



Dora
Department of Regulatory Agencies

**Division of Professions
and Occupations**
Lauren Larson
Division Director

State Physical Therapy Board
Deann Conroy
Program Director

John W. Hickenlooper
Governor

Barbara J. Kelley
Executive
Director

Notice of Proposed Rulemaking and Rulemaking Hearing

Pursuant to section 24-4-103 of the Colorado Revised Statutes ("C.R.S."), you are hereby notified that the State Physical Therapy Board ("Board") will be holding a public rulemaking hearing as follows:

Date: November 30, 2012

Time: 9:00 AM

Location: 1560 Broadway
Conference Room 1250 C
Denver, Colorado 80202

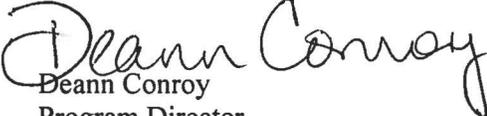
The rulemaking concerns the initial proposal of Rules 101, 102, 212, and 214, and proposed amendments to Rule 211. The basis and purpose of this rulemaking is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience, designate a nationally-recognized examination approved by the Board, clarify the requirements that must be met in order for a physical therapist to administer dry needling, outline the conditions and procedures governing inactive licensure, and delineate the procedures a licensee must adhere to when an act enumerated in section 12-41-115, C.R.S. has occurred. The statutory authority for the rules is found in sections 24-34-102(8.5), 12-41-103.6(2)(b), 12-41-107, 12-41-111, 12-41-112.5, 12-41-205, and 12-41-207C.R.S.

Please be advised that the proposed rules may be changed after public comment and formal hearing. At the time and place stated in this notice, the Board will afford interested persons an opportunity to submit written data, views, or arguments, and to submit the same orally. The Board may limit the time allotted for oral submissions in its discretion. Written submissions should be filed with the Board at least ten (10) days prior to the hearing. All submissions will be considered. Written submissions may be filed at the following address:

State Physical Therapy Board
1560 Broadway
Suite 1350
Denver, CO 80202

Dated this 30th day of October, 2012

BY ORDER OF THE STATE PHYSICAL THERAPY BOARD


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DEPARTMENT OF REGULATORY AGENCIES

STATE PHYSICAL THERAPY BOARD

PHYSICAL THERAPIST LICENSURE & PHYSICAL THERAPIST ASSISTANT CERTIFICATION

4 CCR 732-1

GENERAL RULE PROVISIONS

101. Licensure & Certification Requirements: Credit for Military Experience

The purpose of this rule is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience under § 24-34-102(8.5), C.R.S.

- A. Education, training, or service gained in military services outlined in § 24-34-102(8.5), C.R.S. that is to be accepted and applied towards receiving either a physical therapist license or a physical therapist assistant certification must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of the receipt of the application. It is the applicant's responsibility to provide timely and complete evidence of the education, training and/or service gained in the military for review and consideration. Satisfactory evidence of such education, training or service will be assessed on a case by case basis.

102. Approved Examinations for Licensing

The purpose of this rule is to designate a nationally-recognized examination approved by the Board pursuant to §§ 12-41-107, 12-41-111, 12-41-205 and 12-41-207, C.R.S.

- A. The examination developed by the Federation of State Boards of Physical Therapy (FSBPT) entitled the National Physical Therapy Examination (NPTE) for Physical Therapists is approved as the examination needed in the licensure process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for licensure as a Physical Therapist.
- B. The examination developed by FSBPT entitled the National Physical Therapy Examination (NPTE) for Physical Therapist Assistants is approved as the examination needed in the licensure process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for certification as a Physical Therapist Assistant

PHYSICAL THERAPY LICENSURE RULES

211. Requirements for Physical Therapists to Perform Dry Needling

Pursuant to §12-41-103.6, C.R.S., the purpose of this rule is to clarify the requirements that must be met in order for a physical therapist to administer dry needling.

- A. Dry needling (also known as Trigger Point Dry Needling) uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based upon western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular or distal points.

