their program content.

33 (2) The board may require the payment of reasonable fees for  
34 review and approval of continuing education programs.

35  
36