

**Arkansas State Board of Physical Therapy
Practice Act**

Subchapter 1 – General Provisions

17-93-101. Short title.

This chapter shall be cited as the "Arkansas Physical Therapy Act".

A.C.R.C. Notes. Acts 2009, No. 1471, § 1, provided: "Legislative Intent. It is the intent of the General Assembly to protect the public health, safety, and welfare and provide for state administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the intent of the General Assembly that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy as authorized by this chapter. This act shall be liberally construed to promote the public interest and to accomplish the purpose stated herein."

17-93-102. Definitions.

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

(1)(A) "Consultation by means of telecommunication" means the rendering of a professional opinion, expert opinion, or advice by a physical therapist to another physical therapist or health care provider through telecommunication technology.

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

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

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

(A) Successfully completed a curriculum of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy; and

(B) Passed a nationally recognized licensing examination;

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

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

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

(7) "Practice of physical therapy" means:

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

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

(a) Therapeutic exercise;

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

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

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

(e) Physical agents;

(f) Mechanical and electrotherapeutic modalities; and

(g) Patient-related instruction.

(ii) The therapeutic intervention of bronchopulmonary hygiene and debridement of wounds require a physician referral before initiation of treatment.

(iii) Physical therapy does not include radiology or electrosurgery;

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

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

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

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

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

Amendments. The 2009 amendment rewrote the section.

17-93-103. Penalties.

- (a) Any person violating the provisions of this chapter shall be guilty of a Class B misdemeanor.
- (b) Each day of violation shall constitute a separate offense.

Subchapter 2 – Arkansas State Board of Physical Therapy

17-93-201. Creation – Members

(a)(1) There is created the Arkansas State Board of Physical Therapy which shall consist of five (5) members to be appointed by the Governor for terms of three (3) years.

(2) Four (4) members shall be physical therapists licensed to practice in Arkansas with at least five (5) years experience as a physical therapist. The Governor shall appoint one (1) physical therapist from each congressional district in order to provide statewide representation of physical therapists.

(3) One (1) member shall not be actively engaged in or retired from the practice of physical therapy and shall serve as the representative of the public interest.

(b) A member shall hold his office until his successor has been appointed and qualified.

(c) The board shall meet at least twice a year and may hold additional meetings whenever necessary to discharge its duties.

(d) The board shall elect annually from its membership a chairman and a secretary.

(e) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

17-93-202. Powers and duties.

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

- (1) Pass upon the qualifications of applicants for licensure of physical therapists and physical therapist assistants;
- (2) Provide for the examinations of physical therapists and physical therapist assistants;
- (3) Determine the applicants who successfully pass the examinations; and
- (4) License applicants who meet the qualifications provided in this chapter.

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

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

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

(3) Keep a record of its proceedings; and

(4)(A) Compile and maintain a list of all licensed physical therapist and physical therapist assistants in the State of Arkansas.

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

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

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

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

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

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

Amendments. The 2009 amendment rewrote (a)(2), (b)(3), and (b)(4)(A); added (c); and made minor stylistic changes.

17-93-203. Disposition of funds.

(a)(1) All fees and other moneys received by the Arkansas State Board of Physical Therapy under this chapter shall be deposited into a financial institution in this state and expended solely for the purposes of this chapter.

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

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

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

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

Amendments. The 2009 amendment substituted "Department of Finance and Administration" for "Governor" in (c); and made a minor stylistic change in (a)(1).

Subchapter 3 – Licensing

17-93-301. License required – Exceptions.

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

(A) Practice physical therapy;

(B) Profess to be a physical therapist, physiotherapist, or physical therapy technician; or

(C) Use:

(i) The words “physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, or “doctor of physical therapy”;

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

(iii) Other letters, words, abbreviations, or insignia indicating or implying that the person is providing physical therapy services.

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

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

(b) A person shall not use the title “physical therapist assistant”, the letters “P.T.A.”, or any other words, abbreviations, or insignia in connection with the person’s name to indicate or imply that the person is a physical therapist assistant unless the person is licensed as a physical therapist assistant under this chapter.

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

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

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

(B) Under onsite supervision of a licensed physical therapist;

(2) A physical therapist who is practicing in the United States armed services, United States Public Health Service, or Veterans Administration under federal regulations for state licensure of health care professionals;

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

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

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

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

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

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

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

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

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

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

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

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

Amendments. The 2009 amendment rewrote the section.

17-93-302. Unlawful practice - Injunction.

The courts of record in this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of physical therapy in the county in which the alleged unlawful practice occurred or in which the defendant resides. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of this chapter, but the remedy of injunction shall be in addition to liability for criminal prosecution.

17-93-303. Physical therapists.

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

(2) The license shall be prima facie evidence of the right of that person to practice physical therapy subject to the conditions and limitations of this chapter.

(b) Each physical therapist applicant shall:

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

(2) Be of good moral character;

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

(4) Have passed examinations selected and approved by the board; and

(5) Submit fees as determined by the board.

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

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

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

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

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

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

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

(2) Failure to renew the license and pay the fee by March 1 shall cause the license of any person who fails to renew to expire automatically.

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

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

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

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

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

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

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

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

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

Amendments. The 2009 amendment rewrote (a) through (d); and added (e)

17-93-304. Physical therapist assistants.