- B. Prior to beginning training in dry needling, a licensee must have completed a minimum of one year of active clinical practice as a Physical Therapist. That training program must include the successful completion of a dry needling course of study that consists of a minimum of 46 hours of in-person (i.e., not online) dry needling training. The instructor of the dry needling course must have performed dry needling for a minimum of two years. The educational provider is not required to be a Physical Therapist.
- C. Prior to the Physical Therapist performing dry needling, a written and signed informed consent must be obtained from each patient. The patient must receive a copy of the informed consent form. The consent form must, at a minimum, state the following:
 - 1. Risks and benefits of dry needling;
 - 2. The Physical Therapist's level of education and training in dry needling; and
 - 3. Notice that the Physical Therapist will not stimulate any auricular points during dry needling.
- D. When dry needling is performed, documentation in the patient's procedural notes must include, at a minimum:
 - 1. A statement that dry needling was performed;
 - 2. A statement about how the patient tolerated the dry needling; and
 - 3. The outcome for the patient after dry needling was performed.
- E. Dry needling shall not be delegated and must be directly performed by a qualified, licensed Physical Therapist.
- F. Dry needling must be performed in a manner consistent with generally accepted standards of practice, including clean needle techniques, and the guidelines and recommendations of the Centers for Disease Control and Prevention ("CDC").

212. Inactive License Status for Physical Therapists

The purpose of this rule is to outline the conditions and procedures governing inactive licensure status under § 12-41-112.5, C.R.S.

- A. A licensed Physical Therapist may request inactive licensure status from the Board. The request must be made in the manner prescribed by Board.
- B. A Physical Therapist with an inactive license must not engage in any act or conduct that constitutes the practice of physical therapy while the Physical Therapist's license is inactive.
- C. A Physical Therapist with an inactive license is exempt from the professional liability requirements of § 12-41-114.5, C.R.S.
- D. A Physical Therapist may reactivate an inactive license by successfully completing all of the following steps:
 - 1. Complete an application for reactivation and pay a reactivation fee as established by the Director.

2. Submit proof, in a manner prescribed by the Board, that a physical therapy license held in any other state or jurisdiction is in good standing (if applicable); and
 3. Demonstrate compliance with the Board's continuing professional competency rules with respect to license reactivation.
- E. Inactive license status will not prevent the Board from investigating complaints or imposing discipline against a Physical Therapist in accordance with the Physical Therapy Practice Act, § 12-41-101 et seq., C.R.S.
- F. If the Board has commenced investigation of a complaint or initiated disciplinary proceedings against a Physical Therapist with an inactive license, the Board may defer action on any pending request to reactivate the license.
- G. The Board need not reactivate an inactive license if the Physical Therapist has committed any act that would be grounds for discipline under § 12-41-115, C.R.S.
- H. Except as noted above, a Physical Therapist with an inactive license remains subject to all provisions of the Physical Therapy Practice Act and the Board's rules.

214. Reporting Criminal Convictions, Judgments, and Administrative Proceedings

The purpose of this rule is to delineate the procedures a licensee must adhere to when an act enumerated in §12-41-115, C.R.S. has occurred

- A. A licensee must inform the Board, in a manner prescribed by the Board, within 90 days of any of the following events:
1. The conviction of a felony under the laws of any state or of the United States, or of any level of crime related to the practice of physical therapy. A guilty verdict, a plea of guilty, a plea of nolo contendere, or the imposition of a deferred sentence accepted by the court is considered a conviction.
 2. A disciplinary action imposed by another jurisdiction that licenses physical therapists including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license, whether it is imposed by consent decree, order, or in some other manner, for any cause other than failure to pay a license fee by the due date or failure to meet continuing professional education requirements.
 3. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license, other than a license as a Physical Therapist.
- B. Any award, judgment, or settlement of a civil action or arbitration in which there was a final judgment or settlement for malpractice of physical therapy.
- C. The notice to the Board must include the following information:
1. If the event is an action by a governmental agency:
 - a. the name of the agency,
 - b. its jurisdiction,
 - c. the case name,

- d. the docket, proceeding, or case number by which the event is designated, and
- e. a copy of the consent decree, order, or decision.

2. If the event is a conviction of a crime described above:

- a. the court
- b. its jurisdiction
- c. the case name
- d. the case number
- e. a description of the matter or a copy of the indictment or charges,
- f. any plea or verdict accepted or entered by the court, and
- g. a copy of the imposition of sentence related to the conviction and the completion of all terms of the sentence;

3. If the event concerns a civil action or arbitration proceeding:

- a. the court or arbitrator,
- b. the jurisdiction
- c. the case name
- d. the case number
- e. a description of the matter or a copy of the complaint or demand for arbitration, and
- f. a copy of the verdict, the court decision or arbitration award, or, if settled, the settlement agreement and court's order of dismissal.

4. The licensee notifying the Board may submit a written statement with the notice to be included with the licensee's records.