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

(1) Satisfactorily passes the examinations provided for in this chapter and otherwise meets the requirements for qualification under this chapter and pays the fees as determined by the board; or

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

(b) Each physical therapist assistant applicant shall:

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

(2) Be of good moral character;

(3) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

(4) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

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

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

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

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

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

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

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

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

Amendments. The 2009 amendment rewrote (a) through (c); and added (d).

17-93-305. (Repealed.)

Publisher's Notes. This section, concerning temporary permits, was repealed by Acts 2009, No. 1471, § 6. This section was derived from Acts 1959, No. 141, § 8; 1973, No. 139, § 3, 1979, No. 631, § 4; A.S.A. 1947, § 72-1324; Acts 2001, No. 1412, § 7.

17-93-306. Endorsement.

(a) The Arkansas State Board of Physical Therapy shall issue a license to an applicant who is a physical therapist or a physical therapist assistant and who has a current unrestricted license from another jurisdiction of the United States if the applicant has met all the qualifications for a license under this chapter at the time of the applicant's initial licensure.

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

Amendments. The 2009 amendment rewrote (a), and in (b), inserted substituted “endorsement” for “reciprocity” and deleted “and regulations”, changed the section heading from “Endorsement” to “Reciprocity”, and made related and minor stylistic changes.

17-93-307. Display of license.

Each licensee shall display his license and renewal certification in a conspicuous place in the principal office where he practices as a physical therapist or practices as a physical therapist assistant.

17-93-308. Revocation, suspension, or denial – Grounds.

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

(1) Practices as a physical therapist or works as a physical therapist assistant when his or her physical or mental abilities are impaired by the use of a controlled substance or other habit-forming drugs, chemicals, alcohol, or any other causes;

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

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

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

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

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

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

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

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

(B) This subdivision (a)(9) does not prohibit the members of any regularly and properly organized business entity recognized by Arkansas law and composed of physical therapists from making a division of their total fees among themselves as they determine by contract necessary to defray their joint operating costs.

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

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

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

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

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

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

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

(A) A license revoked or suspended; or

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

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

(B) As used in subdivision (a)(12)(A) of this section, "convicted" includes a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, admission of guilt, an Alford plea, or a plea of nolo contendere; and

(13) Is in violation of this chapter or any regulation promulgated by the board.

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

Amendments. The 2009 amendment inserted "issue or" in the introductory language of (a); rewrote (a)(1); substituted "licensure" for "registration" in (a)(6); inserted (a)(10) through (a)(12) and redesignated the subsequent subdivision accordingly; and made related and minor stylistic changes.

17-93-309. Revocation, suspension, or denial - Proceedings.

(a)(1) Any person may file a complaint with the Arkansas State Board of Physical Therapy against any person having a license to practice as a physical therapist or as a physical therapist assistant in this state charging that person with having violated the provisions of § 17-93-308.

(2) Once a complaint has been received in the board office, the board shall first send an advisory notice to the person allegedly committing the violation informing the person of the complaint and a statement notifying the person that the person must reply to the board.

(3) If the board determines that there is a reasonable belief that the accused may have been guilty of a violation of this chapter or the rules and regulations promulgated thereunder, or both, the board shall prepare an order and notice of hearing advising the person of the date for the hearing to be held by the board.

(b) All hearings and appeals shall be conducted in accordance with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

17-93-310. Fee sharing prohibited.

(a) It is unlawful for a physical therapist or any of his business associates to engage, directly or indirectly, in the division, transferring, assigning, rebating, or refunding of gratuities or fees received for professional services with any person who referred a patient or with any relative or business associate of the referring person.

(b) This section shall not apply to any physical therapist employed by a licensed physician or a group physician practice when the physical therapy services are performed within the same office, building, clinic, or physical facility as the referring physician's services are performed, nor shall it apply to physical therapy positions on the premises of Arkansas-licensed hospitals and nursing homes.

17-93-311. Civil penalties.

(a) After due notice and hearing, the board is also authorized to levy a civil penalty against any person licensed under the provisions of this chapter after a finding that the person has violated any of the provisions of this chapter or any regulations promulgated by the board.

(b) Civil penalties assessed by the board shall be no more than one thousand dollars (\$1,000) per incident.

(c) In addition to any other sanctions authorized by this chapter, the board may impose a civil penalty as provided in this section against any unlicensed person practicing or offering to practice any actions requiring licensure pursuant to the provisions of this chapter.

17-93-312. Continuing education requirements.

(a) All licensed physical therapists and licensed physical therapist assistants shall complete continuing education for licensure renewal as established in the rules of the Arkansas Physical Therapy Board.

(b)(1) The board shall approve continuing education units and their program content.

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

Amendments. The 2009 amendment rewrote the section.

17-93-313. Notice of malpractice claim or suit.

(a) Every physical therapist and physical therapist assistant, within ten (10) days after receipt of notification of a claim or a filing of a lawsuit against him for malpractice, shall notify the Arkansas State Board of Physical Therapy of the claim or lawsuit.

(b) The board shall prepare and adopt regulations as are necessary and proper to assure compliance with this section.

17-93-314. Applicability to other licensed persons.

(a) This chapter does not limit the authority of or prohibit a person licensed under any other act in this state from engaging in the practice for which he or she is licensed, including without limitation, physicians licensed under § 17-81-101 et seq., § 17-91-101 et seq., § 17-95-101 et seq., or § 17-96-101 et seq.

(b) This chapter does not restrict a physician's ability to practice physical medicine and rehabilitation when licensed under § 17-91-101 et seq., § 17-95-101 et seq., § 17-96-101 et seq., or § 17-81-101 et seq.